

**ACACIA HILL SCHOOL DUTY OF CARE POLICY**

**Responsibility of: Principal**

**Effective date: 2/06/2023**

**Next review date: 5/06/2025**

**Target audience: Staff and volunteers at Acacia Hill School**

**Ratified by School Council: 2/06/2023**

**Background**

‘Duty of care’ refers to the requirement of any person to take reasonable care of others around him or her and to protect those others from any reasonably foreseeable risk of injury.

In schools, there is a higher level of duty of care of staff for students by virtue of the conditions of employment and the common law principles of negligence.

**Acacia Hill School staff**

ALL Acacia Hill School staff have a duty of care to all students in the sense of ‘taking reasonable care … to protect them from any reasonably foreseeable risk of injury’. This is manifested through, for example,

* supervising students
* designing and implementing programs and procedures to ensure student safety, and
* warning students of dangerous situations or practices.

**Teachers and duty of care**

**In the classroom**

While all school staff have a general responsibility of duty of care towards students, teachers have a higher level of duty of care for students than support, administrative or ancillary staff. Teachers cannot delegate the duty of care they owe students to someone else. The responsibility for the students’ health, safety and welfare rests with the supervising teacher.

Special Education Support Officers (SESOs) at Acacia Hill School, by virtue of being Administrative Officers Level 4, have a significant level of duty of care. They assist and support teachers with teaching and learning, safety and welfare.

If a teacher has to leave their classroom and no other teacher is available to cover for them while they are away, arrangements are put in place by the teacher or senior staff member to ensure the safety of students until a teacher returns; for example, an additional SESO may be allocated to the classroom. The responsibility for the planning of teaching and learning, safety and welfare of the students remains with the teacher or the senior staff member.

In situations, such as ‘wet weather policy’ during recess or lunch, there may at times be a SESO supervising a class while the teacher has a break. The ultimate responsibility for duty of care in this situation is with the senior staff member who makes the call for wet weather policy (Principal or Assistant Principal).

If a student leaves the classroom, the SESO keeps the student in sight and the teacher stays in the classroom with the remaining students. At Acacia Hill, if one student leaves the class and is in the central area of the school, that student is still under the duty of care of the class teacher, so the teacher ensures that they or the SESO has line of sight on the student while the student outside. If this is not possible, responsibility for duty of care for the student is actively discussed with and handed to another teacher/member of the leadership team.

If a number of students leave the classroom, the teacher remains with whichever group is the larger. If, for example, a student has escalated and is unsafe in the classroom, if possible, the teacher removes the rest of the class and the SESO will remain in a place where they are safe and can keep an eye on the escalated student to see that the student doesn’t injure themself.

In an emergency situation, where a teacher is the better person to stay with an escalated student, such as a strong teenage male student, a female SESO and a male teacher, the teacher may stay with the student and the SESO accompanies the rest of the class. If required, the SESO calls leadership for assistance.

If there are more than two issues at once, so the teacher and SESO cannot manage the situation, they must call for help immediately. In satellite classes, the leadership team of the satellite school is called, and they assist then contact Acacia leadership staff.

**In the playground**

In the playground, there is always at least one teacher on duty at any given time. While all staff on duty have a general responsibility of duty of care towards all students, ultimate responsibility for the health, safety and welfare of students in the playground rests with the teacher on duty. If a SESO is unsure in a particular situation, they refer to the teacher on duty for extra guidance. It is a teamwork thing.

**SESOs and duty of care around health**

At Acacia Hill School, all SESOs a required to have a current First Aid certificate and to renew their CPR certificate annually. Most teachers don’t have a First Aid certificate and they are encouraged to undertake CPR training and renew annually, but this is not mandatory for teachers. SESOs work closely with their class teacher, ensuring all health needs of students are met. In a medical emergency, such as a student having a seizure, a person with current First Aid certificate, usually a SESO, is the key responder.

**Hydrotherapy pool**

If there is a single student swimming, there must be an AustSwim certified staff member and a spotter. For a student who has seizures, there must be two staff in the pool with the child plus a spotter. In the case of one or two students, these two or three staff may be non-teaching staff. See Hydrotherapy Pool Policy. The staff member with AustSwim certification carries the duty of care in this situation.

For three or more students in the hydrotherapy pool, there must be a teacher and they hold duty of care, as above.

**Town Pool**

At the Town Pool, students should change in the Family Room or Disabled Room. If the only male staff member is a SESO, he may go into the change room with male students but if there were a problem, a female teacher could go in, after letting students know she was coming first. A male staff member should never go into the change room with female students.

**Excursions**

Teachers have duty of care on an excursion. A teacher cannot delegate their duty of care responsibilities to anyone else. SESOs assist and support the teacher.

**Related documents and references**

[Duty of Care Information Sheet for Schools](https://education.nt.gov.au/policies/duty-of-care)

[TRB Protective Practices](http://www.trb.nt.gov.au/__data/assets/pdf_file/0005/39389/Protective-Practices.pdf)

[Risk Management Framework Guideline](http://ed.ntschools.net/documentcentre/Pages/home.aspx?category=Risk%20management&subcategory=Risk%20Management%20Framework)

[Hydrotherapy Pool Policy and Procedures](http://sc.ntschools.net/e/acacisch/schoolfiles/Policies/HYDROTHERAPY-Policy-and-Guidelines.docx)

[DoE Excursions Guidelines and Procedures](http://sc.ntschools.net/e/acacisch/schoolfiles/Administration/Excursions/DoE-Excursions-GuidelinesProcedures.docx)