

Duty of Care Policy

Principals and teachers are held to a high standard of care in relation to students. The duty requires principals and teachers to take all reasonable steps to reduce risk, including:

- provision of suitable and safe premises
- provision of an adequate system of supervision
- implementation of strategies to prevent bullying
- ensuring that medical assistance is provided to a sick or injured student
- adhering to and ensuring other adhere to the Student Safety Code of Conduct

The school supports a culture (values, expectations and standards) and shared commitment to zero tolerance of child abuse, and arrangements that allow it to occur will not be tolerated. The school takes into consideration the diversity of the children attending the school, and their particular vulnerabilities. e.g. children with a disability, Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds.

Definition – Duty of Care

Whenever a student–teacher relationship exists, the teacher has a special duty of care. This is defined as: “A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher’s charge from risks of injury that the teacher should reasonably have foreseen.” (Richards v State of Victoria (1969) VR 136 at p. 141). As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.

School authorities in breach of the duty of care may be liable for injuries inflicted by one student on another, as well as for injuries sustained by a student.

Purpose

- To outline and explain the nature of the legal duties owed by teachers and school staff towards students.
- For school staff to effectively carry out their duty of care.
- For the school community to work together to provide a safe and secure learning environment for children.

Implementation

General

- All teachers have equal responsibility for ‘duty of care.’
- The duty is non-delegable, meaning that it cannot be assigned to another party.
- Duty of care is not confined to the geographic area of the school, to school activities or to activities occurring outside the school where a student is acting on a teacher’s/adult’s instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have ‘assumed’ the teacher-pupil relationship.
- Schools normally satisfy the duty of care by allocating responsibilities to different staff. For example, the principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in each school, and teachers are responsible for

carrying out their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.

School and Staff

- The Principal shall ensure that this policy is implemented and monitor supervisory arrangements on an ongoing basis. The Principal will:
 - Regularly communicate the duty of care and supervision obligations and responsibilities to all staff.
 - Regularly communicate the supervision arrangements to parents.
 - Determine the level of student supervision to be provided to students in all of the circumstances.
 - Allocate specific responsibilities to staff members to provide the supervision that is required
 - Communicate the specific supervision responsibilities allocated to staff members.
 - Regularly review the level of student supervision provided to students and make adjustments as and when deemed appropriate.
 - Regularly review the duty of care and supervision policy to ensure that it is consistent with the School Policy and Advisory Guide, and continues to meet the duty of care obligations and responsibilities for all students
- Teachers and other staff will:
 - Comply with the lawful and reasonable directions of the Principal
 - Comply with all Department and school policies
 - Perform supervisory duties as required
- The Principal will communicate this policy to all staff using the following mechanisms:
 - A copy of this policy will be provided to each member of staff in the Staff Handbook at the first staff meeting at the commencement of the school year.
 - New staff will be informed of this policy as part of the School's Induction Program.
- Whilst each case regarding a teacher's legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:
 - arriving late to scheduled timetabled yard duty responsibilities
 - arriving late to class or leaving a class early.
 - failing to act appropriately to protect a student who claims to be bullied
 - believing that a child is being abused but failing to report the matter appropriately
 - being late to supervise the line up of students after the bell has sounded
 - leaving students unattended in the classroom
 - leaving students with an unauthorised person (child safe)
 - failing to instruct a student who is not wearing a hat to play in the shade
 - ignoring dangerous play and failing to instruct a student who is not behaving in a safe manner
 - leaving the school or on an excursion venue without approval
 - inadequate supervision on a school excursion.
- Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific requirements of the duty involve providing adequate supervision in the school, during recess and lunchtime or on school activities as well as providing safe and suitable buildings, grounds and equipment.
- Any request for access to student and/or student information by other persons not usually associated with the student will be referred to the Principal. The release of confidential information will be determined by the identity of the person seeking the information and in accordance with DET policy and procedures.

- Staff members are cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Advice is to be limited to areas within a teacher's own professional competence/expertise.
- Teachers must ensure that the advice they give is correct and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

Parents/Guardians

- Parents, guardians and carers will
 - Make appropriate arrangements for the transport, care and supervision of students travelling to and from school
 - Make appropriate arrangements for the care and supervision of students outside the times of supervision before and after school
 - Comply with late arrival and early departure policies and other school based policies
- Students are not permitted to leave the school grounds during the school day unless the school has written permission from a parent/guardian or the parent/guardian signs the student out at the office prior to the student being collected from their classroom.
- It is expected that parents or other adults offering to assist a teacher within school programs and events eg. assisting students in class programs, helping out at sport, camp or on an excursion will be informed of their level of responsibility regarding duty of care by the teacher/s directly involved or via existing school documentation or policies outlining this.
A specific set of guidelines for all parents attending camps and excursions will be forwarded for clarification of roles and acknowledgement before a planned activity occurs. A set of guidelines for all classroom helpers will also be disseminated.

Visitors

- The Principal will ensure that there is a procedure to monitor all visitors in the school. As a minimum this procedure must require all visitors arriving and departing the school premises during school hours to use a visitors' book to record their name, their signature, the date and time, and the purpose of the visit.
- Seville Primary School Staff are required to ensure that we meet the requirements of Ministerial Order 870 and the Child Safe Standards which applies to all staff, contractors, volunteers and any other member of the school community involved in child-related work with students of Seville Primary School

Additional and Relevant Documents:

- SPS Child Safety Policy
- SPS Yard Supervision Policy
- SPS Staff Code of Conduct
- SPS Working with Children Policy
- SPS Camps and Incursion/Excursion Policy
- SPS Parent Information Handbook

Evaluation:

This policy will be reviewed as part of the School's three-year review cycle

This policy was ratified by School Council in 2017.

This policy will be reviewed by School Council in 2020.