



Kairos Community College

Duty of Care Policy

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| Purpose: | A “Duty of Care” is the responsibility to deliver a standard of care that a reasonable person with particular training and skills would perform in a given set of circumstances. Every person owes a duty of care to every other person who is reasonably likely to be injured by the first person's actions or failure to act. | |
| Scope: | Board, Staff and Volunteers of KCC | |
| Status: | Draft | Supersedes: no previous |
| Authorised by: | Directors of the board | Date of Authorisation: [Click here to enter a date] |
| References: | <ul style="list-style-type: none"> • Australian Education Regulations 2013 (Cth) • National Safe Schools Framework | |
| Review Date: | Every 2 years | Next Review Date: [Click to enter a date 24 months after the Date of Authorisation] |
| Policy Owner: | Governing Body | |

Policy Statement

This document provides information about why Duty of Care must be the first consideration in all KCC activities by all KCC workers, volunteers and Management Committee members. The document identifies guiding principles underpinning policy. Information about a variety of situations is also provided to assist workers, volunteers and BOD members to fulfil their Duty of Care responsibilities.

Board, workers and volunteers are committed to fulfilling their obligation to take reasonable care to avoid causing foreseeable harm to a young person, another person or their property whilst performing the activities of KCC.

Should the circumstances arise when there is a conflict between one's duty of care to a young person and to fellow workers, BOD or KCC, the duty of care to young people takes priority.

A breach of Duty of Care occurs when:

- Doing something a reasonable person would not have done in a particular situation, OR omitting to do something a reasonable person would have done **AND**
- Some harm is caused to the person due to the unreasonable act of the worker. Harm can be defined as physical harm, economic loss or psychological trauma.

Negligence is a failure to exercise the degree of care and skill which can be reasonably expected in the circumstances from someone with particular training and skills

The law requires KCC workers paid and unpaid to take all reasonable care in carrying out their work and ensure that appropriate standards of care are met. This is a responsibility that KCC as an organisation, legally is obligated to fulfill e.g. KCC owes a duty of care to anyone who is reasonably likely to be affected by its activities. It is important to note that duty of care becomes greater, the more vulnerable the person is. At all times, this must be staff's first consideration when at work.

The appropriate standard of care is assessed on what action a reasonable person would take in a particular situation. KCC Workers need to use their professional skills and experience to decide on what actions they should take in each situation of potential harm. Whilst the KCC Policy and Procedures Manual is a guide as to what is considered reasonable conduct and is applicable to all members of staff and the Board when acting on behalf of the College, this policy and its related procedures provide specific guidance of how to respond to common situations experienced by KCC workers.

The principles underlying Duty of Care towards clients is based upon the values of respect, the inherent dignity of persons, client self-determination and empowerment. This includes the right of an informed individual to take calculated risks. Everyone has a right to an assumption of competence. Informed decision making involves a general awareness of the consequences of the decision and the decision is made voluntarily and without coercion.

Guiding Principles

- All KCC workers, volunteers and contractors involved in the care of young people will at all times:
 - provide a standard of care that is reasonable and consistent with the KCC policies and procedures.
 - use a "do no harm as a worker" approach, using risk assessment and harm minimisation strategies as a fundamental component of their practice
 - not provide care services or tasks which require qualification or training that they do not have.

- Explain to a young person that confidentiality is within the organisation and that there are certain times when their “duty of care” overrides the confidentiality principle.
- Promptly report concerns about the safety of young people (including environmental hazards) to the KCC Head of School so that appropriate action can be taken.
- Young people accessing KCC will be encouraged to make their own decisions regarding their care at all times. This may require the support of other significant people (e.g. family or friends) on an informal basis or more formally through case planning with other workers involved with the young person.
- If there is concern about the ability of a young person to make informed decisions, the Head of School will determine what action to take.
- In managing aggressive or threatening behaviour KCC workers and/or volunteers will first ensure their own safety and the safety of others.
- The factors to be considered in situations of potential harm are:
 - the risk and likelihood of harm
 - the sorts of injuries that could occur and an assessment of the seriousness of those injuries
 - precautions that could be taken to minimise the risk of harm or seriousness of the injury
 - the usefulness of the activity involving risk
 - Current professional standards about the issues.
- Avoiding harm or injury involves:
 - Determining when harm or injury is foreseeable
 - Taking account of the seriousness of the potential harm or injury
 - Assessing risks from the other person's perspective
 - Recognising that some risks are reasonable
 - Not actively harming or injuring the other person
 - Avoiding discrimination and overly restrictive options
 - Avoiding compromises to the rights of others
 - Noticing risks that the person alerts you to
 - Recognising when people are at risk of injury from others
 - Supporting people to confront risks safely
 - Safeguarding others from harm or injury
 - Maintaining confidentiality - Duty of care will be greatest to those who are relying on the worker the most.

| Policy Review and Version Tracking | | | | |
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| Version | Date to be Reviewed | Person Responsible | Comments | Date Adopted |
| 1 | | Mark Cornford | Policy developed | |
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