



PRESBYTERIAN
CHURCH OF
VICTORIA



Duty of Care and Safe Church PCV

A duty of care exists when your actions could be reasonably expected to affect another person. As an employee or volunteer in the Presbyterian Church of Victoria (PCV), working with children under 18 years of age or with adults, you have a duty of care towards the people you minister to and your co-leaders, and potentially to others that you may come into contact with. You also have a duty of care to the parents of children in the ministry. The PCV is responsible for your actions as an employee or volunteer.

Duty of care is your obligation to act as a reasonable person towards others in whatever circumstances arise in your position as an employee or volunteer. Your actions should be made with care, attention, caution, and common sense. If they are not, then you may breach your duty of care.

This is why Safe Church PCV has the Safe Church Policy, Code of Conduct, Policy, Procedure & Practice Manual and Basic Training, as well as role descriptions for people working with children. Taken together, these assist you to understand your duty of care in your role within the PCV.

To minimise the risk of breaching your duty of care:

- Apply the TAP principle in your ministry – Transparency, Accountability and Preparation
- When you see a situation that may be dangerous take action.
- Do nothing to harm any person.
- If you are unsure of what to do in a situation, seek advice.
- Complete the Safe Church Basic Training within 12 months of commencing in your role.
- Watch or read the Safe Church Refresher Course every 12 months.
- Be fully aware of the Safe Church requirements, in particular the Safe Church Code of Conduct.
- Know and acknowledge the limit of your own abilities and expertise. Seek assistance in situations that are beyond your limits.

This information is available at www.safechurchpcv.org.au/resources



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What is Legal Duty of Care?

A duty of care exists when your actions could be reasonably expected to affect another person. As a leader or as someone who works with children under 18 in the PCV you have a duty of care towards them and your co-leaders, and potentially others that you may come into contact with.

Duty of care is your obligation to act as a reasonable person towards others in whatever circumstances arise in your position as a leader. Your actions should be made with care, attention, caution, and common sense. If they are not, then you may breach your duty of care. If you are not paid by the church as a leader or to work with children under 18 then the PCV is responsible for your actions as a volunteer.

In your role you act on behalf of the PCV – what you do *and* what you fail to do in your role bring liability to the PCV.

Claims against organisations regarding safety of children in the organisation: liability

There are three potential bases for asserting liability:

- Breach of general duty of care owed by the organisation to children to take reasonable precautions to keep them safe from harm (including from the risk of sexual abuse)
- Breach of non-delegable duty of care to ensure all reasonable care is taken for child safety, where the organisation engaged another to carry out the functions in question (as either an employee or a volunteer)
- Vicarious liability for the criminal acts of an employee committed while acting in the course of their employment or as a volunteer

Under the 'Reverse Onus' legislation in Victoria organisations will have to prove they took reasonable steps to protect children under their care from abuse. This will make it easier for victims to sue institutions for damages.