

## DUTY OF CARE POLICY

### OUR VISION

Wild Cherry School strives to educate and support the development and potential of each individual child, whilst fostering a creative and ethical community.

### OUR VALUES

- Fostering a desire in our students to aim for academic and artistic excellence by providing them with a rich, diverse, and integrated Steiner curriculum.
- Inspiring the children with a lifelong love of learning, a morality that strives for goodness, an appreciation of beauty, and a pursuit of truth.
- Developing respect, trust, and caring for themselves, each other, the broader community, and the earth.

### PURPOSE

The Duty of Care Policy is to assist staff to understand how to meet their legal duty of care to all persons on the premises, including any visitors and students.

### PRINCIPLES

Schools have a responsibility to ensure that reasonable steps are taken to protect all persons on the premises from reasonably foreseeable harm or injury.

The duty of care is **non-delegable**, meaning that it cannot be assigned to another person or entity.

The duty requires schools to take steps to minimise the risk of reasonable foreseeable harm or injury by:

- providing suitable and safe school premises, facilities and equipment
- giving students proper instructions about the use of equipment
- providing an adequate system of student supervision (e.g. yard duty)
- monitoring specific students where there are known risks (e.g. known behavioural risks)
- undertaking risk assessments for school activities, events, camps and excursions
- implementing strategies to reduce psychological injuries to students (e.g. implementing anti-bullying policies, processes and procedures)
- implementing strategies to reduce physical injuries to students (e.g. minimising risk of falls or slips or implementing a policy of wearing hats in the sun)
- educating students about their own physical and psychological safety (e.g. teaching students about online safety)
- raising awareness with staff, parents and students about risks and communicating the Duty of Care Policy, procedures and practices
- ensuring that appropriate medical assistance is provided to sick or injured students

- ensuring that the School complies with its mandatory reporting obligations and Ministerial Order No. 870 – Child Safe Standards
- managing employee recruitment, conduct and performance
- responding to accidents and taking appropriate steps to follow up any incidents and emergencies

This list is not exhaustive.

The School is **vicariously liable** for all acts of negligence performed by its employees and volunteers acting within the scope of their employment. The School must ensure that all staff are aware of their legal obligations relating to their individual duty of care.

#### **AIMS OF THE POLICY**

To ensure that staff have an understanding of their duty of care to all persons on the premises and behave in a manner that does not compromise these legal obligations.

#### **LEGAL AND REGULATORY BASIS FOR COMPLIANCE**

- Duty of Care
- Child Safe Standards legislation

#### **KEY DEFINITIONS**

- The School must ensure that **reasonable steps** are taken to prevent harm or injury to any person. What is considered reasonable varies and will depend on several factors including:
  - the number of students being supervised
  - the type of activity being undertaken
  - the age, competency and vulnerability of the person
  - the nature and condition of any equipment being used

A higher standard of care is imposed for activities considered more dangerous or hazardous or if the students are particularly vulnerable due to their age or disability.

- **Foreseeability** – the duty of care only applies to harm or injury which is reasonably foreseeable. Harm is foreseeable when an ordinary person in the same situation could anticipate the same risk in the circumstances.
- **Proportionality** – the standard of care should be in direct proportion to the risk. A higher standard applies when caring for very young students or students with disabilities.
- **Commission and omission** – the duty of care may be breached either by a direct act or by a failure to act.
- **Significant harm or injury** – the extent to which the duty of care has been breached will depend on whether the harm or injury is judged by the court to be significant or not.

## SCOPE

The application of this Policy is relevant to school staff and volunteers and in some circumstances, the duty of care extends beyond school hours and/or beyond the school premises.

## ROLES AND RESPONSIBILITIES

- The Board is responsible for:
  - reviewing and approving the Duty of Care Policy
- The School Leaders are responsible for:
  - ensuring reasonable steps are taken to protect all persons on the premises from reasonably foreseeable harm or injury
  - investigating any breaches of a teacher's duty of care
- The teachers are responsible for:
  - taking reasonable steps to protect all persons on the premises from risk of harm or injury
- The staff and volunteers are responsible for:
  - taking reasonable care to protect all persons on the premises from harm or injury

## LINKS TO OTHER POLICIES

- Child Safe Standards Policy
- Mandatory Reporting Policy
- Activities, Camps and Excursions Policy
- Supervision Policy

## COMMUNICATION OF THE POLICY

- The school will communicate the Duty of Care Policy to staff, volunteers and parents.

## POLICY REVIEW

The governing Board will review the Duty of Care Policy biennially.

**Date Approved: 25 August 2022**

**Date for Review: 25 August 2024**