

<b>Bundoora Primary School Policy Manual</b>	<b>MANAGEMENT POLICY Duty of Care</b>	<b>Last ratified by School Council in: 16<sup>th</sup> September 2015</b>
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*If further information is required, please refer to the DET Guidelines.*

## **1. VISION**

To ensure Bundoora Primary School staff have an understanding of their duty of care to students and other employees or volunteers, and behave in a manner that supports these legal obligations.

## **2. ACTION**

- 2.1 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.
- 2.2 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.
- 2.3 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 – student relationship.
- 2.4 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.
- 2.5 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;
  - ignoring dangerous play;
  - failing to instruct a student who is not wearing a hat to play in the shade;
  - leaving the school during time release without approval;
  - inadequate supervision on a school excursion, including school camps.
- 2.6 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.
- 2.7 Teachers must ensure that the advice they give is correct and well documented and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas where they may lack expertise.

### **Informing Staff of the legislative liability of Duty of Care**

All staff will be informed of their legal requirement via the following sources:-

- 2.8 A copy of this document will be provided to each member of staff at the first staff meeting at the commencement of the school year, and will be placed on the school server.
- 2.9 New staff will be informed of their Duty of Care as part of the school's Induction Program.
- 2.10 CRT's (Casual Relief Teachers) will be informed through a copy of the policy in the Class Folders.
- 2.11 Duty of Care will be a regular agenda item at staff meetings and staff will be directed to familiarise themselves with section Student Safety of the Victorian Government Schools Policy Advisory Guide.
- 2.12 Staff will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions.
- 2.13 Bundoora Primary School has a rigorous approach to yard duty. The yard duty supervision begins at 8:40am and in the afternoon extends to 3:30pm. Before and after these times, parental supervision is required. Students may be sent to our Before and After School Care Program if they are unsupervised by parents/carers for extended periods outside these times. Parents/Carers will be invoiced as per OSHC rates. In extenuating circumstances, parents/carers are expected to contact our office to notify staff if their children are in our school grounds outside these hours.

### **3. REVIEW**

The *Duty of Care Policy* will be reviewed regularly, as part of the school's policy review process.