



ST MARY'S PRIMARY SCHOOL, WILLIAMSTOWN

DUTY OF CARE

Rationale

In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.

Aim

This policy aims to ensure that the staff of St Mary's Primary School have an understanding of their duty of care to students, and undertake their professional role in a manner that supports students, and does not compromise any 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 risks of injury that are reasonably foreseeable.
- Consideration should be given to the age and capacity of children in our care, with greater attention required for younger students or students with disabilities.
- 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.
- 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.
- Staff members are also 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 and given in situations arising from a role (such as specialist teacher of a key learning area, year level coordinator or subject teacher) specified for them by the principal.
- 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.

Understanding the implications of a lack of Duty of Care:

- Each case regarding a teacher's legal duty of care will be judged on the circumstances that occurred at the time and the seriousness of the issue.
- Some examples of duty of care situations include:-
 - 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 (note also that 'Failing to Report' is now a criminal act.)
 - Being late to supervise the line up of students after the bell has sounded
 - Leaving students unattended in the classroom
 - Ignoring dangerous play
 - Leaving the school during time release without approval
 - Inadequate supervision on a school excursion

Communicating this policy to staff :

At the beginning of each school year staff will read the school policy as a group and review its implementation expectations.

The Deputy Principal has the responsibility for ensuring that any new staff to the school are familiarised with the school's policy and its implementation.

Parents are advised of the school's policies regarding supervision of students including times for before school and after school supervision through the Parent Information Centre and in the school's newsletter at the beginning of each year. Reminders are issued at regular intervals.

Evaluation:

This policy will be reviewed as part of the School Improvement Plan.

References:

<http://www.eduweb.vic.gov.au/edulibrary/public/schadmin/Management/6-16.pdf>

Department of Education and Early Childhood Development, The Schools Reference Guide at www.education.vic.gov.au/management/governance/referenceguide/default/htm

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