



# Duty of Care Policy and Procedure

## Table of Contents

Introduction: .....	1
Purpose: .....	1
General Information: .....	1
Provision of suitable and safe premises .....	2
Provision of an adequate system of supervision .....	2
Implementation of strategies to prevent bullying .....	2
Ensuring that medical assistance is provided to a sick or injured student .....	2
Child Safe .....	3
Students leaving class or school grounds without permission .....	3
Legal Matters .....	4
Related Documents:.....	4
External:.....	4
Internal:.....	4

## Introduction:

Foundation Learning Centre Inc. (FLC) operates in accordance with relevant government bodies' regulations and policies. The Youth Education Department within Foundation College runs nationally accredited and recognised programs for students between the ages of 13 and 20 years who are disengaged from mainstream education. Our youth programs range from year 9 through to year 12 equivalencies. Our classes provide individual attention whilst using relevant adult learning principles with a youth-focus to keep the young people interested in achieving a range of measurable learning outcomes.

## Purpose:

To give clear guidelines in relation to Duty of Care for all students enrolled within Foundation Learning Centre and Foundation College Youth Education Department. To ensure we can provide a consistently high standard of care, supervision, safety and welfare in accordance with the students' individual learning needs and requirements.

## General Information:

Foundation Learning Centre takes all precautions to reasonably assess and maintain the safety and wellbeing of those attending our centre. All staff are expected to take action to safeguard and prevent risk or injury from occurring.



Staff are always expected to apply a duty of care to their level of employed responsibility. Majority of our youth students would be classed as vulnerable, an approach to vulnerability is often a 'do no harm' approach, which means that consideration of emotional, social and physical safety is given in any interaction with students. (refer to Youth Wellbeing Policy and Procedure) This will involve consideration of the following factors:

- identifying the risk of harm
- the probability that the harm would occur if care were not taken
- the likely seriousness of the harm
- the burden of taking precautions to avoid the risk of harm
- the social utility of the activity that creates the risk of harm.

### **Provision of suitable and safe premises**

FLC is committed to providing suitable and safe premises in accordance with relevant legislation and VRQA registration requirements for NSSSP. Foundation Learning Centre operates from a City of Casey and a Peninsula Campus, in Frankston both buildings with the required AS, 9b building code. The City of Casey are responsible for maintaining a safe building environment for our staff, students and visiting members of the community.

FLC staff have a responsibility to take reasonable care to ensure students or any other persons on the premises are not injured or damaged by the state of or in relation to the premises.

### **Provision of an adequate system of supervision**

FLC takes all reasonable steps to ensure the care, safety and welfare of students to prevent risk and provide adequate supervision both in and outside of the premises according to the circumstances of each cohort or individual. Parents are made aware of break times and sign the Break Time permission slip in agreement that outlines the student level of supervision during break times.

Additional measures and precautions to ensure the safety and/or supervision of students under the age of 18 are enforced according to the Department of Education (under the Education and Training Reform Act 2006) and Early Childhood Development (DEECD) Policies and are set out in FLC related policies and procedures such as the Behaviour Management and Camps and Excursions policy and procedures.

### **Implementation of strategies to prevent bullying**

FLC has a 'No tolerance' for bullying and is committed to implementing strategies to prevent bullying including cyberbullying, as stated in the Harassment, Bullying (including cyberbullying) and Victimisation Policy. Educators are advised to limit their advice to students within their own professional role they are employed in and are to immediately report any forms of bullying to the Wellbeing team.

Anti-Bullying training and education is embedded into areas of curriculum and further enforced through regular incursions and guest speakers such as Victoria Police and Headspace who provide students with education and advice in these areas.

### **Ensuring that medical assistance is provided to a sick or injured student**

Foundation Learning Centre has a designated first aid room. Staff and students are made aware of who the first aid officers are during the induction stages of enrolment and recruitment. This information is accessible visually throughout the buildings. Access to the first aid room



is only for first aid staff. Student supplied medication is stored in the first aid room which always remains locked or supervised. Medical assistance is provided to sick or injured students in accordance with the Accidents and Injuries Policy together with the Release of Young Person Policy, Mandatory Reporting Procedure and Medical Consent Forms. All incidents are documented and recorded through the incidents report form and recorded on the register.

### **Child Safe**

Staff have a duty to take reasonable precautions to prevent the abuse of a child by anyone within or associated with the organisation while under the supervision or care of FLC. FLC is committed to the Child Safe Standards and all staff are educated in regards to the policies, procedures and correct reporting channels surrounding allegations. All staff are required to sign the FLC Code of Conduct prior to commencing work and complete ELMO Learning - Protecting Children - Mandatory Reporting and other Obligations Certificate during the induction stage of recruitment.

### **Students leaving class or school grounds without permission**

All students and children under the age of 18 enrolled at FLC must have permission to leave early and be signed out by a parent or guardian as per the Early Release of a Young Person Policy. If an educator or staff member reasonably suspects a student or child has left the premises, excursion or camp without permission they need to take all reasonable steps to discharge the duty of care that is owed to the student and must immediately contact the wellbeing team, who will contact the parent of the student.

Staff also are required to determine what reasonable steps to take, relevant considerations include the following:

- the location of the non-school or RTO or the non-school approved activity and its proximity to external dangers such as busy roads or railway lines
- whether the student has a disability that may affect their ability to appreciate the risk associated with their behaviour and actions
- the age of the student
- the student's prior behaviour or previously exhibited vulnerabilities, difficulties or troubles
- the student's mental state immediately prior to leaving the school grounds or the school approved activity i.e. whether they were highly distressed, whether they were drug or alcohol affected, whether they had indicated an intention to hurt themselves or others
- the time that has elapsed since the student has left the school grounds or school approved activity
- whether other students who are under the care and supervision of the school staff can be appropriately supervised whilst appropriate action is taken to manage the student who has run away from school or the school approved activity.

Staff need to document and register the student leaving on the class attendance and incident register if or when required.



## Legal Matters

In all matters pertaining to a legal and or DHHS rulings, relevant staff will be informed in writing of specific measures that FLC will implement to maintain Duty of Care and requirements dictated by legal documents of DHHS orders.

## Related Documents:

### External:

- Education and Training Reform Act 2006
- Education and Training Reform Regulations 2007
- Ministerial Order 184
- DEECD Duty of Care Policy
- DEECD Supervision Policy

### Internal:

- OHS Policy
- OHS Procedures
- Induction Policy and Procedure
- Child Safe Policy
- Code of Conduct
- Mandatory Reporting Procedure
- Procedure for responding and reporting incidents, disclosures and suspicion of abuse
- Procedure for responding and reporting incidents, disclosures and suspicion of abuse within FLC
- Student Welfare Services Policy
- Student Welfare Services Procedure
- Youth Wellbeing Policy
- Youth Wellbeing Procedure
- Behaviour Management Policy and Procedure
- Camps and Excursions Policy
- Student Learning Outcomes
- Harassment, Bullying (including cyberbullying) and Victimisation Policy
- Student Handbook
- Accidents and Injuries Policy
- Release of Young Person Policy
- Medical Consent Form