

PHILOSOPHICAL BASIS:

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Glen Katherine PS owe to our students and members of the school community who visit and use the school premises.

“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. Principals and teachers are held to a high standard of care in relation to students. The duty requires Principals and teachers to take all reasonable steps to reduce risk to students in their care.

GUIDELINES:

1. The general duty of principals and teachers is to take reasonable steps to protect students from reasonably foreseeable risks of injury. Steps to reduce risk include:
 - 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.
2. Duty of care is not confined to the geographic area of the school, to school activities or to activities occurring outside the school where a student is acting on a teacher’s/adult’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.
3. To satisfy duty of care arrangements, certain responsibilities will be allocated to different staff. e.g. Principal and Assistant Principal are responsible for making and administering such arrangements for supervision as are necessary; Student Welfare Co-ordinator is responsible for monitoring and overseeing the implementation of the school’s student welfare programs; teachers are responsible for carrying out their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.
4. 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:-
 - a) *arriving late to scheduled timetabled yard duty responsibilities*
 - b) *failing to act appropriately to protect a student who claims to be bullied*
 - c) *believing that a child is being abused but failing to report the matter appropriately*
 - d) *being late to supervise the line-up of students after the bell has sounded*
 - e) *leaving students unattended in the classroom*
 - f) *failing to instruct a student who is not wearing a hat to play in the shade*
 - g) *ignoring dangerous play and failing to instruct a student who is not behaving in a safe manner*
 - h) *leaving the school or on an excursion venue without prior notification*
 - i) *inadequate supervision on a school excursion.*
5. It is expected that parents or other adults offering to assist a teacher within school programs and events eg. assisting students in class programs, helping out at sport, camp or on an excursion will be informed of their level of responsibility regarding duty of care by the teacher/s directly involved or via existing school documentation or policies outlining this. A specific set of guidelines for all parents attending camps and excursions will be forwarded for clarification of roles and acknowledgement before a planned activity occurs. A set of guidelines for all classroom helpers will also be disseminated.
6. Parents and guardians will be kept informed as to when supervision of students is available both before and after school and that outside these times supervision and/or the collection of students is the responsibility of the parents/guardians. Supervision of
7. Students will be adequately supervised during recess and lunchtime.

8. Students are not permitted to leave the school grounds during the school day unless the school has written permission from a parent/guardian or the parent/guardian signs the student out at the office prior to the student being collected from their classroom.
9. Any request for access to student and/or student information by other persons not usually associated with the student will be referred to the Principal / Assistant Principal. The release of confidential information will be determined by the identity of the person seeking the information and in accordance with DEECD policy and procedures.
10. Staff members are 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/expertise.
11. 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.

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

- Child Safe Standards
- Yard duty and Supervision
- Bullying and Harassment
- School Camps
- Excursions and Incursions
- First Aid and Care Arrangements
- First Aid/Children with Special Needs
- Administration of Medications
- Anaphylaxis Management
- Asthma Treatment
- Diabetes Management
- Facilities
- Emergency Management
- School Privacy
- Volunteers
- Visitors
- Working With Children
- Mandatory Reporting and Reporting Obligations
- Occupational Health and Safety (OH & S)

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. Our school also 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.

FURTHER INFORMATION AND RESOURCES

School Policy and Advisory Guide: [Duty of Care](#)

*Date Reviewed and ratified: June 2018
Responsibility: Principal Team*