



# GEELONG GRAMMAR SCHOOL

## Student Duty of Care Policy

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### 1. Purpose And Scope

In addition to professional obligations, all School Employees have a legal duty to take reasonable steps to protect Students in their care from risks that are reasonably foreseeable. This Policy applies to all School Employees.

### 2. Duty Of Care Principle

- 2.1 Parents entrust their children to the care of School Employees whilst enrolled at School.
- 2.2 The School (including its Registered Boarding Premises) and School Employees have a legal responsibility to take reasonable measures to protect Students under its/their care from risk of injury that is reasonably foreseeable.
- 2.3 The School (including its Registered Boarding Premises) owes a duty to take reasonable care that any Students and all School Employees, visitors and other persons on a School Premises will not be injured because of the state of the School Premises. This includes any thing done or omitted to be done by the School to the School Premises.
- 2.4 The School (including its Registered Boarding Premises) owes a duty to take reasonable precautions to prevent the abuse of a Student by an individual associated with the School while that Student is under the care, supervision or authority of the School.
- 2.5 The extent of the duty of care varies according to the age and needs of the Students; different and sometimes greater measures may be required to be taken by the School for its younger Students, First Nations Students, Overseas Students or Students with disabilities in order to ensure that the duty of care is discharged.
- 2.6 The duty of care extends beyond physical welfare and includes the academic and pastoral wellbeing of Students.
- 2.7 This duty is non-delegable, which means it cannot be assigned to another person or entity.

### 3. Standards Of Care Required

- 3.1 The School is required to minimise the risk of reasonably foreseeable harm to Students, through:
  - 3.1.1 ensuring the School complies with the Child Safe Standards;
  - 3.1.2 provision of suitable and safe premises;
  - 3.1.3 implementation of risk management strategies;
  - 3.1.4 provision of appropriate supervision;
  - 3.1.5 strategies to prevent bullying, harassment, discrimination and abuse;
  - 3.1.6 ensuring that medical assistance is provided to a sick or injured Student; and
  - 3.1.7 managing School Employee recruitment, conduct and performance.

### 4. Application Of Duty Of Care Principle

- 4.1 Whenever a School Employee-Student relationship exists, School Employees have a special duty of care as follows:
  - 4.1.1 the School Employee must take reasonable measures in the circumstances to protect a Student under their charge from risks of injury that the School Employee should reasonably have foreseen;
  - 4.1.2 the nature and extent of the duty will vary according to the circumstances (for example the standard of care required will be higher for a younger group of Students);
  - 4.1.3 the School Employee must consider what precautions the School could reasonably be expected to take to prevent an injury from occurring. This will involve consideration of the following factors:
    - 4.1.3.1 the probability that the harm would occur if care was not taken;
    - 4.1.3.2 the likely seriousness of the harm;
    - 4.1.3.3 the burden of taking precautions to avoid the risk of harm; and
    - 4.1.3.4 the social utility of the activity that creates the risk of harm.
- 4.2 The duty of care includes off campus activities including camps, adventures, co-curricular activities, sporting events and excursions.

### 5. Improper Conduct Of A Sexual Nature

- 5.1 Allegations which result in a reasonable belief being formed that a School Employee has engaged in improper conduct of a sexual nature with a Student during or outside school hours, must be reported to the Police as part of the School's mandatory reporting and reportable conduct obligations (see associated Student Safeguarding Policies).
- 5.2 There will also be a School investigation which may result in termination of employment, suspension or other serious disciplinary action.
- 5.3 Such conduct includes but is not limited to:
  - 5.3.1 sexual abuse of a Student;
  - 5.3.2 sexual activities with a Student;
  - 5.3.3 sexual exhibitionism;
  - 5.3.4 exposure of Students to pornographic material;
  - 5.3.5 deliberate exposure of Students to the sexual behaviour of others;



- 5.3.6 obscene language of a sexual nature;
- 5.3.7 grooming; and
- 5.3.8 inappropriate physical contact.
- 5.4 As a general principle, School Employees should not make physical contact with Students.
- 5.5 It is recognised, however, that occasionally some physical contact is appropriate. This includes, for example, hand shaking as greeting or congratulations, and for Sports Coaches training Students in sport, however, this may only be in public during group or team training.
- 5.6 There may be times when a School Employee feels it is appropriate to comfort a Student who has come to them in distress, such as extreme homesickness or on hearing sad news from home. In such circumstances, if the Student explicitly consents, a hand lightly placed on the Student's back or shoulder may be both kindly and appropriate. It is never appropriate to touch the chest area in girls, or below the chest in either sex.
- 5.7 School Employees should be aware that what is intended to be a kindly gesture may be misinterpreted as having some sexual connotation. For the safeguarding of both the Student and School Employee, School Employees must never be alone with a Student in a closed room unless there is clear line of sight possible through a window or glass door panel. There must also be proper reason for the door to be closed and generally; doors should be left open if a School Employee is meeting alone with a Student.

## **6. Supervision at Corio and Timbertop Campuses**

The School has policies and procedures in place for the supervision of Students:

- 6.1.1 For off campus excursions, activities, adventures, and camps; and
- 6.1.2 On campus at Corio and Timbertop, and in the School's Boarding Premises.

## **7. Supervision at Bostock and Toorak Campuses**

- 7.1 The playgrounds at the School's Bostock House and Toorak campuses are supervised when Students are outside between 8.45am and 3.45pm, including lunch and recess times. Students remain under the School Employee's supervision until they are dismissed from class at the end of the School day. Parents are responsible for the care of their Student prior to and following these times including when the Student is on School grounds.
- 7.2 Parents are responsible for organising the Student's journey to and from School. Students who travel on any of the School buses are under the School's duty of care until such time as they leave the bus.
- 7.3 Parents must notify the School if they are going to be late to attend and collect the Student, so alternative care arrangements can be made as the duty of care rests with the Parents following the conclusion of the School day.

## **8. Medical and emergency situations**

- 8.1 Physical contact is often required to assist an injured or ill student. Any physical contact must be with the informed consent of the student (unless it is in a lifesaving situation) and in a manner as if a Parent was present.

## **9. Associated documents**

- 9.1 The following Policies are relevant to this Policy, as amended from time to time:
  - 9.1.1 Equal Opportunity and Respectful Workplace Behaviour Policy and Procedure;
  - 9.1.2 Anaphylaxis Policy;
  - 9.1.3 Health Centre Policy;
  - 9.1.4 Risk Management Framework;
  - 9.1.5 Student Safeguarding Strategy;
  - 9.1.6 Failure to Protect Policy;
  - 9.1.7 Mandatory Reporting Policy;
  - 9.1.8 Obligation to Disclose a Sexual Offence Committed against a Child Policy;
  - 9.1.9 Reportable Conduct Policy;
  - 9.1.10 Student Safeguarding Policy; and
  - 9.1.11 Student Safeguarding Code of Conduct.

## **10. Definitions**

<b>Parents</b>	means and includes the natural and/or adoptive parents of the student and/or the guardians by order of any court or otherwise and, where relevant.
<b>School Employee</b>	means for the purpose of this Policy, the School Council, Principal and all Staff (teaching and operational)
<b>Student</b>	means any child enrolled at the School, whether or not they are over 18 years of age.
<b>the School</b>	means Geelong Grammar School including its registered boarding premises.

## **11. Review and circulation**

<b>Responsible Department:</b>	<input checked="" type="checkbox"/> Safeguarding and Legal Services
<b>Version:</b>	4



<b>Approved by:</b>	<input checked="" type="checkbox"/> Executive Director, Safeguarding and Legal Services
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