



DUTY OF CARE POLICY

In addition to their professional obligations, principals, teaching and nonteaching staff have a legal duty of care to take all reasonable steps to keep students safe. This duty is to protect children in their charge from risk of physical, emotional or psychological harm that are reasonably foreseeable. To ensure that all staff have an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.

IMPLEMENTATION:

- In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their charge from risks of harm that are reasonably foreseeable.
- Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of harm, 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 the 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 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 occurred at the time, 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 or not fulfilling scheduled timetabled yard duty responsibilities
 - failing to act appropriately to protect a student who claims to be bullied or harassed.
 - believing that a child is being abused but failing to report the matter to appropriate staff or principal class who will then assist with making a mandatory report to DHS.
 - being late to supervise the line-up of students after the bell has sounded including assemblies.
 - leaving students unattended in the classroom.
 - failing to instruct a student who is not wearing a hat to play or sit in the shade
 - ignoring dangerous play or at-risk behaviours
 - leaving the school during time release without approval
 - inadequate supervision on a school excursion including upon return to school after an excursion has finished.
- 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 (such as careers teacher, year level coordinator or subject teacher) 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.

Reviewed: July 2018

Next review: July 2022