



## Policy Statement

Diocese of Ballarat Catholic Education Limited (**DOBCEL**) is committed to the care, safety and welfare of students.

DOBCEL has established strategies, practices, policies and procedures to uphold the duty of care it owes to its students, both on and off school premises. This policy sets out the key elements of DOBCEL's approach in carrying out its duty of care to students, and aims to:

- ensure staff at DOBCEL schools have an understanding of the duty of care owed by the school, teachers and school staff towards children and young people;
- summarise the strategies, practices and procedures the school adopts to uphold its duty of care to students;
- provide guidance on how teaching and non-teaching staff may carry out their duty of care to students.

This policy informs, and does not replace, a risk-management approach to upholding DOBCEL's duty of care, which must necessarily have regard to the specific, general and individual risks which may arise from time to time.

## Context

This policy sets out requirements for DOBCEL schools to ensure duty of care is always maintained.

## Scope

This policy applies to all DOBCEL's Directors, committee members, staff, students, volunteers, contractors and visitors, and other authorised personnel required to perform functions on school premises.

This policy extends to any person who is engaged in student-related work that has direct and regular contact with students.

This policy is not intended to override or form part of the terms of any award or contract that applies to an employee but should be considered a reasonable direction to staff. As such, staff are expected to abide by this policy and report any suspected or known breaches of this policy.

## Duty of Care

DOBCEL has a legal duty of care to students while they are involved in school activities or present for the purposes of being involved in school activities.

This duty extends to taking:

- reasonable measures, with regard to all the circumstances, to protect students from risks of harm and injury that should have been reasonably foreseen, on the assumption that students are otherwise using age-appropriate and reasonable care for their own safety
- reasonable care that any student (and other person) on school premises will not be injured or damaged by reason of the state of the premises or of things done or not done in relation to the premises

- reasonable precautions to prevent the abuse of a child by an individual associated with the school while the child is under the school's care, supervision or authority.

This requires not only protection from known hazards, but also protection from harm that could foreseeably arise and against which preventative measures can be reasonably taken.

The fact that a duty of care exists, or that there were measures that could have been taken to avert or diminish a particular risk to a student, does not of itself mean that DOBCEL will be liable for an injury sustained by a student.

In order for DOBCEL to have been negligent with its duty of care, it must be established that:

- a duty of care was owed to the person harmed 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 was a cause of the injury;
- responsibility for the harm should extend to DOBCEL or a DOBCEL school (scope of liability).

It is important to recognise that the reasonable standard of care in particular circumstances must be considered in light of the fact that it is neither practical nor desirable for DOBCEL to seek to exclude every risk of injury to students.

### **Duty of care – Teaching staff**

Teachers owe a special duty of care toward students. The standard of care required is that of a 'reasonable' teacher. This means that the duty of care owed is the duty one would expect from a teacher with normal skills and attributes exercising their professional judgment. The duty owed to students is not an absolute duty to ensure that no harm will ever occur, but a duty to take reasonable care to avoid foreseeable harm being suffered.

### **Standard of care – Non-teaching staff, volunteers & external providers**

Non-teaching staff, volunteers (including parent volunteers) and external providers may also owe a modified duty of care to protect students from risks of harm that reasonably ought to be foreseen. This duty arises when the duty is consciously passed from a teacher to a non-teaching staff member, volunteer or external provider, and accepted by that individual.

For example, a teacher may ask a non-teaching staff member to accompany a student to a different area of the school. While normally this staff member may not owe a standard duty of care to that student, as they have accepted the duty to care for and supervise the student, passed from the teacher they now must protect that student from foreseeable risks of harm.

In any case, all staff are required to act in a manner which upholds DOBCEL's duty of care.

## **Legislative Context**

- Education Training and Reform Regulations 2017 (Vic.)
- Occupational Health and Safety Act 2014 (Vic.)
- Ministerial Order 1359: *Implementing the Child Safe Standards: managing the risk of child abuse in schools.*

## Definitions specific to this policy

TERM	DEFINITION
Duty of care	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 a school may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

## Supporting Policies

- Anaphylaxis Management Policy
- Attendance Policy
- Bullying Prevention (including Cyber-bullying) [Students] Policy
- Child Safety and Wellbeing Policy
- Digital Technologies Policy
- Emergency and Critical Incident Management Policy and Procedures
- Excursions, Camps & Travel Policy & Procedures
- First Aid and Infection Control Policy
- Occupational Health and Safety Policy
- Positive Behaviour Policy and Procedures
- Privacy Policy & Procedures
- Recruitment Policy
- Risk Management Policy
- School Volunteers Policy & Procedure
- Health and Medical Management Policy & Procedures
- Supervision Policy

## DOBCEL Principles of Governance

All DOBCEL policies are founded on and reflect the Principles of Governance stated in the Document: [DOBCEL Principles of Governance](#)

Approving authority	DOBCEL Board
Approval Date	December 2025
Review Date	December 2028