



Cranbourne East Primary School DUTY OF CARE POLICY

RATIONALE

In addition to their professional obligations, 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.

AIMS

To ensure that staff has an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.

IMPLEMENTATION

- In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their care from risks of injury that are reasonably foreseeable.
- Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements of the duty involve providing adequate supervision in the School or on School activities as well as providing safe and suitable buildings, grounds and equipment.
- A teacher's duty of care is not confined to the geographic area of the School, or to School activities, or to activities occurring outside the School where a student is acting on a teacher's instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have 'assumed' the teacher pupil relationship.
- The teacher's duty of care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen does not have a legal obligation to respond.
- Whilst each case regarding a teacher's legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:
 - Arriving late to scheduled timetabled yard duty responsibilities;
 - Failing to act appropriately to protect a student who claims to be bullied;
 - Believing that a child is being abused but failing to report the matter appropriately;
 - Being late to supervise the line-up of students at the end of recess or lunch;
 - Leaving students unattended in the classroom;
 - Ignoring dangerous play;
 - Leaving the school during time release without approval;
 - Inadequate supervision on a school excursion;
 - Staff members are also cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Advice is to be limited to areas within a teacher's own professional competence and given in situations arising from a role (such as careers teacher, year level coordinator or subject teacher) specified for them by the Principal.

- Teachers must ensure that the advice they give is correct and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

Child Safety Standards- duty of care principles

- The School will demonstrate a strong commitment to the care, safety and wellbeing of all students- to promote child safety within the school environment through ongoing development, implementation, monitoring and risk management evaluations in the protection of children against sexual, physical, psychological and emotional abuse and neglect.
- To identify and assess the school's child safety risks and to apply risk mitigation processes, policies and protocols.
- All people engaged or recruited for child-related work, including volunteers, are required to hold a current Working with Children Check or VIT teacher registration. Evidence of such must be provided for School records by the individual or external agency (eg recruitment agency).
- To provide guidance to staff, volunteers and contractors as to actions that should be taken where they suspect any abuse within or outside of the School.
- All staff, contractors, volunteers, visitors and any other member of the school community involved in child-related work will be required to acknowledge that they have read and understood the Code of Conduct annually.
- All staff, contractors, volunteers and any other member of the school community involved in child-related work are required to comply with the Code of Conduct by observing expectations for appropriate behaviour (listed below). The Code of Conduct applies in all school situations, including school camps and in the use of digital technology and social media.
- At least annually, all staff and school counsellors must be provided appropriate guidance and training relating to the child safety standards and their obligations and responsibilities for managing and minimising the risk of child abuse.
- Processes are in place to ensure the continuing suitability of people engaged in child related work.
- New teachers will be inducted to school specific and over-arching DET and VQRA compliant policies and the staff manual that is available to all staff.
- Appropriate procedures will be implemented to provide protection and ongoing support for victims of child abuse (Child Support Plan).
- All staff will be expected to promote student empowerment and participation and to support appropriate education programs about expected standards of behaviour, healthy and respectful relationships, resilience and child abuse awareness and prevention.
- Any allegations of abuse or safety concerns and any subsequent school response will be promptly reported to appropriate authorities, documented and securely stored.
- The school will provide relevant staff and volunteers with training in identifying child abuse risks, for example blocked-off or out-of-sight spaces (especially rooms with doors that can be locked), overnight stays, and opportunities for physical contact, such as sports coaching and personal care.
- Institute processes for periodic review of risk management approaches and processes and following any incidents. Engage methods for continual improvement in how risks are managed by learning from past lessons, including policy review and staff training.
- A risk management approach which is illustrated through the Risk Registry of the School.
- Ensure supervision requirements for staff and volunteers who work with children and adequate to DET and the Principal's ratio discretion.

- Recognise and adapt to the needs of particular children and communities, including Aboriginal children, culturally and linguistically diverse children and children with a disability. For example, acknowledgement that greater staff or volunteer to child ratios may be needed for some children with a disability.
- Recognise and address risks to Aboriginal children which might exist because of their experiences, for example if a child does not feel safe identifying as Aboriginal, or if there is an inadequate response to self-identification.
- Recognise and address risks to children with a culturally or linguistically diverse background, which might exist because of their experiences, for example increased communication with families may be necessary to build trust and understanding of organisational activities.
- Recognise and address risks for children with a disability, for example communication barriers when telling an adult they feel unsafe.
- The School will have a central reporting and advisory contact (Primary Welfare Officer) for staff to raise concerns and get advice about what to do if they need to report suspected abuse.
- The School will include discussion about apparent risks or 'near misses' in staff meetings and encourage all persons engage on school grounds to provide information for improvement.

