



DUTY OF CARE POLICY	
Adopted by: Principal	Review date: 13/09/2023
Scheduled review date: 13/09/2024	
To whom issued: College staff and community	

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CHILD SAFETY ORGANISATION FRAMEWORK PRINCIPLE

The following Child Safety Principles apply:

Principle 1: Leadership, Governance and culture support child safety and wellbeing

Principle 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing

Principle 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

Principle 9: Implementation of the national child safe principles is regularly reviewed and improved

Principle 10: Policies and procedures document how the organisation is safe for children and young people.

IMPLEMENTATION

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 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. This also applies when allocated duties involving students from other schools.

Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this duty of care will be established if a teacher or principal failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected, including sexual abuse.

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 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 class or leaving a class early
- Arriving late to scheduled timetabled duty responsibilities, or leaving early
- 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 (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.

RISK TO STUDENTS OUTSIDE THE COLLEGE ENVIRONMENT

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. Consider for example, if a live power line came down outside the school, no emergency workers had arrived, and primary children are about to be dismissed to walk home. No school would allow the children to walk out to that danger unsupervised.

There will be a number of other situations where the school will be under a duty to take reasonable steps. In some instances, the school's control over the activity may require it to take more active measures to satisfy the requirement through taking reasonable steps. For example, a known bully on a school bus may require the school to suspend or refuse to transport the bully. In other instances, the school may not control the activity, and the reasonable measures available to it will be limited. For example, fights at a local train or bus stop between students from rival schools may involve informing the police, contacting the other school to implement preventative measures, and notices to parents and students.

STAFF MEMBERS ARE RESPONSIBLE FOR THEIR STUDENTS AT ALL TIMES

The following instructions and notices apply to all staff:

1. Classroom Supervision

- Staff must **not** leave the classroom unattended at any time during a lesson
- It is **not** appropriate to leave students in the care of ancillary staff, Education Assistants, parents or trainee teachers **(At law, the duty of care cannot be delegated)**
- It is **not** appropriate to leave students in the care of external education providers for example; incursions. **(At law, the duty of care cannot be delegated)**
- In **an emergency situation**, contact the Principal or Deputy Principal or contact the teacher in the next room (if appropriate – send another student)
- **No student** should be left unsupervised **outside the classroom** as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted by following the School Behaviour Management Policy, sending a student to the Principal or Deputy Principal. This should be accompanied by documentation and appropriate follow up.

2. Movement of Students

- Care needs to be taken in allowing students to leave the room to work in other areas of the school, for instance Art/Drama/Physical Education/Orienteering
- Use of students as monitors outside the room during class time must only occur with the approval of the Principal or Deputy Principal
- Discretion is to be used when allowing students to visit the toilet, Library or other facilities during class time.

3. Playground Supervision

- Playground supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising students, teachers' duty of care is one of positive action
- Be aware that students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom
- Be aware that playground duty supervision within the school brings with it an increased duty of care. Teachers are also expected to follow school policy whilst on playground duty.
- Teachers rostered for duty are to attend the designated area at the time indicated on the roster
- Teachers on duty are to remain in the designated area until the end of the break period or until replaced by the relieving teacher, whichever is applicable. At the end of the period ensure students have left the area before leaving the area yourself
- The handing over of duty from one teacher to another must be quite definite **and must occur in the area of designated duty**. Where a relieving teacher does not arrive for duty, the teacher currently on duty should send a message to the office, **but not leave the area until replaced**

- No changes to the playground duty roster are to be made without the approval of the Principal or Deputy Principal
- Be alert and vigilant – intervene **immediately** if potentially dangerous behaviour is observed in the playground – enforce behaviour standards and logical consequences for breaches of safety rules
- The duty of care teacher should always have their duty bag with them in order to successfully deliver care to students outside of class
- Use of walky talky on the oval is of vital importance to ensure that communication between administration and duty teachers are possible in case of an emergency
- **You should always be on the move and highly visible. Do not get distracted with conversations.**

Use the scripted phrase below to parents or students wanting to discuss a matter with you:

“I am on duty and unable to discuss the matter, please make an appointment to see me...”

4. Excursions, Incursions and Camps

- Be aware that students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom
- Be aware that an incursion with an external provider **does not** absolve supervision duties of the teacher, including first aid duties. A teacher must be present at all times and remain the person designated with duty of care responsibilities
- Be aware that camps and excursions outside the school bring with it an increased duty of care. It is a teacher’s responsibility to remain the person designated with duty of care
- Should an accident or injury occur on an excursion, the response policy (Accident / Medical Policy) of the provider must be followed and the school contacted if necessary. An incident report must be completed on return to school
- Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to school guidelines
- Be aware that school policy is for students to be counted on and off transport and at other times on a regular basis whilst on excursion or camp activities
- The teacher in charge will have copies of all confidential medical forms and permission notes with contact details. A copy of this material will also be kept at school
- Arrangements will be made for students not attending to continue their normal program at school under supervision of another classroom teacher
- The teacher in charge or designated teacher of an excursion or camp will carry a mobile phone and a first aid kit

- If the return time from an excursion or camp is delayed, the teacher in charge will contact the school to inform the Principal of the new arrival time so that parents can be contacted and a senior staff member will remain at school until they arrive
- If crossing roads, students are to use designated crossing points. Staff members are to walk to the middle of the crossing to ensure visibility and orderly crossing. Other staff members control the flow of students across the road
- All staff must follow the school guidelines when organising an excursion, incursion or camp. All procedural steps contained in the Excursions and Incursions Policy and Procedure outlines must also be followed and a Risk Assessment written and approved by the Deputy or Principal
- Staff Duty of Care may extend beyond just students of Atlantis Beach Baptist College when staff are allocated responsibility of students from other schools (i.e. sports carnival official duties) as a student-teacher relationship has been made.

DUTY OF CARE OWED BY NON-TEACHING STAFF, VOLUNTEERS & EXTERNAL PROVIDERS

Non-teaching staff: Employees of the school who work on the school premises and are not part of the teaching staff, e.g. admin staff, educational assistants, etc.

Volunteers: An adult or organisation who/which offers services for school activities, but receive no remuneration from the school for the services provided, e.g. parents/guardians and other relatives, community members, work experiences students, student teachers.

External Providers: A business/individual paid by the school to provide a venue, service and/or expertise appropriate to a particular school activity, e.g. private dance teacher, Perth Zoo, sport coaches.

Generally, non-teaching staff, volunteers and/or external providers must take reasonable care to avoid doing things that could reasonably be foreseen as causing harm and/or injury to others (including students). Volunteer parents are to follow the Volunteers Code of Conduct and undertake in school training. Volunteers must have a valid Working with Children Check.

INFORMING STAFF OF THE LEGISLATIVE LIABILITY OF DUTY OF CARE

All staff will be informed of their legal requirement via:

- A copy of this document will be provided to each member of staff at the first staff meeting at the commencement of the school year, and will be placed on X-Drive.
- New staff members will be informed of their Duty of Care as part of the College's Induction Program.
- Duty of Care will be an agenda item at staff meetings and staff will be directed to familiarise themselves with all relevant school policies found in the Staff Handbook.

- Staff members will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions.