

DUTY OF CARE

Introduction and meaning of “Duty of care”.

While they are at school, parents entrust their children to the care of teachers and other staff at the school. At school, students are beyond the control and protection of parents and are placed under the control of a teacher who is *“in a position to exercise over them and afford them, in the service of reasonable care, protection from injury”* (Schools, Courts and The Law; Stewart,D; 2002;p21)

This is a legal responsibility and is called “Duty of Care”. It is associated with physical welfare as well as moral, intellectual ad social well being of students.

Who this applies to.

In general this responsibility extends to all service providers at GGS who come into contact with the students. This includes teachers, assistants, non teaching staff, contractors and volunteers.

Expectation of parents and guardians

Parents are entitled to expect school staff to exercise their duty of care and to protect their children from harm. The degree of supervision needed by a child will diminish with age and maturity, and neither parents nor school staff can supervise a school-aged child every moment of the day, especially at teenage. What parents can expect is that school policies and rules designed to provide for the care of their children are clearly understood and followed both by staff and students.

The principle of trust.

In any interaction, both students and staff are potentially at risk, but students are particularly vulnerable because of their age and level of maturity, and the position of authority of staff. Students trust teachers to take good care of them, and a position of trust between staff and students provides for an ideal relationship

Aspects of care

1. Protection from harassment or discrimination

Any perceived forms of harassment, discrimination or bullying will not be tolerated. If students are aware of bullying they should be expected to report this to staff who would take the report seriously and respond appropriately.

2. Keeping them safe

In any activity there is an element of risk, whether it is from physical or emotional harm or to health. In supervising an activity, the teacher should take into account the risks and the actions needed to minimise these risks.

In the event of an incident, there may be a legal response. In law, teachers are expected to act carefully as the “reasonable” teacher would. This means taking the following into account, when deciding whether sufficient care has been exercised:

- Was that particular incident foreseeable?
- The age and capacity of the students.
- Known behaviour of that group and the individuals within it.
- Assessing the risk against the cost of removing the damage
- Severity of the risk.
- Can the risk be justified on educational grounds?

3. Protection of their health.

The physical and emotional health of students is paramount at all times. The school is expected to act appropriately if there is a perceived risk to health of students, and to respond appropriately if a student’s health appears affected.

4. Avoiding any actions that may be or appear to be of a sexual nature

Allegations that a *GGS* staff member has engaged in improper conduct of a sexual nature with a student during or outside school hours, will result in an investigation and if proven, be grounds for summary dismissal, suspension or other serious disciplinary action.

Such conduct includes but is not limited to:

- Sexual abuse of a child
- Sexual activities with a student
- Sexual exhibitionism
- Inappropriate conversations or discussions of a sexual nature with a student
- Exposure of students to pornographic material
- Deliberate exposure of students to the sexual behaviour of others
- Obscene language of a sexual nature

5. Inappropriate physical contact

- As a general principle, staff should not make physical contact with students, and in particular, no member of staff or those working at the school should have any physical contact with a student either as punishment or for sexual pleasure.

- It is recognised however that occasionally some physical contact is appropriate. This includes, for example, hand shaking as greeting or congratulation, and for coaches training students in sport, though this should be only in public during group or team training.
- There will be times when a member of staff may feel it is appropriate to comfort a student who has come to them in distress, such as extreme homesickness or on hearing very sad news from home. In such circumstances, a hand lightly placed on the student's back or shoulder may be both kindly and appropriate. It is never appropriate to touch the chest area in girls, or below the chest in either sex.
- Staff should be aware that students may occasionally misinterpret what is intended to be a kindly gesture as having some sexual connotation, particularly if the student has experienced sexual abuse in the past. For the protection of both student and member of staff, it is undesirable for a staff member ever to be alone with a student in a closed room unless there is clear vision possible through a window or glass door panel.
- Physical contact is often required to assist an injured student or care for a sick student. Those staff providing health care (first aide, house matrons, health care staff) will clearly need to have physical contact with as student at times, but as a guiding principle, all physical contact must be done with the informed consent of the student (unless it is in a life saving situation) and in a manner as if a parent or guardian were present. The need for a chaperone should be considered for intimate examinations and procedures.

6. Reasonable punishment.

Discipline and rules for behaviour are needed by children, whether it is within the family or in the school community. Students should be aware of school rules and there needs to be clear consequences when school rules are broken. If this involve punishment, students should understand these consequences and recognise them as fair and appropriate.

7. A balance of responsibility for each student individually and for the whole school community.

Each student should be cared for and recognised in their own right. In meeting the needs of an individual student however, there may be times when this must be balanced by the needs of the whole school community, particularly the other students. Staff have a responsibility both towards each student in their care and to the student community.

8. Relation to other policies and guidelines of care.

Appropriate relationships within GGS are further prescribed by:

- Workplace Behaviour Policy
- Anti-Harassment Policy
- Network Usage and electronic Communication Policy
- Communication with Parents Policy (for Staff)
- Parent and School Communication Policy (for Parents)
- Professional Code of Ethics document
- Equal Opportunity Policy

JMC Draft May 31, 2005