



STUDENT DUTY OF CARE

The Student Duty of Care Program at Rosebank College has been developed to allow for the implementation of the key elements required to ensure the protection of our students, which is fundamental to the College. This Program not only underpins, but to a large extent drives, many of Rosebank's policies and practices.

Rosebank College, in fulfilment of its mission and ministry within the Church, educates students in the Good Samaritan tradition of a safe and supportive school environment. The College is committed to the total care of its students – physically, emotionally, intellectually and spiritually. It provides an environment, which respects their freedom and dignity as persons while safeguarding them from violence and exploitation. The safety, protection and well-being of all students is of fundamental importance to the College.

All members of the College community have the responsibility to provide high quality interpersonal relationships of care and support, grounded in mutual respect, dignity, fairness, reconciliation, restoration, compassion and justice. Child protection is a community responsibility.

The purpose of the Student Duty of Care Program and policies, is to summarise the obligations imposed by child protection legislation on the College and its employees, contractors and volunteers and to ensure that that any breaches of acceptable conduct are dealt with appropriately.

The College requires all staff to report any concern you may have about the safety, welfare or well-being of a child or young person to the Principal, the Assistant Principal, or the Dean of Pastoral Care. If the allegation involves the Principal, you are required to report to the Chair of the College Board.

Objectives

The Student Duty of Care Program:

- Incorporates work systems, practices, policies and procedures that promote child protection, safety and wellbeing within the College;
- Enables us to provide a safe and supportive College environment;
- Encourages and supports ongoing discussion around child protection issues within the College and the community;
- Allows for the compliance with all regulation, laws and industry standards pertaining to child protection in NSW.

Duty of Care owed to Students

Rosebank College and its teachers owe a duty to take care of students whilst they are involved in College activities, or are present for the purposes of a College activity. This Duty of Care is non-delegable.

The duty is to take such measures as are reasonable in all the circumstances, to protect students from risks of harm that reasonably ought to be foreseen. This requires not only protection from known hazards, but also protection from harm, that could foreseeably arise and against which, preventative measures can be taken.

Civil Liability Laws

The Commonwealth and all Australian States and Territories have enacted civil liability laws that apply in relation to claims for damages resulting from negligence. These laws limit liability in certain circumstances including, in broad terms:

- The College does not owe a Duty of Care to warn of an “obvious risk”; and
- The College will not be liable for harm suffered as a result of the materialisation of an “inherent risk”.

The existence of civil liability laws means that issues of liability for student care claims in Australia will ultimately be determined by a complex mixture of legislation and common law (judge’s decisions).

Discharging Duty of Care Responsibilities - Our Risk Based Approach

In discharging Duty of Care responsibilities, the College and teaching staff must exercise professional judgment to achieve a balance between ensuring that students do not face an unreasonable risk of harm and encouraging students' independence and maximising learning opportunities.

To assist the College to discharge its safety responsibilities, Rosebank College has developed a Workplace Safety Program, through which we identify potential safety hazards and risks and analyse them in terms of the likelihood of an event occurring, and the potential consequences if the event was to occur.

Against each identified student safety hazard, it is the College’s policy to develop risk controls and/or treatment plans. It is important that all teachers consistently enforce College rules and safety policies, and actively engage in ensuring the physical and emotional wellbeing of students.

Non-Teaching Staff, Volunteers & External Providers

When non-teaching staff, volunteers and external providers agree to perform tasks that require them personally to care for students (in the absence of a member of the teaching staff), they will also owe a duty to take such measures as are reasonable in all the circumstances to protect students from risks of harm that reasonably ought to be foreseen.

Supporting Policies

Rosebank College’s Student Duty of Care Program, is made up of a substantial suite of policies and procedures across the following categories of responsibility:

- **Child Protection**
- **Student Welfare and General Safety**
- **Student Health**
- **Student Behaviour**
- **Critical Incident Safety**
- **Work Health and Safety**

Reporting Concerns

Members of the College community are able to report any concerns around Student Duty of Care, or Child Protection, through a House Coordinator, Dean of Pastoral Care, Assistant Principal or the Principal. These members of staff are able to give clear guidance around reporting incidents to relevant external authorities if needed. Communication is treated confidentially.

Whenever there are concerns that a child is in immediate danger, the Police should be called on ‘000’.