

Julia Gillard Community College Policy and Procedure

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| Policy name | School Student Duty of Care Policy and Procedure |
| Responsible person | Principal |
| Staff involved | All School Staff |
| Approved dates | Approved: 13 Sept 2024 Review Date: Semester 2, 2025 |

1. Introduction and Purpose

Julia Gillard Community College is a school operated and owned by Wyndham Community and Education Centre Inc. (referred to in this Policy as the **School**). The School is committed to providing a safe, caring and supportive learning environment for all students. The School is a registered school in Victoria to provide the Victorian Certificate of Education Vocational Major, (VCE VM) and the Victorian Pathways Certificate (VPC).

This policy and procedure (the **Policy**) outlines the responsibilities of the School in relation to students enrolled in the School.

2. Definitions

Duty of care is a common law concept that refers to the responsibility of staff in child-connected programs to provide adequate levels of safety and protection against harm.

Under its general duty of care obligations, the School must take reasonable steps to protect students from risks of injury or harm that could have been reasonably foreseen, including through its actions or failure to act. All duties of care owed to students by the School are outlined in this Policy and Procedure in section 5.

An additional duty of care exists for any organisation in Victoria that exercises care, supervision or authority over children and young people. This duty of care establishes a presumption of liability, such that the School needs to prove that they took “reasonable precautions” to minimise the risk of child abuse by an individual associated with the School.

School Environment: means 4 Synnot St, Werribee, VIC 3030 and any physical or virtual place made available or authorised by the School for use by a child or student during or outside school hours.

Student: means a person with a current and ongoing enrolment at the School.

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Physical restraint means the use of physical force to prevent, restrict or subdue the movement of a student's body or part of their body. Students are not free to move away when they are being physically restrained. Physical restraint does not include protective physical interventions which use physical contact to block, deflect or redirect a student's actions, or disengage a student's grip, but from which a student can move freely away.

Seclusion means leaving a student alone in a room or area from which they are prevented from leaving by a barrier or another person. This includes situations where a door is locked as well as where the door is blocked by other objects or held closed by another person. Seclusion does not include supervised situations such as time-out, in-school suspensions, detentions, or exam situations; other situations where the student can freely exit an area, or suspension and expulsion from school.

3. Scope

This Policy applies to all School staff including employees, contractors, and volunteers.

4. Policy Commitments and Principles

To give effect to the the School's duty of care obligations, the School is committed to:

- (a) providing a safe, suitable and inclusive learning environment;
- (b) providing an adequate system of student supervision;
- (c) implementing safety management in the School environment;
- (d) ensuring compliance with child safety laws;
- (e) ensuring that appropriate medical assistance is provided to a sick or injured student as per the Accident and First Aid Policy and Procedure;
- (f) managing employee recruitment, conduct and performance.

Underpinning the School's approach to these commitments, the School:

- (a) supports the principles and practices of equal opportunity and human rights and undertakes to ensure that programs are accessible to all eligible members of the community and are responsive to individual needs.
- (b) will provide an inclusive environment to enhance the opportunities for participation in programs and services on offer regardless of culture, race, age, religion, gender, political affiliation, ability or disability and, which is free from discrimination, harassment and racism.
- (c) places emphasis on meeting student's individual learning needs and tailoring programs through reasonable adjustments to meet those needs to help students to learn effectively and develop positive attitudes and behaviours to learning.
- (d) works in partnership with other organisations including schools, networks, Government Departments and youth services to ensure appropriate pastoral care and support services are available and accessible to students and their families while students are enrolled in the School.

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- (e) works in partnership with students, parents and/or carers to assist students to meet their responsibilities as enrolled students of the School.

5. Responsibilities

The Principal is responsible for overseeing the systems, policies and processes that give effect to the School's duty of care obligations, including by reporting to the School Council on relevant matters, and ensuring staff are adequately trained and supported. It is the responsibility of the Principal to ensure that the procedures contained within this Policy are complied with at the School and that this Policy is communicated to new staff on induction and included as a link on Sentral, the School's content management system.

The duties of care owed by the School to students include the following:

- (a) Staff have a duty of care to students which includes the requirement to take all reasonable steps to prevent and minimise the risk of foreseeable harm to students, including by exercising their supervisory duty in a way that, so far as can be reasonably expected, protects students from harm and complies with School policies and procedures as detailed in this Policy.
- (b) The School owes 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.
- (c) The School acknowledges that different and sometimes greater measures may need to be taken for younger students or students with disabilities to discharge this duty of care.
- (d) The School 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.

6. Breach of this Policy

Where a staff member of the School breaches this Policy, the School may take disciplinary action, up to and including termination of their employment or engagement with the School.

7. Procedures

The School will implement the following procedures to give effect to this Policy.

