

# DUTY OF CARE POLICY

Approved by FSAC Ltd Board: 24 October 2023

Version: 4.6

Last Reviewed: 31 July 2023

Next Review: 1 July 2026

Contact Officer: Manager People, Culture and Compliance

## 1 Statement

The FSAC Board recognises that the FSAC Colleges and Staff bear a responsibility for the safety and welfare of students in “loco parentis”. This Duty of Care acknowledges that as the students are children and young people they are particularly vulnerable and dependent upon those charged with their care to protect them from reasonably foreseeable risks of harm and injury.

SPECIAL NOTE: This policy should be read in concert with Protecting Children and Young People in Anglican Education Policy, Guidelines and Procedures which deals with matters of harm, sexual abuse or inappropriate behaviour. The Protecting Children and Young People in Anglican Education Policy, Guidelines and Procedures must be kept at the forefront when considering and implementing the contents of this policy and associated procedures. In the event that reasonable suspicions exist that harm, and/or sexual abuse has occurred or is likely to occur, the Protecting Children and Young People in Anglican Education Policy, Guidelines and Procedures must be followed.

## 2 Scope

This policy and its affiliated procedures apply to the Board, employees (paid or unpaid, full time, part time, casual and volunteers) and other persons such as parents/carers, clergy, contractors and consultants associated with the Colleges and associated entities.

## 3 Principles

This policy is based on the following principles:

- FSAC Ltd, the Board, Colleges, staff and volunteers, each have a duty of care to take reasonable steps to prevent students from being exposed to foreseeable risks of harm and/or injury.
- The vulnerability and special dependence of children and young people upon their carers imposes an expectation of a high standard of care on FSAC Ltd, the Board, Colleges, staff and volunteers.
- While College staff members generally dispense practical care to students; this does not eliminate, negate or diminish the duty of care owed by FSAC Ltd to College students.

- Adequate student supervision, grounds and facilities maintenance and policy and procedural reviews will assist in the prevention of foreseeable harm and injury to create safe school communities.

## 4 Legal and Other Reference Material

Refer to Appendix 1 for a list of Acts and Regulations which relate to this policy.

### 4.1 Affiliated Authorities

The following policies and procedures support this policy:

- Critical Incident Management Procedure (College Specific)
- Critical Incident Plan (College Specific)
- Accreditation Management Policy
- Protecting Children and Young People in Anglican Education Policy
- Working with Children Policy
- Risk Management Policy
- Student Welfare Management Policy
- Compliance Management Policy
- Student Management Policy
- Staff Management Policy
- Financial Management Policy
- Facilities Management Policy
- Work Health and Safety Management Policy
- Student Enrolment Policy
- Volunteer Management Policy
- International College – Homestay Management
- Whistleblower Policy

## 5 Accountabilities and Responsibilities

Board:	is the governing body of FSAC Ltd and is therefore ultimately responsible for ensuring the proper and effective management and operation of the FSAC organisation. The Board is responsible for the overall governance of FSAC Ltd. This includes defining and monitoring the strategic direction, developing and monitoring policies, monitoring the effectiveness of the Board's and the Company's performance, and establishing control and accountability systems.
College Councils:	are responsible for the administration and implementation of the Strategic Direction, Policies and Procedures and Control and Accountability systems developed by the Board. The College Councils act within the scope of powers delegated to them by the Board and remain accountable to and report regularly to the Board.

Principal:	is held accountable for the effective management of their College including the maintenance of all accreditation compliance requirements. The Principals are responsible to the Board for leading the Colleges to deliver high quality curriculum and educational outcomes, excellence in teaching and learning, strong College communities and driving the agenda for building the Colleges' market growth. The Principals work closely with the College Councils in the management of the College. The Principals report to the Board through the College Council.
Manager, Human Resources and Compliance:	is responsible for ensuring the FSAC Ltd organisation achieves its strategic objectives through the development and application of best practice human resource management principles and practice which comply with employment law, industrial relations and work health and safety requirements and which minimise corporate risk exposure to human resource related issues by ensuring that a comprehensive Board and operational policy framework is in place and compliant to all statutory requirements.
Staff Members:	employed by the FSAC Colleges, including staff who are employed subject to the Enterprise Bargaining Agreement or other industrial instrument are expected to abide by all organisational policies and procedures.

## 6 Managing this policy

This policy is to be reviewed every three years from the date of approval. Notwithstanding the scheduled review, should any circumstance change materially before the review period, the policy will be immediately reviewed in order to maintain appropriate accuracy, relevance and authority.

## Appendix One

### Legal and Other Reference Material

- *Civil Liability Act 2003* (Qld)
- *Criminal Code Act 1899* (Qld)
- *Child Protection Act 1999* (Qld)
- *Child Protection Reform and Other Legislation Amendment Act 2002*
- *Child Protection Regulation 2011* (Qld)
- *Education (Accreditation of Non-State Schools) Act 2017* (Qld)
- *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld)
- *Education (General Provisions) Act 2006* (Qld)
- *Education (General Provisions) Regulation 2017* (Qld)
- *Education (Queensland College of Teachers) Act 2005*
- *Education (Queensland College of Teachers) Regulation 2016*
- *Education and Other Legislation (Student Protection) Amendment Act 2003* (Qld)
- *The Education and Training Legislation Amendment Act 2011* (Qld)
- Our Commitment: Creating environments for children and young people to thrive CODE OF CONDUCT for Anglican Schools and Education & Care Services
- *Working with Children (Risk Management and Screening) Act 2000* (Qld)
- *Working with Children (Risk Management and Screening) Regulation 2020* (Qld)
- Protecting Children and Young People in Anglican Education Guidelines and Procedures
- Complaints Management in Anglican Education Policy  
Complaints Management in Anglican School Guidelines and Procedures
- Working with Children in Anglican Education Procedures and Guidelines
- The College Vision, Mission, and Values Statement