

DUTY OF CARE POLICY

Yarraman Oaks Primary School

Rationale:

- “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
 - Emergency Management
 - Volunteers
 - Visitors
 - Working with Children and Suitability Checks
 - Mandatory Reporting
 - Occupational Health and Safety

Aims:

- 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:

- Principals and teachers will take reasonable steps to minimise the risk of reasonably foreseeable harm, including:
 - ensuring the school complies with the seven Child Safe Standards
 - provision of suitable and safe premises
 - provision of an adequate system of supervision with appropriate student to teacher ratios
 - implementation of strategies to prevent bullying
 - ensuring that medical assistance is provided to a sick or injured student
 - managing employee recruitment, conduct and performance.
- 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.

- 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.
- 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
 - inadequate supervision of students while moving around the school in class groups
- 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. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

Evaluation:

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

This policy was last ratified in

April 2019