

# Duty of Care Policy



## Help for non-English speakers

If you need help to understand the information in this policy please contact Hamlyn Views School on (03)52155700

## 1. PURPOSE

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Hamlyn Views School owe to our students and members of the school community who visit and use the school premises. All staff must take reasonable steps to reduce the risk of reasonably foreseeable harm or injury to students. All staff must 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. The requirement to take reasonable steps to reduce the risk of reasonably foreseeable harm, continues even when another party is involved (for example, a third party providing services for an excursion or school camp). In some circumstances, a school's duty of care will extend beyond school hours and outside of school grounds.

## 2. POLICY

"Duty of care" is a legal obligation that requires schools to take reasonable measures to reduce the risk of reasonably foreseeable harm or injury, which can include personal injury (physical or psychological) or damage to property. The reasonable steps that our school may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk. Our school has developed policies and procedures to manage common risks in the school environment, including:

- Bus Transport, including student boarding and unloading processes
- Yard duty and Supervision, including before and school drop off and pick-up
- Bullying Prevention
- Incursions
- Camps and Excursions
- First Aid
- Anaphylaxis
- Asthma
- Health Care Needs
- Smoke Free
- eSmart
- Child Safe Standards

HVS has zero tolerance for any form of child abuse

- External Providers
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Child Safety Responding and Reporting Obligations (including Mandatory Reporting)

**Note:** As Public Private Partnership School Spotless has overall management for school maintenance, including regular maintenance and hazard reduction schedules, the pool and general cleaning.

Staff at our school understand that school activities involve different levels of risk and that particular care may need to be taken to support younger students and all our students who are diagnosed with a moderate to severe intellectual disability. Our school also understands that it is responsible for ensuring that the school premises are kept in good repair and will work in collaboration with Spotless to ensure reasonable steps are taken to reduce the risk of members of our community suffering injury or damage because of the state of the premises.

School staff, parents, carers and students are encouraged to speak to the Principal to raise any concerns about risks or hazards at our school, or our duty of care obligations.

### **External Providers**

Staff at our school acknowledge that, as our 'duty of care' is non-delegable, we are also required to take reasonable steps to reduce the risk of reasonably foreseeable harm or injury when external providers have been engaged to plan for or conduct an activity involving our students. Our *Visitors Policy* and *Camps and Excursions Policy* include information on the safety and care of our students when engaged with external providers.

Our school also takes steps to ensure student safety when they are engaging in off-site re-engagement or workplace learning programs with external providers, such as when students are participating in work experience, school-based apprenticeships and traineeships, structured workplace learning and any other workplace learning program involving external providers.

Our school will follow all applicable Department of Education and Training policy and guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount. The Department's guidelines in relation to Workplace Learning are available at the following link: <https://www.education.vic.gov.au/school/principals/spag/curriculum/pages/workplace.aspx>

### **FURTHER INFORMATION AND RESOURCES**

- DET: Duty of Care  
<http://www.education.vic.gov.au/school/principals/spag/safety/pages/dutyofcare.aspx>
- HVS Visitors Policy
- HVS Volunteers Policy
- HVS Safety and Welfare with External Providers Policy
- HVS First Aid and health related policies
- HVS Commitment Statement to Child Safety
- HVS Child Safe Policy
- DE Health, Safety and Wellbeing Policy
- PROTECT: Child Safe Standards  
<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx>

## REVIEW CYCLE

<b>Policy last reviewed</b>	March 2024 (communicated via school newsletter Issue 4, 2024)
<b>Approved by</b>	Acting Principal
<b>Next scheduled review date</b>	March 2028 - this policy has a review cycle of 4 years as part of the school's four yearly review cycle