

## Duty of Care Policy

### PURPOSE

The purpose of this policy is to explain to our school community the duty of care obligations that all staff at Portland Secondary College (Must Street & Victoria Parade Campuses) owe to our students and members of the school community who visit and use the school premises. The College's Duty of Care Policy is part of the suite of policies which are linked to the Child Safety Policy which mandates zero tolerance to child abuse.

### POLICY

"Duty of care" is a legal obligation that requires schools to take reasonable measures to protect students from reasonably foreseeable risks of 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.

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.

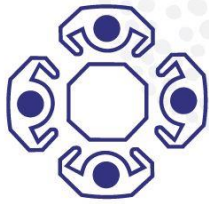
A teacher's duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring outside the school where a student is acting on a teacher's instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have 'assumed' the teacher pupil relationship.

The teacher's duty of care is greater than that of the ordinary citizen in that a teacher is obliged 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.

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
- Child Safe Standards
- External Providers (including RTOS delivering VET/VCAL)
- Emergency Management
- Volunteers
- Visitors
- Child Safety Responding and Reporting Obligations (including 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.



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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 disabilities or 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 including things done or omitted to be done to the premises.. The College's Operations manager will maintain a maintenance schedule ensuring the premises are maintained to a safe standard.

School staff, parents, carers and students are encouraged through the newsletter, the College website, staff meetings and parent forums to speak to the principal to raise any concerns about risks or hazards at our school, or our duty of care obligations. Reports will be passed onto the Operations Manager who will enter it on the Maintenance Request Register on Compass which becomes part of the schedule for actioning.

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 teacher's own professional competence and given in situations arising from a role (such as careers teacher, year level coordinator or subject teacher) specified for them by the principal.

## **Classroom Supervision**

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 during incursions (At law, the Duty of care cannot be delegated).

In **an emergency situation** staff should use the phone to seek assistance from the Principal or Assistant Principal or contact the teacher in the next room (if appropriate – send another student for assistance).

**No student** should be left totally unsupervised **outside the classroom** as a withdrawal consequence for misbehaviour. Withdrawn students must be able to be seen by the teacher. Otherwise withdrawal is to be conducted by sending a student to a colleague's classroom, or to the Assistant Principal or Principal. This should be accompanied by documentation and appropriate follow up. The teacher, Principal or Assistant Principal is to be contacted first to alert them that the student is on their way. When a student runs away, the Assistant Principal or Principal must be informed immediately.

## **Movement of Children**

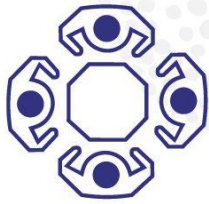
Care needs to be taken in allowing students to leave the room to work in other areas of the school.

Use of students as monitors outside the room during class time must only occur with the approval of the Principal or Assistant Principal

Discretion is to be used when allowing students to visit the toilet or their lockers during class time.

## **Yard supervision**

Yard supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising pupils, teacher's duty of care is one of positive action.



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Yard duty supervision within the school requires the teacher to fully comply with DET guidelines and brings with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and duty of care responsibilities. Teachers are also expected to follow College policy whilst on yard duty.

Teachers rostered for duty are to attend the designated area at the time indicated on the roster. Teachers on duty are to remain in the designated area until the end of the break period or until replaced by the relieving teacher, whichever is applicable.

The handing over of duty from one teacher to another must be quite definite and **must occur in the area of designated duty**. Where a relieving teacher does not arrive for duty, the teacher 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 Daily Organiser, or Assistant Principal.

## **Excursions, Incursions and Camps (including 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.

Staff must 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.

**All staff must follow the DET guidelines when organising an excursion, incursion or camp.**

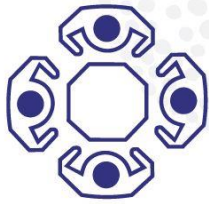
## **COMMUNICATION**

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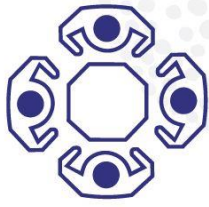
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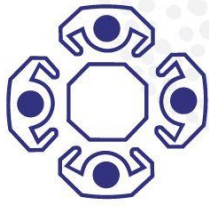
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## RELATED POLICIES AND RESOURCES

- Camps and Excursions Policy
- Visitors Policy

## REVIEW CYCLE

DATE	VERSION	APPROVED BY	NEXT REVIEW
July 2024	7	Principal Jo Kindred	June 2027