



Duty of Care

In partnership with families, Diocese of Ballarat Catholic Education Limited (DOBCEL) is entrusted with the care of children and young people in DOBCEL Schools and work together with families for the wellbeing of all students. DOBCEL has legal and pastoral responsibilities for the duty of care to students to take reasonable care to avoid acts or omissions, that are reasonably foreseeable, that would be likely to result in harm or injury to students in DOBCEL Schools.

As the owner, governing authority and operator of DOBCEL Schools, the DOBCEL Board must ensure that each DOBCEL school has policies and procedures to provide students with a safe environment where the risk of harm is minimised and students feel safe.

The DOBCEL Board has approved a suite of DOBCEL policies and procedures that underpin the care, safety and welfare of students, including duty of care obligations. These documents outline our approach to protecting the children and young people in our care and ensure DOBCEL staff are fully aware of their legal obligations. All DOBCEL Schools must adopt these policies and procedures at the school level.

The DOBCEL Board approved and member ratified Duty of Care Policies and Procedures include:

- DOBCEL Duty of Care Statement and School Policy Template
- DOBCEL Child Safety and Wellbeing Policy
- DOBCEL Anaphylaxis Policy
- DOBCEL Anti Bullying and Harassment Policy
- DOBCEL Asthma Policy
- DOBCEL Attendance Monitoring Policy and Procedures
- DOBCEL Behaviour Management Policy and Procedures
- DOBCEL ICT Policy
- DOBCEL Critical Incident Plan
- School Emergency Management Plan
- DOBCEL Occupational Health and Safety Policy and Procedures
- DOBCEL Supervision of Students Policy

The DOBCEL Board Statement on Duty of Care

The DOBCEL Board has a responsibility to ensure that each DOBCEL School provides a safe learning environment for its students in accordance with Schedule 4, clause 12 of the Education and Training Reform Regulations 2017.

The DOBCEL Board and DOBCEL Schools recognise that:

- it owes all students a duty of care to take reasonable measures to protect them from reasonably foreseeable risks of injury
- it owes a duty to take reasonable care that any student (and other persons) 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
- 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
- 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
- as part of their professional obligation, all employees in DOBCEL Schools, have a legal duty to take steps to protect students in their charge from the risk of injury or child abuse that are reasonably foreseeable.

The DOBCEL Duty of Care policies and procedures apply to all DOBCEL schools and are applicable to:

- Board members
- all employees
- contractors
- volunteers
- those involved in religious ministry
- and visitors

The DOBCEL Board as the owner and operator of DOBCEL Schools has a responsibility to ensure the duty of care owed by DOBCEL Schools to all students includes:

- ensuring that the employees of DOBCEL Schools understand their obligations and comply with Ministerial Order 1359: Child Safe Standards – Managing the risk of child abuse
- provision of suitable and safe school environments
- 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 in DOBCEL Schools
- managing the recruitment, employment, induction and performance of staff in DOBCEL Schools
- managing the risks associated with the prevention of child abuse by an individual associated with DOBCEL Schools or other DOBCEL workplaces

The DOBCEL Board, DOBCEL Management and all staff in DOBCEL Schools are cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Negligent advice could constitute a breach in duty of care. Advice is to be limited to areas within one's own professional competence and given in situations arising from a role specified for them by the nature of their employment or engagement within DOBCEL Board, Management or DOBCEL Schools.

Legislative requirements

These DOBCEL Policies and Procedures reflect the mandatory requirements imposed on DOBCEL schools under the Education and Training Reform Regulations 2017.

School specific procedures and guidelines

Each DOBCEL School may develop Procedures and Guidelines that comply with these DOBCEL policies and procedures and in accordance with DOBCEL Policy Development document. Any Procedure or Guideline approved by the Principal of a DOBCEL School must be consistent with the policy statements outlined in this document. Any Procedure or Guideline developed must be intended to support the application of these and related Policies in a particular DOBCEL School.

Review

DOBCEL Duty of Care Policy Suite and appendices will be reviewed by the DOBCEL Board on a regular basis, at least every three years or when there is a change in relevant legislation or a significant incident, to ensure that they continue to be suitable, adequate and effective to achieve compliance.

Role of DOCBEL Board

The DOBCEL Board is responsible for the development of policies. These policies will be ratified by the Bishop of Ballarat.

The DOBCEL Board will receive regular reports from the DOBCEL Executive Director on the implementation of and compliance with these policies across DOBCEL Schools and Management.

Role of DOCBEL Executive Director

The Executive Director will:

- monitor to ensure the DOBCEL Duty of Care policies are implemented across all schools and work locations;
- provide resources to schools to support review, development, and implementation of the policies within this framework;
- ensure clear expectations and training is provided to principals in complying with the legislative requirements in the area of Duty of Care;
- ensure that DOBCEL Management are cognisant with the legislative requirements and their application in DOBCEL Schools;
- ensure the DOBCEL Management processes and practices are fully aligned with legislative requirements in all Duty of Care areas;
- report to the DOBCEL Board with details of compliance in relation to all areas of Duty of Care across all DOBCEL Schools and Management.