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School staff

The School provides all relevant policies and procedures to staff annually, and publishes them on Sentral. All staff must be aware of their responsibilities of duty of care to students including their responsibilities around mandatory reporting and child safe standards. Staff are supported to meet their responsibilities including through the following:

- (a) Staff are provided with ongoing professional development to enhance their knowledge and skills. An annual PD Plan outlines minimum scheduled PD for staff over the year.
- (b) All staff must have a working with children check and / or VIT Registration. The *Staff Management Policy and Staff Management Internal Guidelines* detail the requirements and processes for documenting these records and ensuring all staff have current and valid checks. The School maintains a register of staff and volunteers (if any) working with students.
- (c) The *Staff Management Policy & Procedure* is in place to ensure staff understand their responsibilities and are appropriately inducted.
- (d) The *School Discipline Policy and Procedure* sets out requirement for monitoring and responding to student behaviour in and outside the classroom to ensure the safety of all and promote a successful learning environment.
- (e) Staff are expected to always demonstrate highly ethical and professional behaviour. Staff-student relationships should be positive but maintain clear professional boundaries that protect everyone from misunderstandings or violations of the professional relationship.
- (f) A staff member may fail to maintain a professional boundary by acting or operating beyond the responsibility of their role or expertise. If students raise significant personal problems with a staff member, they trust which is beyond the responsibility or expertise of the staff member, the staff member must seek advice from the Principal, Assistant Principal or Child Safe Officer (if appropriate), who can assist.

Safety Screening

The School undertakes safety screening of staff and visitors, and ongoing monitoring.

For staff, safety screening procedures must follow the *School Staff Management Policy and School Staff Management Internal Guidelines*.

Supervision

Supervision is a key element in exercising the duty of care and preventing harm to students during school related activities. Staff supervision is provided on site before and after School

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operating hours at lunchtime, at morning and afternoon break times, on incursions and excursions.

- (a) The classroom teacher is responsible for supervision of all students in their care during scheduled classes at all times. In an emergency, the teacher should use the phone to contact the Principal or Assistant Principal or contact the teacher in the next room; if appropriate they can send another student for assistance.
- (b) Students will be supervised from 8:30 am. Any students under-18 arriving before 8:30 AM, must be dropped off by parents/carers and report to the Assistant Principal or Student Wellbeing Officer where they will be supervised.
- (c) A staff member will be on duty at the School exit gate from 3:30 PM to 3:45 PM Monday to Friday, after classes finish. Any students under-18 being picked up after 3:45 PM, must report to the Assistant Principal or Student Wellbeing Officer where they will be supervised until a parent/carer collects them.
- (d) During break times, staff follow a scheduled yard duty roster for all breaks, Monday to Friday (see Appendix 1. Site Map – Yard Duty Areas). Staff must remain within their designated areas until they are replaced by a relieving teacher or until the end of the break. Students under-18 seeking to leave school premises during lunch or recess must have a written request signed by their parent/ carer. Students who do not have authorisation from their parent/carer will not be permitted to leave the school grounds. We impose this restriction in the interests of safety of students and having regard to our duty of care responsibilities.
- (e) Students undertaking any School activities after school operating hours are supervised by School staff including where those activities are run by external providers but in a school environment.
- (f) When the school engages an external provider to provide services to the school and activities to students, either at the school premises or another location, the school conducts a risk assessment to determine the level of supervision required, considering possible injuries from the activity, likelihood of physical touch in the activity, method of transport involved (if any) and qualifications of instructors.
- (g) Students in sick bay are supervised by a first aid trained administration officer.

For offsite activities, School staff must follow the School *Excursions Policy and Procedure*.

Arrangements for students participating in programs with external providers

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Julia Gillard Community College may enter into arrangements to deliver part of the Victorian Certificate of Education Vocational Major (VCE VM), or the Victorian Pathways Certificate (VPC) with external providers. Staff at Julia Gillard Community College understand that duty of care is not delegable and that the School is 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.

External providers may include:

- TAFE providers
- Private providers (RTOs)
- Registered schools, including both government and non-government that are also RTOs, and
- Learn Local providers that are also RTOs
- Members of the WynBay LLEN VET cluster

Julia Gillard Community College will enter into a written agreement between the school and the external provider detailing the responsibilities of each party including how the attendance of students will be managed and monitored between the parties. Julia Gillard Community College will appoint a member of staff to monitor the attendance on students studying with external providers upon entering into any agreement. The external party must provide the services consistent with Policies and Procedures on Supervision and Purchasing Secondary Courses and Vocational Training from External Providers.

The School will also visit sites to ensure student safety with external providers such as work experience, school-based apprenticeships or traineeships, structured workplace learning, VETDSS and any other program involving an external provider.

External providers whether onsite or offsite will be required to be a VIT registered teacher or hold Permission to Teach (PTT).

RTOs and TAFEs will comply with all laws regarding the operation of the training venues and will ensure that facilities and equipment are adequate for the program being delivered.

External providers will monitor and assess the progress of students and will maintain weekly attendance records liaising closely with the school staff member appointed. External providers must notify the school promptly of any absence or non-attendance.

