



DUTY OF CARE POLICY

RATIONALE:

In addition to the professional obligations of all staff here at St Monica's, all staff have a legal duty to take reasonable steps to protect students in their charge from any risk of injury that are reasonably foreseeable.

AIMS:

To ensure that all staff have an understanding of their duty of care to all students, and behave in a manner that does not compromise these legal obligations in any way.

IMPLEMENTATION:

- All staff will uphold the child safety standards pertaining to their role in child connected work.
- In addition to their professional responsibilities and obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their charge from all risks of injury that are reasonably foreseeable.
- Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements of that 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 geographical area of the school, or to school activities, or to activities occurring outside the school where a student is acting on the teacher's instructions. The duty also applies to situations both within and beyond 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 occur at the time of the incident, 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 a scheduled timetabled yard duty
 - ❖ Failing to act appropriately to protect a student who claims to be bullied
 - ❖ Believing that a child has been abused but failing to report the matter immediately & appropriately
 - ❖ Being late to supervise the line up after the bell has sounded
 - ❖ Leaving student unattended in the learning space
 - ❖ Failing to instruct a student who is not wearing a hat to move to an undercover area
 - ❖ Ignoring dangerous play
 - ❖ Inadequate supervision on a school camp or excursion

- Staff members are also cautioned against giving advice on matters 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, specific subject teacher, coordinator/ leader, school counsellor etc) specified to them by the principal.

EVALUATION

This policy will be reviewed to ensure that it adheres to Child Safety standards upon policy review.

Date of review: 4/11/2022