



The Law - Young People, Parents and Schools

STUDY GUIDE

Program 10: Duty of Care – does it cease at the old school gate?

First broadcast – 8.30pm Monday 2 November 2009. 89.7, PBA FM in Adelaide, South Australia

Producer/Presenter: Tony Ryan Education Consultant: Greg Carey

Produced with support of the Law Foundation of South Australia

Program summary

The school's duty of care clearly covers a student between the beginning and the end of lessons, and on school property. But does it extend beyond the school gate? Where and when does this duty end? The focus in this program is on the school's duty of care in the context of bullying and cyber-bullying. Some of the issues around when a school's duty of care starts and stops are still very much an open question. The program ends with a look at what might be a reasonable response by a school to issues around bullying and cyber-bullying, such as taking the complaint seriously, taking proper notes, and contacting parents. And finally, if a school adopts a zero tolerance policy in relation to bullying and cyberbullying, then these policies must be put into practice, and students continually reminded of consequences.

Interviewees

Professor Des Butler, Faculty of Law, Queensland University of Technology
Associate Professor Marilyn Campbell, School of Learning and Professional Studies,
Queensland University of Technology

Listen

Download this program – from www.learningworksradio.com – and listen at home or in your car, or in a group around a table at home or in the staff room. Duration approx 15 mins.

Table Talk

Use these questions as springboards to a discussion on some of the issues raised in the program. Before you end the discussion, agree on some action outcomes.



Legally there appears to be no fixed boundaries regarding the duty of care of schools. Discuss some examples in your local context that immediately come to mind.

Zero tolerance to any type of bullying has become the norm in schools. How can the community judge a reasonable school response to cyberbullying?

Des Butler says that it is not good enough to develop policies and then just put them in a drawer. What steps can a school take to put these policies into practice? How can parents support the school in this area?

Many schools are providing laptops and internet access that can be used at home. What are some of the implications for a school's duty of care?

Resources

To guide your discussion,

Cyberbullying – a major threat to our children (Denis Sleigh, Education Today)

<http://www.minniscomms.com.au/educationtoday/articles.php?articleid=372>

Liability for cyberbullying outside the playground gates (Jason Newman ABC News)

<http://www.abc.net.au/news/stories/2008/11/14/2419488.htm>