



East Preston Islamic College

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DUTY OF CARE POLICY

Last Review: July 2023	Constructed / Reviewed by: East Preston Islamic College on advice from Russell Kennedy Lawyers
Next Review: July 2025 (and every two years cycle, or more frequently as required)	Approval Required: Leadership Team
	Approval Date: April 2023

- 1.1 East Preston Islamic College (the **College**) is committed to ensuring the care, safety and welfare of its students. The College has established strategies, practices, policies and procedures to uphold this commitment, and to ensure that it discharges the duty of care it owes to its students.
- 1.2 The College treats seriously all of its legal obligations to create a safe space for its students at all times, and seeks to ensure that its culture is defined by a mentality where protecting students forms part of our everyday thinking and activity.
- 1.3 All policies, protocols and procedures flow from the *Ô[||^*^q Á^çã, Á* vision:

To ensure excellence, in both academic and Islamic development, with continuous progress towards producing a new generation of Muslims who are committed, compassionate and hard working citizens, and who are ready to contribute positively and productively to the Australian society.
- 1.4 The purpose of this policy is to ensure:
 - 1.4.1 staff at the College has an understanding of the nature of the legal duties owed by teachers and school staff towards children;
 - 1.4.2 the College complies with its legislative requirements; and
 - 1.4.3 the College has in place strategies to enhance compliance with the Child Safe Standards
- 1.5 This policy sets out the key elements to the College's approach in discharging its duty of care to students. This includes:
 - 1.5.1 what "duty of care" means;
 - 1.5.2 the impact of legal liability;
 - 1.5.3 how teaching staff may discharge their duty of care to students; and
 - 1.5.4 the circumstances in which non-teaching staff, external providers and volunteers may owe students a duty of care.

2.2

5.5.4 No student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted within the classroom or educational environment under the direct supervision of the teacher.

5.6 Movement of students

5.6.1 Care needs to be taken in allowing students to leave the room to work in other areas of the school, for example, completing jobs such as collecting or distributing notices.

5.6.2 Use of students as monitors outside the room during class time must only occur with the approval of a member of the Principal or their delegate.

5.6.3 Discretion is to be used when allowing students to visit the toilet or other areas of the College (eg. Reception) during class time.

5.7 Yard supervision:

5.7.1 Teachers are required to take positive action to discharge their duty of care while supervising students on yard duty.

5.7.2 Teachers should be aware that students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.

5.7.3 Teachers rostered for duty must attend the designated area at the time indicated on the roster.

5.7.4 Teachers on duty are to remain in the designated area until the end of the break period or until replaced by the relieving teacher, whichever is applicable.

5.7.5 Where a relieving teacher does not arrive for duty, the teacher currently on duty should send a message to the office but must not leave the area until replaced (the handing over of the duty must occur in the designated area).

7.1.1 The student's age, experience and capabilities: younger students require more

- 8.4 The decision about whether to use restrictive intervention and seclusion rests with the professional judgement of the staff involved, following consideration of their legal and professional obligations.
- 8.5 Staff must immediately document and report all instances of physical restraint or seclusion to a member of the Executive Leadership Team.
- 8.6 For further information regarding restrictive intervention and seclusion please refer to the Child Restraint Policy.

- 9.1 The Commonwealth and all Australian States and Territories have enacted civil liability laws that apply in relation to claims for damages resulting from negligence.
- 9.2 These laws limit liability in certain circumstances including, in broad terms:
 - 9.2.1 The College does not owe a duty of care to warn of an "obvious risk".
 - 9.2.2 The College will not be liable for harm suffered as a result of the materialisation of an "inherent risk".
- 9.3 The existence of civil liability laws means that issues of liability for student care claims in Australia will ultimately be determined by a complex mixture of legislation and common law (judge's decisions).

- 10.1 In discharging duty of care responsibilities, the College and staff must exercise professional judgment to achieve a balance between ensuring that students do not face an unreasonable risk of harm, whilst also encouraging students' independence and maximising learning opportunities.
- 10.2 Non-teaching staff, volunteers and external providers must exercise judgment appropriate in the circumstances.
- 10.3 To assist the College to discharge its safety responsibilities, the College has developed an OHS Procedures Manual and Student Safety Risk Register through which the College identifies potential safety hazards and analyses these in terms of the likelihood of an event occurring, and the potential consequences if the event was to occur.

- 11.1 The College emphasises the need to comply with the requirements of this policy. Any staff found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment (or engagement, where appropriate). Breaches may also result in appropriate authorities and/or the Police being informed.

- 12.1 [Visit the website.](#)
- 12.2 This policy is available to staff as part of the College's training and development updates, training

Student Safety Framework

Student Safety Risk Register

Occupational Health and Safety Policy

Camps and Excursions Policy