



Student Duty of Care Policy Summary

Duty of Care:

As a school, we have a legal duty to take care of students while they are involved in school activities or are present for the purposes of a school activity. This legal obligation extends to all teaching staff.

The duty is to take such measures which are reasonable in the circumstances to protect students from risks of harm where the hazard giving rise to the harm was reasonably foreseeable. This means that the school and teachers must identify hazards in current and future (such as excursions) activities where there is a risk of harm to students. We must then take reasonable measures to prevent or minimise the harm which may arise. Where, after assessing the risk of harm, we decide that even with all reasonable control measures in place the risk is still too high, we would then decide not to proceed with that activity.

When we consider our duty to students, we define it broadly, so that it is not limited to their physical wellbeing, but also to their psychological and emotional welfare.

The standard of care required is that of a 'reasonable' teacher. This means the care that would be expected from a teacher with normal skills and attributes exercising their professional judgment. This does not mean a duty to ensure that no harm will ever occur, but a duty to take 'reasonable care' to eliminate or minimise the risk of harm being suffered.

Individual circumstances will determine what constitutes 'reasonable care'. The following issues play a role in determining what is 'reasonable' in any particular circumstances:

- the student's age, experience and capabilities – younger students require more care than mature students
- physical and intellectual impairment – students with disabilities are exposed to higher levels of risk of injury than students without a disability
- medical condition – special care must be taken to protect students with known, or ought to be known, medical conditions which expose them to a higher risk of injury (e.g. asthma or epilepsy)
- behavioural characteristics – the level of care is increased where students are known to behave in a manner that increases the risk of injury
- the nature of hazards present – increased care is required if the activity has an inherently high level of risk of injury or the activity takes place in a hazardous environment
- responsibilities to other students or others affected by the activities.

Balancing Educational Outcomes with Student Safety:

As a school, in discharging our duty of care responsibilities we must also exercise professional judgment to achieve a balance between ensuring that students do not face an unreasonable risk of harm and encouraging students' independence and maximising learning opportunities.



In these situations, we would seek to minimise the risk of harm rather than eliminating it – a typical example is students playing sport.

Non-teaching Staff, Volunteers and External Providers:

While the legal duty of care rests directly with a school and its teaching staff, there will be situations when non-teaching staff, volunteers and external providers may be performing tasks that require them to personally care for students.

Of course, we require all staff, volunteers and contractors to perform their work safely and responsibly in accordance with policies and procedures which identify the level of care to be exercised, monitoring to ensure this occurs, and sanctions for failure to do so. In addition, as a school and teachers' duty of care cannot be delegated, we must ensure that we take all reasonable steps to ensure that the appropriate level of care is taken with students when they are in the care of non-teaching staff, volunteers, and external providers. This includes ensuring that they have the required expertise, as well as ensuring that they comply with our child protection requirements. Workplace health and safety laws provide a base requirement that workers must not place others at risk of harm arising from their actions or inaction.

Child Protection and Duty of Care:

Protecting students from the various risks of child abuse is a key requirement of schools, and this is further reinforced with laws and our procedures relating to:

- prohibitions on types of punishment in schools
- mandatory and voluntary reporting of suspected child abuse
- Working With Children or National Police Checks.

How we Manage Specific Student Safety Hazards:

Against each identified safety hazard, we develop risk controls. These usually include documented policies and procedures, which guide how the identified risk should be managed. Staff and volunteers are required to consistently comply, apply and enforce these rules and policies, and actively engage in ensuring the physical and emotional wellbeing of students.

Some key policies and procedures which we know are important in addressing student safety hazards include our:

- Bullying and Harassment Policy
- Critical Incidents Management Policy
- Cyber Safety Policy
- Excursions and Extra-Curricular Activities Policy
- Photography and Video Policy
- Student Behaviour and Discipline Policy
- Student Health and Welfare Policy
- Visitor Policy
- Volunteer Policy.



Our Student Duty of Care Program:

Our Student Duty of Care Program assists us to develop risk controls against student safety hazards, including through:

- implementing and regularly updating policies in response to common student duty of care risks, including the key policies and procedures listed above
- annual and ongoing training for all staff on their duty of care responsibilities and implementing risk controls
- actively managing student safety hazards and duty of care compliance, including by capturing and recording student safety and welfare incidents.