



Duty of Care Policy -PP031

Introduction

Plenty River College (the College) is an independent, specialist senior secondary school and a Registered Training Organisation (RTO Code: 22732), delivering the Victorian Pathways Certificate (VPC) and VCE Vocational Major (VM) and Vocational Education and Training (VET) Certificates. It provides a safe and inclusive learning environment for young people aged 15-20 years who may have been disengaged or are at risk of disengaging from education

Plenty River College is a school of opportunities in which all students are empowered to achieve their personal best. Our mission is to assist students to develop life and work skills and achieve in their learning by:

- re-engaging them in education;
- fostering their social and emotional development; and
- providing a supportive and safe environment for them.

Rationale

Plenty River College is committed to child safety and will comply with **Ministerial Order (MO) 1359: Managing the Risk of Child Abuse in Schools and School Boarding Premises**.

All Plenty River College staff have a legal responsibility to ensure the safety, security and wellbeing of students.

Creating safe places for children and young people to fully and actively participate in the life of the community benefits everyone.

Purpose

The purpose of this policy is to ensure that:

- College staff and Board members understand their **non-delegable** duty of care obligations owed to students, and how to behave in a manner that does not compromise these obligations;
- College staff understand their student supervision responsibilities; and
- College parents and the wider community understand the measures the College has put in place to meet duty of care and supervision obligations.

Scope

This policy applies to the College Board, College staff, volunteers, contractors and visitors.

Definitions

College environment	Means any physical or virtual place made available or authorised by the College Board for use by a student during or outside College hours, including: <ul style="list-style-type: none"> • A campus of the College • On-line College environments (including email and intranet) • Other locations provided by the College for a student's use (including without limitation, locations used for College camps, sporting events, excursions, competitions and other events).
Duty of Care	A non-delegable, moral and legal obligation to take reasonable steps to ensure the safety and wellbeing of students.



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	<p>Duty of care is both an organisational and an individual responsibility, meaning that it applies to:</p> <ul style="list-style-type: none"> the College as a legal entity; and College Board members, staff, volunteers, contractors and visitors who have an individual responsibility to students.
Responsible persons	<p>A responsible person is defined in the Education and Training Reform Regulations 2017 as:</p> <ul style="list-style-type: none"> the school proprietor (an individual, entity or anyone connected to the management of the entity); or each member of the school governing body; or the principal of the school; or anyone else who has a position of authority in the governance or management of the school.
First Aid Officer	<p>A College staff member who has received first aid training, and is able to suspend normal College work duties to:</p> <ul style="list-style-type: none"> assess students and others at college for possible first aid treatment in the event of an accident, injury, incident, emergency or illness; provide first aid treatment to the limits of their training and experience; and call for appropriate advanced medical assistance from a medical practitioner or ambulance as required.
Restrictive interventions	<p>Practices which limit the rights or freedom of movement of a student, primarily used to protect the student or others from harm in emergency or life-threatening situations.</p>
Parents	<p>Includes parents, guardians, stepparents and/or carers as listed in the College Enrolment Form</p>
Physical restraint	<p>The use of force to restrict or subdue a student's movement against their will.</p>
Seclusion	<p>The solitary confinement of a student in an area from which they cannot leave, or believe they cannot leave. Seclusion does not include suspension, detention or timeout.</p>
VIT registered	<p>Any staff member who is registered with the Victorian Institute of Teachers.</p>

Legal Requirements

The College's duty of care is **non-delegable**, meaning that it cannot be assigned to another party or person. However, this does not mean that only one person or staff member 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 discharging its overall duty of care.

The duty of care owed to students by the College, include:

- A duty to take reasonable measures to protect students from reasonably foreseeable risks of harm or injury;



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- A duty to take reasonable care that any student (and other persons) on the premises will not be injured or damaged because of the state of the premises, including things done or omitted to be done to the premises;
- A duty to take reasonable precautions to prevent the abuse of students by an individual associated with the College while the child is under the care, supervision or authority of the College;
- Understanding that different and sometimes greater measures may need to be taken for younger students or students with disabilities in order for the College to discharge this duty of care.

Statement of Commitment to Child Safety

The College is committed to ensuring that students are protected from foreseeable harm, abuse or injury.

The College:

- Has zero tolerance for child abuse, bullying and harassment;
- Actively works to listen and empower students;
- Has systems and processes to protect students from abuse or harm;
- Will take all allegations and concerns very seriously and respond to them consistently in line with the Ministerial Order No. 1359 Child Safe Standards and in accordance with the Mandatory reporting requirements;
- Is committed to promoting physical, emotional and cultural safety for all students;
- Is committed to providing a safe environment for all students.

The College will communicate the Child Safe policy and other relevant Child Safe policies via the College website, posters displayed at the College, at staff meetings and information sessions to the College community.

