



PENLEIGH AND ESSENDON GRAMMAR SCHOOL

## **Our Duty of Care**

### **Introduction**

Penleigh and Essendon Grammar School has a proud history of providing students with a safe and nurturing environment in which to prosper and thrive and to take all reasonable steps to protect students in its care from harm or the potential for harm.

This Policy is an overarching document that forms the foundation of the responsibilities it owes to its students, staff and the wider community. At its core is the objective to provide an environment where students are safe and where teachers and students can work in harmony.

### **Background**

All employees have a common law duty of care to take reasonable care to minimise the risk of harm to another. Employers and employees also have a statutory duty to maintain a safe working environment and minimise the risk of physical, mental and emotional harm.

The school's Duty of Care includes taking reasonable steps to protect students from reasonably foreseeable injury or harm and to take reasonable care of the health and safety of students.

This policy forms part of the school's commitment to child safety and zero tolerance of child abuse.

### **Policy**

Penleigh and Essendon Grammar School duty of care addresses the following areas:

- **A duty of care to take reasonable measures to protect students from reasonably foreseeable risks of injury.**

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:

- (a) providing adequate supervision in the school or on school activities both during school hours and after hours;
- (b) providing adequate supervision during recess and lunch times;
- (c) ensuring that camps and excursions are assessed for risk and comply with Risk Assessment procedures;
- (d) protecting students from dangerous situations;
- (e) eliminating risks to health and safety so far as is reasonably practicable;
- (f) reducing risks to health and safety so far as is reasonably practicable;
- (g) providing safe and suitable buildings, grounds and equipment.

Expectations concerning duties of staff, including supervision duties are published in Staff Handbooks, in the Staff Policies and Procedures published on the staff section of PEGSpace and includes Supervision of Students, After Hours Duty of Care Policy and the Excursion Policy and Excursion Risk Assessment Form.

- **A duty to take reasonable care that any student (or other person) 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.**

The Risk Management Policy (currently in draft form) describe measures to be taken under the leadership of the Board of Directors to encourage sound decision making at every level of operations in order to safeguard student and staff wellbeing and protect the tangible and intangible assets of the School.

In order to monitor the physical state of school premises and property the **Occupational Health and Safety (OHS) Coordinator** will maintain a register of safety risks which is to be updated monthly and tabled at the **OHS Committee**. This is to include:

- Risks to students, staff, volunteers, contractors, the public
- Physical environment - facility, campus, safety risks
- Compliance risks
- Awareness and communication risks.

This is defined in our Occupational Health and Safety Policy, Hazard Reporting and Incident Registers.

- **A duty to take reasonable precautions to prevent the abuse of a child by an individual associated with the school while the child is under the care, supervision or authority of the school.**

With the endorsement of the Board of Directors, Penleigh and Essendon Grammar School is committed to supporting a culture of safety, trust and respect. The school has a policy of zero tolerance for child abuse. Inappropriate behaviours including physical, sexual and psychological abuse, bullying, harassment, discrimination and violence are unacceptable and Penleigh and Essendon Grammar School is committed to working toward the elimination of these behaviours as described in the Policy of Mutual Respect and Behaviour Management. The responsibilities of members of the school community in relation to protection of children from abuse are spelled out in the Policy for Protection of Children and Managing the Risk of Child Abuse, actions taken to prevent and respond to suspected child abuse and build a culture of child safety and resilience are spelled out in the Policy for a Child Safe School and the Code of Conduct for Staff and others who interact with students identifies the responsibilities of staff, contractors and volunteers working in the school environment.

- **The school acknowledges that sometimes greater measures may need to be taken for younger students or students with disabilities to discharge this duty of care.**

The school recognises the complexities and variations in relationships and behaviours staff members may have with students from Kindergarten to Year Twelve. Responses to these differences in responsibilities and associated actions are addressed in the Policy for Interaction of Staff with Students. The school recognises that interactions between a staff member and primary age students may include greater physical contact and direct support than would be appropriate with older

students. Significant physical contact may be required when supporting a student with special needs. In these situations, the support should always concur with strategies agreed in consultation with the student and their parents and follow plans documented in the student's Individual Care Plan.

**Associated Policies:**

After Hours Duty of Care Policy

Code of Conduct for Staff and others who interact with students

Excursion Policy

Occupational Health and Safety Policy

Policy for a Child Safe School

Policy for Interaction of Staff with Students

Policy for Protection of Children and Managing the Risk of Child Abuse

Policy of Mutual Respect and Behaviour Management