



VIC-EDU-P-050 Duty of Care Policy

1. Policy Scope

This policy applies to all school staff at MacKillop Family Services ('MacKillop Education'), including teachers, education support staff, casual relief teachers and pre-service teachers. The policy outlines the duty of care obligations that all staff are to uphold.

2. Policy Outline

Context

Our values of respect, hope, justice, compassion, and collaboration inform the quality of relationships we establish and all that we do to ensure our learning community is a place of welcome and safety. MacKillop Education celebrates diversity, and we are committed to inclusion, so that every student, regardless of race, religion, culture, gender identity or personal circumstances, including barriers to learning, can access education and experience success.

Our model, Reframing Learning and Teaching Environments (ReLATE), supports our trauma-informed practice and highlights the critical partnership between students, parents/guardians/carers (referred to as 'guardians'), and staff, as we work together, to enhance the learning outcomes for every child.

Purpose

The purpose of this policy is to outline MacKillop Education's non-delegable duty of care obligations that all staff owe to our students and members of the school community who visit and use the school premises.

Policy statement

"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.

MacKillop Education has developed policies and procedures to manage common risks in the school environments, including:

- Attendance
- Bullying prevention and intervention
- Camps and excursions
- Child safety and wellbeing
- Codes of conduct for parents, students, and staff
- Emergency management
- Employment and management of staff
- Health and first aid policies
- Medical management and medication administration
- Mandatory reporting
- Workplace health and safety

- Student wellbeing and engagement
- Supervision of students in class, the school yard and in school approved activities
- Procurement for facilities and services from third parties.

MacKillop Education 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 MacKillop Education 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.

MacKillop Education 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, guardians and students are encouraged to speak to the Principal to raise any concern about risks or hazards at our school, or our duty of care obligations.

External Providers

Staff at MacKillop Education 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 *VIC-EDU-P-056 Visitor Procedure* and *VIC-EDU-P-035 Excursion Policy* include information on the safety and care of our students when engaged with external providers.

MacKillop Education 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. MacKillop Education will follow all applicable policy guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount.

There are other circumstances where duty of care owed by school staff will extend outside of school grounds and beyond school hours. The circumstances are dependent upon each individual case.

3. Responsibilities

Campus Principal

The Principal must ensure that the care, safety, and welfare of all students attending the school is in accordance with any applicable state or Commonwealth laws (including Ministerial Order 1359), and that all staff are advised of their legal obligations under those laws.

In having a duty of care to students, Principals will:

- Ensure compliance with all Child Safe Standards
- Ensure that medical assistance is provided to a sick or injured student
- Implement strategies to prevent bullying
- Implement strategies to prevent reasonably foreseeable risk of harm or injuries to students (whether physical or psychological)
- Manage employee recruitment, conduct and performance.
- Provide an adequate system of supervision

- Provide suitable and safe premises

The Principal ensures that all policies for the care, safety and welfare of students are published and accessible to the school community. They also provide regular reminders about school policies to the school community.

All School Leaders

The Principal and school leaders have the responsibility for ensuring that all staff, including support personnel, are familiar with their school's policies and procedures which are aimed at ensuring staff meet and comply with their duty of care.

All Staff

All staff have a duty of care to students to take reasonable care to avoid acts or omissions that they can reasonably foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of each child.

All staff and relevant personnel are required to understand and sign the *VIC-EDU-P-002 Child Safety Code of Conduct*.

Teachers

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 or child abuse.

4. Related legislation, policy, guidelines and resources

- Campus Emergency Response Procedure Manuals
- Melbourne Archdiocese of Catholic Schools (MACS) Duty of Care Policy for MACS Schools
- VIC-EDU-M-001 Trauma-informed Behaviour Support Manual
- VIC-EDU-P-001 Child Safety and Wellbeing Policy
- VIC-EDU-P-002 Child Safety Code of Conduct
- VIC-EDU-P-006 IT Acceptable Use Policy
- VIC-EDU-P-008 Anaphylaxis Management Policy
- VIC-EDU-P-009 Anti-bullying Policy
- VIC-EDU-P-014 First Aid Policy
- VIC-EDU-P-020 Privacy Policy
- VIC-EDU-P-032 Working With Children Check Policy
- VIC-EDU-P-035 Excursion Policy
- VIC-EDU-P-040 Supervision of Students Policy
- VIC-EDU-P-047 Staff Selection Procedure
- VIC-EDU-P-048 Attendance Policy
- VIC-EDU-P-051 Guardian Code of Conduct
- VIC-EDU-P-054 Volunteer Policy
- VIC-EDU-P-056 Visitor Procedure
- VIC-EDU-P-061 Medical Management Policy

5. Approval and Review Details

This policy will be communicated to MacKillop Education school staff, and casual relief teachers and pre-service teachers engaged at MacKillop Education.

The policy will also be available to the school community on the MacKillop Education website.

Approval and Review	Details
Approval Authority	Group Director, The MacKillop Institute and MacKillop Education
Approval Date	13 December 2023
Recommended to Approval Authority by	MacKillop Education Leadership Team
Next Review Date	1 September 2026
Version	1