

Duty of Care Policy



Help for non-English speakers

If you need help to understand the information in this policy, please contact the Centre for Higher Education Studies at ches@education.vic.gov.au

Purpose

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at CHES owe to our students and members of the school community who visit and use the school premises.

POLICY

“Duty of care” is a legal obligation that requires schools 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 school may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

CHES is committed to working closely with students’ base schools through regular and reciprocal communication on student attendance, engagement, wellbeing, safety and learning progress. CHES will also ensure regular and reciprocal communication with universities in accordance with the terms of the partnership agreements or other arrangements between CHES and universities that will be appropriate to the nature of the university programs.

Our school has developed policies and procedures to manage common risks in the school environment, including:

- Yard duty and Supervision
- Bullying Prevention
- Camps and Excursions
- First Aid
- Grounds Maintenance
- Student Private Property
- Child Safe Standards
- External Providers (including universities providing Higher Education Studies)
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

Our school acknowledges we are required to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

Staff at our school understand that school activities involve different levels of risk and that particular care may need to be taken to support younger students or students with additional needs. Our school also understands that it is responsible for ensuring that the school premises are kept in good repair and will take reasonable steps to reduce the risk of members of our community suffering injury or damage because of the state of the premises.

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

It should also be acknowledged that the unique context of CHES students being engaged in higher education studies (often at universities) in their final years of secondary school will mean a greater level of independence in some circumstances, including regular independent travel between their base school and CHES or a university partner site (for those attending onsite). CHES staff will not supervise students travelling between school or university locations (unless on a planned group excursion).

CHES staff owe a duty of care to all students engaged in CHES programs regardless of whether they attend onsite at CHES premises, online from home or another school location, or at a university partner location. Our duty of care requires us to take reasonable steps to prevent reasonably foreseeable harm, appropriate to the circumstances. For example:

- When a student is attending a CHES program onsite, CHES has supervision responsibilities as well as responsibilities for a safe physical learning environment.
- When a student is attending a CHES program virtually from their base school, CHES has responsibilities for a safe online classroom environment and the students' base school has responsibilities for a safe physical environment where the student is located.
- When a student is attending a CHES program virtually from home, CHES has responsibilities for a safe online classroom environment and parents have a responsibility for a safe physical environment at home where the student is located.
- When a student is attending a university partner location (e.g. on campus at a university), the university has responsibilities for providing a safe physical learning environment and CHES has responsibilities for taking appropriate steps to follow up on any concerns students (or their parents) have raised relating to their safety or welfare when attending the campus.

There are many other facets to our duty of care including appropriate follow-up actions are taken in response to any known or reasonable foreseeable risks to a student in any of the above learning environments. These risks may relate to wellbeing and health as well as safety risks. CHES acknowledges that the legal and policy obligations for reporting protective concerns about students, and for reporting incidents, suspicions or disclosures of abuse still

apply in an online learning environment and we comply with these obligations regardless of whether the student is attending online or onsite. See Child Safety Reporting and Responding (including mandatory reporting) Policy and Procedures.

CHES works closely with base schools and university partners to articulate roles and responsibilities and to share information that is needed for each party to discharge their duty of care.

In particular, through the enrolment process, the student's base school will be asked to attest that it has read and understood its responsibilities for students attending CHES. CHES will also provide training and induction to base school supervisors to ensure that roles and communications requirements are clear.

Similarly, in our partnership agreements with universities, roles, responsibilities and communication requirements are clear and CHES will provide induction for university staff working with CHES students.

More detailed processes outlining roles and responsibilities of the various parties, including CHES, base schools and university partners, are set out in Appendix A.

Travel arrangements for students attending CHES or a university partner site

Students are responsible for organising their own transport (e.g. on public transport) when attending CHES onsite or when attending any other physical site (e.g. a university partner site) for the purposes of a CHES class.

Base schools are responsible for ensuring that appropriate consent has been given by a student's parent or carer to enable them to travel to and from CHES (or other required onsite learning site) as an 'unsupervised excursion' which is permitted for senior students, in some circumstances, under Department policy: [Excursions: Supervision](#).

External Providers

Staff at our school 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.

Our School will follow all applicable Department of Education and Training policy and guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount. This includes communicating these policies with external providers, including university partners, as necessary.

The duty of care obligations of foundation network schools sharing the use of CHES facilities

Foundation network schools must ensure that appropriately qualified and VIT registered staff conduct the shared VCE classes held at CHES. This includes replacement staff when the regular teachers are absent.

Active supervision by foundation network school staff is always required for students undertaking the additional VCE classes at CHES. Staff from foundation network schools are required to identify issues and risks pertaining to the students from their schools who are using CHES facilities in order to collaborate with the CHES leadership team on appropriate proactive steps and interventions, as well as processes for escalation and support while those students are on the CHES campus.

COMMUNICATION

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

- Provided to staff at induction and included in staff handbook
- Discussed at staff meetings/briefings as required
- Provided to external providers including staff working with CHES at our university providers
- Provided to schools accessing CHES facilities, including the foundation network schools
- Made available publicly on our school website
- Made available in hard copy from school administration upon request

FURTHER INFORMATION AND RESOURCES

- the Department's Policy and Advisory Library (PAL): [Duty of Care](#)
- Bullying Prevention Policy
- Camps and Excursions Policy
- Child Safe Policy
- Emergency Management Plan
- First Aid Policy
- Child Safety Responding and Reporting Policy
- Occupational Health and Safety
- Volunteers Policy
- Visitors Policy
- Yard Duty and Supervision Policy

POLICY REVIEW AND APPROVAL

Policy last reviewed	October 2023
Approved by	Principal
Next scheduled review date	October 2025

APPENDIX A – ROLES AND RESPONSIBILITIES RELEVANT TO DUTY OF CARE

Class Attendance

- **CHES** will monitor and record the attendance of each CHES student for each class in onsite and online programs
- **CHES** will notify the student's base school when a student is absent from a scheduled CHES class.
- **Base school** will follow up on absences with the parent/carer in the first instance and escalate to CHES if there appears to be disengagement with the CHES program.

