

**DUTY OF CARE**

Every educator has a duty of care towards every child under their supervision by virtue of the conditions of their employment, as well as by virtue of the common law principles of negligence. Educators have a duty to do what is reasonable in a given situation to ensure the safety of children and themselves.

**Procedure:**

- A duty of care to protect children from foreseeable risk of injury can be manifested in many ways including but not limited to:
  - The duty to supervise the children so that so that they comply with rules and practices for their own safety and that of other children.
  - The duty to design and implement appropriate programmes and procedures to ensure the safety of children.
  - The duty to ensure that school buildings, equipment and facilities are safe.
  - The duty to warn children about dangerous situations or practices.
- In cases where the standard of care is breached in a particular situation resulting in a child suffering loss or injury, a liability in the common law of negligence will arise – in this case a parent or child may make a claim for financial compensation ('damages') for all foreseeable loss arising from negligence.
- The service may not indemnify themselves and ask families to accept that the service is not responsible for any accident or injury.
- Families must be made aware of the everyday risks associated with activities conducted within the service's program.

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2	Safety	Each child is respected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.



Policy reviewed	Previous modifications	Next review date
March 2021	No changes	2022