

## STUDENT WELFARE 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

Wild Cherry School is committed to the care, safety and welfare of students based on our mission and values and in accordance with any applicable state and commonwealth laws.

The Student Welfare Policy sets out the principles and framework governing the school's behaviours and activities:

- to ensure the school discharges its legal responsibilities to support the care of students
- so that all staff members employed in the school are advised of their obligations under these laws.

The Policy, together with the policy implementation documents listed in this document should be read and understood by staff members, parents and students.

### PRINCIPLES

- The school and its staff members have a duty of care towards students.
- The school provides a safe environment where the risk of harm is minimised and students feel physically and emotionally secure.
- The school's culture prioritises the welfare of students in line with the school's values and mission, and not just for reasons of compliance.
- The school and its staff are committed to the wellbeing of students in the knowledge that a student's happiness and feeling of security are fundamental to their learning and growth as a young person.
- The school provides for the spiritual, academic, social, emotional and physical development of students. It takes a positive approach to student wellbeing through its whole-school approach [and through the implementation of health and wellbeing programs (e.g. positive education, mindfulness, etc.)]
- All staff members are aware of the importance of student wellbeing and of their obligations under the relevant state and commonwealth laws.
- This school does not permit corporal punishment.

## AIMS OF THE POLICY

To provide the framework within which appropriate procedure for student welfare are set, and to ensure there is alignment between this Policy and all other school Policies that cover aspects of student welfare.

## LEGAL AND REGULATORY BASIS FOR COMPLIANCE

- Duty of Care
- *Education and Training Reform Act 2006* (Vic.)
- Education and Training Reform Regulations 2017 (Vic.)
- Victorian Registration and Qualifications Authority Minimum Standards
- *Children, Youth and Families Act 2005* (Vic.)
- Ministerial Order No 870 – Child Safe Standards – managing the risk of child abuse on schools
- Ministerial Order No 706 – Anaphylaxis Management in Victorian Schools
- *Wrongs Amendment (Organisational Child Abuse) Act 2017*

## KEY DEFINITIONS

Duty of care: The term ‘duty of care’ falls within the law of negligence where, in this context, negligence means either a negligent act or the omission of reasonable steps to prevent harm. The duty of care is collective and individual: it applies to the school as an entity as well as to individual principals and teachers.

School Leaders and teachers are held to a higher standard of care in relation to students than non-teaching staff and the general public. The duty requires School Leaders and teachers to take steps to minimise the risk of reasonably foreseeable harm. This means that the school, the School Leaders and teachers must anticipate risks for students and take action and care to prevent them coming to harm. Harm may include not only physical harm but also psychological distress or mental harm.

The nature and the extent of this duty may vary according to the circumstances, taking into account factors such as:

- the school activity and its context, e.g. an adventure activity compared with a classroom activity
- the age of the students and their ability and experience in undertaking the activity, e.g. a prep or a primary school student with a learning disability compared with a Year 12 student
- the likely seriousness of harm if it were to occur.

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

- Duty of care in relation to non-teaching staff members and volunteers: Non-teaching staff members (support staff) do not have the same extensive duty of care that teachers have, but they are still required to exercise due care and skill. When non-teaching staff members, volunteers and external providers agree to perform tasks that involve them in care and/or direct responsibility for students that they have a duty to take such measures as are reasonable in the circumstances to protect students from risks of harm that reasonably ought to be foreseen.

The school, in discharging its duty of care, has a responsibility to ensure:



- requests made to a non-teaching member of staff to care for and/or to take responsibility for students, are reasonable in relation to the skills and ability of the member of staff
- the member of staff agrees to care for and/or to take responsibility for the students. The school must allow the member of staff opportunity to refuse a request to care for or to take direct responsibility for a student
- appropriate training has been provided to the member of staff that will reduce the likelihood of harm.
- The organisational duty of care to prevent child abuse: An additional duty of care exists for all Victorian schools. This additional duty of care puts the onus of proof on the school in that it presumes the school is liable unless the school is able to prove that it took reasonable precautions to prevent child abuse. This additional duty reinforces the importance of ensuring that schools take reasonable precautions to minimise the risk of child abuse.
- Duty of care outside the school: In some circumstances, the duty of care to students extends outside of school hours and beyond the school grounds. Whether the duty extends in this way depends on the individual circumstances of each case and the school's knowledge of any dangers. The questions the school should be asking of itself are whether it knows of any danger or whether it should reasonably be expected to know of the risk of harm.
- Mandated related Policies, procedures and record keeping support student wellbeing and relate to student welfare. In discharging its duty of care and in compliance with the Victorian Registration and Qualifications Authority (VRQA) requirements for registration, schools must have policies, procedures and records in place with respect to:
  - Child Safe Standards, including mandatory reporting, failure to protect and failure to disclose
  - the provision of suitable and safe premises
  - the supervision of students both on-site and off-site
  - the prevention of bullying and harassment, including cyberbullying
  - the provision of first aid and medical assistance for sick or injured students, including policies, procedures and record keeping for:
    - i. the distribution of medicines
    - ii. a register of staff trained in first aid
    - iii. records of student medical conditions, including student mental health.
  - the management of anaphylaxis
  - accidents and incident register
  - critical incident planning and emergency management, including bushfire emergencies
  - the management of student behaviour and discipline
  - attendance monitoring and attendance register
  - employee recruitment, conduct and performance

- the management of complaints or grievances

Additional policies and procedures supporting student welfare could include:

- equal opportunities and anti-discrimination
  - alcohol and drugs policies
  - internet use and abuse.
- **Communicating Policies:** The school must ensure that all staff members, including volunteers, visitors and contractors, are advised of their duty of care and their legal obligations to provide for the safety and welfare of students. There must be evidence as to how the school communicates policies and procedures on the care, safety and welfare of students to staff, students, guardians, parents and the school community.

