

What are a staff member's "duty of care" obligations?



Duty of Care: "A duty to use due care toward others in order to protect them from unnecessary risk of harm." (Martindale-Hubbell Law Directory)

Staff members in an OSCAR programme have a duty of care for the children who attend. This continues for as long as children are at the programme. For example, if a child has not been collected from the programme after it has closed, staff still have a duty to care for that child.

When a parent enrolls their child, the programme forms an agreement with the parent. They entrust the programme with the care of their child and the programme takes on legal and professional responsibilities. Sign in and sign out procedures make it clear that the programme is accepting duty of care and also when that responsibility is being handed back to the parent.

The duty to maintain safety and good supervision practices is shared by all programme staff, who may be given specific activities, areas or groups to be responsible for. Staff must give these tasks their full attention. Procedures should be in place to help minimise the risk of accidents and the programme must ensure these are well understood by all staff.

"Negligence" refers to a breach of duty of care. Organisations and individual staff may be liable, if there was harm caused by an incident, action or inaction that was reasonably foreseeable or preventable.

It is normal and desirable for children to be active and adventurous in their play. Accidents and injuries are unfortunate but also a normal part of a child's development. It is not possible to eliminate all risk of injury but consistent supervision of children's activities is essential; as is knowing when to step in to stop or re-direct activity.

Good judgment in these matters can only be gained through experience and training. Staff must get to know warning signs and must not hesitate to act, if an activity becomes dangerous.

Adapted from ["The OSCAR Programme Supervision Manual"](#)

[Read more about duty of care at the OSCN web site](#)