



Hurstbridge Primary School

DUTY OF CARE - CRITICAL INFORMATION

Ref: <http://www.education.vic.gov.au/about/programs/health/protect>

- **All** school staff members have a moral and legal obligation and a Duty of Care to protect any child under their care from foreseeable harm (not just staff who are classified as mandatory reporters).
- As a school staff member, you must respond to any reasonable suspicion that a child has been, or is at risk of being abused by following the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse.
- Recent changes to Victorian legislation create additional legal obligations in relation to reporting suspected sexual child abuse. Failing to meet these obligations can constitute a criminal offence, including a:
 - failure to disclose a sexual offence
 - failure to protect a child (where it is known that a person associated with their organisation poses a substantial risk of sexually abusing children)

Duty of Care Obligations

- Health, Wellbeing and Safety
- PROTECT
- Duty of Care Obligations

As a school staff member, you have a duty to take reasonable steps to protect children under your care and supervision from harm that is reasonably foreseeable (this applies to **all** school staff).

The question of what constitutes "reasonable steps" will depend on the individual circumstances of each case.

You may breach your duty of care towards a student if you fail to act in the way a reasonable or diligent professional would have acted in the same situation. In relation to suspected child abuse, reasonable steps may include (but are not necessarily limited to):

- acting on concerns and suspicions of abuse as soon as practicable
- seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take
- reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection
- arranging counselling and/or other appropriate welfare support for the child
- providing ongoing support to the child – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings
- sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the child

You must follow the Four Critical Actions for Schools to ensure that you fulfil your duty of care obligations for all children who are involved in, or affected by, the suspected child abuse.

See: Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse

Your duty of care also extends to students who are:

- **aged 17 years and over**

In circumstances where you suspect that a student over the age of 17 is subject to abuse you should still follow the Four Critical Actions for Schools. Although DHHS Child Protection work with children under 17 they can still be contacted with concerns relating to students 17 and over for referral and advice.

- **involved in student sexual offending**

You have a duty of care towards all students involved in student sexual offending, including the alleged victim, assailant and any other students in the school who may have witnessed and/or been affected by the abusive behaviour.

See: Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse s

APPENDIX A: General Rules & Management Guidelines

General Rules

- Play safely
- Respect others
- Look after our school
- Do your best

Management Guidelines

Play Safely

- Play safely in the correct areas.
- Walk quietly inside the school and use the nearest and allocated door(s) to your classroom.
- Leave dangerous and/or expensive things at home.
- Walk bicycles and scooters across the school ground and wear an approved helmet.
- No riding bikes during school hours.
- Wear sensible shoes at all times. No thongs or open toed sandals.
- Do not play or eat in the toilets.
- Food is to be eaten only in the designated areas.
- The first aid room is only for sick or injured people and students should only go there when directed by a teacher.
- Stay outside unless directed inside and supervised by a teacher.
- On wet days or very hot days, come inside only after hearing an announcement.
- School hats are compulsory during all outdoor activities from September to end of April.

Respect Others

- Do not hurt, annoy other people or take part in fighting or bullying.
- Spitting is unhealthy and unacceptable.
- Allow everybody to play safely and cooperatively.
- Be respectful and polite and do not swear or verbally abuse others.
- Students are encouraged to seek assistance from Peer Mediators to resolve minor conflicts.

Look After our School

- Put all litter in the bin.
- Care is needed when playing near the plants or trees.
- Look after all buildings and school property.
- Be your best at all times.

Playground Rules

Note: Please ensure that all students are familiar with the playground rules and Out of Bounds areas.

- No climbing of any trees.
- No use of sticks in any games.
- No throwing of missiles such as stones under any circumstances.
- Tackling in any games is prohibited except when a teacher is taking organised sports practice.
- No kicking of balls is allowed near the school entrance, performance courtyard, area outside the prep rooms.
- No student is permitted to leave the school grounds during school hours without teacher/parent supervision.
- No student is to retrieve a ball from outside the school grounds or the car park. These may be retrieved by staff when appropriate/practical to do so.
- No student is permitted in the classrooms during recess and lunch times unless instructed to and supervised by a teacher.
- Hats must be worn outside at all times from September to end of April.
- Cricket can only be played on the oval.
- The use of hard balls (cricket, softball) is not permitted without teacher supervision.

Out of Bounds Areas

- No student is permitted on the roof, or to attempt to retrieve a ball or similar object on the covered ways
- No student is permitted under the portables.
- No student is to play in the garden beds.
- Only monitors appointed by teachers are allowed in the sports shed.
- Students must not play in the toilet areas.
- The staff car park.