

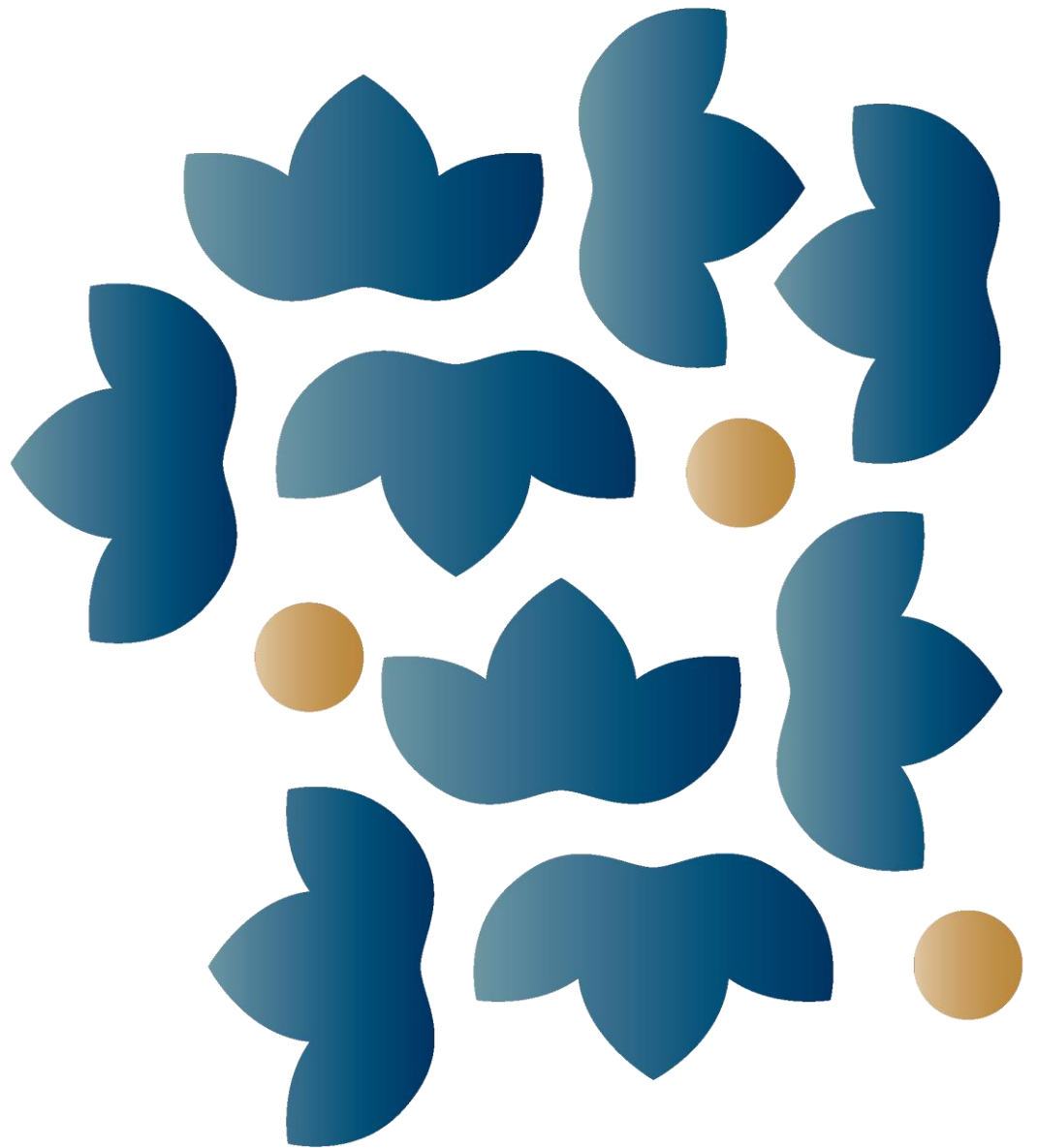


**St Joseph's
School**

HINDMARSH

Policy

Duty of Care



1. CONTEXT

The law imposes a legal duty on schools and school staff to take care of the safety and wellbeing of students and others in their care. This policy sets out the stance of the South Australian Commission for Catholic Schools (SACCS) with regard to Duty of Care matters.

2. SCOPE OF POLICY

It is recognized that it is beyond the scope of this Policy to cover all aspects of legal responsibilities; however, the policy is intended to provide direction for St Joseph's School Hindmarsh staff.

