



DUTY OF CARE FRAMEWORK

24th MAY 2021



FRAMEWORK

Duty of Care

MAY 2021

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1. Vision

The vision for Catholic Education Sandhurst Limited (**CES Limited**) is to provide, in partnership with our families, stimulating, enriching, liberating and nurturing learning environments in each of the Catholic school communities within the Diocese. At the heart of this vision is our commitment to the ongoing duty of care that we have for the safety, wellbeing, and inclusion of all children and young people.

We believe:

- that the values of the Gospel are central to who we are, what we do, and how we act.
- in leadership encompassing vision, innovation and empowerment.

2. Introduction

In partnership with families, is entrusted with the care of children and young people in Sandhurst Catholic Schools and work together with families for the wellbeing of all students. CES Limited has legal and pastoral responsibilities for the duty of care to students to take reasonable care to avoid acts or omissions, that are reasonably foreseeable, that would be likely to result in harm or injury to students in Sandhurst Catholic Schools.

As the owner and operator of Sandhurst Catholic Schools, CES Limited seeks to ensure that all schools offer a broad, comprehensive curriculum imbued with an authentic Catholic understanding of Christ and his teaching, as well as a lived appreciation of membership of the Catholic Church.

The CES Limited Duty of Care Framework provides the key documents and elements of our approach to protecting the children and young people in our care. All Sandhurst Catholic Schools must ensure that policies and procedures implemented at school level are consistent with this CES Limited Duty of Care Framework Policy.

3. Definitions

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| Anaphylaxis | A severe, rapidly progressive allergic reaction that is potentially life threatening. The most common allergens in school-aged children are peanuts, eggs, tree nuts (e.g. cashews), cow’s milk, fish and shellfish, wheat, soy, sesame, lupin and certain insect stings (particularly bee stings). |
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| Asthma | A chronic health condition affecting approximately ten per cent of Australian children and teenagers. People with asthma have sensitive airways in their lungs which react to triggers, causing a flare-up. In a flare-up, the muscles around the airway squeeze tight, the airways swell and become narrow and there is more mucus. |
| CES Limited Board | Board of Directors of CES Limited |
| CES Limited Office | CES Limited Office is the leadership and management arm of CES Limited |
| CECV | Catholic Education Commission of Victoria |
| Child | A person who is under the age of 18 years |
| Child abuse | <p>Child abuse includes:</p> <ol style="list-style-type: none"> 1) Any act committed against a child involving <ol style="list-style-type: none"> a) sexual offence or b) an offence under section 49B of the Crimes Act 1958 (grooming) and; 2) The infliction, on a child, of <ol style="list-style-type: none"> a) physical violence or b) serious emotional or psychological harm and 3) Serious neglect of a child |
| CYFA | <i>Children, Youth and Families Act 2005</i> |
| DET | <i>Department of Education and Training (Victoria)</i> |
| DFFH | <i>Department of Families, Fairness and Housing</i> |
| Employee | <p>A person of or over the age of 18 years who is:</p> <ul style="list-style-type: none"> • an employee of the CES Limited, whether or not the person is employed in connection with any work or activities of the CES Limited that relate to children. • engaged by the CES Limited to provide services, including as a volunteer, contractor, officeholder or officer, whether or not the person provides services to children |
| ETR Act | <i>Education and Training Reform Act 2006</i> |

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| ETR Regulations | <i>Education and Training Reform Regulations 2017 (Vic)</i> |
| Equal Opportunity Act | <i>Equal Opportunity Act 2010 (Vic)</i> |
| Executive Director | The person holding the position of Executive Director of Catholic Education in CES Limited |
| Guidelines | Recommendations and guidance to support the implementation of this Board approved Framework and related Policies, which may be developed and approved by the Principal of a Sandhurst Catholic school for operation in a particular School in accordance with this Framework |
| OHS | Occupational Health and Safety |
| The Order | <i>Ministerial Order 870 – Child Safe Standards – Managing the risk of child abuse in schools</i> |
| Policy | A high-level principles-based directive by the Board that must be complied with by each Sandhurst Catholic school as detailed in this Framework |
| Procedure | A step by step instruction for the implementation of a CES Limited Framework and related Policies, which may be developed and approved by the Principal of a Sandhurst Catholic school for operation in a particular School in accordance with this Framework |
| Sandhurst Catholic School | A School which operates with the consent of the Bishop of the Catholic Diocese of Sandhurst and is owned, operated and governed by CES Limited, where formation and education are based on the principles of Catholic doctrine, and where the teachers are outstanding in true doctrine and uprightness of life |
| School community | Existing and prospective Sandhurst Catholic School staff, parents, guardians, carers, students and other stakeholders |

