

NORTHERN BAY P-12 COLLEGE DUTY OF CARE POLICY NBC025

1. PURPOSE

In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their care from risks of injury that are reasonably foreseeable.

2. BROAD GUIDELINES

- 2.1. As part of that duty of care, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also from those that could arise (those that the teacher could have easily foreseen) and against which preventative measures could have been taken.
- 2.2. 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
- 2.3. Principals and teachers are held to a high standard of care in relation to students. The duty requires principals and teachers to take all reasonable steps to reduce risk, including:
 - provision of suitable and safe premises
 - provision of an adequate system of supervision during school organised activities
 - implementation of strategies to prevent bullying, physical and cyber
 - ensuring that medical assistance is provided to a sick or injured student.The duty is non-delegable, meaning that it cannot be assigned to another party.
- 2.4. Staff need to be fully conversant with Department of Education & Training (DET) guidelines in relation to duty of care.

3. IMPLEMENTATION

- 3.1. In the context of duty of care owed to our students, the necessary arrangements for student supervision will be posted on Compass for staff access and regularly noted in the Staff Bulletin. These guidelines include:
 - Classroom Supervision
 - Movement of Students
 - Yard Supervision
 - Excursions, Incursions and Camps
- 3.2. Northern Bay College will satisfy the duty of care by allocating responsibilities to staff. The College and Campus Principals are responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in each campus. Teachers are responsible for the carrying out of their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.
- 3.3. In planning camps and excursions staff need to conduct an appropriate risk assessment prior to attending the event.
- 3.4. In order to successfully bring a claim in negligence re Duty of Care for compensation for an injury, a person must establish, on the balance of probabilities, that:
 - a duty of care was owed to the person harmed at the time of the injury
 - the risk of injury was foreseeable
 - the likelihood of the injury occurring was more than insignificant
 - there was a breach of the duty of care or a failure to observe a reasonable standard of care
 - this breach or failure was a cause of the injury.
- 3.5. **Advice provided to students**

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 should keep notes of advice given to individuals
- Avoid giving advice in areas unrelated to their role or where they may lack expertise.

3.6. Advice to teachers

Whilst each case regarding a teacher’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 teacher 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 bell has sounded
- Leaving students unattended in the classroom
- Failing to instruct a student who is not wearing a hat to play in the shade, as per a Sunsmart Policy
- Ignoring dangerous play
- Leaving the school during time release without approval or formal notification with General Office Staff
- Inadequate supervision on a school excursion

4. EVALUATION

This policy will be reviewed as part of the college’s three year review cycle.

Document #	Committee Responsible	Review Date	Public Location	Ratified by School Council:
NBC025	Leadership	April 2018	Website Compass	09/12/15
	Related document			
NBC025A	Duty of Care Guidelines		Compass Staff Bulletin	