3. POLICY

- 3.1 all St Joseph's School Hindmarsh staff owes a duty to take reasonable care to ensure that their acts or omissions do not cause reasonably foreseeable injury to students or others. The definition applicable is at least the standard of a reasonable and prudent parent but persons professing special skills must use these skills to the level which could reasonably be expected of a skilled person. The duty of care owed by education personnel is that of a 'reasonable professional';
- 3.2 this duty applies during all activities and functions conducted or arranged by the school and whenever a teacher-student relationship exists;
- 3.3 this duty is non-delegable, meaning that it cannot be assigned to a third party;
- 3.4 the school Principal, teachers and other staff take reasonable steps to reduce risk including the:
 - provision of safe and suitable premises
 - provision of an adequate system of supervision
 - implementation of policies, procedures and practices to ensure a child-safe environment
 - responsibility for ensuring one's own safety and that of others in the workplace
 - implementation of strategies to prevent bullying and harassment
 - provision of medical assistance to sick or injured students
 - identification and mitigation of risk.

4. The Safety Definitions

Duty of Care may be defined as, 'an obligation, recognized by law, to avoid conduct fraught with unreasonable risk of danger to others.' Staff means staff employed by any Catholic school or Catholic Education Office in South Australia.

RESPONSIBILITY FOR IMPLEMENTATION, MONITORING, AND CONTINUAL IMPROVEMENT

1) School Board

- To comply with the requirements of the SACCS & CESA Policies
- To comply with the requirements of the relevant WH&S legislation
- To represent parents in determining appropriate procedures and guidelines

2) Principal

- To ensure that the school meets the SACSS & CESA requirements through the provision and maintenance of child protection policy, practices, procedures and programmes
- To ensure appropriate professional development for staff
- To educate school communities about their legal responsibilities and school practices
- To inform teachers of any issues affecting child safety. (eg custody orders)
- To support the SACCS & CESA Policies

3) Teachers

- To be educated in the areas of Child Protection and Mandatory Notification
- To provide protection and abuse prevention curriculum for children, namely; Child Protection Curriculum
- To actively support practices and processes as per this policy

4) Parents

- To be familiar with and support the practices and procedures of this policy
- To inform the school of any potential issues affecting child safety (e.g. Custody Orders, collecting children early)

5) Students

- To be supported to learn responsibility for their own health and personal wellbeing
- To be encouraged to work with staff to enhance learning activities in a proactive manner

Supervision

IT IS ACKNOWLEDGED THAT STAFF MEMBERS OWE A DUTY OF CARE TO ALL STUDENTS BY TAKING ALL REASONABLE MEASURES TO PROTECT THEIR SAFETY AND WELFARE, EVEN WHEN NOT ON 'OFFICIAL' YARD OR OTHER DUTY.

Yard Duty

Teachers are to make their way to yard duty area promptly and to be actively and vigilantly on patrol in the required area.

Teachers are not to leave the area until another teacher arrives. If the yard duty teacher is not relieved at the appropriate time he/she is not to leave yard but to send a child to the office to ask for someone to relieve him/her.

Teachers on yard duty will stay with the students in the yard until a class teacher arrives.

Teachers are to be aware of other classes at line up. When only two classes remain teachers are not to leave the last class until that class's teacher arrives. If a teacher does not arrive, send a student to the office to seek assistance.

All classrooms are to be locked at lunch and recess times.

Teachers on yard duty are to ensure that the schoolyard is not left unsupervised. If teachers are unable to undertake a scheduled yard duty they need to arrange a swap with another teacher. When teachers are not at school, the relief teacher will be assigned their duty.

1) Before School

- Supervision will be provided in the yard from 8:30 am.
- Students are to report to their rooms once the teacher is present and prepare for the day. All students should be in class by 8:50am in preparation for classes/assembly to begin.
- Students may play and order lunches before school. Play can occur on the courts and grassed area. The playground is out of bounds and ball games are not to be played on the grassed area.
- Students may be in the yard early in special circumstances e.g. choir practice, leaving on excursion. When this occurs a staff member needs to be at the designated meeting area on time.
- Teachers on duty in court and grassed area or school crossing are to unlock the Albemarle Street gate and Bertie Street by 8.30am. The Bertie Street gate is to be locked by a staff member by 9.15am.
- An ESO will be available in the front office from 8:30am to attend to any enquiries.

