



DUTY OF CARE POLICY



Help for non-English speakers

If you need help to understand the information in this policy please contact Glenroy Specialist School: 03 9304 2263.

PURPOSE

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Glenroy Specialist 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.

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

- Bullying Prevention
- Yard Duty
- Camps and Excursions
- First Aid
- Child Safe Standards
- Emergency Management
- Child Safe Standards
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety
- Student Wellbeing and Engagement
- SunSmart Policy

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 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.

IMPLEMENTATION

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.

Teacher Duty of Care:

A teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this duty of care will be established if a teacher or principal failed to 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.

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.

Failure to meet their legal duty of care responsibilities includes but is not exclusive to the following actions:

- arriving late to class or leaving a class early
- arriving late to scheduled timetabled yard duty responsibilities
- being late to supervise students
- leaving students unattended in the classroom
- 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
- 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
- inadequate supervision on a school excursion

Staff members are not to give 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.

Risks to students outside the school environment:

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.

Classroom Supervision

- Staff must not leave the classroom unattended at any time during a lesson.
- It is not appropriate to leave students in the care of ancillary staff, parents or trainee teachers (At law, the Duty of care cannot be delegated)

- It is not appropriate to leave students in the care of external education providers for example during incursions (At law, the duty of care cannot be delegated)
- No student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour.
- In an emergency situation use the phone for the Principal or Assistant Principal or contact the teacher in the next room.

Yard supervision

Yard supervision is an essential element in teachers' duty of care. In supervising students, teacher's duty of care is one of positive action.

Teachers on yard duty supervision must be aware of the following:

- Students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- Yard duty supervision within the school requires the teacher to fully comply with DET 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 rostered for duty are to attend the designated area at the required time.
- Teachers on duty are to remain in the designated area until the end of the break period or until replaced by the relieving teacher, whichever is applicable.
- The handing over of duty from one teacher to another must be quite definite and must occur in the area of designated duty. Where a relieving teacher does not arrive for duty, the teacher currently on duty should send a message to the office, but not leave the area until replaced.
- Teachers should always be on the move and highly visible and be alert and vigilant

Informing Staff of the legislative liability of Duty of Care

A copy of this document will be provided to each member of staff at the commencement of the school year, and will be placed on the intranet. New staff will be informed of their Duty of Care as part of the school's Induction program.

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 also takes steps to ensure student safety when they are engaging in off-site workplace learning programs with external providers, such as when students are participating in work experience, school-based apprenticeships and traineeships, structured workplace learning and any other workplace learning program involving external providers. Our School will follow all applicable Department of Education and Training policy and guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount. The Department's guidelines in relation to Workplace Learning are available at the following link:

<https://www2.education.vic.gov.au/pal/structured-workplace-learning/policy>

FURTHER INFORMATION AND RESOURCES

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

POLICY REVIEW AND APPROVAL

Policy last reviewed	March 2 nd 2023
Approved by	Principal
Next scheduled review date	March 2027