St Patrick’s Primary School Duty of Care Policy

Rationale

Duty of care is a legal concept that not only underpins, but to a large extent drives, most school policies and practices. This policy is in place to explain, what “duty of care” means, how teaching staff may discharge their duty of care to students, and the circumstances in which non-teaching staff, external providers and volunteers may owe students a duty of care.

Values

St Patrick’s value all our students as being precious humans, created by God, and who can expect to be cared for to the best of our abilities while in our care.

We value the law that states we have a Duty of Care to our students.

Policy Statement

Teaching staff owe a duty to take reasonable care for the safety and welfare of students whilst students are involved in school activities or are present for the purposes of a school activity. The duty is to take such measures as are reasonable in all the circumstances to protect students from risks of harm that reasonably ought to be foreseen. This requires not only protection from known hazards, but also protection from harm that could foreseeably arise and against which preventative measures can be taken.

In discharging their duty of care responsibilities, teaching staff must 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.

When non-teaching staff who are employed at St Patrick’s, volunteers and external providers agree to perform tasks that require them personally to care for students (in the absence of a member of the teaching staff), they will also owe a duty to take such measures as are reasonable in all the circumstances to protect students from risks of harm that reasonably ought to be foreseen.

Procedures will be in place for playground and classroom supervision, as well as other specific procedures to ensure the safety of students.
Consequences

All staff are held to a high standard of care in relation to students. Staff will take all reasonable steps to reduce risk to students and themselves, including:

- 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.

It is recognised that the duty is non-delegable, meaning that it cannot be assigned to another party.

The school will take precautions that could reasonably be expected to prevent the injury or harm from occurring. This will involve consideration of the following factors:

- 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.

The school is a safe environment, free of hazards that may cause injury, and free of situations that may be harmful for students.

Parents and students are clear about when and where students will be supervised by staff, including before and after school hours.

The school will have a behaviour management policy to ensure students are not harmed by other students who are not displaying desirable behaviour.

The staff will have access to Duty of Care procedural documents on the staff intranet.

Staff are vigilant in ensuring that students are not put in situations where they feel unsafe or may suffer injuries. This may include physical or psychological injuries or damage.

All students feel their best interests are being looked after by the staff, and feel safe and secure and are confident no harm will come to them in the school environment.