



Duty of Care Policy

Rationale

All government school staff will be made aware of their legal responsibilities. As part of the Government School Principal Contract, government school Principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students.

In addition to their professional obligations, the staff at Rosanna Golf Links Primary School have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.

Purpose

To ensure Rosanna Golf Links Primary School staff have an adequate awareness and understanding of their duty of care to students and other employees or volunteers, and behave in a manner that does not compromise these legal obligations.

Implementation

Duty of Care can only be deemed as negligent when an accident or injury occurs when:

- A duty of care was owed to the person harmed at the time of the injury
- The risk of injury was foreseeable
- The likelihood of the injury occurring was more than insignificant
- There was a breach of the Duty of Care or a failure to observe a reasonable standard of care
- This breach or failure was a cause of the injury.

The fact that a duty of care exists does not of itself mean that Rosanna Golf Links Primary School will be liable for an injury sustained by a student. In order for the student to succeed in a negligence claim, all of these elements must be established.

Actions

Principals and teachers are held to a high standard of care in relation to students. The duty requires Principals and teachers to take all reasonable steps to reduce risk, including:

- Provision of suitable and safe premises
- Provision of an adequate system of supervision
- Implementation of strategies to prevent bullying
- Ensuring that medical assistance is provided to a sick or injured student
- Managing employee recruitment, conduct and performance.

The duty is non-delegable, meaning that it cannot be assigned to another party.

Whenever a teacher-student relationship exists, teachers have a special Duty of Care. This has been expressed as: "a teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher's charge from risks of injury that the teacher should reasonably have foreseen." (Richards v State of Victoria).

**The nature and extent of the duty will vary according to the circumstances. For example, the standard of care required will be higher when taking a group of preps for swimming lessons than when teaching a group of Grade Six students in the classroom.*

The important issue in all cases will be what precautions the school could reasonably be expected to have taken to prevent the injury from occurring. This will involve consideration of the following factors:

- The probability that the harm would occur if care not taken
- The likely seriousness of the harm
- The burden of taking precautions to avoid the risk of harm
- The social utility of the activity that creates the risk of harm.

In addition to their professional obligations, staff have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.

This duty includes the duty to provide an adequate system of supervision.

The duty is not to prevent injury in all circumstances – it is a duty to take reasonable steps to prevent injury which is known or foreseeable.

Although the general duty is to take reasonable steps to protect students from 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 Rosanna Golf Links Primary 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-student relationship.

The Principal is responsible for:

- Ensuring that there is an adequate system of supervision in place during school hours, before and after school and on school excursions
- Arrange for student supervision according to school needs
- Ensure staff are aware of their responsibilities to supervise students during school times as well as before and after school
- Clearly communicating with the school community when playground supervision will be provided and that no formal supervision of the playground occurs outside those hours.

Supervision Before School and After School

At Rosanna Golf Links Primary School, supervision at the beginning of the school day will commence at 8.45am. This supervision will include: Entrance to the school (Interlaken Parade) and classroom supervision.

Supervision at the end of the school day will be provided until 3.45pm. The supervision will include: Teachers supervising exit of classrooms, and two staff members on duty at the Interlaken Parade Entrance to the school.

If a Parent, Guardian and Carer (or other authorised person) drops off or otherwise arranges for a student to be on the school premises before the supervision commences at the beginning of the day, the students will be sent to Out of School Hours Care.

If a Parent, Guardian and Carer (or other authorised person) has failed to collect the student after school, the following steps will be undertaken by the teacher on duty or office staff:

- Attempting to contact the parent, guardian or carer
- Placing the student in the Out of School Hours Care program.

References

This policy is to be read in conjunction with:

- Mandatory Reporting Policy
- Onsite Supervision Policy
- Student Engagement and Wellbeing Policy

Review

The Duty of Care Policy will be reviewed every 3-4 years as part of the school's policy review process.