



Student Duty of Care

PURPOSE

Ballarat Grammar is committed to ensuring the safety, wellbeing, and welfare of all students by maintaining a student-safe culture in compliance with Ministerial Order 1359 and the Victorian Child Safe Standards (2022). Our policies, practices, and procedures are designed to protect students from harm and promote their overall wellbeing in alignment with VRQA minimum standards and relevant State and Commonwealth laws.

In accordance with these obligations, Ballarat Grammar takes the following actions:

- Implements reasonable measures to protect students from risks of harm and injury that could have been foreseen.
- Maintains safe school premises, ensuring students and others on-site are not exposed to injury or harm due to environmental risks.
- Takes all reasonable precautions to prevent child abuse by individuals associated with the School.
- Ensures that duty of care extends beyond traditional school hours, covering extracurricular activities, camps, excursions, and boarding facilities.
- Takes proactive steps to ensure cultural safety, inclusion, and diversity, particularly for Aboriginal and Torres Strait Islander students, students with disabilities, LGBTQIA+ students, and those from diverse backgrounds.

This approach is embedded in our School's philosophy, practices, and strategic planning, ensuring that student safety and student welfare are the responsibility of all staff, students, and the School community. This document is designed to provide a plain-English overview of Duty of Care.

WHAT IS DUTY OF CARE?

Duty of Care is a legal obligation that requires schools and their staff to take reasonable measures to protect students from harm while they are under the School's supervision. This duty is *non-delegable*, meaning that the School cannot transfer its responsibility to another party. An individual employed by the School can only transfer their responsibility to another individual employed by the School in an equivalent role.

Duty of Care applies during school hours, outside of school hours, and during School-related activities, and on all Ballarat Grammar campuses or off-site for any School related activity or event. Activities where Duty of Care applies include:

- Classroom learning
- Recess and lunch breaks
- All Boarding activities
- Excursions, camps, and overseas exchanges
- Sporting activities and competitions
- School-sanctioned online and remote learning

Ballarat Grammar and its staff must anticipate potential risks and take steps to prevent harm that could have been reasonably foreseen.

LEGAL FRAMEWORK

Duty of care obligations are based on:

- Common law principles of negligence
- Ministerial Order 1359 – Child Safe Standards
- Education and Training Reform Act 2006 (Vic)
- Occupational Health and Safety Act 2004 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Crimes Act 1958 (Vic) – Mandatory Reporting & Failure to Protect





Ballarat Grammar is required to implement policies, procedures and training to ensure compliance with these legal obligations.

RESPONSIBILITIES OF SCHOOL STAFF AND VOLUNTEERS

All School staff owe a duty of care to students and must:

- Supervise students appropriately and intervene when necessary to prevent harm.
- Assess and manage risks for school and boarding activities, including excursions, camps, and high-risk environments.
- Report student safety concerns in line with mandatory reporting requirements.
- Ensure student safety in both physical and online environments.
- Provide additional support for students with disabilities, medical conditions, or other vulnerabilities.
- Promote a culture of inclusion and respect to protect students from discrimination, bullying, and harm.

SUPERVISION & RISK MANAGEMENT

Ballarat Grammar must ensure adequate supervision during all activities. This includes:

- On-campus supervision: Classroom and Boarding House activities, break times, and within specified times before and after school as per the School's Supervision Guidelines.
- Off-campus supervision: Excursion, camps, and sports events require specific risk assessments.
- Online learning supervision: Ensuring safe use of digital platforms and addressing cyberbullying risks.
- Student health and medical needs: Ballarat Grammar is required to have Anaphylaxis Management Plans, Medical Action Plans and Emergency Response Procedures.

ADDRESSING STUDENT SPECIFIC NEEDS

Duty of care varies depending on a student's:

- Age, experience and capabilities (younger students require closer supervision).
- Disabilities and impairments (additional precautions may be needed).
- Medical conditions (e.g., students with asthma or epilepsy require risk management plans).
- Behavioural needs (students with a history of risk-taking require additional monitoring).

Ballarat Grammar has an obligation to take reasonable measures to accommodate individual needs and ensure equitable access to education.

REPORTING AND RESPONDING TO INCIDENTS

All staff must immediately report safety concerns, including:

- Suspected child abuse or neglect (Mandatory Reporting).
- Bullying, discrimination, or harassment affecting student wellbeing.
- Injuries or safety hazards within the school environment.