Samples adapted from DHHS booklet- An Overview of the Victorian Child Safe Standards and published by Victorian Govt. 2015

Cranbourne East Primary School has confirmed and will continue to review processes to ensure all staff and volunteers have a clear set of principles about how they should behave in their interaction with children to maintain duty-of-care. It also guides staff and volunteers in how to best support children and to manage difficult situations.

All people engaged or recruited for child-related work, including volunteers, are required to hold a current Working with Children Check or VIT teacher registration; proof of personal identity and any professional or other qualifications; etc Evidence of such must be provided for School records by the individual or external agency (eg recruitment agency).

The following principles are those recommended and endorsed by VRQA (as acceptable and unacceptable) and will guide all adult behaviour when interacting with or undertaking child-connected work at Cranbourne East Primary School.

Acceptable Behaviours

All staff, parents, contractors, visitors and volunteers are responsible for supporting the safety of children by:

- Adhering to the school's Child Safe Code of Conduct at all times, taking all reasonable steps to protect children from abuse;
- Treating everyone in the school community with respect;
- Vigilantly supervising students in all school environments;
- Listening and responding to the views and concerns of children, particularly if they are disclosing that they or another child has been abused or that they are worried about their safety or the safety of another child;
- Promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children;
- Promoting the cultural safety, participation and empowerment of children with culturally or linguistically diverse backgrounds;
- Promoting the safety, participation and empowerment of children with a disability;
- Promoting the safety, participation and empowerment of children living in Out-of-Home Care;
- Ensuring as far as practicable that adults are not alone with a child;

- Reporting any allegations of child abuse to the school's leadership team (Primary Welfare Officer, Principal, Assistant Principals);
- Understanding and complying with all reporting obligations as they relate to mandatory reporting and reporting under the Crimes Act 1958;
- Reporting any child safety concerns to the school's leadership (Primary Welfare Officer, Principal, Assistant Principals);
- If an allegation of child abuse is made, ensuring as quickly as possible that the child or children are safe and;
- Reporting to the Victorian Institute of Teaching any charges, committals for trial or convictions in relation to a sexual offence by a registered teacher, or certain allegations or concerns about a registered teacher.

Unacceptable Behaviours

Staff, parents, contractors, visitors and volunteers must not:

- Ignore or disregard any suspected or disclosed child abuse;
- Develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children);
- Exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps) or initiate unnecessary physical contact with children or do things of a personal nature that a child can do for themselves.
- Put children at risk of abuse;
- Use inappropriate language in the presence of children;
- Express personal views on cultures, race or sexuality in the presence of children;
- Discriminate against any child due to age, gender, race, culture, vulnerability, sexuality, ethnicity, physical appearance, or disability;
- Have any on-line contact with a child other than for school-related necessities. This includes social media, instant messaging, photo sharing technologies or provision of personal contact details (phone or personal email address details);

(Samples adapted from VRQA website and A Guide for Creating a Child Safe Organisation- Commission for Children and Young People)

Reasonable Steps

- All school staff members have a duty to take reasonable steps to protect children under their care and supervision from harm that is reasonably foreseeable. The question of what constitutes "reasonable steps" will depend on the individual circumstances of each case.
- Staff may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation. In relation to suspected child abuse, reasonable steps may include:
 - Acting on concerns and suspicions of abuse as soon as practicable;
 - Seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take;
 - Reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection;
 - Arranging counselling or other appropriate welfare support for the child;
 - Providing ongoing support to the child – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings;
 - Sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the child.

Cranbourne East Primary School staff need to liaise with the Primary Welfare Officer and Principal in all cases of suspicion or reasonable belief that child abuse has occurred, is occurring or is at risk of occurring.

This policy applies to all school staff, parents, student, volunteers, contractors or visitors to school.

EVALUATION

Ratified by School Council: 19th October 2016

This policy is to be reviewed annually or as policy is amended.