

Rationale

Loreto College Ballarat has a responsibility to ensure that it provides a safe learning environment for its students in accordance with Schedule 4, clause 12 of the Education and Training Reform Regulations 2017.

Loreto College Ballarat recognises:

- that it owes all students a duty of care to take reasonable measures to protect them from reasonably foreseeable risks of injury;
- that it owes a duty to take reasonable care that any student 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;
- that it owes a duty 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;
- that different and sometimes greater measures may need to be taken for younger students or students with disabilities and other vulnerabilities in order to discharge this duty of care;
- that as part of their professional obligation, all employees at Loreto College Ballarat have a legal duty to take steps to protect students in their charge from risks of injury or child abuse that are reasonably foreseeable.

Loreto College Ballarat has a responsibility to ensure the duty of care to all students including:

- ensuring that the employees comply with Ministerial Order 870 – Child Safe Standards – Managing the risk of child abuse;
- provision of suitable and safe school environment to ensure that persons on the premises will not be injured or damaged because of the state of premises, including things done or omitted to be done on the premises;
- development of policies to enable school principals to provide adequate systems for supervision of students at all times;
- development of policies for the care, safety, and welfare of students;
- managing the recruitment, employment, induction, and performance of staff;
- managing the risks associated with the prevention of child abuse by an individual associated with Loreto College Ballarat.

Definitions

Duty of care: is the responsibility that the principal, leadership team and teachers have in relation to their students to take steps that are reasonable in the circumstances to protect students from risks of injury that should reasonably have been foreseen. The duty is not to prevent injury in all circumstances. It is a duty to take reasonable steps to prevent injury, which is known or foreseeable. The question of what are reasonable steps will depend on the individual circumstances of the case, and consideration of the following factors:



- the probability that the harm would occur if care were not taken;
- the likely seriousness of the harm;
- the burden of taking precautions to avoid the risk of harm;
- the social utility of the activity that creates the risk of harm;
- the duty may, in some circumstances, extend outside school hours and outside the school premises. This will depend on whether the relationship between staff and student extends to the individual circumstances, whether the risk was known or foreseeable, and whether there were any reasonable steps that could be taken to prevent the injury from occurring.
- The duty is non-delegable, meaning that it cannot be assigned to another party.
- (*Refer to CECV School Operations Guide*)

Off-site activity includes any excursion, camp (including study camps), interstate or overseas tour, or off-campus activity such as attendance at a sporting fixture. It does not include work experience programs.

Supervision: is the supervisory role of staff aimed at enhancing a student's educational opportunities, building self-esteem, and ensuring students are safe and supported. Whilst in a supervisory role, each staff member has an obligation to fulfil duty of care requirements. Staff must comply with the arrangements for student supervision put in place by the school for all activities where the student is under the duty of care of a member of the staff.

School environment/on-site activity: is any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- a campus of the school;
- online school environments (including email and intranet systems); and
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events). (*Ministerial Order 870*)