2) During School

- Staff will have the responsibility of providing a duty of care to all children in their care during class time.
- Students may be absent from their class only with the permission of their supervising staff member. (e.g. message, toilet)
- Students, if age appropriate, to have a class buddy with them if absent from class.
- Students will be expected to move around the classrooms by walking, not running.
- Class teachers are to supervise the movements of classes from one area to the next.
- A staff member is to be present if children are in a classroom. Students are not to be left unsupervised.

3) Staff are to ensure that small groups of children who are working in an alternative area are supervised, Recess & Lunch Time

- Staff will continually reinforce correct and appropriate behaviour with students during playtime, including correct play areas.
- Students are to move from lunch eating area to begin play only after the bell sounds at 1:00pm.
- Staff will have a duty bag with them at all times and use the appropriate card to summon help if needed.
- Teachers not on yard supervision should collect their classes immediately after the bell.
- Students are not to be in classrooms unless a teacher is present.

4) After School

- Students should not be dismissed until the final bell.
- Supervision on Albemarle and Bertie Street will be provided until 3:20pm. Students who have not been collected will either be taken to OSHC or to the school office as appropriate.
- The Albemarle Street and Bertie Street gate will be locked by the teacher on completion of duty.
- Preschool, Reception and Year 1 students are escorted to OSHC.

5) Excursions

- The standard of care to be exercised on excursions must be in line with the School's and CESA's guidelines on 'Camps, Incursions & Excursions'. This includes adult/student ratio.
- Prior approval must be obtained from the Principal or delegated member of the leadership team via the planning form which should be completed two weeks prior to the excursion.
- A copy of the information should be given to the front office staff should there be an enquiry from a parent.
- A risk assessment must be completed with planning sheet and submitted to the Assistant Principal for approval, prior to the excursion taking place.

6) Physical Education & Sport

- Teachers must comply with guidelines provided in relation to teacher/student ratios for various sporting activities. (Refer to SACCS Camps and Excursions Policy)
- Teachers should ensure that activities provided are commensurate with students' ages, abilities, fitness levels, facilities etc.
- Playing surfaces and equipment should pose no risk to students (including those that are not the property of the school).

7) Playground

- Students are not permitted on the playground before and after school.
- Teachers should ensure students know which items are suitable for their ages and size and provide training in their use e.g. correct grip.
- Teachers should report any piece of play equipment that needs repair/ maintenance.
- Students should be familiar with and abide by Playground Rules.

8) Sun Protection

- Students and staff are expected to wear a hat as outlined in the Sun Protection Policy. Students are encouraged to apply sunscreen for outside activities also.

9) Notifying Parents/Caregivers

- Parents/Caregivers must be informed of any serious accident involving their child as soon as possible after the accident. Any injury to the head must be reported to parents.

Bullying

- Staff should continually reinforce the Restoring Relationships Policy and Anti Bullying and Harassment Policy with students and parents.

Mandatory Notification

- All staff members must be trained in the area of 'Child Abuse and Neglect'
- Staff members are obliged by law to notify Families SA (Child Abuse Report Line) if they suspect on reasonable grounds that a child/ young person has been or is being abused or neglected in the course of their work
- All staff will make every effort to provide a safe and secure environment where students can be safe and feel safe
- Staff will intervene on behalf of students as appropriate and actively work towards empowering students

Internet Use

- All staff members must be aware of their responsibilities within the School's 'Information & Communications Technology Policy' and CESA Staff Code of Conduct.
- Students will be continually monitored to ensure their safety and well-being in terms of safe use of the Internet

Health Care

Please refer to administration of medications policy and procedures

RESOURCES

Protective Practices for Staff in their Interactions with Children and Young People: Guidelines for Staff Working or Volunteering in Education or Care Settings 2017

Disability Standards for Education 2005

Disability Discrimination Act 1992

Education and Care Services National Law Act 2010 and Regulations

South Australian Education and Early Childhood Services (Registration and Standards) Act 2011

The Legal Obligations of a Teacher 2008, Drew Hopkins

A Teacher's Duty of Care 2014, Dennis Sleigh



Richard Ellerman
Chairperson

Dated: 23 November 2021



Principal
Maria D'Aloia

Dated: 23 November 2021

REVISION RECORD

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