



# Duty of Care Policy

*Mornington Park Primary School 5040*

**POLICY DATE: August 2024**

**STATUS: Approved by School Council on**

**REVIEW:**

*“Victorian government schools are child safe environments. Our schools actively promote the safety and wellbeing of all students, and all school staff are committed to protecting students from abuse or harm in the school environment in accordance with their legal obligations including the Child Safe Standards. Mornington Park Primary School’s (The school’s) Child Safety Code is available on the school’s website.”*

## **PURPOSE**

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Mornington Park PS 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.

School staff have a duty of care in relation to students. Principals, teachers and other staff working with students must take reasonable steps to minimise the risk of reasonably foreseeable harm, including by:

- providing suitable and safe premises
- providing an adequate system of student supervision
- undertaking risk assessments for school activities and events
- implementing strategies to prevent reasonably foreseeable injuries, whether physical or psychological, to students (including injuries suffered as a result of bullying)
- ensuring that appropriate medical assistance is provided to a sick or injured student
- ensuring the school complies with the Child Safe Standards

- taking other reasonable precautions to minimise the risk of child abuse by an individual associated with the school
- implementing relevant Department and local school policies
- managing employee recruitment, conduct and performance

Our school acknowledges we are required to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

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.

## **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.

The Business Manager ensures all contractors working at the school are on the SAMS 4 Schools register. Each contractor must have a WWCC, public liability and insurance. An induction process occurs for all contractors including asbestos management and traffic management.

## **Risks to students outside the school environment**

Legal cases establish that a teacher's duty of care does not start or end at precise times during the day. The approach generally taken is that a teacher's duty applies irrespective of whether the risk occurs in or outside the school environment. However, the important issue in all cases will be whether the school took **reasonable steps** to protect the student from the risk.

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

- Yard duty and Supervision
- Student Management and Code of Conduct
- Camps and Excursions

- First Aid
- Tree Maintenance
- Digital Technologies & ICT Agreement
- Grounds Maintenance
- Child Safe Standards
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

## **COMMUNICATION**

This policy will be communicated to our school community in the following ways:

- Provided to staff at induction and included in staff handbook/manual
- Discussed at staff meetings/briefings as required
- Made available publicly on our school website
- Included in transition and enrolment packs