Staff should document incidents accurately and follow the School's reporting procedures.

CHILD SAFE STANDARDS AND CULTURAL SAFETY

Ballarat Grammar must comply with Child Safe Standards, which require:

- A strong child safety culture embedded in policies and practices.
- Cultural safety for Aboriginal and Torres Strait Islander students.
- Prevention of child abuse through risk assessments and staff training.
- Student voice and empowerment in decision-making about their safety.





DUTY OF CARE COMPLIANCE

Ballarat Grammar ensures Duty of Care compliance through:

- Provision of information to Staff, Volunteers and Contractors relating to their legal obligations under child protection laws, occupational health and safety laws, and student welfare requirements during induction and onboarding processes
- Staff training on duty of care, student safety, and risk management.
- Policies and procedures for student supervision and incident response.
- Effective risk management strategies for excursions, camps, and special activities.
- Reporting mechanisms for staff and students to raise concerns.
- Ongoing policy reviews to ensure compliance with legal requirements.

DIGNITY OF RISK

Dignity of Risk means that every person has the right to make choices and take reasonable risks in life in order to learn, grow and undertake new experiences. Taking risks is part of life and helps students to develop independence and confidence.

While Dignity of Risk is important, Ballarat Grammar must balance its Duty of Care in providing a supportive, learning environment. We do this through:

- Curriculum and experiences are tailored to meet the age and developmental stage of the students at each year level.
- Risk Management and Occupational Health & Safety Frameworks that utilise a **Plan, Do, Check, Act** cycle and assess both inherent and residual risks.
- Analysis of all incidents to ensure continuous review of mitigation strategies.

BREACH

All staff, volunteers and those engaged by Ballarat Grammar are expected to adhere with their Duty of Care obligations in support of student and community learning, health, safety and wellbeing. Any breach of Duty of Care is a Student Safety incident that must be reported internally. Any breach that meets the threshold for external reporting must also be reported to the relevant external authority.

REVIEW

Ballarat Grammar is committed to the continuous review and improvement of all its operations, including this *Code of Conduct*. It is the responsibility of the Senior Student Safeguarding Officer to regularly monitor and review the effectiveness of the Student Safety policies to ensure they are working in practice and revise the policy and program* when required and after any significant student safety incident. It is the responsibility of the Senior Student Safeguarding Officer along with the Safety & Risk Officer to engage with students, parents and the broader community in relation to the review of the School's Student Safety policies. *The Student Safety Program is the name given to the full collection of policies, procedures and documents that assist the School to provide a safe environment for students and to meet the requirements of the Victorian Child Safe Standards and Ministerial Order 1359. It includes policies and procedures for:

- Responding to and reporting student safety incidents and concerns
- Student safe human resources management (including WWC clearances)
- Participation and empowerment of students
- Informing and involving families and relevant communities in student safeguarding issues
- Equity and diversity
- Student safeguarding risk management strategies
- Strategies for embedding a culture of student safety at the School; and
- Regular reviews and continuous improvement of student safety policies, procedures, and practices.





GOVERNANCE DOCUMENT RESPONSIBILITIES AND COMMUNICATIONS

All documentation within the Governance Framework will be communicated throughout the School including, but not limited to, internal communications such as Nexus posts, staff emails, staff inductions and documentation distribution.

Document Owners are responsible for identifying and managing information-related risks and issues for their assigned information entities and for escalating these to Approval Authorities accordingly. Owners of Governance Documents are accountable for their respective procedures, manuals and work instructions in alignment with their position descriptions.



Office Use Only

Document Control / History	
Document Code	SSS - 006
Approval Authority	Headmaster
Document Owner / Responsible Officer	Headmaster
Original Approval Date	
Current Version Date	March 2025
Scheduled Review Date	March 2026
History	March 2025 – Comprehensive review – converted to Plain English

Supporting Documents	
<ul style="list-style-type: none"> SSS-001 Student Safety & Support Policy (overarching policy - in development) SSS-002 Student Safety Program Reference Guide SSS-003 Student Safety Definitions and Additional References SSS-004 Student Safety and Wellbeing SSS-005 Student Safety Code of Conduct SSS-006 Student Duty of Care SSS-007 Student Safety and Risk Management Procedure SSS-008 Professional Boundaries Guidelines SSS-009 Responding to and Reporting Allegations of Abuse SSS-010 Our Student Safeguarding Officers 	<ul style="list-style-type: none"> SSS-011 Student Safety Report form – Incident, Disclosure, Suspicion SSS-012 Student Safety Report form – Student Sexual Offending SSS-013 Student Safety Report Form – Early Childhood SSS-014 Student Version – Student Safety & Wellbeing SSS-025 Restraint Guidelines SSS-026 Discipline Policy IDG-003 Privacy Policy ICT-XXX ICT Acceptable Use

