

Duty of Care Policy

RATIONALE

All staff working with students at Emmanuel College owe a duty of care to those students and must take reasonable measures to protect them from reasonably foreseeable harm and risks of injury, including taking reasonable precautions to minimise the risk of child abuse by an individual associated with the school. This requirement continues even when another party is involved, such as a third party providing services for an excursion or school camp). In some circumstances, the College's duty of care will extend beyond school hours and outside of school grounds.

SCOPE

This policy applies to all members of the Emmanuel College community, including staff, students, parents/guardians, volunteers, and contractors.

DEFINITION

Duty of care is a legal obligation that requires schools to take reasonable steps to reduce the risk of reasonably foreseeable harm, which can include personal injury (physical or psychological) or damage to property. The reasonable steps that Emmanuel College may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

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 College for all activities where the student is under the duty of care of a member of the staff.

POLICY STATEMENT

Emmanuel College acknowledges its responsibility as a registered school under the [Education and Training Reform Act 2006](#) to provide students with a safe learning environment. All staff have a legal duty to take steps to protect students in their care from risks of injury or child abuse that are reasonably foreseeable. Staff will be made aware of their legal obligations in relation to this and policies and procedures will be implemented to ensure high standards of duty of care at all times.

GUIDING PRINCIPLES

1. In having a duty of care to students, the College will:
 - provide suitable and safe premises
 - provide an adequate system of student supervision
 - undertake risk assessments for school activities and events
 - implement strategies to prevent reasonably foreseeable injuries, whether physical or psychological, to students (including injuries suffered as a result of bullying)
 - ensure that appropriate medical assistance is provided to a sick or injured student
 - ensure the school complies with the Child Safe Standards
 - take other reasonable precautions to minimise the risk of child abuse by an individual associated with the school
 - manage employee recruitment, conduct, and performance
2. This duty of care is non-delegable, meaning that it cannot be assigned to another party. However, this does not mean that only one person holds a duty of care to a particular student at any one time.

Multiple staff may have a duty of care to the same student, with differing responsibilities and roles to play in relation to the school discharging its overall duty of care. The precise scope of each staff member's duty of care may be different.

3. In some circumstances, the duty of care owed by staff will extend beyond school hours and outside of school grounds. Whether the duty extends outside of school hours or outside school grounds will depend on all the circumstances of each individual case, and the staff members' knowledge of any reasonably foreseeable risks of injury.
4. The College has policies and procedures relating to the health, safety, and wellbeing of students to support staff to meet their duty of care, including bullying prevention and intervention, student wellbeing, camps and excursions, yard duty supervision, Child Safe Standards, emergency management, and administering first aid.
5. The Principal is responsible for ensuring that policies and procedures are fully and properly implemented to assist staff in taking all reasonable steps to prevent foreseeable harm. If parents/guardians make a claim of negligence against the College, the implementation of these policies and procedures are often relied on in the legal claim.
6. Policies and procedures related to the supervision of students will be available on the College intranet and Parent Access Module (PAM), and communicated through the school newsletter, student diary, daily messages, staff meetings, and other relevant forums. The school community are encouraged to speak to the Principal to raise any concerns about risks, hazards, or duty of care obligations.

POLICY REVIEW

This policy will be reviewed every three years or as required.

RELATED DOCUMENTS/LINKS

Yard Duty Supervision
 Wet Day Supervision
 Homeroom Role Description
 Camps & Excursions Policy
 Fit4Life Wellbeing Policy
 First Aid Policy
 Anaphylaxis Management Policy
 Behaviour Management Policy
 Against Bullying & Harassment Policy
 Emmanuel Teacher Charter
 Staff and Contractors handbooks
 Emergency Management Plan
 Workplace Health & Safety MEL Policy
 Critical Incident Management policies and procedures
 Child Safety Standards policies and procedures

REVIEW HISTORY

Version	Date released	Next review	Author	Approved
1.0	February 2022	February 2025	Principal's Assistant	College Leadership Team