Duty of Care

Do Schools need to comply?

Yes.

Conditions of compliance:

In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.

If you have to comply, what do you have to do?

Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements involve:

- the duty to supervise students so that they comply with rules and practices designed for their own safety and that of others,
- the duty to design and implement appropriate programmes and procedures to ensure that safety of students,
- the duty to ensure that school buildings, equipment etc. are safe, and
- the duty to warn students about dangerous situations or practices.

The teacher’s and therefore the school’s duty of care to students in their charge is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen may choose to do nothing in a similar situation.

What are the consequences if you don’t comply?

The welfare of students may be put at risk and you may be the subject of litigation.