



IRAMOO PRIMARY SCHOOL No 5152 STAFF DUTY OF CARE POLICY

Rationale:

In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their care 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:

- 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.
- 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-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.
- 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 keep all documentation in a detailed and accurate manner
 - failing to meet professional responsibilities; e.g. student welfare meetings
 - 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
 - failing to instruct a student who is not wearing a hat to play in the shade or go to the library
 - ignoring dangerous play/behaviour
 - allowing a student to play on equipment or participate in an activity which their medical condition prohibits
 - leaving the school during Administrative Planning Time without prior approval from the principal
 - inadequate supervision on a school excursion
 - failing to carry out lawful instructions given by the Principal, Assistant Principal and/or Leading Teacher.

- 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 team leader or specialist 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.
- Non-teaching staff do not have the extensive duty of care that teachers have but they must carry out their jobs in a safe manner and exercise due care and skill.
- If non-teaching staff see students acting in a dangerous manner or notice buildings or equipment are in a dangerous state they should report it immediately to the supervising teacher or a member of the leadership team.
- If non-teaching staff are in a supervisory role at an excursion or a camp, they must carry out their supervision conscientiously.
- All staff are to adhere to our school's Child Safe and Code of Conduct policies at all times.

Evaluation:

This policy will be reviewed as part of the school's three-year review cycle.

Ratified by Iramoo School Council: March 2017
Review Date: March 2020

References: <http://www.eduweb.vic.gov.au/edulibrary/public/schadmin/environment/4-4.pdf>
http://www.education.vic.gov.au/management/governance/referenceguide/enviro/4_6.htm
<http://www.eduweb.vic.gov.au/edulibrary/public/schadmin/Management/6-16.pdf>