



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.

Duty of Care

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.

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.

Scope

This policy applies to all teaching and non-teaching staff at Cardinia Primary School, including education support staff, casual relief teachers and visiting teachers.

Implementation

- 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;
 - * Child Safety Reporting Obligations;
 - * Emergency Management;
 - * Visitors;
 - * Volunteers;
 - * Occupational Health and Safety; and
 - * Working with Children and Suitability Checks.
- Staff at our school understand that school activities involve different levels of risk and that particular care may need to be taken to support younger students or students with additional needs.

- The school understands that it is responsible for ensuring that the school premises are kept in good repair and will take reasonable steps to reduce the risk of members of our community suffering injury or damage because of the state of the premises.
- School staff, parents, carers and students are encouraged to speak to the Principal to raise any concerns about risks or hazards at our school, or our duty of care obligations.
- A teacher's duty of care is not confined to the geographical 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 student relationship.
- A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teachers charge from the risks of injury that the teacher could have reasonably foreseen.
- 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 for their students:
 - * arriving late to class or leaving a class early;
 - * 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; and
 - * inadequate supervision on a school excursion.
- Teachers should limit their advice to students to areas within their own professional competence and given in situations arising from a role specified for them by the Principal. They should ensure the advice they give is correct and in line with the most recent available statement from institutions or employers. Teachers should not give advice in areas unrelated to their role or where they may lack experience.

References

- School Policy and Advisory Guide
Duty of Care

Evaluation

This policy will be reviewed every three (3) years or as deemed necessary.

Ratified

As this is an operational policy it is not required to be ratified by School Council.