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ST JAMES
THE APOSTLE
CATHOLIC PRIMARY SCHOOL
*Learning with strength
and in gentleness*

Duty of Care Policy

Introduction

In addition to their professional obligations, Principals, teaching & non-teaching staff members and other employees of St James the Apostle Primary School (**'the School'**) have a legal duty to take steps to protect students in their charge from risks of injury that are reasonably foreseeable.

The School and its teaching & non-teaching staff members owe a 'duty of care' to students within their care, as well as to anyone else who may sustain injury, loss or damage as a result of the School's conduct, including but not limited to parents, pre-service teachers, volunteers, visitors or contractors.

Scope

Duty of Care applies to all sites under the control of the School and applies to all members of the Leadership Team, teaching & non-teaching staff members, casual relief teachers & contractors engaged by the school.

The School's Duty of Care

The School must take reasonable steps to protect students, staff members and anyone that attends the School site from foreseeable risks of injury. The broad requirements of the School to fulfil its 'duty of care' are to provide adequate supervision within the School or during school activities, as well as providing safe and suitable buildings, grounds and equipment.

Leadership Team and Staff Member's Duty of Care

The Leadership Team, Teacher & Non-Teaching Staff Members' 'duty of care' is not just confined to the geographical area of the School, or to school activities, or to those that occur outside the School where a student is acting on a staff members instructions. The duty also applies to situations both before and after school where students can be assumed to be under the teacher's care. It is important to note that consideration must be given to the age and capacity of children in care, with greater attention required for younger students or students with disabilities.

‘Duty of Care’ requires principals and teachers to take all reasonable steps to reduce risk, including the:

- 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.

The Leadership Team, Teacher & Non-Teaching Staff Members’ may fail in their ‘Duty of Care’ by:

- Arriving late to scheduled timetabled yard duty responsibilities
- Failing to act appropriately to protect a student who claims to be bullied
- Leaving students unattended in learning spaces
- Using and operating damaged equipment
- Failing to take appropriate action where hazards have been identified
- Failing to adequately assess risks associated with activities
- Failing to instruct students who are acting inappropriately
- Ignoring dangerous play activities
- Leaving the School during time release without approval
- Providing inadequate supervision on a school excursion
- Believing that a child is being abused, but failing to report the matter appropriately *
- Inappropriate use of social media *

** It should be noted that the latter two examples of failure in ‘duty of care’ may also fall in the category of criminal acts as per Child Safety Laws pertaining to “Failure to Report” and “Grooming”.*

The Leadership Team, Teacher & Non-Teaching 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 year level coordinator or specialist teacher) specified for them by the principal.

Communicating this policy to staff

At the beginning of each school year staff will read the School policy as a group and review its implementation expectations.

The Deputy Principal has the responsibility for ensuring that any new staff to the School are familiarised with the School’s policy and its implementation.

Parents are advised of the School’s policies regarding supervision of students including times for before school and after school supervision through the in the School’s newsletter at the beginning of each year. Reminders are issued at regular intervals through the School’s communication avenues.

This policy will be reviewed as part of the School's review cycle.

References

<http://www.eduweb.vic.gov.au/edulibrary/public/schadmin/Management/6-16.pdf>

Department of Education and Early Childhood Development, The Schools Reference Guide at
www.education.vic.gov.au/management/governance/referenceguide/default/htm

Authorised by: Mary Abbott (Principal)

Date: September 2017

Version history:

1.0: Original publication