

## Duty of Care Policy

### PURPOSE

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Footscray High School owe to our students and members of the school community who visit and use the school premises.

### POLICY

“Duty of care” is a legal obligation that requires schools to take reasonable steps to reduce the risk of reasonably foreseeable harm, which can include personal injury (physical or psychological) or damage to property. The reasonable steps that our school may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

Our school has developed policies and procedures to manage common risks in the school environment, including:

- Bullying Prevention
- Camps and Excursions
- Child Safe Standards
- Emergency Management
- First Aid
- Responding and Reporting Policy
- Occupational Health and Safety
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Yard Duty and Supervision
- Homestay policies and procedures

Staff at our school understand that school activities involve different levels of risk and that particular care may need to be taken to support younger students or students with additional needs. Our school also understands that it is responsible for ensuring that the school premises are kept in good repair and will take reasonable steps to reduce the risk of members of our community suffering injury or damage because of the state of the premises.

School staff, parents, carers and students are encouraged to speak to the principal to raise any concerns about risks or hazards at our school, or our duty of care obligations.

### Standard of care required by Footscray High

Principal and teachers are held to a high standard of care in relation to students. The duty requires the principal and teachers to take reasonable steps to minimise the risk of reasonably foreseeable harm, including:

- Ensuring the school complies with the seven Child Safe Standards
- Provision of suitable and safe premises
- Provision of an adequate system of supervision
- Implementation of strategies to prevent bullying
- Ensuring that medical assistance is provided to a sick or injured student
- Managing employee recruitment, conduct and performance.

The duty is non-delegable, meaning that it cannot be assigned to another party.

Whenever a teacher-student relationship exists, teachers have a special duty of care. Generally, teachers are expected to take such measures as are reasonable in the circumstances to protect a student under their charge from reasonably foreseeable risks of injury. The nature and extent of this duty will vary according to the circumstances.

The important issue in all cases will be what precautions the school could reasonably be expected to have taken to prevent the injury from occurring. This will involve consideration of the following factors:

- Identifying the risk of harm
- The probability that the harm would occur if care were not taken
- The likely seriousness of the harm
- The burden of taking precautions to avoid the risk of harm
- The social utility of the activity that creates the risk of harm.

### **External Providers**

Staff at our school acknowledge that, as our duty of care is non-delegable, we are also required to take reasonable steps to reduce the risk of reasonably foreseeable harm when external providers have been engaged to plan for or conduct an activity involving our students. Our *Visitors Policy* and *Camps and Excursions Policy* include information on the safety and care of our students when engaged with external providers.

Our school also takes steps to ensure student safety when they are engaging in off-site workplace learning programs with external providers, such as when students are participating in work experience, school-based apprenticeships and traineeships, structured workplace learning and any other workplace learning program involving external providers.

Our School will follow all applicable Department of Education and Training policy and guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount. The Department's guidelines in relation to Workplace Learning are available at the following [link](#).

### **International Students**

Footscray High School also enrolls international students under the age of 18 (who are not being cared for by a parent or suitable relative). Footscray High School has comprehensive homestay policy and procedures in place to assess and monitor the suitability of accommodation arrangements.

Footscray High School is required to comply with the Departments International Student accreditation process and agreed homestay arrangements.

### **Duty of care to students outside the school**

The law has established that, in some circumstances, a school's duty (and therefore the Department's duty) will extend beyond school hours and outside of school grounds. The duty will be extended to outside school hours and premises when the relationship between the school and the student requires it in the particular circumstances. Whether the duty extends outside of school grounds depends on all the circumstances of each individual case, and the school's knowledge of any dangers.

It is important that schools clearly inform parents when supervision will be provided and that no formal supervision occurs outside those hours. Similarly, some risks outside of school will involve informing parents of bus arrangements and leaving it to parents to make appropriate arrangements for transporting their children to and from school.

### **Negligent advice: teachers**

Teachers are frequently called upon to advise students. When doing so, teachers should:

- Limit their advice to students to areas within their own professional competence and given in situations arising from a role specified for them by the Principal;
- Ensure that the advice they give is correct and in line with the most recent available statements from institutions or employers. Careers teachers and coordinators at senior levels should keep contemporaneous notes of advice given to individuals; and
- Avoid giving advice in areas unrelated to their role or where they may lack expertise.

**FURTHER INFORMATION AND RESOURCES**

- School Policy and Advisory Guide: [Duty of Care](#)
- School Policy and Advisory Guide: [Workplace Learning](#)
- Bullying Prevention Policy
- Camps and Excursions Policy
- Child Safe Policy and Child Safe Code of Conduct
- Emergency Management Plan
- First Aid Policy
- Reporting and Responding Policy
- Occupational Health and Safety
- Volunteers Policy
- Visitors Policy
- Working with Children and Suitability Checks
- Yard Duty and Supervision Policy
- Parents Yard Duty and Supervision Policy

**REVIEW CYCLE**

This policy was last updated in August 2019 and is scheduled for review in August 2022.