



Duty of Care Policy

Aims

- A. To fulfil our duty of care towards all students in the school.
- B. To retain a fulfilling, interesting and challenging educational program.
- C. For students to be adequately supervised by responsible and appropriate adults at all school activities, on and off school grounds.

Scope and Application

This policy is available on the school website and applies to:

- A. Employees
- B. Students
- C. Community members
- D. Visitors to the school

Definitions

- A. **Duty of Care** - is a legal concept that defines the duty a person has to take all reasonable steps to ensure the safety and welfare of students from both known and reasonably foreseeable risks of harm or injury.
- B. **Reasonable Care** - is defined as an appropriate level of care that takes into account the circumstances, including:
 - 1. student's age, experience and capabilities;
 - 2. physical and intellectual impairment;
 - 3. medical condition;
 - 4. behavioural characteristics;
 - 5. nature of the activity and the environment in which it is held;
 - 6. school policy and procedures;
 - 7. probability and magnitude of, and difficulty in alleviating, identified risks;
 - 8. the supervisor's level of experience, attributes and skills; and
 - 9. the supervisor's relationship with the students.
- C. **Non-teaching staff** – employees of the school who work on the school premises and are not part of the teaching staff, e.g. administration assistants and librarians.

- D. **Volunteer** – an adult or organisation who/which offers services for school activities but receives no remuneration from the school for the services provided, e.g. parents/guardians and other relatives, community members, employers who accept students on work experience and student teachers.
- E. **Visitors** - any visitors to the school who are not community members.
- F. **Allied Health Professionals** – external providers from non-school organisations who attend school to observe and consult with teachers and work with students individually, or in small groups to support the achievement of goals in students’ documented plans, e.g. Speech Pathologist, Occupational Therapist, Psychologists.
- G. **External Providers** – a business/individual engaged by the school to provide a venue, service and/or expertise appropriate to a particular school activity, e.g. private dance teacher, Perth Zoo, AQUA, SciTech.
- H. **Supervisor** - any adult including a parent, grandparent, volunteer, teacher, member of staff, allied health professional, external provider or other adult, deemed suitable by the school, who is actively supervising students.
- I. **Risk Management** – involves the identification, evaluation, treatment and ongoing monitoring of risks.
- J. **Child related work** - work is ‘child-related work’ if the **usual duties** of the work involve, or are likely to involve, **contact** with a child in connection with one of the categories covered in section 6 of the *Working with Children (Criminal Record Checking) Act 2004* (The WWC Act).
- K. **School environment** - Any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours including a campus of the school, online school environments or other locations provided by the school for a child’s use (including, without limitation, locations used for school camps, sporting events, excursions, competitions and other events).
- L. **Contact** - is defined as:
 - i. Any form of **physical contact**;
 - ii. Any form of **oral communication**, whether face to face, by telephone or otherwise or
 - iii. Any form of **electronic communication**.

Principles

- A. The school owes a duty of care to all students. The school is under a duty to employ competent teachers, provide safe premises and is responsible for the actions of staff and volunteers.
- B. All school staff have a duty of care to protect students from reasonably foreseeable risk of harm during all school activities, on and off the school site. The school maintains a duty of care towards students, parents and any Third Party even during activities which are considered family activities.
- C. In performing their duty of care responsibilities staff exercise their professional judgement to achieve a balance between ensuring that students do not face an unreasonable risk of harm and encouraging students’ independence and maximising learning opportunities.

Responsibilities

A. Board

1. Reviewing and updating this policy in consultation with relevant parties.
2. Read, understand and sign the *KSCS Staff Code of Conduct*.

B. Principal

1. Ensure that appropriate persons with suitable qualifications are employed by, and volunteer at, the school.
2. Ensure police clearances, working with children checks and confidential declarations from staff, Board members, volunteers and contractors are obtained as required.
3. Ensure all employees, volunteers, external providers and visitors to the school receive an appropriate induction and inform them of their duty of care responsibilities.
4. Apply appropriate risk management strategies to reduce the foreseeable risk of harm to students during all school activities conducted on and off the school site.
5. Determine supervision levels and suitability of staff to supervise students for all school activities.
6. Ensure appropriate *Codes of Conduct* are developed in collaboration with stakeholders, understood and signed by all community members.
7. Ensure the school is adequately insured.
8. Read, understand and sign the *KSCS Staff Code of Conduct*.

