



Duty of Care Policy

STATEMENT OF COMMITMENT TO CHILD SAFETY

Footscray North Primary School is committed to safety and wellbeing of all children and young people. This will be the primary focus of our care and decision-making. Footscray North Primary School has zero tolerance for child abuse. Footscray North Primary School is committed to providing a child safe environment where children and young people are safe and feel safe, and their voices are heard about decisions that affect their lives. Particular attention will be paid to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability. Every person involved in Footscray North Primary School has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

This policy should be read in conjunction with the school's Child Safety Policy in accordance with Ministerial Order 870.

RATIONALE:

In addition to their professional obligations, the staff at Footscray North Primary School have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.

AIM:

To ensure that staff have an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.

IMPLEMENTATION:

1. 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.
2. 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.
3. A teacher's duty of care is not confined to the geographic area of Footscray North 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-students relationship.
4. 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.
5. 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.
 - a. Arriving late to scheduled timetabled yard duty responsibility
 - b. Failing to act appropriately to protect a student who claims to be bullied
 - c. Believing that a child is being abused but failing to report the matter appropriately
 - d. Being late to supervise the line up of students after the bell has sounded
 - e. Leaving students unattended in the classroom

- f. Failing to instruct a student who is not wearing a hat to play in the shade
 - g. Ignoring dangerous play.
 - h. Leaving the school during time-release without approval
 - i. Inadequate supervision on a school excursion
6. 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.
 7. 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.

Classroom Supervision

8. It is not appropriate to leave students in the care of ancillary staff, parents or trainee teachers (At law, the Duty of care cannot be delegated)
9. 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)
10. In an emergency situation contact the Principal or Assistant Principal or the teacher in the next room. (if appropriate –send another student for assistance)
11. No student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted by sending a student to a colleague's classroom, or to the Assistant Principal or Principal. This should be accompanied by documentation and appropriate follow up. The teacher, Principal or Assistant Principal is to be contacted first to alert them that the student is on their way.

Yard Supervision

12. Yard supervision is an essential element in a teacher's duty of care. In supervising students a teacher's duty of care is one of positive action.
13. Be aware that students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
14. Be aware that yard duty supervision within the school requires the teacher to fully comply with DET guidelines and brings with it an increased duty of care responsibilities.
15. Teachers rostered for duty are to attend the designated area at the time indicated on the roster.
16. 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 repoaced.
17. No changes can be made to the yard duty roster without the approval of the Principal or Assistant Principal.
18. Staff need to be alert and vigilant and enforce behaviour standards and logical consequences for breaches of safety rules. Inappropriate behaviours must be recorded in the yard duty book that is in the yard duty bags.
19. Staff need to be always on the move and highly visible. Staff must wear a high visibility jacket whilst on duty.

Excursions, Incursions and Camps

Staff must:

20. Be aware that students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
21. 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.
22. Be aware that camps and excursions outside the school require the teacher to fully comply with DET guidelines and bring with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and remain the person designated with duty of care.
23. Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to DET guidelines.
24. Be aware that it is preferred practice that students be counted on and off transport and at other times on a regular basis whilst on excursion or camp activities.
25. The teacher in charge will have copies of all confidential medical forms and permission notes with contact details.
26. Arrangements will be made for students not attending to continue their normal program at school under supervision of another classroom teacher.

27. The teacher in charge or designated teacher of an excursion or camp will carry mobile phone and a first aid kit.
28. 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 informed.
29. All staff must follow DET guidelines when organising an excursion, incursion or camp. All procedural steps contained in the school camping, excursion and incursions policy and procedure outline must also be followed.

Informing Staff of the 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 the Teamwork drive

New staff will be informed of their Duty of Care as part of the schools' Induction Program.

References:

<http://education.vic.gov.au/school/principals/spag/safety/pages/dutyofcare.aspx>

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References	Victorian Government Schools Policy Advisory Guide.