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| School environment | Any physical or virtual place made available or authorised by the CES Limited for the school for use by a child during or outside the school hours, including: <ul style="list-style-type: none"> • School campuses • Online school environments (including email and intranet systems) • Other locations provided by the school for a child’s use (including locations use for camps, sporting events, excursions, competitions, and other events) |
| School staff | An individual working in a school environment who is: <ul style="list-style-type: none"> • directly engaged or employed by the CES Limited • a volunteer • a contracted service provider and their employees • a minister of religion |
| VIT | Victorian Institute of Teaching |
| VRQA | Victorian Registration and Qualifications Authority |

4. Purpose

To document the Catholic Education Sandhurst (CES Limited Limited Duty of Care Framework, Policies and Procedures for all Sandhurst Catholic Schools.

The Duty of Care Framework outlines CES Limited Board approved policies and procedures.

CES Limited Board has a responsibility to ensure that Sandhurst Catholic Schools have a duty of care to provide safe and protected environments for students, adults and young children who use the school site on a daily basis or by casual association.

CES Limited Board owe a duty to take reasonable care that any student (or other person) in Sandhurst Catholic Schools will not be injured or damaged because of the state of the premises, including things done or omitted to be done to the premises.

As part of their professional obligation, all employees in Sandhurst Catholic Schools, have a legal duty to take steps to protect students in their charge from risks of injury or child abuse that are reasonably foreseeable.

5. Scope

This Framework and associated Policies and Procedures applies to all Sandhurst Catholic Schools, and is applicable to:

- Board of CES Limited
- All employees
- Contractors
- Volunteers
- ministers of religion (clergy) and religious personnel (Brother, Sister, Monk)
- Others, including visitors

6. Policy Statement

The CES Limited Board as the owner and operator of Sandhurst Catholic Schools has a responsibility to ensure the duty of care owed by Sandhurst Catholic Schools to all students including:

- ensuring that the employees of Sandhurst Catholic Schools comply with the seven Child Safe Standards
- provision of suitable and safe school environments to ensure that persons on the premises will not be injured or damaged because of the state of premises, including things done or omitted to be done on the premises
- development of policies to enable school principals to provide adequate systems for supervision of students at all times
- development of policies for the care, safety and welfare of students in Sandhurst Catholic Schools
- managing the recruitment, employment, induction and performance of staff in Sandhurst Catholic Schools
- managing the risks associated with the prevention of child abuse by an individual associated with Sandhurst Catholic Schools or CES Limited.

CES Limited Board recognises that greater measures of care may be required in Sandhurst Catholic Schools in relation to younger students, students with disabilities and possibly students from different ethnic orientations in order to fulfil duty of care obligations.

6.1 Acting within personal competencies

The CES Limited Board, CES Office employees and all staff in Sandhurst Catholic Schools are cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Negligent advice could constitute a breach in duty of care. Advice is to be limited to areas within one's own professional competence and given in situations arising from a role specified for them by the nature of their employment or engagement within CES Limited Board, CES Limited Office or Sandhurst Catholic Schools.

7. Framework

7.1 Legislative requirements

This Framework and incorporated Policies and Procedures reflect the mandatory requirements imposed on Sandhurst Catholic School under the *Education and Training Reform Regulations 2017*.

7.3 School specific procedures and Guidelines

Each Sandhurst Catholic School may develop Procedures and Guidelines in compliance with this Framework and related Policies.

Any Procedure or Guideline approved by the Principal of a Sandhurst Catholic School in accordance with this Framework must be consistent with this Framework.

Any Procedure or Guideline developed under this Framework must be intended to support the application of this Framework and related Policies in a particular Sandhurst Catholic School.

7.4 Application of Framework

All Principals of Sandhurst Catholic School are to ensure application of this Framework and related Policies, Procedures and Guidelines, in compliance with, and within the parameters of, this Framework.

8. Roles and Responsibilities

The Executive Director delegates the legislative requirements associated with the policies within this framework to the Assistant to the Executive Director: People and Culture and the Assistant to the Executive Director: Pastoral Wellbeing respectfully. The specifics of which policy and area these two roles are responsible for will be outlined in the Role Specification for these personnel. The CES Limited Board will be kept informed of compliance and quality assurance in these areas via the CES Limited Child Safety/Audit & Risk Committee, as outlined in the CES Limited Delegations Framework.

8.1 Role of the CES Limited Board

The CES Limited Board will:

- ensure that the CES Limited Duty of Care Framework policies and procedures in all Sandhurst Catholic Schools are developed, endorsed, enacted and reviewed
- receive reports from the Executive Director on implementation and compliance in relation to all areas relating to Duty of Care across all schools and CES Limited Offices.

8.2 Role of the Executive Director

The Executive Director will:

- ensure this Duty of Care Framework is enacted across all schools and work locations.
- provide resources to schools to support review, development, and implementation of the policies within this framework.
- ensure clear expectations and training is provided to principals in complying with the legislative requirements in the area of Duty of Care.
- ensure that CES Limited Office staff are cognisant with the legislative requirements and their application in Sandhurst Catholic Schools
- ensure the CES Limited Office processes and practices are fully aligned with legislative requirements in all Duty of Care areas
- reports to CES Limited Board with details of compliance in relations to all areas of Duty of Care across all schools and CES Limited Offices.

8.3 Role of the School Principal

The School Principal is delegated, as the responsible person, to be the leadership and management arm of CES Limited Office at a local school level.

The Principal will:

- ensure that the school meets ongoing Duty of Care requirements as specified by legislation
- lead the school's participation in the cyclical school review process monitoring Duty of Care processes and practices
- ensure that all staff are cognisant with Duty of Care requirements and CES Limited and CECV Duty of Care resources and related VRQA advice and materials
- ensure all staff undertake training and professional learning relating to all areas of Duty of Care, including the training which is mandatory
- seek advice from CES Limited Office with respect to Duty of Care matters
- advise the CES Limited Board of any significant matters that may have major Duty of Care issues in a timely manner
- keep appropriate notes and correspondence with respect to Duty of Care issues

- provide regular, scheduled reports to the Executive Director on the Duty of Care policy implementation.

8.4 Transparency and Fairness

An up-to-date version of all prescribed Policies and Procedures forming part of this Framework must be maintained on the website of each Sandhurst Catholic School at all times.

A Principal of a Sandhurst Catholic School must ensure transparent, fair and supportive processes in compliance with this Framework.

A Principal of a Sandhurst Catholic School is responsible for ensuring full and accurate reporting and obtaining required approvals in accordance with the requirements under this Framework.

8.5 Record Keeping

A Principal of a Sandhurst Catholic School must ensure that the school complies with this Framework and related Policies in:

- [CES Limited Child Safety Framework](#);
- [CES Limited Student Behaviour Framework](#) and
- customising any Policies and Procedures forming part of this Framework in the manner prescribed in this Framework, including with the branding of the School logo.

Sandhurst Catholic School principals must ensure that the CES Limited Board is adequately informed of all relevant compliance failures under this Framework, by:

- actively promoting the principle that the CES Limited Board encourages and supports a culture of full and frank reporting
- encouraging staff and volunteers at Sandhurst Catholic Schools to respond and report breaches of the law and other incidents of non-compliance, and to see reporting as a positive and non-threatening action
- clearly setting out reporting obligations in all School Procedures and Guidelines and reinforcing these obligations by other methods, and customising any incorporated appendix forming part of this Framework in the manner prescribed in this Framework, including with the branding of the School logo.

Records of all reporting and approvals made and obtained under this Framework are to be kept in a secure manner for a period of 10 years.

8.6 Review

This Framework and the incorporated appendices will be reviewed on a regular basis, at least every three years or when there is a change in relevant legislation, to ensure that they continue to be suitable, adequate and effective to achieve the compliance

obligations of the CES Limited Board and the Principals, staff and volunteers at Sandhurst Catholic Schools. The process of continual improvement will be undertaken in accordance with the following principles:

- the review to be conducted in accordance with good review and audit practices
- the review to be carried out and overseen by competent persons who are free from bias and conflict of interest
- findings and recommendations to be documented and provided to the CES Limited Board for consideration and, if appropriate, implementation.

9. Contents of Framework

- [Appendix 1: School Level Duty of Care Statement](#)
- [Appendix 2: School Level Anaphylaxis Management Policy](#)
- [Appendix 3: School Level Asthma Policy](#)
- [Appendix 4: School Level Bullying Prevention Policy](#)
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