



Jilbup
PRIMARY SCHOOL

Duty of Care Policy



Duty of Care Policy

Purpose

Jilbup Primary School is committed to achieving a balance between protecting students from an unreasonable risk of harm and encouraging students' independence and maximising their educational opportunities. Our staff have a duty of care to protect students from risk of harm that can reasonably be foreseen when students are involved in all school activities.

- All staff working with students owe a duty of care to those students.
- All staff must take reasonable steps to reduce the risk of reasonably foreseeable harm to students.
- All staff must take reasonable precautions to minimise the risk of child abuse by an individual associated with the school.
- The requirement to take reasonable steps to reduce the risk of reasonably foreseeable harm, continues even when another party is involved (for example, a third-party providing services for an excursion or school camp).
- In some circumstances, a school's duty of care will extend beyond school hours and outside of school grounds.

Details

School staff have a duty of care in relation to students. Principals, teachers, and other staff working with students must take reasonable steps to minimise the risk of reasonably foreseeable harm, including by:

- Providing suitable and safe premises
- Providing an adequate system of student supervision
- Undertaking risk assessments for school activities and events
- Implementing strategies to prevent reasonably foreseeable injuries, whether physical or psychological, to students (including injuries suffered as a result of bullying)
- Ensuring that appropriate medical assistance is provided to a sick or injured student.
- Ensuring the school complies with the Child Safe Standards
- Taking other reasonable precautions to minimise the risk of child abuse by an individual associated with the school.
- Implementing relevant Department and local school policies
- Managing employee recruitment, conduct and performance.

This duty of care is non-delegable, meaning that it cannot be assigned to another party. However, this does not mean that only one person holds a duty of care to a particular student at any one time. Multiple staff may have a duty of care to the



same student, with differing responsibilities and roles to play in relation to the school discharging its overall duty of care. The precise scope of each staff member's duty of care may be different.

For example, a principal is not required to personally supervise every student at lunchtime to discharge their duty but instead is responsible for establishing and monitoring a system for supervision that is shared amongst staff. Another staff member may be responsible for preparing the yard duty roster and each staff member rostered onto yard duty will have a duty of care to take reasonable steps in relation to any foreseeable risks to students arising at lunchtime which may include:

- Monitoring specific students where there are known risks.
- Generally monitoring all students and intervening where there is inappropriate student behaviour.
- Responding to accidents and taking appropriate measures to follow up any incidents that have occurred, which may involve ensuring that the incident is reported to another staff member with responsibility for further action.

Policies and Duty of Care

Legal background- 'Duty of care' is an element of the tort of negligence. In broad terms, the legal position is that if a person is injured because of a negligent act or omission of another, the injured person should be compensated for loss and damage flowing from that negligence.

To successfully bring a compensation claim in negligence, a person must establish on the balance of probabilities, that:

- A duty of care was owed to them at the time of the injury.
- The risk of injury was reasonably foreseeable.
- The likelihood of the injury occurring was more than insignificant.
- There was a breach of the duty of care or a failure to observe a reasonable standard of care; and
- This breach or failure caused or contributed to the injury, loss or damage suffered.

The fact that a duty of care exists does not mean that a school staff member will be liable for every injury sustained by a student. In order for the student to succeed in a negligence claim, all of the above elements must be established.