

# SURFSIDE PRIMARY SCHOOL

## DUTY OF CARE POLICY



### 1. PURPOSE

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

### 2. LEGAL BACKGROUND

“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 duty is *non-delegable*, meaning that it cannot be assigned to another party.

Whenever a teacher-student relationship exists, teachers have a special duty of care. This has been expressed 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*).

### 3. STANDARD OF CARE REQUIRED BY SCHOOLS

Surfside Primary school will ensure it maintains a high standard of care in relation to students. 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.

The duty requires principals and teachers to take all reasonable steps to reduce risk, including:

- the provision of suitable and safe premises
- completing risk management profiles where required.
- 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
- building a school culture that challenges the stereotypes, power differences and social norms that foster gender inequality.
- ensuring policies and procedures are in place to protect students from all forms of child abuse

Surfside Primary school will take all reasonable steps expected to prevent injury from occurring. This involves consideration of the following factors:

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

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

#### **4. DUTY OF CARE TO STUDENTS OUTSIDE THE SCHOOL**

Surfside Primary school will inform the parent community when playground supervision will be provided and that no formal supervision of the playground occurs outside those hours.

##### **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.

#### **5. NEGLIGENCE: 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.

#### **6. COMMUNICATION**

This policy will be

- communicated to our school community,

- provided to staff at induction
- Discussed at staff meetings/briefings as required
- Made available publicly on our school website
- Available to all staff on Staff Google Drive.
- Made available in hard copy from school administration upon request

## **7. FURTHER INFORMATION AND RESOURCES**

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

## **8. REVIEW**

**This Surfside Primary School Policy is to be reviewed annually by School Council and staff.**

**This policy was reviewed, updated, and agreed to by School Council in June 2021 and will be reviewed in February 2022.**