



DUTY OF CARE POLICY

PURPOSE

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Mortlake College 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.

The teachers’ duty of care is greater than that of the ordinary citizen in that a teacher is obligated 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.

The following are examples where a teacher may be seen to have failed to meet their duty of care responsibilities to the 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
- Leaving students unattended in the classroom
- Ignoring dangerous play
- Leaving 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 teachers own professional competence and given in situations arising from a 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.

Classroom Supervision

- Students must be supervised at all times.
- 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)
- The classroom teacher has ultimate responsibility for the supervision of all students in their care. This duty cannot be delegated to external education providers, parents or trainee teachers.

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

- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

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.

FURTHER INFORMATION AND RESOURCES

- School Policy and Advisory Guide: [Duty of Care](#)
- <http://mortlakep12.vic.edu.au/policies.html>

EVALUATION:

This policy will be reviewed as part of the school's three-year review cycle or earlier if required.

This policy was last ratified by School Council in....

October 2018