

4.18 Duty of Care and Safe Work Practice Policy

Policy number: 4.18
Date last reviewed: December 2024
Reviewed by: Child Care Team

This policy relates to	
National Quality Standards Early Childhood Education & Care	2.2.1,3.1,3.1.1,3.1.2,,7.1.2
National Principles for Child Safe Organisations Keeping our Kids Safe Cultural safety and the National principles for child safe organisations.	

Purpose

Beaucare is committed to providing a workplace which is safe and free of risk to its staff, volunteers, students, clients and visitors. Beaucare understands the obligations imposed on Management and staff to keep the workplace safe and comply with all Workplace Health & Safety regulations.

Policy Scope

This policy applies to all environments in which our staff, volunteers, students or educators work, and recognises that all staff, volunteers, students, clients and educators, their family members and members of the public have a legal Duty of Care to each other.

Policy Principals

We accept as an operating principle that employers and/or those employed in a supervisory or management role have an obligation to ensure that staff working under their direction employ safe practices, and that the workplace environment is physically safe to minimise the risk of illness or injury.

The establishment, maintenance and monitoring of safe work practices are both an ethical and a legal obligation of Beaucare, and we are committed to compliance with all relevant work health and safety legislation to ensure that staff, clients and community members’ exposure to risk of an adverse incident, accident or injury is minimised.

Definitions

TERM	DEFINITION
The Workplace	Is defined as any place where work is, is to be, or is likely to be performed by a worker, self-employed person or employer. A place may be a ‘workplace’ even though it does not have to

	be registered or notified as a workplace under a regulation, e.g. in the community, travelling in workplace vehicles etc.
Negligence	Negligence of the Duty of Care exists where an act or omission of a worker may affect the care or safety of another person. A breach of Duty of Care requires that some harm was reasonably foreseeable; that the worker did not take reasonable steps to minimise or avoid the accident or incident; and that harm has consequently been suffered as the result of the breach of Duty of Care.

Policy

Beaucare aims to provide a workplace that is safe and free of risk to its staff, volunteers, students, clients and visitors at the workplace by implementing processes that comply with legislation and support a healthy and safe work environment. We also actively promote the importance of effective WH&S practices for everyone who works at our organisation.

As an employer Beaucare has a legal liability and a Duty of Care to protect all staff, clients, volunteers, students and visitors to the workplace. Beaucare will ensure that all staff employ safe practices and that the workplace is physically safe. Staff working in the private homes of clients will be made aware of their legal Duty of Care and will be provided with adequate training for their service provision role. Beaucare will maintain insurance cover to provide for negligence and professional liability.

Beaucare will ensure specific practices are in place to protect employees who work in the community and in clients’ homes, as well as in Beaucare premises, and provide equipment and training to ensure employees are able to remain protected while undertaking work. We also ensure the reporting and review of incidents and hazards within a wider risk management framework to prevent and mitigate WH&S risks and accidents.

Roles & Responsibilities

❖ General Manager

Has a responsibility to monitor compliance with practices and procedures, adherence to legislation and ensure organisational responses to risks.

❖ Managers

Have a responsibility to:

- Ensure staff are trained and aware of all workplace health and safety requirements;
- Complete documentation according to procedures;
- Monitor compliance of staff to ensure they employ safe practices.

❖ **Workplace Health & Safety Committee**

Have a responsibility to conduct safety assessments of the workplace, review incident trends and research and advise improvements in Workplace Health & Safety as delegated

❖ **Staff, Educators, Volunteers, Students Visitors and Board**

Every person attending a Beaucare workplace has a responsibility to contribute to a safe environment and understand the legal duty of care owed to all.

Associated Beaucare Policies and Documents

[Appendix A Legislation](#)

[Appendix D Privacy and Communication](#)

[Appendix F QIP and Compliance](#)

Relevant Legislation

National Law

National Regulations 103,104,105,109,110,117,168,

National Quality Standard

Safework Australia - <https://www.safeworkaustralia.gov.au/>

Australian Government Department of Education and Training: *Child Care Service Handbook*

<https://www.education.gov.au/child-care-service-handbook-0>

National Principles for Child Safe Organisations

Keeping our Kids Safe Cultural safety and the National principles for child safe organisations.