

Duty of Care

Policy



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1 Purpose

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

This policy applies across Catholic Education South Australia (CESA). 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 Catholic School principals and staff.

3 Policy

It is the policy of SACCS that:

- 3.1 all Catholic schools and Catholic Education Offices in South Australia owe 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 schools or Catholic Education Offices 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 all Catholic school principals, 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 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.

Others includes children and young people, contractors, volunteers, members of the school community or people outside of the school community;

5 Responsibility for implementation, monitoring, and continual improvement

Responsibility for implementation, monitoring and review of the policy is vested at the level appropriate to the following roles:

Catholic Education Offices	Catholic Schools
Assistant Director, People & Culture	Principal
	School Board (or Equivalent)

6 Related policies, procedures and support documents

This Policy is to be read in conjunction with, and is additional to, any other relevant South Australian Commission for Catholic Schools (SACCS), school or CESA policy, procedure or support document. All staff are required to comply with the provisions of any such documents, including the following:

[SACCS Duty of Care Procedures \(2014\)](#)

[Procedures for Reporting Child Abuse and Neglect \(2010\)](#)

[Excursions, Camps, Adventure, Physical and Sporting Activities: Procedures for Catholic Schools and Preschools \(2005\)](#)

[Physical Education and Sport](#)

[ICT Policy](#)

[Catholic Church Safety Manual](#)

7 Resources

[The Legal Obligations of a Teacher 2008, Drew Hopkins](#)

[A Teacher's Duty of Care 2014, Dennis Sleigh](#)

8 Revision Record

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