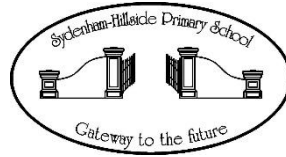


Sydenham-Hillside Primary School No3559



Duty of Care Policy

Purpose

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

To ensure Sydenham-Hillside Primary School staff have an 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.

In addition to their professional obligations, staff at Sydenham-Hillside Primary School have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable. Onsite supervision is one of the key elements in exercising duty of care to look after the safety and wellbeing of all students.

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:

- Yard duty and Supervision
- Bullying Prevention
- Camps and Excursions
- First Aid
- Tree Maintenance
- Grounds Maintenance
- Student Private Property
- Child Safe Standards
- External Providers (including RTOS delivering VET/VCAL)
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

Implementation

- 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.
- 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 Sydenham-Hillside 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. Before and after school supervision will be provided as follows: Before school from 8.45-9.00 Monday to Friday. After school until 3.45- Monday – Friday.
- The school will ensure that parents and guardians are regularly informed about supervision provided before and after school and sufficient teachers are available to supervise departure of students at the end of the school day.
- 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/supervision responsibilities to their students:
 - Arriving late to scheduled timetabled yard duty responsibilities
 - 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
 - Ignoring dangerous play
 - Leaving the school during time-release without approval
 - Inadequate supervision on a school excursion
- 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 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.
- 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.

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

- the Department's Policy and Advisory Library: [Duty of Care](#)
- the Department's Policy and Advisory Library: [Structured Workplace Learning](#)
- www.sydenham.vic.edu.au

Evaluation

This policy will be reviewed as part of the school's three-year review cycle in 2020.

This policy has been ratified by School Council on 17/09/2020

Principal

School Council President