Responsibility

1. The College Board is responsible for authorising this and other policies to protect College students and others from injury or harm.
2. The Executive Principal is responsible for implementing policies, procedures and processes to protect students and others from injury or harm while within the College environment. The Executive Principal is also responsible for providing appropriate supervision arrangements for students.
3. The Assistant Principal/Curriculum Leader (or nominee) is responsible for maintaining supervision and yard duty rosters.
4. Teachers, including casual relief teachers, owe a student a positive duty of care where a teacher-student relationship exists. They must take steps to protect students from harm from themselves and others, and must report abuse. Teachers must supervise all students under their care in the classroom.
5. Other adults in the College have a responsibility to protect students from abuse or harm. This includes volunteers, visitors and contractors. College staff (such as youth welfare workers and education support workers) may also be required by the Assistant Principal/Curriculum Leader to undertake supervision duties outside of the classroom.



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Implementation

Plenty River College is committed to ensuring that children and young people in our care are protected to the best of our ability, in line with Ministerial Order 1359: Child Safe Standards – Managing the Risk of Child Abuse in Schools. We have zero tolerance for child abuse and bullying and harassment. ***Please refer to the College's Child Safe, Child Safe Code of Conduct, Mandatory Reporting and Bullying and Harassment Prevention policies for more details.***

The College's duty of care is a non-delegable responsibility that is discharged through the decisions, actions (or omissions) and leadership of its responsible persons. In discharging this responsibility, the College will:

- provide suitable and safe premises and equipment;
- provide adequate student supervision systems;
- implement strategies to prevent reasonably foreseeable injuries, whether physical or psychological, to students (including injuries suffered as a result of bullying);
- ensure that sick or injured students receive medical assistance;
- undertake risk assessments for College activities and events;
- follow the Bully Stoppers program to support teachers, parents and students in working together to help put a stop to bullying (refer <https://www.education.vic.gov.au/about/programs/bullystoppers/Pages/default.aspx>)
- comply with the Child Safe Standards and report child abuse;
- take other reasonable precautions to minimise the risk of child abuse by an individual associated with the College;
- comply with Chief Health Officer directives under the Public Health and Wellbeing Act 2008; and
- manage employee recruitment, performance and conduct.

Mechanisms for implementing these processes and procedures at the College are identified in this policy and the related policies listed below this policy statement.

Failure to meet duty of care responsibilities

Breaches in duty of care may lead to allegations of negligence or misconduct against the College. Individual teachers may also be sued if their negligence results in a failure of duty of care.

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 class or leaving a class early;
- arriving late to scheduled supervision responsibilities;
- failing to act appropriately to protect a student who claims to be bullied;
- suspecting that a child is being abused but failing to report the matter appropriately;
- leaving students unattended in the classroom;
- ignoring dangerous behaviour;
- leaving the College during school times without approval; and
- inadequate supervision on a College excursion or camp.



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The College recognises that staff members may be asked frequently by students and parents for advice. The College advises staff to limit their advice to their area of professional competence and to situations arising from their role as specified by the Executive Principal (such as classroom teacher). Any advice given should be correct and in line with current best practice. Wherever possible, a record should be made of the advice provided.

Communication

1. This policy will be communicated to the College community either through the College website, College newsletter or via request.
2. College staff will be informed of their duty of care and supervision obligations through:
 - attending the College induction program for new staff;
 - receiving a copy of this policy at the first staff meeting at start of the College year;
 - retaining duty of care as an agenda item at staff meetings to facilitate improvements;
 - receiving and adhering to the weekly supervision roster developed and approved by the Assistant Principal/Curriculum Leader;
 - attending professional development on duty of care, supervision, bullying prevention, and emergency procedures;
 - the College Teacher Handbook (for teachers); and
 - the use of risk assessment proformas when organising camps, excursions, incursions and other College activities.

Related Policies

- Administration of Medication
- Anaphylaxis Management
- Bullying and Harassment Prevention
- Supervision Policy and External Provider Procedure
- Camps and Excursions
- Child Safe
- Child Safe Code of Conduct
- Critical Incident and Emergency Management Plan
- Digital Technologies and Social Media
- First Aid
- Child Safety Reporting Obligations
- Occupational Health and Safety
- Restrictive Intervention
- Student Behaviour Management
- Student Engagement, Wellbeing and Inclusion

Relevant Legislation

- Education and Training Reform Regulations 2017 (Vic)
- Occupational Health and Safety Act 2004 (Vic)



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- Worker Screening Act 2020 (Vic)
- Wrongs Act 1958 (Vic)
- Ministerial Order 1359: Child Safe Standards – Managing the Risk of Child Abuse in Schools



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Revision Record:

Date	Version	Revision description
4/01/2022	2022.V1	Initial Version
19/06/2026	2026.V2	<ul style="list-style-type: none"> • Re written the introduction • Added Legal Requirements • Removed Supervision section • Added Version Control