

Sacred Heart School Corryong

Duty of Care Policy



Rationale:

All children have a right to feel safe and to be safe. As teachers, we have a responsibility to ensure each child's safety and wellbeing. This duty of care occurs within the school environment, excursions, camps and school aquatics and sporting venues.

Commitment to Child Safety:

All students enrolled, and any child visiting, have the right to feel safe and be safe in all school environments and outside of school hours. The wellbeing of children in our care will always be our first priority and we have zero tolerance to child abuse. We aim to create a child safe and child friendly environment where children feel safe and are free to enjoy life to the full without any concern for their safety.

Aims:

Principals and teachers are held to a high standard of care in relation to students. The duty requires principals and teachers to take reasonable steps to minimise the risk of reasonably foreseeable harm, including:

- ensuring the school complies with the seven Child Safe Standards
- 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

Implementation:

At Sacred Heart:

- each child has the right to feel safe at all times.
- staff will design and implement appropriate programmes, procedures, policies and rules to ensure the safety of persons in our care.
- teachers have the obligation to protect the physical and intellectual welfare of each student. This obligation requires students to feel safe in the classroom, playground, on excursions/camp or participating in extra-curricula activities.
- vigilance and awareness will ensure safety and wellbeing in the yard during recess and lunchtime.
- teachers will be required to carry the appropriate permission forms, medical forms and first aid requirements when leaving the school grounds with a group of children.
- teachers will be required to have an up to date first aid certificate.
- teachers will be aware of students with medical needs within their classroom and the school as a whole. A list of students with particular medical needs and their appropriate procedures will be displayed in the teacher work/resource room.
- teachers will be required to accurately fill in their classroom roles ensuring they are meeting all existing curriculum requirements and keeping abreast of curriculum developments.

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. Generally, teachers are expected to take such measures as are reasonable in the circumstances to protect a student under their charge from reasonably foreseeable risks of injury.

The nature and extent of this duty will vary according to the circumstances.

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:

- identifying the risk of harm
- the probability that the harm would occur if care were 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.

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. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

Duty of Care Outside of the School

Legal cases establish that a teacher's duty of care does not start nor end at precise times during the day. The approach generally taken is that a teacher's duty applies irrespective whether the risk occurs in or outside the school environment. However, the important issue in all cases will be whether the school took **reasonable steps** to protect the student from the risk.

Risks outside the school environment may sometimes call for immediate and positive steps by a school depending on the age of students, urgency and threat of injury.

Staff are responsible for their students at all times.

The Duty of Care Policy covers aspects of:

1. Yard Duty Procedures,
2. Attendance Roll Procedures,
3. First Aid Procedures,
4. Excursion Procedures,
5. Overnight Camp Procedures,
6. School Aquatics Procedures,
7. Safety Procedures.

This Policy will be reviewed in accordance with the Sacred Heart's Policy Review Schedule.

Written May, 2019.

Last Reviewed May, 2019.

To Be Reviewed May, 2022.