



## 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 Team members at Woodline Primary owe to our children and members of the school community who visit and use the school premises
Scope:	Team members, children and caregivers
Implemented by:	Principal
Approved by:	WP Board
Reviewed:	Every two years or as regulatory changes arise or improvements are identified
Communicated via:	WP Website, Team Handbook, Caregiver Handbook, Policies and Procedures Master File

## 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. As part of that duty, Guides are required to supervise children adequately. This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the Guide should reasonably have foreseen) and against which preventive measures could be taken.

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.

This will involve consideration of the following factors:

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

The Principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances and Guides are responsible for carrying out their assigned supervisory duties in such a way that children are, as far as can be reasonably expected, protected from injury or harm.



Woodline Primary Team Members understand that school activities involve different levels of risk and that particular care may need to be taken to support younger children or children with additional needs. Woodline 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.

All Team Members 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 children.

Woodline Primary has zero tolerance for child abuse and is committed to meeting the requirements of Ministerial Order 870 and the Child Safe Standards. Mandatory Reporting is vital to ensuring that any instances of child abuse are reported according to the Child Safe Standards. The Victorian Government believes it is important that organisations are subject to a well-defined legal duty to prevent child abuse within organisations. A new statutory duty of care under the *Wrongs Amendment (Organisational Child Abuse) Act 2017* (see Part XIII of *Wrongs Act 1958*) has therefore been created to ensure there is a clear legal duty placed on organisations to take reasonable steps to minimise the risk of child abuse, perpetrated by organisational representatives.

#### Implementation

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

- ensuring the school complies with the Child Safe Standards
- providing of suitable and safe premises
- providing of an adequate system of supervision
- undertaking risk assessments for school activities and events
- implementation of strategies to avoid injury, both physical and psychological (including injury suffered as a result of bullying)
- ensuring that medical assistance is provided to a sick or injured child
- taking other reasonable precautions to minimise the risk of child abuse by an individual associated with Woodline Primary
- managing employee recruitment, conduct and performance.

The duty is *non-delegable*, meaning that it cannot be assigned to another party. However, this does not mean that only one person holds a duty of care to a particular child at any one time. Multiple Team Members may have a duty of care to the same child, with differing responsibilities and roles to play in relation to Woodline's discharging its overall duty of care. The precise scope of each Team Member's duty of care may be different. For example, the Principal is not required to personally supervise every child at lunchtime to discharge their duty but instead is responsible for establishing and monitoring the system for supervision that is shared amongst Team Members. Another Team Members may be responsible for



preparing the yard duty roster and each team member rostered on yard duty will have a duty of care to take reasonable steps in relation to any foreseeable risks to children arising at lunchtime which may include:

- monitoring specific children where there are known risks
- generally monitoring all children and intervening where there is inappropriate children behaviour
- responding to accidents and taking appropriate measures to follow up any incidents that have occurred, which may involve ensuring that the incident is reported to another Team Member with responsibility for further action

A Team Member's duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring outside the school where a child is acting on a Team Member's instructions. The duty also applies to situations both before and after school where a Guide can be deemed to have 'assumed' the Guide/child relationship.

The Team Member's duty of care is greater than that of the ordinary citizen in that a Team Member is obliged to protect a child from reasonably foreseeable harm or to assist an injured child, while the ordinary citizen does not have a legal obligation to respond.

Woodline Primary Team Members are required to ensure that we meet the requirements of Ministerial Order 870 and the Child Safe Standards which applies to all Team Members, contractors, volunteers and any other member of the Woodline community involved in child-related work with children at Woodline Primary. A breach in duty of care will be established if a Team Member or the Principal failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected, including sexual abuse.

#### Informing Team Members of the Legislative Liability of Duty of Care

All Team Members will be informed of their legal requirement via:

- New Team Members will be informed of their Duty of Care as part of Woodline's Induction Program
- Child Safety will be a regular agenda item at Team meetings
- Team Members will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions
- Team Members will be directed to the Child Wellbeing Policy annually

#### Reportable Conduct Scheme

A Victorian reportable conduct scheme commenced operation on 1 July 2017, and it is administered by the Commission for Children and Young People.

The scheme requires organisations that have a high level of responsibility for children to report allegations of child abuse and child related misconduct to the Commission for



Children and Young People. Central oversight of how organisations respond to allegations of reportable conduct helps embed a child-safe culture across all organisations.

#### Table of Amendments

Version number	Date	Short description of amendment
1.0	November 2020	Draft of the new policy
2.0	September 2022	To comply with new child safe standards
Scheduled review date		September 2024