



DUTY OF CARE POLICY

2021

Review Date: 2024

Ratified by School Board: _____ 2021

Vision Statement

By the end of 2023, St Anthony's will be known as an innovative School, where learners thrive through connectedness, belonging and a commitment to excellence.

Developed by Staff & School Board. All references to Staff members are inclusive of Administration Staff, Support Staff, Teachers and Relief Teachers.

INTRODUCTION

At St Anthony's Catholic Primary School, the Duty of Care Policy and Procedures are underpinned by the South Australian Commission for Catholic Schools (SACCS) Vision Statement, Charter for Teachers and Development of Personal Responsibility Policy and by existing legal principles.

Guidance by the SACCS Vision Statement includes that Catholic Schools have a duty to educate young people in all dimensions of life.

RATIONALE

Duty of Care refers to the special relationship which exists between a teacher and a student. It also refers to the relationship between school authority and all students. A duty of care may also exist between non-teaching staff and students, depending on the staff member's role.

Duty of Care relates to the law of negligence and, simply, it means that teachers and schools owe a duty to students to take all reasonable measures to protect their safety and welfare. If an injury results from a teacher's or a school's failure to exercise the required standard of care, a negligence claim may result.

Duty of Care is non-delegable: it cannot be assigned to another party.

Generally, teachers are expected to take such measures as are reasonable in the circumstances to protect a student in their charge from reasonably foreseeable risks of injury.

The important issue in all cases will be what precautions the school could reasonably be expected to have taken to prevent the injury from occurring.

STANDARD OF CARE REQUIRED BY SCHOOLS

St Anthony's Catholic Primary School is committed to a safe environment for all students. To achieve this we:

- Provide suitable and safe premises
Provide pro-active and diligent supervision
- Implement strategies to prevent bullying
- Ensure that medical assistance is provided to any sick or injured student
- Manage employee recruitment, conduct and performance

It is important that schools clearly inform parents/caregivers when playground supervision will be provided and that no formal supervision of the playground occurs outside those hours. Similarly, some risks outside of school will involve informing parents/caregivers of e.g. changed bus arrangements and ensuring they have adequate time to make appropriate arrangements for transporting their children to and from school.

There will be other situations in which schools will be under a duty of care to take reasonable steps to avoid injury. e.g. monitoring of bus behaviours and speaking directly with parents when the need does arise

NEGLIGENCE

Students may suffer injury that can be physical, emotional or psychological due to the school's negligence.

The concept of negligence in the duty of care relates to the following key elements:

1. *The teachers and school owe the students a duty of care.*

Students need care and supervision. Their parents/caregivers cannot provide this while they are at school and so teachers undertake this obligation. It is a teacher's duty to ensure that reasonable steps are taken for the safety of students.

2. *The school exercises a standard of care.*

The standard required may be a higher standard than that of a parent. It depends on:

- The age and capacity of students (e.g. The teacher: student ratio is greater for younger students than older, when going on an excursion)
- The nature of the activity (gravity of the risk)
- Whether the activity is justifiable on educational grounds
- Whether it would impose unjustifiable hardship to eliminate risk
- Whether injury is foreseeable

3. *Sufficient and appropriate care needs to be taken to prevent problems, issues and/or injury from arising. This is inclusive of high expectations of student behaviour at all times for the alternative constitutes a higher level of risk to all*

NON-DELEGABLE DUTY

St Anthony's Catholic Primary School ensures reasonable care is taken and will not avoid liability by delegating that duty to someone else.

The school minimises risk by:

- Ensuring all visitors sign in and check out by signing a register
- Ensuring all volunteers, contractors, consultants and employees from other agencies have relevant WWCC, RAN Training and Electronic Screenings before participating in school activities or entering the site.

OCCUPIER'S LIABILITY

St Anthony's Catholic Primary School ensures that the premises are safe for visitors to enter. For example, we ensure that pathways are clear of obstacles and that maintenance of ground surfaces is carried out in order to reduce the likelihood of injury.

YARD DUTY

When the school is open St Anthony's Catholic Primary School will provide adequate supervision at all times. Adequate supervision means all areas that children access for play will be supervised. All students are to be within vision, as far as practicable, during all breaks. Staff on duty will be on time and actively patrol the duty area.

Staff will not leave the area until the next staff member arrives to take over the duty, or the duty has ended. [No teacher should leave an area even if another is running late to that duty.]

BEFORE AND AFTER SCHOOL

The school is obliged to provide care and supervision to students who enter the playground before yard duty commences at 8:30 am until the completion of the school day at 3:30 pm in the afternoon. Children are not to play on any play equipment either before or after school. This includes whenever teachers may be meeting with parents.

In the morning they gather under the verandah or in the Nature Play Area where they are able to wander without accessing any equipment.

Children are to wait inside school grounds to be collected in the afternoon: either at the Gazebo in the Front Yard or with the Back duty teacher for pickups from either the Drop Zone or Emily street. No child is to wait unaccompanied outside the Emily Street gates. The Back Yard Duty teacher before leaving the Kiss and Drop is to ensure all students waiting in the Back Yard area after 3.30 pm are to wait in the office.

Parents/Caregivers are informed of Yard Duty times. The need for supervision prior to 8.30 a.m and after 3.30 pm is a parental/caregiver responsibility. They are responsible for their child/ren's care. Parents are contacted in the afternoon if students are not collected and the students will wait in the Front Office area.

CLASSROOMS AND SPECIALIST AREAS

Students are never to be left in any building classroom without a teacher. At Recess and Lunch times, students are not to be in classrooms unless with a teacher.

