GOVERNMENT OF
WESTERN AUSTRALIA

Department of
Education

Duty of Care for Public School Students Policy

Effective date: 1 January 2019

Version: 2.10

Last update date: 7 July 2026

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1. Policy statement

The Department is committed to achieving a balance between protecting students from an unreasonable risk of harm and encouraging students' independence and maximising their educational opportunities.

All Department of Education (the Department) employees have a duty of care to protect students from risk of harm that can reasonably be foreseen when students are involved in all school activities, whether on or off the Department site.

2. Policy rules

Site managers must:

- inform all employees, volunteers and external providers of their duty of care responsibilities
- apply appropriate risk management strategies to reduce the foreseeable risk of harm to students during all school activities conducted on and off Department sites
- comply with the following supporting procedures for managing risks associated with specific activities:
  - Excursions in Public Schools procedures
  - Leisure Activities in Residential Facilities procedures
  - Recreation and Outdoor Education Activities for Public Schools procedures
  - Student Drivers on Western Australian College of Agriculture and Farm Based Public School Sites procedures
  - Training With An External Registered Training Organisation (RTO) for Public Schools procedures
  - Workplace Learning for Public Schools procedures.

Guidance

The Department promotes positive and inclusive school communities where all members feel a sense of connection and belonging, feel valued, heard, supported and are safe.

Site managers should use their professional judgement in discharging their duty of care responsibilities.

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Non-teaching staff, volunteers and external providers have a right to refuse a request to personally care for students and to have their decision respected by members of the teaching staff. Non-teaching staff, however, have limited scope to refuse a request from teaching staff to personally care for students if, by reason of their Job Description Form (JDF), the request relates to a task they are required to perform as part of their normal duties.

Risk management involves the identification, evaluation, treatment and ongoing monitoring of risks. See the Departments Risk and Business Continuity Management policy for further information and guidance.

Principals are instructed there is an interim ban on the outdoor use of inflatable amusement structures, including bouncy castles, in public schools. Schools are also prohibited from using zorb balls. The ban applies to situations where school facilities are made available for use by third parties. Refer to CEO Instruction - interim ban on the outdoor use of inflatable structures and banning of zorb balls.

Guidelines are available to support this policy and each of the Supporting Procedures.

- Duty of Care for Public Schools
- Excursions in Public Schools procedures
- Recreation and Outdoor Education Activities for Public Schools procedures
- Student Drivers on Western Australian College of Agriculture and Farm Based Public School Sites
- Training With An External Registered Training Organisation (RTO) for Public Schools
- Workplace Learning for Public Schools

3. Responsibility for implementation and compliance

Implementation of the policy is the responsibility of all employees.

Line managers are responsible for compliance and monitoring.

4. Scope

This policy applies to all employees.

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

5. Supporting procedures

Leisure Activities in Residential Facilities procedures

Training with External Registered Training Organisations for Public Schools procedures

Excursions in Public Schools Procedures

Workplace Learning for Public Schools procedures

Student Drivers on Public Schools with Farms procedures

Recreation and Outdoor Education Activities for Public Schools procedures

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6. Definitions

Duty of care

A duty imposed by law to take reasonable care to minimise the risk of harm to another.

Employee

A person who is currently employed by the Department of Education under the *School Education Act 1999* or the *Public Sector Management Act 1994*.

External provider

A business, service provider or individual engaged by the school to provide a venue, service and/or expertise appropriate to a particular activity.

School activity

An activity organised or managed by a Department employee nominated to be in charge of the activity as part of his or her duties.

Department site manager

Officers who have executive responsibility for overall management of any Department site.

Student

A person who is enrolled at a school or short-term visiting student, involved in school activities, both in school and out of school.

7. Related documents

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Relevant legislation or authority

Children and Community Services Amendment Act 2008

Disability Discrimination Act 1992 (Commonwealth)

Equal Opportunity Act 1984

Occupational Safety & Health Act 1984 (WA)

Occupational Safety and Health Regulations 1996 (WA)

Public Sector Management Act 1994 (WA)

School Curriculum and Standards Authority Act 1997 (WA)

School Education Act 1999 (WA)

School Education Regulations 2000 (WA)

Sex Discrimination Act 1984 (Commonwealth)

State Records Act 2000 (WA)

Teacher Registration Act 2012 (WA)

The School Education Act Employees' (Teachers and Administrators) General Agreement 2019 (WA)

Volunteers (Protection from Liability) Act 2002 (WA)

