

Duty of care for students policy

[Profession](#), [Teacher](#)



INTRODUCTION Duty of care for students — ‘ Duty of care is a legal concept that relates to the common law. The common law is a collection of legal principles that have been established over time by the courts’ (WADE, 2007) The duty of care policy plays an integral role in schools in combination with other school policies and practices. The ‘ duty of care for students’ policy explains clearly what duty of care means, and what the teaching staff responsibilities are and how teaching staff may discharge their duty of care to students, and also the circumstances in which non-teaching staff, external providers and volunteers may owe students a duty of care. This paper is intended to highlight the purpose, outcome and discharge enabling outcomes expected for those responsible for the care of students.

DISCUSSION The Policy As mention in the introduction, the policy was created to explain clearly what duty of care means, how teaching staff, as professionals, may discharge their duty of care to students, and the circumstances in which non-teaching staff, external providers and volunteers may owe a duty of care to students. The policy covers the definitions, relevant legislation or authority, and procedures, inclusive of appendices for duty of care — ‘ Appendix A’ - school based applications and ‘ Appendix B’ - liability. The policy explains thoroughly that the responsibility in the duty of care is to exercise professional judgement to provide a safe environment for all students by pre-empting any foreseeable/unforeseeable risks and hazards by applying preventative measures to avoid and minimise those risks. Allowing for encouragement for students' to develop their independence and maximise their learning opportunities. The duty owed to students is not a duty to ensure that no harm will ever occur, but rather a duty to take

reasonable care to avoid harm being suffered. (WADE, 2007) Some of the issues that the policy covers are; - Duty roster before school, recess, lunch, and after school - School activities in school grounds and outside school grounds — transport for example - Physical and intellectual impairment - Medical conditions such as allergies for example - Behavioural characteristics - The nature of the school activities and environment - meaning level of risk - Students age, experience and capabilities - Student health care - Working with children's check and National Police clearance certificate - Non-teaching, external providers and volunteers owe of duty of care to students without a member of the teaching staff present - Students on school grounds before and after school hours - After school activities - Student leaving school grounds during school hours - Liability in negligence for teaching staff and volunteers — in the WA Policy for duty of care to students, however, ' the definition for ' Volunteer' differs from ' volunteer' in the Volunteers (Protection from Liability) Act 2002 (WA). Not all persons who fall within the definition of ' Volunteer' in the policy will necessarily fall within the scope of the' Volunteers (Protection from Liability) Act 2002 (WA). The policy is important to have so as to give informative guidelines to staff of the importance of minimising the risk of harm and injury to students. However knowing that there is almost no way of preventing risk or harm, but providing the staff with a guide as to how they can reduce and avoid risk of injury or harm and risky behaviours causing injury or harm. The policy provides staff with clear guidelines including inclusions and exclusions regarding their responsibilities to staff, students, and parents. The policy is an important guide and information that includes definitions of when the

duty of care is part of your role. ' This is whenever you as a representative of the school are in charge of students and their actions'. (Whitton, et al. 2010)

The Policy is subject to Teaching staff, non-teaching staff, external providers and volunteers. Such as; Non-teaching staff - School nurses - School chaplains - School-based police officers - Education assistants - Registrars - School officers - Farm supervisors and assistants - Librarians and assistants - Laboratory assistants - Aboriginal & Islander Education Officers - Home economics assistants - Youth support workers - Social trainers - Exam supervisors External Providers - A business/individual paid by the school to provide a venue, service or expertise in relation to school activities such as dance instructors, Perth Zoo, Aqua, SciTech, and so on. Volunteer - An adult or organisation who/which offers services for school activities. But receives no remuneration from the school for the services provided, such as parents/guardians, community members, student teacher, and so on. When an occasion arises where a teacher needs to leave the class of students in the care of other non-teaching, external providers, or volunteers they are to determine whether they are suitable to do the job. The non-teaching staff, external providers, and volunteers can also refuse to take care of the students in the event they feel that they would not be able to provide reasonable care for the students. This would be full within their rights to refuse, and teaching staff are expected to accept that decision. Scenarios