Base school supervisors must inform CHES if a student has been absent from their base school for an extended time.

Engagement, attendance concerns, participation, wellbeing

- **CHES:** If there are any concerns about a student's attendance, engagement, participation or wellbeing, the CHES Assistant Principal will contact the student's base school supervisor within a reasonable timeframe considering the nature of the concerns. If a student is at risk of harm, immediate action will be taken.
- **Base school:** Base school supervisors liaise with CHES teachers and keep them up to date regarding any situations that might impact upon a student's ability to engage with their CHES studies, such as engagement, attendance, wellbeing or welfare issues.
- **Base school:** Where wellbeing-related concerns arise, given the base school's greater familiarity with the student, responses are expected to be led by the base school, including arranging access to Student Support Services (SSS) and other supports, with the help of and in collaboration with the CHES teacher where appropriate.

Academic progress

- **CHES** will notify the student's base school if there are any concerns about their academic progress.
- **CHES** provides the base school supervisors with access to information on student progress and engagement in CHES programs.
- **Base school** supervisors should regularly check notifications to keep up to date on their students' progress.

Information-sharing

- A student's **base school** must share relevant information with CHES, to enable CHES to meet its duty of care to support a student's wellbeing and learning. This includes access to students' relevant health information, any wellbeing concerns or particular risk factors for a student, and supports in place at the students' base school as well as their academic records. Likewise, CHES seeks and shares information about attendance, engagement, wellbeing, safety and progress in CHES programs with a student's base school to enable the base schools to discharge its duty of care to the student.

- Prior to students commencing CHES programs, **CHES** takes all reasonable steps to obtain the details of any adjustments, measures or other requirements which must be accommodated for any student in relation to CHES programs, to comply with the Disability Discrimination Act 1992 (Cth) and the Disability Standards for Education 2005 (Cth).
- Anaphylaxis management plans, asthma plans or other types of specific health condition plans will need to be provided to **CHES** by parents/carers or failing the provision of that information by parents/carers, the base school should provide the most up-to-date information they are aware of.
- In sharing information, **CHES** follows the Department's [Schools Privacy Policy](#) at all times.
- **Base schools** must inform CHES if there is a change in Base School Supervisor details or other contact details for the school.

Online learning environments

- **Base school** supervisors must ensure that students have access to adequate means of communication with CHES teachers during designated times at school and assist them to access the CHES online learning management system.
- Where students are accessing their CHES VCE or Year 10 course from an offsite location (whether that be from their home or base school):
 - The CHES teacher takes the roll at the beginning of the online lesson and actively checks-in with the students during the lesson.
 - CHES staff follow the CHES Child Safety Responding and Reporting Obligations Policy and Procedures (includes Mandatory Reporting)
- **CHES** will provide communications, resources and tools for CHES staff, base school supervisors, students and parents and carers on how to learn safely off-site, including information to parents and carers about the responsible and safe use of online platforms and the internet in a virtual learning environment.

Arrangements with University Partners

The Partnership Agreements that CHES has with partner universities includes roles and responsibilities and duty of care obligations owed by CHES and by the universities.

- The universities hosting Higher Education Studies (HES) and other approved programs through CHES are responsible for the teaching, assessment and supervision of the students enrolled in a HES:
 - while the HES program is being provided at the university's premises;
 - while the HES program is conducted online in a virtual environment.

Suitability checks for university staff

- The university partnership agreements with CHES require that universities hosting HES courses or other relevant programs for CHES students must ensure that all staff who are responsible for or involved in the teaching or supervision of CHES students have 'Permission to Teach' from the VIT (ensuring that they hold appropriate qualifications and have a valid police check). This includes replacement staff, when the HES teachers or supervisors are absent.
- Any university students who are acting as mentors for CHES students are also required to have a valid Working with Children Clearance and referee checks must be undertaken by the university to confirm suitability to work with children.
- On request from CHES, the university partners must provide a copy of the relevant VIT registration details or Working with Children Checks, referee suitability check information and/or academic qualifications.

Reporting and information-sharing

- Reporting arrangements are in place to ensure that a student or parent can notify CHES of any concerns about the student's welfare during their participation in a Higher Education Studies (HES) program to the CHES Learning Specialist who manages and oversees HES programs.
- CHES ensures that relevant information about a student's wellbeing, health and learning is shared with university partners, through the enrolment process and updates from the base school supervisors to CHES teachers and the HES coordinator. Consent to share relevant information with external university staff is obtained through the student enrolment process, noting that some students may be considered mature minors for the purpose of providing consent and others require consent from parents to share their information with university staff. See Department policy on [Mature Minors](#).
- CHES ensures that university staff are inducted into the steps to take in reporting concerns about student behaviour, attendance, engagement, participation and progress to CHES.
- CHES provides guidelines for university staff (as per the partnership agreement) alerting them to the details of CHES's obligations and the university's obligations in relation to duty of care and the Child Safe Standards and child safety reporting obligations. This includes guidelines about how the university staff may communicate with students, maintain appropriate boundaries with students, and understand the wellbeing needs of students younger than the cohort within a traditional university setting.
- The Department of Education and Training's guidance in relation to universities meeting Child Safe Standards is available at the following link: [Guidance for Universities in meeting the Child Safe Standards](#).

