



## The Excursion Management Problem – Balancing Legal Risks and Practical Realities. What is the Solution?

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Schools have a legal duty to take reasonable care to protect students, and court cases show that this duty can extend outside school premises and outside school hours. A school which breaches this duty by, for example, failing to provide adequate supervision during a camp, may be found negligent in failing to safely conduct an excursion.

What ‘reasonable care’ means in practice is not always clear and can only be determined by a court. Laws generally only tell schools what NOT to do in specific scenarios, rather than what they SHOULD do to protect students.

With the law in a state of regular flux, Education Departments around Australia have attempted to establish excursion care thresholds through issuing guidelines. But, in reality, these documents are lengthy, inaccessible and often contradict each other. Without clear guidance, teachers rely on a ‘common-sense’ approach to student safety. However, without extensive record keeping, this approach is unlikely to be sufficient before a court.

The safest approach for schools is to have a structured planning process, assess all reasonably foreseeable excursion risks and conduct due diligence on vendors used. But schools are often unaware of the extent of their legal obligations or how best to implement them and they rarely employ staff who are risk experts. Additionally, planning an excursion is costly and time-consuming, even without all the bureaucratic red tape.

This paper addresses the challenges faced by schools in balancing legal obligations with the practical complexities of conducting a ‘safe’ excursion. It argues that solving the excursion management problem involves:

- standardising the creation, planning and implementation of an excursion;
- ensuring that activities are properly documented and archived;
- developing a healthy risk appetite; and
- adopting a due diligence approach to vendor selection

By taking these steps, schools can minimise their potential liability and cut bureaucratic red tape, enabling them to focus more on their core educational purpose and student duty of care obligations.