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| <br><b>BERWICK COLLEGE POLICY</b> | TITLE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>DUTY OF CARE</b>                |             |           |
|                                                                                                                    | VERSION/YEAR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 8/2024                             |             |           |
|                                                                                                                    | PUBLISHED LOCATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | COMPASS, INDUCTION, STAFF HANDBOOK |             |           |
|                                                                                                                    | ISSUE DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 2023/NOVEMBER                      |             |           |
|                                                                                                                    | REVIEW DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2026/MAY                           |             |           |
|                                                                                                                    | REVIEWED BY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ASSISTANT PRINCIPAL                | APPROVED BY | PRINCIPAL |
| PURPOSE:                                                                                                           | <ul style="list-style-type: none"> <li>• To ensure that Berwick College policies and procedures accurately reflect the College operations, directions, educational philosophy and goals and meet all legislative, compliance and duty of care requirements.</li> <li>• To ensure that Berwick College staff have an awareness and understanding of their duty of care obligations and responsibilities to provide effective supervision to students</li> <li>• To ensure that Berwick College staff conduct themselves at all times consistently with these legal obligations and responsibilities</li> <li>• To explain to our school community the non-delegable duty of care obligations that all staff at Berwick College owe to our students and members of the school community who visit and use the school premises.</li> </ul> |                                    |             |           |
| BACKGROUND:                                                                                                        | <ul style="list-style-type: none"> <li>• Berwick College seeks to establish and maintain a high level of professional standards in relation to all activities within the College. This policy is in accord with the College's 'Mission Statement', 'Values' and 'Service Standards'.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                    |             |           |
| RELATED DOCUMENTS:                                                                                                 | <ul style="list-style-type: none"> <li>• <u>Victorian Government Schools Agreement 2022</u></li> <li>• Berwick College policies - Visitors to the College; Excursion; Incursion; Bullying Prevention; Child Safety Responding and Reporting Obligations, Mobile &amp; Digital Technology and Student Acceptable Use Agreement, Student Engagement &amp; Wellbeing</li> <li>• Child Safe Standards</li> <li>• the Department's Policy and Advisory Library (PAL): <a href="#">Duty of Care</a></li> <li>• the Department's Policy and Advisory Library (PAL): <a href="#">Structured Workplace Learning</a></li> </ul>                                                                                                                                                                                                                   |                                    |             |           |

#### RATIONALE:

"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.

#### IMPLEMENTATION:

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

- Yard duty and Supervision
- Student Acceptable Use Agreement
- Bullying Prevention
- Camps and Excursions
- First Aid for Students and Staff
- Drug Prevention
- Child Safety
- Emergency Management Plan
- Volunteers and Trainees
- Visitors
- Working with Children Clearance Register Procedure
- Child Safety Responding and Reporting Obligations
- Inclusion and Diversity.

Berwick College 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 College 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 College 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, Camps and Excursions policies* 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 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:

<https://www2.education.vic.gov.au/pal/structured-workplace-learning/policy>

#### **COMMUNICATION:**

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

- Provided to staff at induction and included in staff handbook
- Available to staff via Compass
- Discussed at staff meetings/briefings as required.

#### **EVALUATION:**

- This policy will be reviewed every three years.