



Department of
Education

Duty of Care for Public School Students Policy

Effective date: 1 January 2019

Version: 2.4

Accurate at the time of printing 29/07/2021.

Table of contents

1. Policy statement	3
2. Policy rules	3
3. Responsibility for Implementation and Compliance	4
4. Scope	4
5. Supporting Procedures	4
6. Definitions	5
7. Related documents	5
8. Contact information	8
9. History of changes	8
10. More information	10
Policy review date	10
Policy last updated	10

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; and
- comply with the following supporting procedures for managing risks associated with specific activities:
 - 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 Procedures;
 - Training With An External Registered Training Organisation (RTO) for Public Schools Procedures; and
 - Workplace Learning for Public Schools Procedures.

Guidance

The Department promotes positive and inclusive school communities where all members feel safe and are safe.

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

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.

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.

5. Supporting 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 Western Australian College of Agriculture and Farm Based Public School Sites Procedures](#)

[Recreation and Outdoor Education Activities for Public School Procedures](#)

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

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

[Alcohol and Other Drugs in the Workplace](#)

[Child Protection in Department of Education Sites](#)

[Criminal History Screening for Department of Education Sites](#)

[Curriculum Assessment and Reporting in Public Schools](#)

[Equal Opportunity, Discrimination and Harassment](#)

[Incident Management on Department of Education Sites](#)

[Occupational Safety and Health](#)

[Research Conducted on Department of Education Sites by External Parties](#)

[Risk and Business Continuity Management](#)

[Staff Conduct and Discipline](#)

[Student Attendance in Public Schools](#)

[Student Behaviour in Public Schools](#)

[Student Health Care in Public Schools](#)

[Students Online in Public Schools](#)

[Visitors and Intruders on Public School Premises](#)

[Working with Children Checks in Public Schools](#)

Other documents

[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:

Manager, Curriculum Support

T: (08) 9402 6129

Policy contact officer:

Principal Consultant, Curriculum Support

T: (08) 9402 6297

9. History of changes

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

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.

10. More information

Supporting content

Guideline

[Bushwalking](#)

[Camping](#)

[Horse Riding](#)

[Orienteering, Rogaining and Navigation Activities](#)

[Paddling](#)

[Power Boating](#)

[Sailing and Sail Boarding](#)

[Swimming and Water based Activities](#)

[Surf Riding](#)

[Snorkelling](#)

[Caving](#)

[Scuba Diving](#)

[Abseiling and Climbing](#)

[Ropes Courses and Bouldering](#)

[Cycling, Cycle Touring and Mountain biking](#)

Procedure

[Training with External Registered Training Organisations for Public Schools Procedures](#)

[Excursions in Public Schools Procedures](#)

[Workplace Learning for Public Schools Procedures](#)

[Student Drivers on Western Australian College of Agriculture and Farm Based Public School Sites Procedures](#)

[Recreation and Outdoor Education Activities for Public School Procedures](#)

Policy review date

1 January 2022

Policy last updated

16 February 2021