Scenario 1 - A number of students arrive early to school at about 7: 40 am each morning. The first teachers arrive about thirty minutes later. The implications of this behaviour as per the Duty of Care Policy (WADE, 2007) is, that the policy clearly states the time that duty teachers are present and

insurance is covered for children on campus. When there is no supervision there is considerable risk of injury or harm of a student/s. Notification via individual letters, or newsletter, or parent handbook to inform parents about school policy of student/s arriving at school before school starts, stating that there is a set time for student arrivals where supervision is provide, but that outside the set time parents are advised that there is no supervision provided and that the school does not accept responsibility if a student is harmed or injured. If a teacher does arrive early and sees a student has arrived at school with no supervision (parent), the teacher would contact the parent advising them that the student is at school outside of the recommended time of arrival and that the school cannot accept responsibility for the students wellbeing and to please come at an agreeable time to discuss with the Principal to work out alternate arrangements. In this scenario the implications are that the student could inadvertently leave school grounds (for example), hence exhibiting risky behaviour that may cause harm or injury, in turn creating inquiry into the schools level of reasonable care and responsibility to the student causing issues in relation to insurance, and compensation. Scenario 2 - A student has been waiting in the allocated area for parents to collect their children after school. The parent is late and the student has found a teacher saying that their parent hasn't come to pick them up yet and most other children have been collected leaving them as the last student to be collected, this happens on a regular basis with this particular student. With this scenario the school as a whole would send out a newsletter (in the event), or parent handbook (initially) informing parents/carers of the school closing time, whilst informing them

that there will be rostered supervision for the students up until that time and that school accepts no responsibility when the parents are late in collecting their child. In the case of this student whose parent is late. The teacher who has been rostered to supervise students waiting to be collected after school would escort the student to the office and then attempt to contact the parent to request them to collect their child as soon as possible letting the parent know that after a specific time that there is no staff to supervise students and that the school cannot accept responsibility for the students wellbeing. If in the event the parent is unreachable the teacher would contact the next of kin or alternate contact to come and collect the student. The teacher would also inform the Principal, and arrange a meeting with the parent and Principal to discuss alternate arrangements. Also in the event that the parent is considerably late, not once but several times, and on each occasion being informed of the school guidelines for after school pickup, the teacher would then also report concerns to the Department of Child Protection/or have the Police come and collect the student. Scenario 3 — The teacher has been informed prior to meeting their new students that one student has an allergy to nuts. The school as a whole sends out a newsletter reminding parents of the risks of allergies and the responsibility of everyone to follow best practices to reduce the risk of an allergic reaction by not sending students to school with any kind of products containing nuts in their lunches, and to contact the teacher if the parents wishes to bring in birthday cakes, cupcakes, or treats for students in the event of a special occasion. In this case as the teacher they would also send a letter to the parents of the students in their class informing them that there is a student in the class

with nut allergies and advise parents not to have any nut products included in their child's lunch so as to reduce the risk of a reaction. The teacher may also request that the parents of the affected child to also provide an EpiPen. The teacher would also get training on how to use an EpiPen, and also request that the parents give their consent to administer the EpiPen if required. This would also be an issue to report to the Principal and to develop school guidelines. ' Guideline — where students are afflicted by particular medical conditions, for example, haemophilia, asthma, a heart condition, brittle bones or epilepsy, special care must be taken to protect such students if their condition is known or ought to be known and exposes them to a special risk of injury.'(WADE, 2007) Conclusion The main points of this report is to highlight to teaching staff and non-teaching staff and others the tools and knowledge to professionally discharge reasonable measures to provide a safe and trusting environment for students to feel safe and encourage learning. Also understanding and acknowledging the liability in negligence. References (WADE, 2007) - The government of Western Australia — Department of Education — Duty of care for students (WA) 26 June 2007, version: 1. 1 final. <http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/p>