Given the characteristics of students at Julia Gillard Community College, students will not engage in periods of independent study outside of scheduled classes.

Use of physical restraint and seclusion to prevent immediate harm

Physical restraint and seclusion are only permitted at the School in exceptional circumstances where it is immediately required and reasonably necessary to protect the safety of a student or another person. Physical restraint and seclusion are not permitted at any other time.

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No person – including a Parent/Carer, support worker, or student – can authorise, consent to, or approve the use of physical restraint or seclusion at the School.

Every instance of physical restraint and seclusion must be reported as an incident following the *Critical Incident and Emergency Management Policy & Procedure*.

School staff may only use physical restraint and seclusion where:

- (a) there is an imminent threat of physical harm or danger to a student or others; and
- (b) the physical restraint and seclusion are reasonable in all the circumstances; and
- (c) there is no less restrictive measure available in the circumstances.

During physical restraint and seclusion incidents, the student/s must be visually monitored for signs of distress and pain to ensure the student's physical health is not jeopardised and that the student, other students, and staff are safe.

Staff must ensure that the use of physical restraint and seclusion is time limited and that it stops as soon as the immediate threat of harm or danger to the student or others has passed.

When physical restraint and seclusion are prohibited

School staff must never use physical restraint and seclusion as behaviour management techniques, for convenience, as retaliation, or to discipline or punish a student.

Physical restraint must never be used where it has the effect of:

- (a) covering a student's mouth or nose, or in any way interferes with breathing;
- (b) taking a student to the ground into the prone or supine position;
- (c) putting stress on a student's joints;
- (d) applying pressure to the neck, back, chest or joints;
- (e) deliberately applying pain to gain compliance;
- (f) intentionally causing a student to fall; and
- (g) having a person sitting, lying, or kneeling on a student.

The following behaviours are prohibited:

- (a) headlocks, choke holds, basket holds, bear hugs, 'therapeutic holding' or wrestling holds (including 'full or half nelsons');

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- (b) using a hog-tied position;
- (c) straddling any part of a student's body; and
- (d) dragging a student along the ground.

In addition:

- (a) Designated seclusion rooms and areas used for the purpose of seclusion are prohibited.
- (b) Preventing a student from leaving an area normally used by students with a locking mechanism is prohibited.
- (c) Doors and door handles installed in such a manner as to prevent a student from leaving the room unassisted are prohibited.
- (d) The School will comply with existing obligations to protect the privacy of students and data when managing incidents of physical restraint and seclusion.

Student Support Services:

The School has support structures and programs in place which address the identified needs of students in its educational programs including a dedicated Student Wellbeing Officer.

For students aged under-18, referral to support services may involve liaising with parents and/or carers prior to making a referral and consent must be obtained prior to staff speaking to third party organisations and professionals.

Staff are required to:

- (a) Report any areas of concern to the Assistant Principal or Student Wellbeing Officer immediately as they arise.
- (b) Take attendance for each timetabled class or scheduled School activity.
- (c) Ensure that any advice given to students is correct and in line with School Codes, Policies and Procedures. All staff are advised to limit advice or counsel to students to areas within their own professional competence and expertise.
- (d) Avoid giving advice in areas unrelated to their professional role and must instead report any concerns to the Principal or Assistant Principal for follow up.

Communication

This *School Duty of Care Policy and Procedures* outlines the School's commitment to providing a safe, caring and supportive learning environment for all students.

To ensure that staff, students, parents, carers and the school community are aware of this

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commitment, this Policy is available on the School website, Sentral and hard copies can be obtained from the School Reception.

Related Documents

Legislation: Education and Training Reform Act 2006 (Vic) Children, Youth and Families Act 2005 (Vic), Child Wellbeing and Safety Act 2005, Worker Screening Act 2020 (Vic), Occupational Health and Safety Act 2004 (Vic), Charter of Human Rights and Responsibilities Act 2006 (Vic), Disability Act 2006 (Vic), Disability Regulations 2007, Disability Discrimination Act 1992 (Cth), Racial Discrimination Act 1975 (Cth), Privacy Act 1988 (Cth), Ministerial Order 706 Anaphylaxis Management in Schools, Ministerial Order 1359, Online Safety Act 2021 (Cth), Multicultural Victoria Act 2011 (Vic).

Policies: Child Safety and Wellbeing Policy and Procedure (including Statement of Commitment), Access and Equity Policy & Procedure, Critical Incident and Emergency Management Policy & Procedure, School Accident & First Aid Policy & Procedure, School Asthma Management Policy & Procedure, School Anaphylaxis Management Policy & Procedure, School Enrolment Policy & Procedure, School Discipline Policy & Procedure, School Excursions Policy and Procedure, School Complaints Policy & Procedure, School Staff Management Policy, School Staff Management Internal Guidelines, School Record management Policy and Procedure, School Online Safety Policy and Procedure, School Disciplinary Action Policy and Procedure.

Other: Emergency Management Plan, Student Code of Conduct, Child Safe Standards.

