

Duty of Care Policy

Rationale:

In addition to their professional obligations, all staff have a legal duty to take reasonable steps to protect students in their charge from risk of injuries that are reasonably foreseeable. All staff must be aware of their legal responsibilities for the care, safety and welfare of all students of St. Paul's Primary School.

Aims:

- To ensure that St Paul's staff have an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.

Implementation:

- In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their charge from risk of injury that are reasonably foreseeable.
- Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements of the duty involve providing adequate supervision in the school or on school activities as well as providing safe and suitable buildings, grounds and equipment.
- When external providers are in the school, teachers will continue to supervise students.
- A teacher's duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring outside the school where a student is acting on a teacher'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.
- The teacher's duty of care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen does not have a legal obligation to respond.
- 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
 - 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
 - failing to instruct a student who is not wearing a hat to play in the shade
 - ignoring dangerous play
 - leaving the school during time release without approval
 - inadequate supervision on a school excursion
- Staff members are also cautioned against giving advice on matters that they are not professionally competent to give (negligent advice).

- 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.
- All accidents and incidents are to be reported to Mr Harry Allard at the Catholic Education Office, East Melbourne PH 0439642881. The Regional Manager of the Western Region will act as the emergency Liaison Officer PH 0401 526 681. WorkSafe Victoria and Industrial Relations will be contacted if required.

Evaluation:

- This policy will be reviewed as part of the St Paul's review cycle.

This policy was ratified by St Paul's School staff in...

June 2016