Students may enter the building to access toilets but must return outside and are not to be unsupervised in the corridors.

If there is a higher risk situation e.g. while using ovens, cooking utensils etc. teachers are to be vigilant and to ensure that safety procedures are well known to students.

EXCURSIONS

The standard of care to be exercised on excursions is higher than while at school. Often risks are greater in unfamiliar environments where students are out of their safe zone and can be inclined to not foresee risks.

Before planning an excursion, teachers must:

- Consider the venue and check the appropriate Risk Assessment
- Discuss excursion with Principal and submit Event Planning Sheet [Form 1]
- Notify parents of the excursion and obtain permissions as required
- Enquire about the screening processes for any staff at the excursion site
- Ensure the premises has public liability insurance
- Ensure the ratio of adults to students follows the Excursion Policy guidelines
- Ensure the Risk Assessment is complete prior to the day

FIRST AID, HEALTH MANAGEMENT AND WHS

St Anthony's Catholic Primary School, being a signatory of the Exempt Licence Scheme Mutual Responsibilities of Participants statement, is committed to the Corporate Occupational Health Safety and Welfare Policy of the Catholic Church Exempt Employer Licence, Workers Compensation, administered by the Catholic Church Insurances Limited.

To meet this commitment, St Anthony's Catholic Primary School's Responsible Officer or Delegated Responsible Officer as appointed under legislation, is ultimately accountable and responsible for the implementation and monitoring of this policy, although responsibilities arising out of the implementation are delegated to the most appropriate senior officer within St Anthony's Catholic Primary School.

St Anthony's Catholic Primary School recognises:

- the requirements for legislative compliance with WHS legislation
- the requirement for continuous review and improvement
- responsibilities and accountabilities for all relevant employees in accordance with supporting policies and procedures
- the commitment that adequate resources and appropriate internal and/or external expertise will be used when required
- a commitment to communicating relevant information to all employees in an appropriate manner
- the duty of care to all persons in the workplace including contractors, consultants, employees from agencies, volunteers, visitors and the general community in so far as is reasonably practicable
- the requirement for an effective hazard management approach to OHS+W
- that there are children who suffer allergic reactions and/or who suffer from on-going health conditions that require both a high duty of care and pastoral concern

PRINCIPAL

The Principal (or delegate) will ensure that staff, students and their families understand and follow the school's health support procedures by:

- alerting families to the need for health care plans where students need individual support
- developing, monitoring and reviewing health support procedures
- managing health support planning
- managing confidentiality

ALL SCHOOL STAFF

A staff member's first duty is to the students in his/her care. For students with health support needs this means the school will:

- help families understand the health support planning procedures in the school (eg procedures used to support with asthma)
- provide basic first aid
- develop learning and care programmes that accommodate health support plans
- report to parents/guardians any observations which could indicate health related concerns

ADVISING STUDENTS

Staff can be often called upon to advise students. When doing so they should:

- limit advice to students to areas within their own professional competence and given in situations arising from a role specified for them by the Principal
- ensure that the advice they give is correct and in line with the most recent available statements from institutions or employers.
- avoid giving advice in areas unrelated to their role or where they may lack expertise.

All staff must take reasonable care to protect their own health and safety. Therefore they will:

- Accept responsibility for safe working conditions within their control. This includes notifying the Principal should their own health pose risk to others
- Use equipment provided for health and safety purposes
- Apply standard precautions against transmission of infections (eg wear gloves when attending to students with blood / injury)
- Follow instructions related to health and safety
- Perform tasks in line with training received
- Keep up-to-date in First Aid training
- Follow 'fitness for work' guidelines
- Be mindful of Risk Assessments and remain alert at all times

PARENTS AND CARERS

Parents/caregivers are primarily responsible for the health and well-being for their children. It is their responsibility to:

- provide relevant health care information
- liaise with health professionals to provide care plans that can be implemented within the school with minimal disruption to the learning programmes

STUDENTS

Wherever possible, students will be supported to learn responsibility for their own health and personal care needs in non-emergency situations (e.g students will be encouraged to tend to their own minor wounds and apply their own bandaids).

All students' medication will be kept in the First Aid Room. It needs to be labelled with student's name and dosage requirements.

Students will be supervised by a staff member in self administering their medication.

NOTIFYING PARENTS / CAREGIVERS OF ILLNESS/INJURY

Parents/caregivers will be notified of any accident involving their child as soon as possible after the accident occurs.

An accident report will be written and kept on file. This will include:

- Description of accident
- Details of the injuries sustained

- Follow-up action eg first aid administered
- Time of correspondence to parents/guardian
- A copy will be forwarded to parents / caregivers

CHILD PROTECTION & MANDATORY REPORTING

We have an obligation to:

- Protect students
- Provide a secure, safe environment where students can be safe and feel safe.
- Intervene on behalf of students
- Actively work towards empowering students by providing Protection and Abuse Protection Curriculum e.g the Keeping Children Safe
- Ensure the principles of care, protection and safety are implemented

All school staff are educated and kept up-to-date in the area of Child Protection and Mandatory Reporting.

Please refer to Child Protection policy

DISCLOSURES MADE IN CONFIDENCE

If a student discloses to a staff member something that puts their or someone else's safety or welfare at risk, e.g suicidal thoughts, then the staff member's overriding duty of care towards that student demands that they immediately inform the Principal (or delegate) who will then contact the parents/caregivers. Support measures (eg referral to specialist) will also be put in place, if appropriate. Ideally, this should be done with the consent of the student but it is not necessary. Staff will be trained as part of their duty of care to know how to deal with disclosures by students.