

MONTAGUE CONTINUING EDUCATION CENTRE

100 Montague Street
South Melbourne 3205
Tel 03 9690 3535



DUTY OF CARE POLICY

Rationale:

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

Statement of Commitment to Child Safety:

As part of our commitment to the safety and wellbeing of young people we recognise the importance of, and a responsibility for, ensuring our school is a safe, supportive and enriching environment which respects and fosters the dignity and self-esteem of young people, and enables them to thrive in their learning and development.

Montague staff are committed to protecting students from abuse or harm in the school environment, in accordance with their legal obligations including child safe standards. The school's Child Safety Code of Conduct is available on the school's website.

Aim:

- To ensure that staff have an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.

Implementation:

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

- 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
 - ignoring dangerous play
 - leaving the school during time release without approval
 - inadequate supervision on a school excursion
- 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.
- Teachers must ensure that the advice they give is correct and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

Policy evaluation and review:

To ensure ongoing relevance and continuous improvement, this policy will be reviewed in the context of school self-evaluation undertaken as part of the school accountability framework. The review will include input from students, parents/carers and the school community.

This policy was last ratified by School Council

**September
2016**