

DUTY OF CARE POLICY

Muhammadiyah Australia College



Endorsed:	19/09/2021
Endorsed by:	Board of Directors
Next Review	19/09/2022



MUHAMMADIYAH AUSTRALIA COLLEGE

ABN 67 626 804 877

1-3 Killarney Drive Melton VIC 3337

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POLICY

Purpose

This policy assists Muhammadiyah Australia College's staff to understand how to meet their legal duty of care to students and to explain to our school community the non-delegable duty of care obligations.

Summary

All staff at Muhammadiyah Australia College;

- owe a duty of care to the students of the College and members of the school community who visit and use the school premises,
- must take reasonable steps to reduce the risk of reasonably foreseeable harm to students,
- must take reasonable precautions to minimise the risk of child abuse by an individual associated with the College,
- require to take reasonable steps to reduce the risk of reasonably foreseeable harm, and continue to do so even when another party is involved (for example, 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.

Implementation

"Duty of care" is a legal obligation that requires Muhammadiyah Australia College 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 our College may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.



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College staff have a duty of care in relation to students. Principals, teachers and other staff working with students must take reasonable steps to minimise the risk of reasonably foreseeable harm, including by:

- providing suitable and safe premises
- providing an adequate system of student supervision
- undertaking risk assessments for school activities and events
- implementing strategies to prevent reasonably foreseeable injuries, whether physical or psychological, to students (including injuries suffered as a result of bullying)
- ensuring that appropriate medical assistance is provided to a sick or injured student
- ensuring the College complies with the Child Safe Standards
- taking other reasonable precautions to minimise the risk of child abuse by an individual associated with the College
- implementing relevant Muhammadiyah Australia College policies
- managing employee recruitment, conduct and performance including the requirements of Worker Screening Act 2020.

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 College discharging its overall duty of care. The precise scope of each staff member's duty of care may be different.

For example, a principal is not required to personally supervise every student at lunchtime to discharge their duty but instead is responsible for establishing and monitoring a system for supervision that is shared amongst staff. Another staff member may be responsible for preparing the yard duty roster and each staff member rostered on yard duty will have a duty of care to take reasonable steps in relation to any foreseeable risks to students arising at lunchtime which may include:

- monitoring specific students where there are known risks
- generally monitoring all students and intervening where there is inappropriate student behaviour
- responding to accidents and taking appropriate measures to follow up any incidents that have occurred, which may involve ensuring that the incident is reported to another staff member with responsibility for further action

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



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Duty of care to students outside the College

In some circumstances, the duty of care owed by College 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 College staff members' knowledge of any reasonably foreseeable risks of injury.

External Providers

Staff at our College 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 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.

Relevant Policies

Muhammadiyah Australia College also has its own local policies and procedures that support staff to meet their duty of care and to manage common risks in the College environment, including:

- Student Policy
- Human Resources Policy
- Staff Recruitment Policy
- Code Code of Conduct Policy
- Yard duty and Supervision Policy
- Camps and Excursions Policy
- First Aid Policy
- Asthma Policy
- Anaphylaxis Policy
- Emergency Management Plan Policy
- Child Safe Standards Policy
- Visitors Policy
- Mandatory Reporting Policy
- Occupational Health and Safety Policy



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Communication

This policy will be communicated to our College community in the following ways:

- Provided to staff at induction and included in staff handbook/manual
- Discussed at staff meetings/briefings as required
- Made available publicly on our College website
- Made available in hard copy from College administration upon request