



Duty of Care Policy

Aims

- A. To fulfil our duty of care towards all students in the school.
- B. To retain a fulfilling, interesting and challenging educational program.
- A. For students to be adequately supervised by responsible and appropriate adults at all times.

Scope and Application

This policy is available on the school website and applies to:

- A. Employees
- B. Students
- C. Parents
- D. Community members
- E. Volunteers
- F. Visitors to the school

Definitions

- A. **Duty of Care** - is a legal concept that defines the duty a person has to take all reasonable steps to ensure the safety and welfare of students from both known and reasonably foreseeable risks of harm or injury.
- B. **Reasonable Care** - is defined as an appropriate level of care that takes into account the circumstances, including:
 - 1. student's age, experience and capabilities.
 - 2. physical and intellectual impairment.
 - 3. medical condition.
 - 4. behavioural characteristics.
 - 5. nature of the activity and the environment in which it is held.
 - 6. school policy and procedures.
 - 7. probability and magnitude of, and difficulty in alleviating, identified risks.



For example, a teacher organising a trip to the pool would need to consider the swimming ability of the students (among other considerations) when deciding the number of adults required to properly supervise them.

- C. **Supervisor** - any adult including a parent, grandparent, volunteer, teacher, member of staff, external provider or other adult, deemed suitable by the school, who is actively supervising students.

Principles

- A. The school owes a duty of care to all students.
- B. The duty of care exists whenever the student/teacher relationship is established.
- C. Teachers owe a duty to students to take reasonable care to protect them from known or reasonably foreseeable risk of harm or injury. Duty of care may be breached by failing to take action as well as by acting.
- D. The school is under a duty to employ competent teachers and provide safe premises.
- E. The school is responsible for the actions of staff and volunteers.
- F. Whilst not a fail-safe method of ensuring suitability for working with children, police clearances, working with children checks and/or confidential declarations are obtained as appropriate to add another level of scrutiny when screening staff, Board members, volunteers and contractors.
- G. In performing their duty of care responsibilities, teaching staff exercise their professional judgement to achieve a balance between ensuring that students do not face an unreasonable risk of harm and encouraging students' independence and maximising learning opportunities.
- H. Assessing risk and planning to minimise risk can enable most desired activities to take place.
- I. Policies and procedures are designed to assist in fulfilling the school's duty of care.
- J. The school will ensure an adequate number of suitable supervisors for a given activity:
 - 1. Consideration will be given to supervision when designing the timetable.
 - 2. Consideration will be given to supervision when planning excursions, out of school programs and camps.
- K. Good communication and well-established routines between supervisors will be maintained. It will be clear who the teacher in charge is in the absence of the Principal. The person in charge will direct all supervisors.
- L. The school maintains a duty of care towards students, parents and any Third Party even during activities at Kerry Street, such as movie nights, which are considered family activities.
- M. Before and after school procedures are established and communicated to the school community to ensure appropriate supervision of children on school grounds, outside of official school hours.



Responsibilities

A. Board

1. Writing and updating this policy in consultation with relevant parties.

B. Principal

1. Oversee fit and proper staff and volunteers.
2. Organise supervision and ensure that appropriate adults are employed by, and volunteer at, the school.
3. Obtain police clearances, working with children checks and confidential declarations from staff, Board members, volunteers and contractors as required (see Police clearances, WWCC and confidential declarations procedure).
4. Apply own discretion to determine supervision levels and people suitable to supervise students.

C. Teachers

1. Cooperate in the supervision of students during all school activities including before and after school.
2. Staff will not leave the school grounds during school time unless an adequate number of supervisors are present.
3. Ensure adequate supervision on all excursions organised by them.
4. Be proactive in recognising risks or changing circumstances and adjusting supervision appropriately.
5. Staff will view the photo identification of a person unknown to the community who is responsible for picking up a student.

D. Supervisors

1. Actively supervise students in their care.
2. Follow directions of and communicate clearly with Principal or person in charge.

E. Students

1. Cooperate with supervisors.

F. Parents and adult members of school community

1. All members of the school community are morally responsible for bringing to the attention of the relevant person or group within the school, any risks they observe. In this way, they can contribute to the care of students at the school and the duty of care the school owes to the students.
2. Be involved in school activities such as camps and excursions, contributing to the supervision of students and enabling various activities to happen



3. Raise any concerns about levels and structure of supervision with the Principal or person in charge, either before, during or after the activity. The sooner concerns are raised the better, so difficulties may be averted.
4. Parents will inform staff if pick up arrangements change.

Related Legislation

- A. Teacher Registration Act, 2012
- B. Working with Children (Criminal Record Checking) Act 2004
- C. Volunteers (Protection from Liability) Act 2002 (WA)
- D. Occupational Safety and Health Act 1984 (WA)
- E. Civil Liability Act 2002
- F. Occupiers Liability Act 1985
- G. Policies of Western Australian Department of Education and Training, especially related to supervision, excursions and water based activities
- H. School Education Act (WA) s63 (1) and 64(1)
- I. School Education Regulations 2000 (WA), regulations 38 and 39

These sections of the School Education Act and Regulations apply only to government schools, however, the issues contained are also relevant to non-government schools eg. functions of Principals and teachers, care and welfare of children

Related Kerry Street Documentation

- A. Kerry Street procedures, including:
 1. Procedure for obtaining police clearances, working with children checks and confidential declarations.
 2. Confidential declaration for volunteers form
 3. Before and after school supervision
 4. Guidelines for number of supervisors for different activities
 5. Supervision of toileting
 6. Toileting care plan
 7. Record of intimate care intervention
- B. All the school policies are designed to give guidelines to help members of the school community, and the school itself, fulfil our duty of care to students.
 1. Child Protection
 2. Hiring Policy
 3. Employment and Dismissal of Staff Policy.



4. Volunteers Policy
5. Complaints Policy and Procedures
6. Bullying Policy
7. Behaviour Guidance Policy
8. Excursions Policy
9. Staff Code of Conduct
10. Illness and First Aid Policy
11. Administration of Medication Policy
12. Working With Children Check
13. Police Clearance

Contact Person

Enquires relating to this policy should be directed to the School Principal or Chair of the Board.

Breaches of this Policy

Any breach of this policy may result in disciplinary action up to and including termination.

Review and Authorisation

- A. This policy has been read, discussed and endorsed by the staff on 17/11/04.
- B. This policy was authorised by the Kerry Street Community School Council on 25/11/04.
- C. Policy reviewed by meeting of staff and council on 13/1/06.
- D. Revised 2/8 to incorporate WWC legislation
- E. This policy was reviewed September 2012
- F. Reviewed October 2014
- G. Reviewed 27-06-2016
- H. Reviewed June 2018

A handwritten signature in black ink, appearing to read 'T. J. O.', is located to the right of the list items.

Revision History

Date	Revision	Detail
June 2018	V2	Amalgamation of Duty of Care policy with supervision policy to create new Duty of Care Policy. Separated policy and procedures.