

Duty of Care

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	Last Review and Approved	September 2023

Board Policy 11.2

exceeded what was expected, and went above and beyond what was culturally, socially and legally expected of him.

- 1.6. The College and College staff students in their schools, as well as the safety and welfare of themselves, other workers and other people who may be affected by their work. This duty of care exists whenever work is being

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2. Purpose

- 2.1. This policy clarifies the accountability

4.5.3.

related policies and

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4.10. Non-Educational or Non-Classroom Activities
4.10.1.

and overseas educational trips held outside the College grounds. Duty of care can be transferred to non-teaching staff, volunteers and external providers under certain circumstances. Excursions, camps and overseas educational trips are strictly controlled and explained further excursion policy³³.

4.12. Students leaving the College grounds during school hours other than for excursions

4.12.1. The College will not allow a student to leave the College during the school day in circumstances where there is no parental permission.

4.12.2. If a student has been given parental permission to leave, the College must be satisfied that no foreseeable harm will come to the student.

4.12.3. If the College, having assessed the situation, considers that the student may be placed at risk if allowed to leave the College grounds, permission to leave will be refused notwithstanding that parental permission has been given. If, for example, the College becomes aware of unsatisfactory behaviour, risk related behaviour or other circumstances likely to affect the health, safety or welfare of the student, it will be justified in withdrawing permission, and will discuss these concerns with the student's parent or caregiver³⁴.

4.13. **Events** - Events are College endorsed activities where the duty of care remains with the parent/s or guardians. For example: attendance at a College Musical performance as an audience member. However, it's important to note that when students are under the direct supervision of College Staff at events, the school assumes the duty of care. This is especially relevant during student performances.

4.14. Staff to Student Ratios.

4.14.1. There are many factors that influence the ratio of staff to student, including the age of the students, their capability, the location of the activity and the nature of the activity.

4.14.2. Apart from the requirement that a registered teacher must retain overall responsibility for the activity there is no specific Staff to student ratio for excursions/camps legislated. Due to this, all teachers are to use Curriculum Activity Risk Assessment (CARA) guidelines when considering the duty of care inherent in different excursions, camps and overseas educational trips. These guidelines are available on their website³⁵.

4.14.3. For some activities the College requires a higher standard concerning staff to student ratios. Staff to student ratios are summarised in 11.2.1 Duty of Care Appendix 1.

5. Process

5.1. For the parent to succeed in an action in negligence, due to a breach of duty of care, against the College and/or teachers it is necessary for the parent to establish:

- a. the College and/or teacher owed a duty of care to the student;
- b. that the standard of care was breached; and
- c. that this breach has caused the student to suffer some form of harm.

5.2. Allegations of the College and/or persons listed in section 3.1 breaching their duty of care can be addressed through the following means:

- a. the College Grievances, Disputes and Complaints policy³⁶

³³ College Policy 4.1.1 Excursion Policy

³⁴ request by a mature post-compulsory student to leave the premises during free periods and breaks, provided written authority by the student's parent has been given. The situation would be somewhat different if the permission related to a 6-year-old student leaving school premises to buy lunch at the local shopping centre, a situation in which the prudence of the parent could be expected. See Duty of Care Handbook (2019) Independent Schools Queensland p20

³⁵ <https://education.qld.gov.au/curriculum/stages-of-schooling/CARA/activity-guidelines>

³⁶ Board Policy 11.4 Grievances Disputes and Complaints

17/8/22

