

# 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 recognised 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. 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.

It should be noted that schools that operate Early Education and Care Services, like OSHC, Vacation Care, Long Day Care and Pre-schools, are bound by other laws and subject to additional requirements particularly in relation to First Aid and Health Management requirements of staff and notifications involving serious incidents. These laws and additional requirements can be found in the following Acts, Regulations and Frameworks:

- [the Education and Care Services National Law Act 2010](#) and [Regulations](#)
- [the South Australian Education and Early Childhood Services \(Registration and Standards\) Act 2011](#) and the
- [Australian Children's Education and Care Quality Authority's \(ACECQA\) National Quality Framework](#)

Similarly, some staff who support students with a disability (SWD) are required to have training in medication management, continence care, transfer and positioning (TAPS), oral eating and drinking care.

## 4 Definitions

**Duty of Care** may be defined as, ‘an obligation, recognised 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;

**School** includes all the services offered by the school which would cover Students with a Disability, Boarding Houses, Preschools, Long Day Care, OSHC, Vacation Care and supported playgroups (but not including Alive Catholic Early Learning Centres).

## 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, Leadership & Culture	Principal
Manager: System Safeguarding and Development	School Board (or Equivalent)

## 6 Related documents/links

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 Procedure \(2020\)](#)
- [SACCS Reporting Harm of Children and Young People \(2020\)](#)
- [Catholic Archdiocese of Adelaide Safeguarding Children and Young People Policy](#)
- [Child Safeguarding Policy of the Port Pirie Child Protection Council](#)
- [SACCS Records Management Policy](#)
- [SACCS Information and Report Handling Guideline](#)
- [SACCS Information Security Classification Guideline](#)
- [SACCS Information Security Policy](#)
- [SACCS Camps, Excursions, Sporting and Adventure Activities Policy \(2020\)](#)
- [SACCS Camps, Excursions, Sporting and Adventure Activities Procedures \(2020\)](#)
- [SACCS Student Overseas Travel Excursions Procedure \(2020\)](#)
- [Catholic Safety Health and Welfare Procedures](#)
- [Children and Young People \(Safety\) Act 2017](#)
- [Protective Practices for Staff in their Interactions with Children and Young People: Guidelines for Staff Working or Volunteering in Education or Care Settings 2017 \(2<sup>nd</sup> Edition, revised 2019\)](#)

- [Disability Standards for Education 2005](#)
- [Disability Discrimination Act 1992](#)
- [Education and Care Services National Law Act 2010](#) and [Regulations](#)
- [South Australian Education and Early Childhood Services \(Registration and Standards\) Act 2011](#)

## 7 Resources

Protective Practices for Staff in their Interactions with Children and Young People: Guidelines for Staff Working or Volunteering in Education or Care Settings 2017

Disability Standards for Education 2005

Disability Discrimination Act 1992

Education and Care Services National Law Act 2010 and Regulations

South Australian Education and Early Childhood Services (Registration and Standards) Act 2011

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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