

DUTY OF CARE POLICY and PROCEDURES



Waratah Special Developmental School



Help for non-English speakers

If you need help to understand the information in this policy please contact the school office.

PURPOSE

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

POLICY

“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.

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

- Yard duty and Supervision
- Bullying Prevention
- Camps and Excursions
- First Aid
- Tree Maintenance
- Grounds Maintenance
- Student Private Property
- Child Safe Standards
- External Providers (including RTOS delivering VET/VCAL)
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

Our school acknowledges we are required to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

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.

External Providers

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://www2.education.vic.gov.au/pal/structured-workplace-learning/policy>

COMMUNICATION

This policy will be communicated to our school community in the following ways:

- Provided to staff at induction and included in staff handbook/manual
- Discussed at staff meetings/briefings as required
- Made available publicly on our school website
- Included in transition and enrolment packs
- Included as annual reference in school newsletter
- Made available in hard copy from school administration upon request

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.

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.

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
- believing that a child is being abused but failing to report the matter appropriately
- being late to supervise at the end of break
- 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 are responsible for their students at all times.

The following instructions and notices [apply to all staff](#).

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, 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** use the phone for the Principal or Assistant Principal or contact the teacher in the next room.
- **No student should be left unsupervised outside the classroom** unsupervised. If a student is going out for a sensory break classroom staff must maintain visual supervision at all times.

Movement of Students

- Generally students should be supervised when moving around the school.
- Care needs to be taken in allowing students to leave the room to work in other areas of the school.
- Discretion is to be used when allowing students to visit the office or act as monitors around the school.

Yard supervision

- Yard supervision is an essential element in staff members duty of care. It is now clearly established that in supervising students, staff member's 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 yard duty supervision within the school requires the staff member to fully comply with DET guidelines and brings with it an increased duty of care. It is a

staff member's responsibility to be aware of these guidelines and duty of care responsibilities.

- Staff rostered for duty are to attend the designated area at the time indicated on the roster.
- Staff on duty are to remain in the designated area until the end of the break period or until replaced by the relieving staff, whichever is applicable.
- The handing over of duty from one staff to another must be quite definite and **must occur in the area of designated duty**. Where a relieving staff member does not arrive for duty, the staff member currently on duty should send a message to the office, **but not leave the area until replaced**.
- No changes to the yard duty roster are to be made without the approval of the section coordinator.
- Be alert and vigilant -intervene **immediately** if potentially dangerous behaviour is observed in the yard.
- Be proactive and engage students in positive activities to prevent inappropriate behaviour.
- Follow the school wide Positive Behaviour Support guidelines.
- You should always be alert and vigilant.

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 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.
- Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to DET 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.

- Risks assessments must be completed for all students and management strategies followed for students at risk.
- The teacher in charge needs to ensure that the staff student ratio is adequate to supervise the students and enact the risk management strategies.
- As a general principle when walking outside the school there should be a staff member at the front of the group and another at the back of the group.
- All staff must follow the DET guidelines when organising an excursion, incursion or camp. All procedural steps contained in the School camping, excursions and incursions Policy and Procedure outlines must also be followed.

FURTHER INFORMATION AND RESOURCES

- the Department’s Policy and Advisory Library (PAL): [Duty of Care](#)
- the Department’s Policy and Advisory Library (PAL): [Structured Workplace Learning](#)

POLICY REVIEW AND APPROVAL

Policy last reviewed	March 2024
Approved by	Principal
Next scheduled review date	March 2027