

## 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

1. 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 including:
  - ensuring the school complies with the seven Child Safe Standards
  - 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
  - managing employee recruitment, conduct and performance.
2. 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.
3. The important issue in all cases will be what precautions the school could reasonably be expected to have taken to prevent the injury from occurring. This will involve consideration of the following factors:
  - identifying the risk of harm
  - the probability that the harm would occur if care were not taken
  - the likely seriousness of the harm
  - the burden of taking precautions to avoid the risk of harm
  - the social utility of the activity that creates the risk of harm.
4. 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.
5. 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.
6. 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

## EVALUATION

Pakenham Hills Primary School is committed to ensuring this policy is publicised and implemented, and will monitor and review its effectiveness.

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

**This policy was ratified by School Council 2018**

**Principal**

**School Council President**

Version	Date	Modification	Modified By
1	12.06.2018	Added in additional dot point information in point number 1 in relation to the foreseeable risks. Swapped point 2 and 3 and added additional dot point information in point number 1 in relation to precautions.	Gail Butterworth