Student Lifecycle / Pillars / Values / IDEALS / IB PYP Attributes					
Student Lifecycle	Student Lifecycle Subsection	Pillars	Values	IDEALS	IB PYP Attributes
<ul style="list-style-type: none"> Student Recruitment Delivery of Education Programs Graduation & Community 	<ul style="list-style-type: none"> Marketing & Advertising Enrolments & Offers Finance Teaching & Learning Assessment Experiences Careers / Work Experience Graduation Old Grammarians / Alumni 	<ul style="list-style-type: none"> Governance & Leadership Legislative & Regulatory Compliance Complaints & Compliments People & Culture Finance Community Engagement / Foundation Property & Maintenance 	<ul style="list-style-type: none"> Integrity Aspiration Courage Compassion Responsibility Hope 	<ul style="list-style-type: none"> Internationalism Democracy Environmentalism Adventure Leadership Service 	<ul style="list-style-type: none"> Inquirers Knowledgeable Thinkers Communicators Principled Open Minded Caring Risk Takers Balanced Reflective

Legislative Context
<ul style="list-style-type: none"> Betrayal of Trust Report - Betrayal of Trust Child Safe Standards CCYP The 11 Child Safe Standards Children Youth & Families Act 2005 (Vic) Children, Youth and Families Act 2005 legislation.vic.gov.au Child Wellbeing & Safety Act 2005 (Vic) Child Wellbeing and Safety Act 2005 legislation.vic.gov.au Crimes Act 1958 (Vic) Crimes Act 1958 legislation.vic.gov.au Education & Training Reform Act 2006 (Vic) Education and Training Reform Act 2006 legislation.vic.gov.au Education & Training Reform Regulations 2017 (Vic) Education and Training Reform Regulations 2017 legislation.vic.gov.au Education Services for Overseas Students (ESOS) Act 2000 Federal Register of Legislation - Education Services for Overseas Students Act 2000 Education & Care Service National Law Act 2010 Education and Care Services National Law Act 2010 legislation.vic.gov.au Family Violence Protection Act 2008 Family Violence Protection Act 2008 legislation.vic.gov.au Ministerial Order 1359 ministerial-order-1359-975 National Code of Practice for Providers of Education & Training to Overseas Students 2018 (National Code 2018) Federal Register of Legislation - National Code of Practice for Providers of Education and Training to Overseas Students 2018 National Quality Standard (NQS) National Quality Standard ACECQA Notifiable Data Breaches Scheme About the Notifiable Data Breaches scheme OAIC Privacy Act 1988 (Cth) Federal Register of Legislation - Privacy Act 1988 Worker Screening Act 2020 Worker Screening Act 2020 legislation.vic.gov.au





Regulatory Context				
VRQA	CRICOS / National Code / ESOS Act	ACECQA / Department of Education	International Baccalaureate	Other
<ul style="list-style-type: none"> Ministerial Order 1359 Victorian Child Safe Standards Child, Youth & Families Act 2005 (Vic) – Section 184 Education & Training Reform Act 2006 (Vic) Education & Training Reform Regulations 2017 (Vic) Worker Screening Act 2020 (Vic) VRQA Minimum Standards for School registration 	<ul style="list-style-type: none"> Education Services for Overseas Students (ESOS) Act 2000 National Code of Practice for Providers of Education & Training to Overseas Students 2018 (National Code 2018) – Standard 5 	<ul style="list-style-type: none"> National Qualifications Framework (NQF) Education & Care Service National Law Act 2010 Education & Care Services National Regulations 2011 National Quality Standard (NQS) – Quality Area 2 	<ul style="list-style-type: none"> International Baccalaureate Programme Standards – Standard A 	<ul style="list-style-type: none"> Child Wellbeing & Safety Act 2005 (Vic) Occupational Health and Safety Act 2004 (Vic) Crimes Act 1958 (Vic) Privacy Act 1988 (Cth) Notifiable Data Breaches Scheme Family Violence Protection Act 2008 (Vic)