



Student Duty of Care Policy

Purpose

This policy defines Haileybury Rendall School's (HRS) obligations and commitment, and the obligations of staff, contractors and volunteers to exercise a duty of care to protect the health, safety and wellbeing of its students.

Scope

This policy is applicable to all activities of the school that impact students under the School's supervision, care or authority, including online or virtual environments.

A student of the School includes any student enrolled at HRS, but may also extend to non-Haileybury students who attend a campus or an event which is under the management and control of the School.

Our Commitment

The school is committed to providing a safe and secure learning environment for its students where risks of reasonably foreseeable injury or harm are minimised.

Specifically, the School is committed to:

- Providing a child-safe learning environment that is free from child abuse and harm
- Providing facilities, equipment and learning environments that are safe and fit for purpose
- Providing proper instruction to students and staff to ensure that facilities and equipment can be safely used
- Providing adequate student supervision in physical and virtual School environments
- Undertaking risk assessments for School activities, events, camps and excursions
- Ensuring that the School is prepared to deal with emergencies, including maintaining adequate response procedures and providing training to students and staff
- Implementing strategies to minimise physical and psychological injuries and illness to students.
- Educating students about their wellbeing and maintaining their own physical and psychological safety, including in online environments
- Providing adequate medical assistance for ill and injured students, and students with medical conditions



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- Implementing mechanisms for the prompt reporting of and response to health and safety hazards and incidents, and avenues for students, staff and members of the community to raise concerns about the health, safety or wellbeing of students
- Ensuring that staff, including contractors and volunteers, are aware of their obligations in relation to exercising their duty of care and maintaining a child-safe environment.

Standard of Care

Academic Staff

- Academic staff will exercise a standard of care that can be expected of a *'reasonable teacher'*. This means using the skills and attributes one would expect from a teacher with normal skills and attributes exercising their professional judgment.
- Academic staff are not expected to ensure that no injury or harm will ever occur but must take reasonable care to avoid foreseeable injury or harm being suffered.

Non-Teaching Staff, Contractors and Volunteers

- Non-teaching staff (including contractors and volunteers) will take *'reasonable'* care to protect students from risks of foreseeable injury or harm, as it relates to their role in the School and or their interaction with students or the facilities or equipment that students use.

Determining the Standard of Care

The standard of care will be determined based on the individual circumstances of the activity. When assessing and implementing measures to minimise the risk of harm to students, staff will consider factors including but not limited to:

- Student age, experience and capabilities
- Students with a disability
- Medical conditions
- Behavioural characteristics
- Location and environment, including where the student is participating in a virtual environment, such as in Haileybury Pangea, where the student is not under the physical supervision of Haileybury staff
- The nature of physical and non-physical hazards
- External factors such as student family arrangements
- Any conflicting responsibilities the School or teacher may have
- Normal practices and procedures within the School.

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Limitation of Liability

Typically, legislation affords that a person, or the School, shall not be negligent in exercising a duty of care if the risk is considered an 'obvious risk' or there is harm suffered as a result of the materialisation of an 'inherent risk'. This may include where harm is suffered by a person undertaking a 'dangerous recreational activity'.

School Duty of Care Practices

HRS implements a range of standard practices designed to enable the identification and minimisation of foreseeable risks to student health, safety and wellbeing.

These practices are articulated through a range of policies and procedures, as well as through the risk management processes undertaken for specific activities and events. This includes policies and procedures relating to student health, student behaviour, child safety and wellbeing, occupational health and safety, and risk management.

Haileybury Rendall School's policies and procedures are published on the School's policy platform, which is accessible via the HRS staff Hub. Policies and procedures that are directed towards students and families are published on the myHRS intranet.

All staff, contractors and volunteers are required to adhere to the School's policies and procedures. Students and members of the School community are also required to adhere to the policies and procedures directed at them.

Definitions

The standard of care for a reasonable teacher refers to the requirements under the Wrongs Act 1958 (Vic) for standards of care for professionals and means acting in a manner that would be widely accepted in Australia by a significant number of respected teachers. Similar definitions exist in legislation outside of Victoria in reference to the standard of care for professionals. Haileybury adopts the reasonable teacher definition for the purpose of this policy.

Reasonable care is ultimately determined by the court but considers what a reasonable person or organisation would do in the same position, having the same knowledge.

Obvious risk means a risk that, in the circumstances, would be obvious to a reasonable person. A risk cannot be considered obvious if it is created because of a failure on the part of a person to properly operate, maintain, replace, prepare or care for a thing.

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Inherent risk means a risk of something occurring that cannot be avoided by exercise of reasonable care.

Dangerous recreational activity means an activity engaged in for enjoyment, relaxation or leisure that involves a significant degree of risk of physical harm to a person.

Responsibilities

Principal

The Principal is responsible for ensuring that:

- The School has adequate systems and processes in place to meet its duty of care obligations
- Adequate resources are applied to protecting the health, safety and wellbeing of students under the School's supervision, care or authority
- Staff are provided adequate education to effectively discharge their duty of care obligations.

School Executive Team

The School Executive Team is responsible for:

- Establishing and maintaining adequate systems and processes to support the identification and minimisation of foreseeable risks to student health, safety and wellbeing
- Exercising reasonable care to ensure that the School's facilities and equipment (including online environments) safe and suitable for students
- Providing education and training to staff to effectively discharge their duty of care obligations
- Providing supervision to ensure the School's duty of care practices are effectively implemented

All Staff, Contractors and Volunteers

All staff, including contractors and volunteers are responsible for:

- Exercising reasonable care which is commensurate to their knowledge, skills and role in the School to minimise foreseeable risks to the health, safety and wellbeing of students under the School's supervision, care or authority
- Acting in accordance with the School's policies and procedures, accepted practices or any reasonable direction given by a member of the School management to protect the health, safety and wellbeing of a student.



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Relevant Legislation, Standards and Codes

Wrongs Act 1958 (Vic)
Education Act 2015 (NT)
Education and Training Reform Act 2006 (Vic)
Education and Training Reform Regulations 2017 (Vic)
Ministerial Order No. 870: The Victorian Child Safe Standards
Crimes Act 1958 (Vic)
VRQA Guidelines to the Minimum Standards for School Registration

Related Documents

Risk Management Policy
Risk Management Framework
Child Protection and Safety Policy
Child Safety Code of Conduct
Anaphylaxis Management Policy
Asthma Management Policy
Occupational Health and Safety Policy
Student Medication Policy
Haileybury Cyber Safety Policy

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