



DUTY OF CARE POLICY

LAKEVIEW SENIOR COLLEGE

PURPOSE:

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

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

- Anaphylaxis Policy
- Asthma Policy
- Yard duty and Supervision
- Student Code of Behaviour
- Bullying Prevention
- Camps and Excursions
- First Aid
- Student Locker Policy
- Student Mobile Phone Policy
- Child Safe Standards
- External Providers and Presenters
- Emergency Management
- Visitors and Volunteers
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

Staff at Lakeview Senior College understand that school activities involve different levels of risk and that particular care may need to be taken to students undertaking unfamiliar or adventure-based activities or students with additional needs. Our college also understands that it is responsible for ensuring that 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](#)
- A select number of College Policies can be found on the College website: <http://lakeviewcollege.vic.edu.au/>
A copy of any policy listed above can be obtained directly from the College: 0392193100

REVIEW CYCLE:

This policy was last updated on 16th July 2018 and is scheduled for review in July 2020.

FURTHER INFORMATION

GUIDING PRINCIPLES OF THE DUTY OF CARE POLICY

All staff at Lakeview Senior College must have an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.

STANDARD OF CARE REQUIRED BY SCHOOLS

Principals and teachers are held to a high standard of care in relation to students. The duty requires principals and teachers to take reasonable steps to minimise the risk of reasonably foreseeable harm, including:

- ensuring the school complies with the seven Child Safe Standards
- 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
- managing employee recruitment, conduct and performance.

The duty is non-delegable, meaning that it cannot be assigned to another party. While students are generally free to move around the buildings and work independently in break out spaces and designated study areas they must be under (indirect) adult supervision at all times. Staff are responsible for their students at all times.

Whenever a teacher-student relationship exists, teachers have a special duty of care. Generally, teachers are expected to take such measures as are reasonable in the circumstances to protect a student under their charge from reasonably foreseeable risks of injury.

The nature and extent of this duty will vary according to the circumstances. For example, the standard of care required will be higher when taking a group of year 10 students on their first outdoor hiking camp than when teaching a group of year 12s in the classroom.

The important issue in all cases will be what precautions the school could reasonably be expected to have taken to prevent the injury from occurring. This will involve consideration of the following factors:

- identifying the risk of harm
- the probability that the harm would occur if care were not taken
- the likely seriousness of the harm
- the burden of taking precautions to avoid the risk of harm
- the social utility of the activity that creates the risk of harm.

Whilst each case regarding a staff member'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 staff member has failed to meet their legal duty of care responsibilities to their students:

- 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 the line-up of students after the music has ended
- leaving students unattended in the classroom
- ignoring dangerous play or student activities
- leaving the school during time release without following correct procedure
- inadequate supervision of students on a school excursion

DUTY OF CARE TO STUDENTS OUTSIDE THE COLLEGE

The law has established that, in some circumstances, a school's duty (and therefore the Department's duty) will extend beyond school hours and outside of school grounds. The duty will be extended to outside school hours and premises when the relationship between the school and the student requires it in the particular circumstances. For example, in some circumstances schools may be liable for injury sustained by students in the yard before school begins for the day, particularly if it occurs during the period of time for which the school yard is supervised.

NEGLIGENT ADVICE: TEACHERS

Teachers are frequently called upon to advise students. When doing so teachers should:

- limit their advice to students to areas within their own professional competence and given in situations arising from a role specified for them by the principal
- ensure that the advice they give is correct and in line with the most recent available statements from institutions or employers. Careers teachers and coordinators at senior levels should keep contemporaneous notes of advice given to individuals
- avoid giving advice in areas unrelated to their role or where they may lack expertise.

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.

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, and will be placed on the schools intranet.
- New staff will be informed of their Duty of Care as part of the College's Induction Program