



## THE LAKES SOUTH MORANG COLLEGE DUTY OF CARE POLICY

### **Rationale:**

- Duty of care is an element of the wrongful act of negligence or an infringement of a right. In broad terms, the law of negligence provides that if a person suffers injury as the result of a negligent act or omission of another, the injured person should be compensated for loss and damage flowing from that negligence.

### **Definition / Legal Background:**

To successfully bring a compensation claim in negligence a person must establish, on balance of possibilities, that:

- A duty of care was owed to them at the time of the injury
- The risk of injury was foreseeable
- The likelihood of the injury occurring was more than insignificant
- There was a breach of the duty of care or a failure to observe a reasonable standard of care
- This breach or failure caused or contributed to the injury, loss or damage suffered.

The fact that a duty of care exists does not mean that a school will be liable for an injury sustained by a student. In order for the student to succeed in a negligence claim, all of these elements must be established.

From 1 July 2017, an additional duty of care will exist for any organisation in Victoria that exercises care, supervision or authority over children, including schools. This duty of care will establish a presumption of liability, such that these organisations will need to prove that they took “reasonable precautions” to prevent child abuse, if they are to successfully defend a legal claim. The new duty does not change existing duties that schools and teachers already have, but instead reinforces the importance of ensuring that schools take reasonable precautions to minimise the risk of child abuse.

### **Aims:**

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

### **Implementation:**

“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.

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
- Privacy
- Child Safe Standards
- Emergency Management

- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

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.

**Evaluation:**

- This policy will be reviewed as part of the school's three year review cycle

This policy has been ratified by School Council on 30/10/18.

***The Lakes South Morang College Child Safety Statement:***

*To thrive, children need a safe and supportive environment at school, at home and in the broader community; no exceptions. At The Lakes South Morang College, we believe meeting the physical and emotional needs of our students is paramount in laying the foundations for a fulfilling future. We pledge to provide an environment that has zero tolerance to child abuse and will strive to work in partnership with our parents and community members to keep our students safe every day, in every way.*