



## **Thomastown West Primary School Duty of Care Policy 2020 - 2024**

Thomastown West Primary School motto is **Together Working on Pathways to Success**. We believe that students can reach their full potential when they are happy, healthy and safe. The Thomastown West learning community is committed to creating and maintaining a positive, safe and supportive environment. By living our values (Respect, Responsibility, Resilience, Empathy and Striving to be our Best) we encourage every child to reach their academic and social potential in an inclusive and innovative learning environment. All government school staff members at Thomastown West Primary School are aware of their legal responsibilities. Child safety and wellbeing are paramount at Thomastown West Primary School.

### **PURPOSE**

The purpose of this policy is to explain to our school community the non-delegable Duty of Care obligations that all staff at Thomastown West Primary School owe to our students and members of the school community who visit and use the school premises.

### **SCOPE**

This policy applies to all students and staff at Thomastown West Primary School.

### **POLICY**

“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 Thomastown West Primary School may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

Thomastown West Primary 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
- Child Safe Standards
- Emergency Management
- Volunteers
- Visitors
- Mandatory Reporting
- Occupational Health and Safety

Staff at Thomastown West Primary 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.

Thomastown West Primary School staff will demonstrate their commitment and understanding of their Duty of Care responsibilities in the following ways:



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- By understanding that 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. Legal cases establish that a teacher's Duty of Care does not start nor end at precise times during the day. The approach generally taken is that a teacher's duty applies irrespective of whether the risk occurs in or outside the school environment. However, the important issue in all cases will be whether the school took reasonable steps to protect the student from the risk.
- By understanding that all Thomastown West staff must follow the DET guidelines when organising an excursion, incursion or camp. All procedural steps contained in the school's camping, excursions and incursions policies and procedure outlines must also be followed.
- By understanding that handing over duty, particularly yard duty, from one teacher to another must be quite definite and must occur in the area of designated duty. Where a relieving teacher does not arrive for duty, the teacher currently on duty should send a message to the office, but not leave the area until replaced.
- By understanding that a teacher's Duty of Care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen does not have a legal obligation to respond.
- By understanding that Duty of Care cannot be delegated to ancillary staff, parents, trainee teachers or placement students.
- **By understanding that students will not be left unsupervised inside or 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 according to the Thomastown West Primary School Student Engagement, Wellbeing and Inclusion Policy.
- All toilets at Thomastown West Primary School are located inside the school buildings. Although, classes (including Specialist classes) that are situated in a Portable Building utilise their closest toilet, such as the Multi-Purpose Room. Regardless of the students' age, teachers send students to the toilets in pairs.)

It will be the responsibility of the Principal to address any breaches of duty of care. These could include:

- 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 any room
- failing to instruct a student who is not wearing a hat to play in the shade
- ignoring dangerous play
- leaving the school during time release without approval
- inadequate supervision on a school excursion.

New staff will be informed of their Duty of Care obligations as part of the school's Induction Program.

### MORE INFORMATION AND RESOURCES

- the Department's Policy and Advisory Library: [Duty of Care](https://www2.education.vic.gov.au/pal/duty-of-care/policy)  
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### **EVALUATION**

- This policy will be reviewed as part of the Thomastown West Primary School four year policy review cycle.
- This policy was last updated on 3<sup>rd</sup> August, 2020 and is scheduled for review in 08/2024

<b>Date Implemented</b>	2016; 2020
<b>Author</b>	Principal Assistant Principal TWPS Leadership Team
<b>Approved By</b>	School Council
<b>Date Reviewed</b>	October 2016; August 2020
<b>Responsible for Review</b>	Assistant Principal
<b>Review Date</b>	3/8/2024
<b>References</b>	Victorian Government Schools Policy Advisory Guide