



Duty of Care Policy

Definition

Narre Warren North Primary School is committed to child safety and establishing and maintaining child safe and child friendly environments where all children are valued and feel safe. We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently through our policies and procedures.

At Narre Warren North Primary School we believe that all children have the ability to learn. By providing all school environments (this includes onsite, online activities and offsite for excursions, camps, etc. and outside of school activities) that are stimulating, safe, happy and positive, we foster the learning potential of our children.

Whenever a student–teacher relationship exists, the teacher has a special duty of care. This is defined as: “A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher’s charge from risks of injury that the teacher should reasonably have foreseen.” (*Richards v State of Victoria* (1969) VR 136 at p. 141) As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.

School authorities in breach of the duty of care may be liable for injuries inflicted by one student on another, as well as for injuries sustained by a student.

Schools normally satisfy the duty of care by allocating responsibilities to different staff. For example, the principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in each school, and teachers are responsible for carrying out their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury. This duty extends to intervention in single-sex areas if need be by a teacher of the other gender.

RATIONALE

“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:

- Bullying Prevention
- Camps and Excursions
- First Aid
- Buildings and Maintenance
- Child Safe Standards
- External Providers

- Emergency Management
- Volunteers
- Visitors
- Working with Children
- 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 and External Providers Policy* include information on the safety and care of our students when engaged with external providers. All external providers must be visible to school staff, e.g. visible into learning space, at all times.

Informing Staff of the legislative liability of 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.
- New staff will be informed of their Duty of Care as part of the school's Induction Program
- Duty of Care will be an agenda item at staff meetings and staff will be directed to familiarise themselves with section Student Safety of the Victorian Government Schools Policy Advisory Guide.
- Staff will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions.

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

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

This policy must be read in conjunction with the school's Child Safety Policy and Code of Conduct; and Supervision Policy for Parents and students.

FURTHER INFORMATION AND RESOURCES

- the Department's Policy and Advisory Library (PAL): [Duty of Care](#)

POLICY REVIEW AND APPROVAL

Policy last reviewed	25 th June 2024
Approved by	Principal
Next scheduled review date	June 2026