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Next Review: 2024

Rationale

The Diocese of Ballarat Catholic Education Limited (DOBCEL) Board has a responsibility to ensure that each DOBCEL School provides a safe learning environment for its students in accordance with Schedule 4, clause 12 of the Education and Training Reform Regulations 2017.

The DOBCEL Board and Schools recognise:

- that it owes all students a duty of care to take reasonable measures to protect them from reasonably foreseeable risks of injury;
- that it owes a duty to take reasonable care that any student on the premises will not be injured or damaged because of the state of the premises, including things done or omitted to be done to the premises;
- that it owes a duty 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;
- that different and sometimes greater measures may need to be taken for younger students or students with disabilities and other vulnerabilities in order to discharge this duty of care;
- that as part of their professional obligation, all employees in DOBCEL Schools, have a legal duty to take steps to protect students in their charge from risks of injury or child abuse that are reasonably foreseeable.

The Board as the owner and operator of DOBCEL Schools has a responsibility to ensure the duty of care owed by DOBCEL Schools to all students including:

- ensuring that the employees of DOBCEL Schools comply with Ministerial Order 870 – Child Safe Standards – Managing the risk of child abuse;
- provision of suitable and safe school environments to ensure that persons on the premises will not be injured or damaged because of the state of premises, including things done or omitted to be done on the premises;
- development of policies to enable school principals to provide adequate systems for supervision of students at all times;
- development of policies for the care, safety and welfare of students in DOBCEL Schools;
- managing the recruitment, employment, induction and performance of staff in DOBCEL Schools;

- managing the risks associated with the prevention of child abuse by an individual associated with DOBCEL Schools or other DOBCEL workplaces.

Definitions

Duty of care: is the responsibility that principals and teachers have in relation to their students to take steps that are reasonable in the circumstances to protect students from risks of injury that should reasonably have been foreseen. The duty is not to prevent injury in all circumstances. It is a duty to take reasonable steps to prevent injury, which is known or foreseeable. The question of what are reasonable steps will depend on the individual circumstances of the case, and consideration of the following factors:

- the probability that the harm would occur if care were not taken;
- the likely seriousness of the harm;
- the burden of taking precautions to avoid the risk of harm;
- the social utility of the activity that creates the risk of harm;
- the duty may, in some circumstances, extend outside school hours and outside the school premises. This will depend on whether the relationship between staff and student extends to the individual circumstances, whether the risk was known or foreseeable, and whether there were any reasonable steps that could be taken to prevent the injury from occurring.
- The duty is non-delegable, meaning that it cannot be assigned to another party.
- (*Refer to CECV School Operations Guide*)

Off-site activity includes any excursion, camp (including study camps), interstate or overseas tour, or off-campus activity such as attendance at a sporting fixture. It does not include work experience programs.

Supervision: is the supervisory role of staff aimed at enhancing a student's educational opportunities, building self-esteem, and ensuring students are safe and supported. Whilst in a supervisory role, each staff member has an obligation to fulfil duty of care requirements. Staff must comply with the arrangements for student supervision put in place by the school for all activities where the student is under the duty of care of a member of the staff.

School environment/on-site activity: is 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 (including email and intranet systems); and
- 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). (*Ministerial Order 870*)

Principles

- Learning within a safe environment plays an important role in student outcomes and sense of wellbeing.
- Principal and teachers must take reasonable steps to ensure the safety of student and others within the school environment.
- Clear procedures and processes that are consistently applied are important in ensuring high standards of duty of care at all times.
- The Principal is responsible for ensuring that there is a well organised and responsive system of supervision and yard duty in place during school hours, before and after school, and on school excursions and camps.
- Teachers are required to supervise all learning environments; the school grounds, the classroom and excursions - online spaces are also considered a learning environment. Therefore as part of that duty, teachers are required to adequately supervise students who are working in these spaces. This duty also requires protection from risks that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.
- The school will comply with all diocesan and legislation requirements for child safety outlined in the Child Safe standards (Ministerial Order 870) including reasonable precautions to prevent the abuse of a child by an individual associated with the school while the student is under the care, supervision or authority of the school.
- Effective strategies that ensure the safety and care of all students are implemented. This includes appropriate measures for younger students, students with disabilities or students at risk.
- All staff have a responsibility to take reasonable steps to prevent potential injury to students and others.
- Strategies are implemented, as required, for specific students such as students with disabilities and age levels to ensure that the environment is safe for all students.

Policy Statement

Principals and teachers have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable. All school staff will be made aware of their legal responsibilities. The DOBCEL Board expects that Principals in DOBCEL Schools plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students.

Schools are required to contextualise and implement all procedures as outlined in the DOBEL Supervision of Students Procedures document.

Relevant Legislation

- Ministerial Order No 870 – Child Safe Standards – Managing the risk of child abuse in schools
- *Child Wellbeing and Safety Act 2005 (Vic)*
- *Disability Discrimination Act 1992*

Key related documents

- Pastoral Care and Wellbeing Policy and Procedure
- Safeguarding Children and Young People: Code of Conduct
- Anaphylaxis Management Policy
- Behaviour Management Policy and Procedures
- Digital Technology Policy
- SunSmart Policy
- Critical Incident Plan
- School Emergency Management Plan
- CECV Child Safety Commitment Statement
- DET Safety Guidelines for Education Outdoors
http://www.education.vic.gov.au/school/teachers/studentmanagement/excursions/Page_s/o_utdoorguidelines.aspx
- *Guidelines for Behaviour Support (2017)* Catholic Education Ballarat