



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. Parents/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. purpose of the activity;
 - 2. student's age, skill levels, cultural background, experience, maturity, physical capability and social and intellectual capacity;
 - 3. physical and intellectual impairment;
 - 4. health status and medical condition;
 - 5. behavioural characteristics;
 - 6. nature of the activity and the environment in which it is held;
 - 7. attendance at relevant training session or courses;
 - 8. any applicable minimal age restrictions;
 - 9. school policy and procedures;
 - 10. probability and magnitude of, and difficulty in alleviating, identified risks;
 - 11. the supervisor's level of experience, attributes and skills; and
 - 12. 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 has a duty to take reasonable care to ensure that it provides a safe physical and online environment, employs competent teachers and ensures that all staff are equipped with adequate knowledge and training to satisfy their duty of care requirements.
- 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, encouraging students' independence and maximising learning opportunities.

Responsibilities

- A. **Board**

1. Review and update this policy in consultation with relevant parties.
2. Set the framework of and oversee the development, implementation and enforcement of the school's policies, procedures and protocols.
3. 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 aware of and implement all school policies affecting students' safety and welfare.

2. Provide adequate supervision.
3. Ensure equipment is safe for student use.
4. Be proactive in recognising risks or changing circumstances and adjusting supervision appropriately.
5. Assess individual student capabilities in engaging in activities.
6. Provide appropriate medical assistance if required.

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. Associations Incorporation Act 2015
- B. Children and Community Services Amendment Act 2008
- C. Civil Liability Act 2002
- D. Disability Discrimination Act 1992 (Cth)
- E. Equal Opportunity Act 1984

- F. Occupational Safety and Health Act 1984 (WA)
- G. Occupational Safety and Health Regulations 1996 (WA)
- H. Occupiers Liability Act 1985
- I. School Curriculum and Standards Authority Act 1997 (WA)
- J. School Education Act 1999 (WA)
- K. School Education Regulations 2000 (WA), Regulations 38
- L. Sex Discrimination Act 1984 (Cth)
- M. Teacher Registration Act, 2012 (WA)
- N. Volunteers and Food and Other Donors (Protection from Liability) Act 2002 (WA)
- O. Workers' Compensation and Injury Management Act 1981
- P. Working with Children (Criminal Record Checking) Act 2004

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, Complaints and Disputes Policy
 - 4. Bullying Policy
 - 5. Behaviour Guidance Policy
 - 6. Excursions, Incursion, Camp and Activity 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
- L. Reviewed March 2022.
- M. To be reviewed S2 2023.

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. |
| March 2022 | V.4 | Definitions, principles, responsibilities and related policy list updated. |

