



Morwell Central Primary School

Duty of Care Policy 2022

Help for non-English speakers

If you need help to understand the information in this policy, please contact the school office on 51365568.

Rationale:

In addition to their professional obligations, Principals and teachers have a legal duty to take reasonable steps to protect students in their care from risks of injury that are reasonably foreseeable. “Duty of Care” is a legal obligation that requires schools to take reasonable steps to reduce the risk of reasonably foreseeable harm, which can include personal injury (physical or psychological) or damage to property. The reasonable steps that our school may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

Our school has developed policies and procedures to manage common risks in the school environment, including:

- Yard duty and Supervision
- Bullying Prevention
- Camps and Excursions
- First Aid
- Child Safe Standards
- External Providers (such as OTC, Speech therapists, Paediatricians etc)
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

Our school acknowledges we are required to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

Aims:

- To ensure that staff understand 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 risks 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, providing safe and suitable buildings, grounds and equipment, providing effective anti-bully strategies, and ensuring appropriate and timely medical assistance is provided to injured or sick 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 students after the bell has sounded and they have entered the Learning Hub.
 - Leaving students unattended in the Learning Hub.
 - Ignoring dangerous play.
 - Failing to instruct a student who is not wearing a hat to play in the shade.
 - Leaving the school during 'non-face to face teaching time' 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). Advice is to be limited to areas within a teacher's own professional competence and given in situations arising from a role (such as careers teacher, year level coordinator or subject teacher) specified for them by the Principal.
- Teachers must ensure that the advice they give is correct and well documented and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas where they may lack expertise.
- Greater measures may need to be taken for younger students or students with disabilities.

External Providers

Staff at our school acknowledge that, as our duty of care is non-delegable, we are also required to take reasonable steps to reduce the risk of reasonably foreseeable harm when external providers have been engaged to plan for or conduct an activity involving our students. Our *Visitors Policy* and *Camps and*

Excursions Policy include information on the safety and care of our students when engaged with external providers.

Communication:

This policy will be communicated to our school community in the following ways:

- Available publicly on our school's website
- Included in staff induction processes
- Included in staff handbook/manual
- Included in transition and enrolment packs
- Included as annual reference in school newsletter
- Made available in hard copy from school administration upon request.

Evaluation:

This Duty of Care Policy will be reviewed as part of the school's four-year review cycle or earlier as required.

APPROVAL

Consultation	School Council All Staff
Endorsed by	Justine Smyth, Principal
Endorsed on	9 th May, 2022
Next review date	May, 2024