

Duty of Care Policy

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:

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

Implementation:

- 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.
- While 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 demonstrate how a teacher can meet their legal duty of care responsibilities to their students:-
 - arriving on time to scheduled timetabled yard duty responsibilities
 - act appropriately to protect a student who claims to be bullied
 - reporting any instance where they believe that a child is being abused
 - arriving on time to supervise the line up of students after the bell has sounded
 - ensuring students are not left unattended in the classroom
 - instructing a student who is not wearing a hat to play in the shade
 - directing students to stop or avoid dangerous play
 - seeking approval to leave the school during time release
 - ensuring adequate 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 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.

Evaluation:

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

This policy was last ratified by School Council in April 2016