UPPER YARRA
SECONDARY COLLEGE
www.uysc.vic.edu.au

Duty of Care

Rationale

In addition to their professional obligations, principals and teachers have a legal duty to take all reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable. Principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students. The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Upper Yarra Secondary College owe to our students and members of the school community who visit and use the school premises.

Definition

Whenever a student–teacher relationship exists, the teacher has a special duty of care. As part of that duty, teachers are required to supervise students adequately. "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 Upper Yarra Secondary College may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.

Aims

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

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.

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

- Yard duty and Supervision
- Bullying Prevention
- Camps and Excursions
- First Aid
- Tree Maintenance
- Grounds Maintenance
- Student Private Property
- Child Safe Standards

- External Providers (including RTOS delivering VET/VCAL)
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

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.

Our school acknowledges we are required to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

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.

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.

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
- 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 leader 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.

Risks to Students Outside the School Environment

External Providers

Staff at Upper Yarra secondary College acknowledge that, as our duty of care is non-delegable, we are also required to take reasonable steps to reduce the risk of reasonably foreseeable harm when external providers have been engaged to plan for or conduct an activity involving our students. Our *Visitors Policy* and *Camps and Excursions Policy* include information on the safety and care of our students when engaged with external providers.

Upper Yarra secondary College also takes steps to ensure student safety when they are engaging in off-site workplace learning programs with external providers, such as when students are participating in work experience, school-based apprenticeships and traineeships, structured workplace learning and any other workplace learning program involving external providers. Our School will follow all applicable Department of Education and Training policy and guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount. The Department's guidelines in relation to Workplace Learning are available at the following link:

https://www2.education.vic.gov.au/pal/structured-workplace-learning/policy

All Staff

Classroom Supervision

- It is **not** appropriate to leave students in the care of ancillary staff, parents or trainee teachers
- It is **not** appropriate to leave students in the care of external education providers for example incursions
- In **an emergency situation** use a phone for the Principal or Assistant Principal or contact the teacher in the next room. (if appropriate – send another student for assistance)
- **No student** should be left unsupervised **outside the classroom** as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted by sending a student to a colleague's classroom, or to the Assistant Principal or Principal. This should be accompanied by documentation and appropriate follow up. The teacher, Principal or Assistant Principal **is to be contacted first** to alert them that the student is on their way.

Communication

This policy will be communicated to our school community in the following ways:

- Provided to staff at induction and included in staff handbook/manuals
- Discussed at staff meetings/briefings as required
- Made available publicly on our school website
- Included in transition and enrolment packs
- Duty of Care will be an agenda item at staff meetings
- Made available in hard copy from school administration upon request

Further Information and Resources

- the Department's Policy and Advisory Library (PAL): Duty of Care
- the Department's Policy and Advisory Library (PAL): Structured Workplace Learning

Related Policies

- Communications Policy
- Visitors Policy
- Yard Duty Supervision Policy
- Student Wellbeing Policy

Policy Review And Approval

Policy last reviewed	November 2024
Consultation	School Council Wellbeing team Team Leaders Senior Leaders
Approved by	Principal: Scott Tully: School Council: Lincoln Wilson
Next scheduled review date	November 2026