

## DUTY OF CARE POLICY

All government school staff will be made aware of their legal responsibilities. As part of the government school principal contract government school principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students.

Toolangi Primary School is committed to safety and wellbeing of all children and young people. This will be the primary focus of our care and decision-making.

Toolangi Primary School has zero tolerance for child abuse.

Toolangi Primary School is committed to providing a child safe environment where children and young people are safe and feel safe, and their voices are heard about decisions that affect their lives. Particular attention will be paid to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.

Every person involved in Toolangi Primary School has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

### **DEFINITION**

Whenever a student-teacher relationship exists, the teacher has a special duty of care. As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.

### **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**

- Provide adequate supervision in the school or on school activities (including camps and excursions) according to DEECD requirements.

- Ensure all teaching staff are appropriately trained and registered and ensure teacher supervision of ancillary staff, parents or trainee teachers.  
At law, the Duty of Care cannot be delegated.
- Provide safe and suitable buildings, grounds and equipment.
- Provide adequate supervision to situations both before and after school where a teacher can be deemed to have 'assumed' the teacher pupil relationship.
- Take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected, including sexual abuse.
- Provide adequate supervision in both classrooms and playground areas ensuring games and activities are safe and equipment is in good condition.
- Adhere to Sun Safe policy and protect against extreme weather conditions
- Teachers 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 specified for them by the principal.
- Discretion used when allowing students to visit the toilet or other areas of the school during class time.

### **Risks to students outside the school environment**

Legal cases establish that a teacher's duty of care does not start nor end at precise times during the day. The approach generally taken is that a teacher's duty applies irrespective whether the risk occurs in or outside the school environment. However, the important issue in all cases will be whether the school took **reasonable steps** to protect the student from the risk.

Risks outside the school environment may sometimes call for immediate and positive steps by a school depending on the age of students, urgency and threat of injury.

### **Playground Supervision**

It is understood that yard duty supervision within the school requires the teacher to fully comply with DEECD guidelines and brings with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and duty of care responsibilities. Teachers are also expected to follow school policy whilst on yard duty.

### **Excursions, Incursions and Camps**

- All camps, excursions and incursions must be school council approved.
- All procedural steps contained in the School camping, excursions and incursions Policy and Procedure outlines must also be followed.
- All camps and excursions must be entered on the Student Activity Locator at least three weeks prior to the activity.
- Teacher to fully comply with DEECD guidelines and bring with the knowledge an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and remain the person designated with duty of care.

- Teachers will be aware that an incursion with an external provider does not absolve supervision duties of the teacher, including first aid duties
- The teacher in charge will have copies of all confidential medical forms and permission notes with contact details. A copy of this material will also be kept at school.
- The school will ensure that the camp or excursion venue and transport adhere to DEECD guidelines.
- The teacher in charge or designated teacher of an excursion or camp will carry a mobile phone and a first aid kit.

**All staff will be informed of their legal requirement via Duty of Care**

- A copy of this document will be available to each member of staff.
- New staff will be informed of their Duty of Care as part of the school's Induction Program
- Duty of Care will be an 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.
- Staff will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions.
- Staff will be directed to the student Wellbeing policy annually.

***This policy will be revised during the life of the School strategic Plan; 2013 - 2017***