

## Duty of Care Policy

### Purpose

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

The Department of Education and Training’s Duty of Care policy advises the following:

*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.*

*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 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.*

### **Duty of care to students outside the school**

*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 playground before school begins for the day, particularly if it occurs during the period of time for which the school yard is supervised.*

*It is important that schools clearly inform parents when playground supervision will be provided and that no formal supervision of the playground occurs outside those hours. Similarly, some risks outside of school will involve informing parents of bus arrangements and leaving it to parents to make appropriate arrangements for transporting their children to and from school.*

### ***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*
- *avoid giving advice in areas unrelated to their role or where they may lack expertise.*

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

- Active Yard Supervision
- Bullying Prevention
- Camps and Excursions
- First Aid
- Child Safe Standards
- Child Safety Responding and Reporting
- Emergency Management
- Volunteers
- Visitors
- Digital Technologies
- Occupational Health and Safety
- Inclusion and Diversity
- Health Care Needs
- Medication
- Anaphylaxis
- Asthma
- Sunsmart
- Personal Property
- Photographing, Filming and Recording Students

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.



## Evaluation

This policy was last updated in 2021 and is scheduled for review in October 2025