

**Rationale**

Weeroona College Bendigo (WCB) is a child safe school and has zero tolerance to child abuse. In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their care from risks of injury that are reasonably foreseeable.

**Aim**

To ensure that staff have an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.

**Implementation**

- In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their care from risks of injury that are reasonably foreseeable.
- Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements of the duty involve providing adequate supervision in the school or on school activities, providing safe and suitable buildings, grounds and equipment, providing effective anti-bully strategies, and ensuring appropriate and timely medical assistance is provided to injured or sick students.
- 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.
- The 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.
- Whilst each case regarding teacher's legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:-
  - Arriving late to scheduled timetable yard duty and 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.
  - Leaving students unattended in the classroom or ignoring dangerous behaviour.
  - Leaving the school during 'non face to face teaching time' without signing out.
  - Inadequate supervision on a school excursion.
- Teachers must ensure that the advice they give is correct and well documented and, where appropriate, in line with the most recent available statements from institutions or employers.
- All staff are reminded that fulfilling their role and responsibilities does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

**Evaluation**

This policy will be reviewed as part of the school's three-year review cycle.