



St Maroun's College



Duty of Care Policy



St Maroun's College policies have a commitment to Maronite Catholic ethos and values and should be read in conjunction with other policies and procedures and with relevant legislation.

St Maroun's College Anti-Bullying Policy
St Maroun's College Attendance Policy
St Maroun's Bus Travel Policy
St Maroun's College Child Protection Policy
St Maroun's College Code of Conduct
St Maroun's Community Consultation Policy
St Maroun's Complaints and Grievance Policy
St Maroun's Consultation Policy
St Maroun's Discrimination, Harassment and Bullying Policy
St Maroun's Duty of Care Policy
St Maroun's College Excursion Policy
St Maroun's College Facilities Policy
St Maroun's College First Aid and Medication Policy
St Maroun's Homework Policy
St Maroun's College Learning Support Policy
St Maroun's Playground Supervision Policy
St Maroun's Sports Handbook Policy
St Maroun's College Risk Management Policy
St Maroun's Suspension and Expulsion Policy
St Maroun's Student Development Policy
St Maroun's College Work and Safety Policy

POLICY REVIEW

These policies will be reviewed not less frequently than once every three years.

St Maroun's College

Duty Of Care Policy

Introduction and Purpose

The duty of care owed by a teacher or school authority to pupils under their care is to protect them from a reasonably foreseeable risk of injury. It is the responsibility of the Principal to ensure that the teachers and staff at the College are aware of the regulations governing duty of care and are educated in how day- to - day duty of care is to be practised.

Where duty of care fails, the teacher or school authority may be deemed to be negligent. The elements necessary for negligence to be established may be summarised as follows:

- The existence of a duty of care owed in law by one person to another
- A breach of that duty
- Loss or damage flowing from that breach

Additionally, the essential factor in determining liability for the consequence of an act is whether the damage is of such a kind as a reasonable person should have foreseen. Negligence, then, is the failure to do in the circumstances what the circumstances require. Any staff member can be held liable for negligence. Where the staff member exceeds the scope of his/her employment or commits an act of gross misconduct, the staff member may be held personally liable.

Traditionally courts have considered a school's duty of care decreases with the increasing age of the students. That is, the duty is considered to be higher with younger students and less with older students.

Although it must be noted that although the compulsory schooling age has been raised to 17, schools continue to have a duty of care for all students, indeed to all people on its site and that is to actively ensure the provision of a safe environment.

Implementation

Supervision

The overwhelming majority of cases commenced against school authorities include an allegation that there has been a breach of duty to provide any, or any adequate supervision. The Principal has a legal obligation

to provide and maintain an efficient system of supervision. The responsibility to provide supervision is paramount and overrides all other administrative considerations.

Teachers assigned to supervision duties must actively and closely supervise the students. It is not sufficient merely to be passively in the general area of students requiring supervision.

The amount of actual supervision required of teachers depends on the age and ability of the students, as well as the activity in which they are engaged.

Supervision can be looked at in various settings related to school activities as discussed below.

Classrooms

Teachers clearly have a responsibility to adequately supervise students in the classroom. Special attention to supervision is necessary in lessons that are practical in nature.

Adequate supervision means, among other things, that teachers should be punctual for classes, supervise students entering and leaving the room and not leave classes unattended. It requires the teacher to take active steps and closely supervise the class. It is not sufficient for the teacher merely to be present in the classroom.

Playgrounds

Teachers have a responsibility to adequately supervise students in the playground.

This requires that the College must have and maintain a system of appropriate playground supervision during break times and that teachers carry out the supervision assigned to them. The College publishes and provides to all teachers a Duty Roster that covers before and after school duties, Recess and Lunchtime duties. Teachers on playground duty have a serious obligation to stop students from playing dangerous games and from injuring themselves with harmful objects.

Although the College is not responsible for supervising students on their way to and from school, the College may be deemed to have a responsibility for supervising students as soon as the College opens each morning, and until they leave the College premises at the end of the day.

Before and After School

The teacher's responsibility to students arises before the commencement of formal teaching and extends beyond the cessation of formal teaching on any school day.

When teachers arrive early or leave late, parents, unless advised to the contrary, could easily assume that because the College is open outside normal College hours, there would be adequate supervision of children. To guard against such assumptions, the College has adopted the following policy: that at the beginning of the year and at regular intervals throughout the school year, parents are clearly notified:

- That students are not allowed to come to the College before a certain hour and are required to leave before a certain hour.
- That there is no supervision either at the College or in the College surrounds outside official College hours (as defined above) and that if teachers are present at the College they are present for other reasons and will not and cannot perform supervisory duties.
- That the parent is responsible for supervision and safety of the child outside officially supervised College hours.

Transport

Particular attention should be paid to supervision arrangements for students alighting from or waiting to board school buses outside the College premises.

Games

The College is not generally liable for injuries sustained by a student while playing in one of the regular College games, provided it is being played according to the rules and unfair play is penalised. Teachers should ensure that this occurs.

The Common Law considers that sports and games which contain an obvious element of danger are only played by persons who know they may be injured and therefore voluntarily accept the risk. However, the College should not offer to its students games or activities which are inherently dangerous.

Excursions

When students undertake an educational visit or excursion organised by the College, the Principal should be satisfied that:

- The excursion is educationally sound
- The travel arrangements are properly detailed

- The excursion is essentially safe in nature and location
- It can be adequately supervised

Teachers are directed to the separate **Excursion Policy** detailing the procedures to be followed with all excursions.

Overnight, Extended Excursions, Camps, Retreats

Staff planning overnight or extended excursions should recognise their special duty of care for student safety and wellbeing in these circumstances. In particular, it is essential that at least one teacher has CPR and emergency care training and that detailed medical information has been obtained from parents prior to any overnight excursion. A roll of students attending the excursion should be taken at suitable intervals over the period of the excursion.

Staff organising an overnight or extended excursion must take all necessary steps to provide sufficient numbers of teachers to ensure adequate supervision.

Bushwalking

Following a coronial inquest into the death of a school student in 1995, a set of guidelines titled 'Bushwalking Operational Guidelines' was prepared for the use of teachers in all NSW schools.

These guidelines must be adhered to by any teacher proposing to take students on a bushwalk-type excursion.

Film Screenings and Live Performances

Teachers must take into account the age and maturity of students and acquaint themselves with the details of any film or live performance and any accompanying classification prior to allowing students to view this film or live performance.

School Premises – Safety

The College and teaching staff owe a duty of care to the students to ensure, so far as is reasonably possible, that the College premises and, in particular, any equipment in the College playground is kept in a safe state of repair.

Premises Controlled by Other Persons

The Principal is under a duty of care to ensure that any premises to which the students are taken are inspected by the College, and are found to be apparently safe; equipment provided by the third party is

appropriate and appears to be in good condition; and that the students are not taken on an activity or to premises which are inherently dangerous.

Attendance

While the common law has not placed a greater duty on schools it is incumbent upon schools to follow certain procedures in cases of non attendance. This is particularly the case for all students who are minors (i.e. up to and including 18 years of age) particularly in cases where the absence appears to coincide with other welfare concerns.

Teachers are directed to the separate policy on Attendance which determines the procedures to be followed for non attendance.

Policy Review

Last Reviewed: December 2013

Approved By: College Staff

Renewal Date: December 2014