SUPERVISION OF STUDENTS – EXTERNAL PROVIDER

Under common law principles of negligence, legal liability of principals and teachers requires them to take reasonable measures to protect students in their care when the teacher/pupil relationship exists, from risks of injury that they or educators should have reasonably foreseen. That is, the duty of care requires a high standard of care to be met.

Teachers are in a special legal relationship with students to protect them from reasonably foreseeable harm, when the school is operating inside the school grounds and outside them by reason of their teacher pupil relationship. The requirement is to take positive and protective reasonable precautions at all times for the safety of students to prevent reasonably foreseeable harm which might befall a student; as distinct from every positive and protective conceivable precautions. Whilst teachers will not be held liable for the unforeseen or spontaneous actions of students, if a reasonable and prudent teacher would have foreseen the risk which was not insignificant and thus taken reasonable precautions, negligence will be established for action or inaction on the part of the responsible teacher.

Specialist Instructors

When specialist instructors are participating, the Principal and the teacher appointed as leader should have access to the following information about the instructors:

- qualifications and skills
- experience
- public liability insurance coverage
- their suitability as a person working with young people as evidenced by current teacher registration or a WWCC.

The principal should be mindful when collecting personal information (e.g. references, notes and reports) that, under the provisions of the Privacy Act 1988 (Cth), specialist instructors may seek access to the records of personal information held about them. Further, at the time of seeking such information, Principals are required to inform such staff of the purposes for which the information is being collected, to whom the information will be disclosed, and their rights of access to that information.