It is not sufficient for the school to publish policies and procedures on the website, for example; the school must ensure members of staff know and understand the policies.

The school has a specific responsibility to ensure members of staff understand their responsibilities with respect to mandatory reporting, the failure to protect and the failure disclose.

- **Risk assessments:** Most, if not all, of the above risks can be managed through the systematic and comprehensive application of documented risk assessments. The school should ensure the assessment of risk is embedded within the school's culture and that training in the assessment and management of risk is provided to all staff members. Whilst the school has an overall responsibility for assessing risk, it should ensure that members of staff understand the responsibility for assessing risk extends to each employee.
- **At the heart of an effective Student Welfare Policy is the identification of staff that students know to whom they can turn with a concern or problem. The school should put in place:**
  - a clear 'wellbeing' structure with appropriate named members of staff responsible for being the first line of communication for students or a group of students. Students will choose to confide in those they trust; for this reason, the wellbeing structure should ensure there is a range of options available to students and that informal arrangements are also acceptable
  - wellbeing staff must be easily and clearly accessible to students. All students should know to whom they can turn and how to do that
  - the school's procedures and protocols should be explicit as to how confidentiality is managed
  - the school may choose to advertise (or provide) external confidential support services such as KidsHelpLine
- **Whilst the school has an explicit responsibility for student welfare, parents also have a responsibility for the wellbeing of their children. The school's procedures will include guidance as to the way in which the school will communicate issues of concern with parents and how confidentiality will be managed in these circumstances. The school will ensure parents know and understand:**
  - how the school's Student Welfare Policy will be implemented
  - to whom they can approach when they wish to raise a concern in relation to the wellbeing of their child.

- Where persistent and/or significant welfare issues arise, the school counsellor may choose to work in partnership with parents to develop, implement and monitor an Individual Support Plan
- The school will take both formal and informal steps to monitor the welfare of students. This may involve the systematic use of internal and external surveys.
- The school will arrange that all members of staff undergo appropriate training to ensure that they:
  - have a specialised understanding of the areas of risk (e.g. child abuse, anaphylaxis, mental health, bullying through social media, etc.)
  - are totally familiar with the school's Student Welfare Policy and its implementation
  - know how to create risk assessments.

#### **SCOPE**

The application of this Policy is relevant to students, staff members and parents.

#### **ROLES AND RESPONSIBILITIES**

- The governing Board, the School Leaders and members of the teaching staff have a duty of care for students.
- The governing Board is responsible for overseeing the Student Welfare Policy.
- The School Leaders are responsible for:
  - the school culture and the school's approach to student wellbeing and welfare
  - overseeing and monitoring the implementation of the Student Welfare Policy and related school Policies.
- The School Counsellor is responsible for the welfare of the students in their care and for any others who confide in them.
- All staff members share a responsibility for the welfare of students.
- Parents have a responsibility for the welfare and wellbeing of their children.

#### **LINKS TO OTHER POLICIES**

- Duty of Care
- Child Safe Standards Policy including Mandatory Reporting Policy
- Health Policies
  - First Aid Policy
  - Anaphylaxis Management Policy
  - Administration of Medicines Policy
  - Register of Staff Trained in First Aid

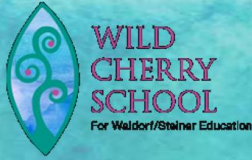
- Student Medical Conditions Summary
- Accident and Incident Register
- Student Relationships Policies
  - Anti-Bullying and Harassment Policy
  - Internet Use Policy (Students)
  - Equal Opportunity and Anti-Harassment Policy
- OHS and related Policies
  - Health and Safety Policy
  - Bushfire Preparedness Policy
  - Reporting (Emergency and Incidents) Policy
  - Emergency Management Policy.
- Behaviour Management Policy
- Attendance Policy and Attendance Register
- Privacy Policy
- Record Management Policy
- Complaints Policy
- Supervision Policy
- Employment Recruitment, Conduct and Performance

#### **COMMUNICATION OF THE POLICY**

- The school will ensure that all staff members know and understand their legal duties with respect to the care, safety and welfare of students.
- The school will ensure parents and students know to whom they can go as a first point of communication if and when they wish to raise a concern.

#### **POLICY IMPLEMENTATION DOCUMENTS**

- For the most part, the documents setting out the procedures, strategies, protocols and actions required to implement this policy are to be found within each related Policy.
- Procedures directly related to the Student Welfare Policy include:
  - Student Support and Safety Referral flowchart
  - the school's approach to student wellbeing



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- Wild Cherry's Wellbeing Plan
- staff member's obligations under state and commonwealth law
- risk assessment procedures

#### **POLICY REVIEW**

The governing Board will review the Student Welfare Policy biennially.

The governing Board will monitor the effective implementation of the Student Welfare Policy by reviewing the results of any student climate surveys on an annual basis.

**Date Approved: 9 May 2022**

**Date for Review: 9 May 2024**