



**Cheder
Levi Yitzchok**
חינוך על טהרת הקודש

DUTY OF CARE POLICY

OBJECTIVE

At Cheder Levi Yitzchok we understand that we owe all students a duty of care to:

- take reasonable measures to protect them from risks of injury that should have been reasonably foreseen.
- take reasonable care that any student (and other person) on the premises will not be injured or damaged by reason of the state of the premises or of things done or omitted to be done in relation to the state of the premises.
- take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation

Furthermore, *"we owe all students a duty of care...we acknowledge that different and sometimes greater measures may need to be taken for younger students or students with disabilities."*

DEFINITION

Duty of Care is an element of the Law of negligence. In broad terms, the Law of Negligence provides that if a person suffers injury as the result of the negligence of another, they should be compensated for the loss and damage that arises from the negligent act or omission.

In order to successfully bring a claim in negligence and to seek compensation for an injury, a person must establish, that:

- A duty of care was owed to the person harmed at the time of the injury.
- The risk of injury was foreseeable.
- The likelihood of the injury occurring was more than insignificant.

- There was a breach of the duty of care or a failure to observe a reasonable standard of care; and
- This breach or failure was a cause of the injury.

Whenever a teacher-student relationship exists, teachers have a special duty of care. This has been expressed as: *“a teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher's charge from risks of injury that the teacher should reasonably have foreseen.”* (*Richards v State of Victoria*).

The nature and extent of the duty will vary according to the circumstances. For example, the standard of care required will be higher when taking a group of Prep students for swimming lessons than when teaching a group of Year 12s in the classroom.

Duty of care requires Cheder Levi Yitzchok to take all reasonable steps to reduce risk, including:

- The provision of suitable and safe premises.
- The provision of an adequate system of supervision.
- The implementation of strategies to prevent bullying; and
- Ensuring that medical assistance is provided to a sick or injured student.

IMPLEMENTATION

The Principal is responsible for the implementation of processes to meet Cheder's Duty of Care with the help and support of the Head of Student Services, Heads of School, Facilities Manager, Child Safety Officers, First Aid Officers and all teachers and staff.

In determining whether different or greater measures need to be taken for younger students or students with disabilities, the Principal will seek additional guidance from the Head of Student Services and age specific educators.

Duty of Care will be embedded throughout all Cheder Levi Yitzchok policies, in particular:

- Onsite supervision policy.
- Supervision of students when engaged in off-site activities policy.
- Maintenance schedule for buildings, facilities and grounds.
- Excursion policy.
- Learning with External Provider policy.
- Restraint of Students policy.
- Various other policies; and
- Register of essential services.

REASONABLE CARE

Guidelines:

The duty owed to students is not a duty to ensure that no harm will ever occur, but rather a duty to take reasonable care to avoid harm being suffered.

What constitutes reasonable care will vary according to the circumstances, but the following factors, although not necessarily exhaustive, must be taken into consideration in assessing the 'reasonableness' of the level of care required for a particular student

FACTORS

- The student's age, experience and capabilities

Guideline

The level of care will be high where young students are concerned but may be less in the case of mature post-compulsory students

- Physical and Intellectual Impairment

Guideline

A student with a disability is generally exposed to a higher level of risk of injury than a student without a disability. This may be because the student with a disability suffers from an impairment of motor skills or physical coordination, a lack of inhibition or control, or it may be because the student has a limited appreciation of the possibility of danger. Where the physical or intellectual disability is such as to enlarge the risk inherent in undertaking a school activity, then appropriate precautions must be taken. These may include:

- School wide protective OHS measures such as:

- ❖ Debris removal
- ❖ Non-slip mats for those with a walking challenge
- ❖ Accessible parking with relevant provisions
- ❖ Ratio of adults to students
- ❖ Relevant First Aiders

- Risk assessment of excursions to accommodate:

- ❖ Ingress and egress accessibility for wheelchairs
- ❖ Ingress and egress accessibility for parking
- ❖ Sufficient change/bathroom facilities for youngsters and others
- ❖ Ratio of staff to youngsters/those possessing a disability

- Medical Condition

Guideline

Where students are afflicted by particular medical conditions, for example, haemophilia, asthma, a heart condition, brittle bones or epilepsy, special care must be taken to protect such students if their condition is known or ought to be known and exposes them to a special risk of injury.

- Behavioural Characteristics

Guideline

The level of care is increased in the case of students who are known to behave in a manner that increases the risk of injury.

- The Nature of the School's Activity

Increased care is required in relation to school activities with an inherently high level of risk of injury.

- The Nature of the Environment in which a School Activity is to be undertaken.

Guideline

increased care is required when students are placed in hazardous environments in which the potential risks of injury-related incidents are high.

- Any conflicting responsibilities that the school or staff member may have
- Normal practices within the school.

REVIEW OF THIS POLICY

This policy is to be reviewed annually.

The review will be conducted by:

- Management
- Employees input
- Interested Parties

Last reviewed: <February 2024>

Date for next review: <February 2025>