

DUTY OF CARE

PURPOSE

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

DEFINITION

“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.

POLICY

Our school has developed policies and procedures to manage common risks in the school environment, including:

- Attendance Policy – late arrivals, early departures (signing in/out procedure)
- Active Supervision (Yard Duty)
- Bullying Prevention
- Camps and Excursions, including Local Excursions
- First Aid
- Child Safe Standards
- External Providers/ Visitors and Volunteers undertake an induction
- Emergency Management
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

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 class or leaving a class early;
- arriving late to scheduled timetabled yard duty responsibilities;
- failing to act appropriately to protect a student who claims to be bullied, in person or online;
- 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 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.



Risks to students outside the school environment

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://www.education.vic.gov.au/school/principals/spag/curriculum/pages/workplace.aspx>

FURTHER INFORMATION AND RESOURCES

- Please refer to our school website and the supporting policies linked here:
<https://www.ashbyps.vic.edu.au/planning>
- School Policy and Advisory Guide: [Duty of Care](#)
- School Policy and Advisory Guide: [Workplace Learning](#)
- For further information relating

REVIEW CYCLE

This policy was last updated on August 20, 2019 and is scheduled for review in 2023.