Western Australian College of Teaching Act 2004

Working with Children (Criminal Record Checking) Act 2004 (WA)

Working with Children (Criminal Record Checking) Regulations 2005 (WA)

Department policies

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Alcohol and Other Drugs in the Workplace policy

Child Protection in Department of Education Sites policy

Criminal History Screening for Department of Education Sites policy

Curriculum Assessment and Reporting in Public Schools policy

Equal Opportunity, Discrimination and Harassment policy

Incident Management on Department of Education Sites policy

Leisure Activities in Residential Facilities procedures

Occupational Safety and Health policy

Research Conducted on Department of Education Sites by External Parties policy

Risk and Business Continuity Management policy

Staff Conduct and Discipline policy

Student Attendance in Public Schools policy

Student Behaviour in Public Schools policy

Student Health Care in Public Schools policy

Students Online in Public Schools policy

Visitors and Dignitaries on Public School Premises policy

Working with Children Checks in Public Schools policy

Other documents

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

CEO Instruction - interim ban on the outdoor use of inflatable structures and banning of zorb balls

Guidelines for First Aid in Department Workplaces (staff only)

Physical Contact with Students (Guidelines) (staff only)

School Curriculum and Standards Authority: K-10 Curriculum and Assessment Outline

School Curriculum and Standards Authority: WACE Manual

8. Contact information

Policy manager:

Director, Student Engagement and Wellbeing

Telephone: (08) 9402 6100

Policy contact officer:

Principal Consultant, Student Engagement and Wellbeing

Telephone: (08) 9402 6448

9. History of changes

Effective date	1 January 2019
Last update date **Policy version no.**	2.0

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Notes	Major review of Duty of Care for Public School Students policy. Endorsed by the Director General at Corporate Executive on 9 August 2018. This new policy replaces the Outdoor Education and Recreation Activities for Public Schools, Duty of Care VET for School Students Attending TAFEWA Colleges from Public Schools and Workplace Learning for Public School policies.
Effective date	1 January 2019
Last update date	20 January 2020
Policy version no.	2.1
Notes	Addition of Student Drivers on Western Australian College of Agriculture and Farm Based Public School Sites Procedures and removal of Outdoor Education and Recreational Activities for Public Schools Procedures endorsed by the Director General D20/0033995.
Effective date	1 January 2019
Last update date	21 February 2020
Policy version no.	2.2
Notes	Minor changes to contact information D20/0086638.
Effective date	1 January 2019
Last update date	4 January 2021
Policy version no.	2.3
Notes	Addition of Recreation and Outdoor Education Activities for Public Schools Procedures endorsed by Director General D20/0350265.

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Effective date	1 January 2019
Last update date	16 February 2021
Policy version no.	2.4
Notes	Addition of Excursions in Public Schools Procedures endorsed by Director General on 11 February 2021 D21/0074488.

Effective date	1 January 2019
Last update date	7 February 2022
Policy version no.	2.5
Notes	Minor change to include CEO Instruction - interim ban on the outdoor use of inflatable structures and banning of zorb balls D22/0069926

Effective date	1 January 2019
Last update date	12 June 2023
Policy version no.	2.6
Notes	Minor update to contact details (D23/1219928).

Effective date	1 September 2019
Last update date	18 September 2023
Policy version no.	2.7
Notes	Minor update to contact details (D23/1530231)

Effective date	1 January 2019
Last update date	1 February 2024
Policy version no.	2.8

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Notes	Update to contact details (D23/1582068) and addition of Leisure Activities in Residential Facilities Procedures endorsed by the Director General on 14 December 2023 D23/1353332
Effective date	1 June 2026
Last update date	17 June 2026
Policy version no.	2.9
Notes	Incident Management on Department of Education sites policy has replaced Emergency & Critical Incident management policy and Visitors and Intruders has been replaced by Visitors and Dignitaries on Public School Premises. Alignment with the Department style guide.
Effective date	1 January 2019
Last update date	7 July 2026
Policy version no.	2.10
Notes	Minor update to guidance language (Approval D26/0529611)

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

10. More information

Supporting content

Procedure

Leisure Activities in Residential Facilities procedures
Training with External Registered Training Organisations for Public Schools procedures
Excursions in Public Schools Procedures
Workplace Learning for Public Schools procedures
Student Drivers on Public Schools with Farms procedures
Recreation and Outdoor Education Activities for Public Schools procedures

Policy review date

1 January 2022

Policy last updated

7 July 2026

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.