

Policy Name:	<b>Duty of Care (Guidelines)</b>
Document Number:	SS7.9.01
Approved by:	CEO
Last Approval Date:	April 2022
Review Date:	April 2024
Audience:	Charlton Brown Staff, Students and Community
Contact Officer:	HSP Coordinator
Related Documents:	Health Safety Environment Policy; Health Safety and Environment Risk Management Procedure;
Legislation:	

### 1. Purpose and Objective

Charlton Brown values the relationships between all members of the college community. As well as the educational, spiritual and social aspects of these relationships, the college is also aware of its legal and ethical responsibilities in regard to the students in its care. The College’s Duty of Care in protecting students from reasonably foreseeable injuries includes adequate supervision of students, protecting students from dangerous situations and maintaining safe premises and equipment.

We are aware that the duties and responsibilities of the staff at Charlton Brown extend beyond the legal requirements to protecting the physical and moral welfare of all student.

### 2. Guidelines

1. The safety of the students is paramount at all times.
2. All staff are aware of the existence of Duty of Care.
3. All staff are aware that the college has a Duty of Care to students whenever the college is exercising control over the students’ actions. They are also aware that the known or ought-to-be-known presence of student in the college campuses constitutes a legal Duty of Care.
4. All students, staff and other personnel in the college comply with the spirit and the specific content of the policy.
5. All staff are aware of their responsibilities in regard to adequate supervision of students in all situations.
6. All staff recognise their responsibilities in protecting students from dangerous situations and activities.
7. Preventive health, safety and environment risk management procedures are in place.
8. Maintenance of safe premises and equipment is in place.
9. Students are protected from bullying and harassment play.
10. Staff are aware that liability depends on failure to take reasonable care in the circumstances and on the damage caused by that failure.

#### General Supervision

Staff must take reasonable precautions for the well-being of students and others. There is a need for sound behaviour management and supervision skills in classrooms, around the college campuses, and while on college excursions.

**Before College**

The known or ought-to-be known presence of student on college campuses is sufficient to establish a legal duty of care. On setting rules concerning behaviour or setting supervision times, before and after college, the college realizes that it has a Duty of Care and that adequate supervision should be provided. Teachers must carry out their rostered supervision for the full term of that duty.

- The college's, supervision commences before college at 8.30am in the common area. If student arrive at college before this time, they are to wait on the ground floor. Students are not to move to any other areas of the college unless under the direction and supervision of a staff member. No student is allowed to leave the college once they have entered the grounds, unless parental permission is granted and correct procedures are followed.

**Excursions and Camps**

Colleges and teachers owe a Duty of Care to students for the duration of the excursion. Excursions need to be assessed to ensure they are justified in terms of risk of harm and the value of the activity. It is important to thoroughly plan all aspects of the excursion and to keep records of procedures followed.

- The environment the student will be entering should be assessed for any hazards and procedures put in place to minimise any risk.
- A minimum student/teacher (or adult) ratio needs to be set to ensure adequate supervision in all circumstances.
- Excursions forms should be completed by parents or guardians which provide relevant information about medications, allergies and other health issues. Consent should also be obtained for the student to receive any necessary medical treatment.
- Parents or guardians must sign a form consenting to the student's participation based on the full knowledge of what the excursion involves. A separate form must be completed for every excursion.
- Staff should plan for emergencies by ensuring a mobile phone, first aid kit and emergency phone numbers are available.
- First aid kits are necessary for most excursions. A person with a current First Aid certificate should accompany any excursion involving physical activity or a remote location.
- Buses that transport students to excursions are to be equipped with seat belts.

**Non-teaching staff and volunteers**

Non-teaching staff and volunteers owe a Duty of Care where they take part in a college activity. The following points need to be taken into consideration. It is the responsibility of the college to ensure that staff or volunteers are appropriately skilled to carry out any responsibilities which involve the safety of students.

- Non-teaching staff who are asked to carry out basic first aid for students are expected to exercise due care when doing this, even though the Duty of Care rests mainly with the college.
- It is advisable that non-teaching staff have First Aid training.
- Volunteers need to be made aware of their Duty of Care if taking responsibility for a group of student.

**First Aid**

The Duty of Care requires a teacher to take control of a health emergency but it does not necessarily require the teacher to personally administer First Aid. Staff members should have current First Aid training and should be equipped to administer appropriate First Aid. The college administration will inform staff about students with specific health conditions.

- Teachers with current First Aid training should carry out basic First Aid in the event of an accident.
- Teachers are not expected to have the skills of a doctor. The Duty of Care is fulfilled if teachers do what a reasonable person would do in that situation.
- Teachers are to write a detailed report of the incident.
- Duty of Care does not require teachers to expose themselves to the risk of infection but it does require them to protect their students from a known danger of infection.
- Duty of Care requires the college to inform teachers if any student has a serious contagious disease requiring them to stay away from college until no longer contagious.
- Staff must protect themselves and all students from blood spills.

**College Policies and Procedures**

All Staff are expected to be aware of, and fully comply with, all College Policies, especially those relating to the safety and welfare of the student in our care. The Critical Incidents Policy, in particular, is in operation throughout the college and regular induction and training in its different aspects is undertaken.

