



## DUTY OF CARE POLICY

Approved by School Council: 2020



If you need help to understand the information in this policy, please contact the school office on 9547 1224

### PURPOSE

The purpose of the Duty of Care policy is to explain to our school community the non-delegable duty of care obligations that all staff at Athol Road Primary School owe to our students and members of the school community who visit and use the school premises.

### POLICY

'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.

A teacher's duty of care is not confined to the geographic area of the school, school activities or 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.

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.

Each case regarding a teacher's legal duty of care will be judged on the circumstances that occurred at the time.

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
- Grounds Maintenance
- Child Safe Standards
- External Providers
- Emergency Management
- Volunteers
- Visitors
- Working with Children Checks
- Mandatory Reporting
- Occupational Health and Safety

Our school acknowledges we are required to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

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 and given in situations arising from a role (such as careers teacher, year level coordinator or subject teacher) specified for them by the principal.

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.

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.

### External Providers

Staff at our school acknowledge that, as our duty of care is non-delegable, we are also required to take reasonable steps to reduce the risk of reasonably foreseeable harm when external providers have been engaged to plan for or conduct an activity involving our students. Our *Visitors Policy* and *Camps and Excursions Policy* include information on the safety and care of our students when engaged with external providers. Our school will follow all DET policy and guidelines in relation to off-site learning.

## COMMUNICATION

This policy will be communicated to our school community in the following ways:

- School website
- Induction processes
- Staff handbook/manual
- Staff meetings/briefings as required
- School newsletter
- Made available in hard copy from school administration upon request

## FURTHER INFORMATION AND RESOURCES

- the Department's Policy and Advisory Library (PAL): [Duty of Care](#)
- the Department's Policy and Advisory Library (PAL): [Structured Workplace Learning](#)

## POLICY REVIEW AND APPROVAL

Policy last reviewed	June 2020
Approved by	Principal
Next scheduled review date	June 2022