



DUTY of CARE

Rationale:

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

“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 school will take all 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.

Aims:

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:

- Our school has developed policies, plans and procedures to manage common risks in the school environment, including:
 - Yard duty and Supervision
 - Bullying Prevention
 - Camps and Excursions
 - First Aid
 - Child Safe Standards
 - External Providers
 - Emergency Management
 - Volunteers
 - Visitors
 - Working with Children and Suitability Checks
 - Mandatory Reporting
 - Occupational Health and Safety

- 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 class or leaving a class early
 - arriving late to scheduled timetabled yard duty responsibilities
 - failing to act appropriately to protect a student who claims to be bullied
 - being late to supervise the line-up of students after a break
 - leaving students unattended in the classroom

- ignoring dangerous play
 - inadequate supervision on a school excursion
 - leaving the classroom unattended at any time during a lesson.
 - leaving students in the care of ancillary staff, parents or trainee teachers
 - leaving students in the care of external education providers for example incursion staff
 - failing to supervise students when they are moving to another area of the school
 - not ensuring students attend external toilets with a responsible partner.
 - placing students outside the classroom as a withdrawal consequence for misbehaviour.
- New staff will be informed of their “Duty of Care” as part of the school’s Induction Program.
 - The school recognises that different and sometimes greater measures may need to be taken for younger students or students with disabilities to discharge this ‘duty of care’.
 - 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.
 - 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 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.

Evaluation:

This policy will be reviewed every three years as a part of the school’s review cycle or more often if necessary due to changes in regulations or circumstances.

This policy is available on the school website.

This policy was last ratified by School Council in

September 2020