C. All Staff including Volunteers

1. Understand and comply with relevant duty of care requirements.
2. Apply appropriate risk management strategies to reduce the foreseeable risk of harm to students during all school activities conducted on and off the school site.
3. Cooperate in the supervision of students during all school activities including before and after school.
4. View the photo identification of a person unknown to the community who is responsible for picking up a student.
5. Read, understand and sign the *KSCS Staff Code of Conduct*

D. Administration Staff

1. Obtain copies of relevant police clearances, working with children checks and confidential declarations from employees, volunteers, external providers, visitors to the school and community members as required.
2. Ensure all employees, volunteers, external providers, visitors to the school and community members comply with sign-in procedures and receive an appropriate induction.
3. Confirm that all external providers have minimum levels of insurance.
4. Track and maintain all records and inform relevant parties if/when documents need renewing.

E. Teaching Staff

1. Be proactive in recognising risks or changing circumstances and adjusting supervision appropriately.
2. Assess individual student capabilities in engaging in activities.

F. Supervisors

1. Actively supervise students in their care.
2. Follow directions of and communicate clearly with Principal or person in charge.
3. Communicate risks to appropriate person.

G. Adult members of school community

1. Obtain and provide a copy of a current WWCC or Police Clearance if required.
2. Bring to the attention of the relevant person or group within the school, any risks they observe or concern they have with supervision.
3. Participate in school activities such as camps and excursions, contributing to the supervision of students.
4. Inform staff of any limitations their child/ren may have in participating in any school activity.
5. Inform staff if someone different than the responsible parent/carer will be collecting their child from school.
6. Provide identification if asked.
7. Read, understand and sign the *KSCS Community Code of Conduct*.

H. External Providers and Visitors to the school

1. Supply all required documentation.
2. Read, understand and sign the *KSCS Visitors and External Providers Code of Conduct*.
3. Sign-in and out.
4. Comply with all directions from staff.

I. Students

1. Cooperate with staff and supervisors.
2. Read, understand, sign and comply with the *KSCS Student Code of Conduct*.

Related Legislation

- A. Teacher Registration Act, 2012
- B. Working with Children (Criminal Record Checking) Act 2004
- C. Volunteers (Protection from Liability) Act 2002 (WA)
- D. Occupational Safety and Health Act 1984 (WA)
- E. Civil Liability Act 2002
- F. Occupiers Liability Act 1985
- G. School Education Regulations 2000 (WA), Regulations 38

Related Kerry Street Documentation

A. Procedures and Forms including:

1. Duty of Care Guidelines
2. Volunteer Procedure
3. Volunteer Induction Checklist
4. Police Clearances, Working with Children Checks and Confidential Declarations Guidelines.
5. Confidential Declaration for Visitors Form
6. External Providers and Visitors Procedure
7. Visitors and External providers Code Of Conduct
8. Before and after School Supervision Procedure
9. Level of Supervision Guidelines
10. Supervision of Toileting Procedure
11. Toileting Care Plan
12. Record of Intimate Care Intervention

B. Policies including:

1. Child Safety and Wellbeing Policy
2. Human Resource Management Policy
3. Concerns and Complaints Policy
4. Bullying Policy
5. Behaviour Guidance Policy
6. Excursions and Camp Policy
7. Staff Conduct and Discipline Policy
8. Illness, First Aid and Medication Policy
9. Privacy Policy
10. Records Management Policy

C. Staff records

Contact Person

Enquiries relating to this policy should be directed to the School Principal or Chair of the Board.

Breaches of this Policy

Any breach of this policy may result in disciplinary action up to and including termination.

Review and Authorisation

- A.** This policy has been read, discussed and endorsed by the staff on 17/11/04.
- B.** This policy was authorised by the Kerry Street Community School Council on 25/11/04.

- C. Policy reviewed by meeting of staff and council on 13/1/06.
- D. Revised 2/8 to incorporate WWC legislation
- E. This policy was reviewed September 2012
- F. Reviewed October 2014
- G. Reviewed 27-06-2016
- H. Reviewed June 2018
- I. Reviewed September 2020
- J. Reviewed April 2021
- K. To be reviewed S1 2022

Revision History

Date	Revision	Detail
June 2018	V.2	Amalgamation of Duty of Care policy with supervision policy to create new Duty of Care Policy. Separated policy and procedures.
September 2020	V.2.1	Updated procedures and forms list and related policies list. Minor Formatting.
April 2021	V.3	Principles reviewed and consolidated, updates to relevant responsibilities, procedures developed.