**HSP**

Accommodation and Welfare Care arrangements:

You must live with:

- a parent, legal custodian or DHA approved guardian; or
- an approved homestay provider, provided that you are enrolled at the college, even if you turn 18 before completing your course.

You must not change these arrangements unless we give you written approval.

You must report any serious or urgent threat to your welfare to us immediately.

If you live with a Charlton Brown approved guardian to provide for your accommodation and welfare, we will communicate with that guardian on all matters to do with your enrolment and college (including welfare matters) as if the guardian is your parent.

If we determine that your health or wellbeing, or the wellbeing of others, is likely to be at risk and that we are no longer able to approve your welfare arrangements for any reason, including (without limitation):

- your conduct or misconduct in breach of this agreement; or
- the occurrence of a serious health issue or non-disclosure of medical information to us, we may cancel your enrolment unless responsibility for your welfare arrangements is accepted by your parent, legal custodian or Charlton Brown approved guardian within five business days.

We must report to authorities that we are no longer able to approve your welfare arrangements and your student visa may be affected.

Our Appeals Policy does not apply if we cancel your enrolment in accordance with this paragraph.

**Contact details:** You must advise the college of your residential address in Australia within seven days of arriving in Australia. You must advise us within seven days of any change in your residential address. Failure to do this may affect your student visa.

You must also keep us advised of your current telephone and email contact details, including the contact details of your parent/s/legal custodians and emergency contact person/s, and must advise us within seven days of any change.

**Homestay conduct:** If you are living with a homestay provider, you must:

- respect members of the family, their property and the home environment.
- participate actively as a member of the household.
- take responsibility for your own behaviour.
- comply with the household rules.
- comply with the homestay provider's decisions about your actions and welfare, including outings and curfews.
- have a mobile telephone and carry it on your person when traveling; and
- keep the homestay provider informed of your whereabouts, and remain contactable by them, at all times.

If you fail to meet these standards, we may consider your conduct to be unsatisfactory behaviour and may cancel or suspend your enrolment, or we may withdraw approval of your welfare arrangements. This may affect your student visa.

**Moving homestay** If you want to live with a different homestay provider, you should talk to the person who coordinates homestay for your college and your college HSP Coordinator. We will not approve new homestay arrangements within the first four weeks of your stay unless there are exceptional circumstances.

If we are required to move you to a different homestay, we will generally give you at least two weeks' written notice. In exceptional circumstances (for example, if we are concerned about your safety), we may move you immediately.

If your homestay provider is temporarily unable to provide homestay for you, we will arrange for you to be temporarily placed with another homestay provider.

**Travel and Activities:** If you are living with a homestay provider and we consider your conduct to be unsatisfactory behaviour we may cancel or suspend your enrolment, or we may withdraw approval of your welfare arrangements. This may affect your student visa.

**Course requirements** You are expected to participate in all college activities that form part of your course requirements, including excursions and off-site activities involving travel.

**Routine activities** You must discuss routine activities with your homestay provider and comply with their decisions. Routine activities include travel to and from college or off-site college activities, everyday travel with your homestay provider, and normal domestic activities such as shopping, entertainment, sports, visiting friends and health care consultations. It does not include overnight stays away from the homestay address.

**Non-routine activities** You must obtain the college permission for all non-routine activities. This includes overnight travel away from your homestay provider's residence (with or without your homestay provider), activities where the sports, leisure and recreation provider requests parental consent or activities that require supervision other than your homestay provider.

In assessing your request, we will consider all relevant circumstances including the nature of the activity, the arrangements for supervision, your welfare and your age and maturity. We may also consider the views of your parents, legal custodians and homestay provider but we will not necessarily grant permission even if they consent.

To request permission, please complete the travel and activities form available on our website and submit it to your international student coordinator.

**No high-risk activities** You must not undertake high-risk activities, even if you have the permission of your parents, legal custodians or homestay provider, unless the activities are approved by us.

"High-risk activities" means any activity which inherently poses an increased risk of harm, illness or injury.

**Examples of high-risk activities** are extreme sports, water activities and recreational activities with dangerous elements. "Harm" means any detrimental effect of a significant nature on a person's physical, psychological or emotional wellbeing (and includes self-harm).

**Transport** Your homestay provider may require you to use suitable public transport or other safe methods of travel to or from college or off-site college activities. You must not be a passenger in a vehicle driven by an unlicensed driver.

You must not be a passenger in a vehicle driven by a driver with a learner (L plate) driver's licence or a provisional (P plate) driver's licence unless you have the written permission of your parents or legal custodian and us.

You may only drive a vehicle if:

- you obtain a Queensland driver's licence.
- the vehicle is registered in your name or parent or legal custodian's name.
- the vehicle is subject to full comprehensive insurance that has coverage for an at-fault driver; and
- you have the approval of your parents or legal custodian.

You may, with the permission of your parents or legal custodian, undertake driving lessons with a professional driving instructor if you hold a Queensland learner licence.

Version History				
Review Period:		2 years from date of last approval		
Version Number:	Approved by:	Approval Date:	Effective Date:	Sections Modified:
D1				New Policy developed
1.0	CEO	April 2022	April 2022	Approval of new policy