

APPENDIX 4: CHILD SAFEGUARDING

Note 1: Definition of Duty of Care

The principle of duty of care owes much to the ‘neighbour’ principle which was established in the case of *Donoghue V Stevenson* (1932). This judgement held that there was a duty to take reasonable care to avoid acts or omissions which could be reasonably foreseen to be likely to injure a neighbour. A neighbour was deemed to be a person that would be closely and directly affected by the act that the effect on them should have been contemplated.

In the case of schools, they therefore have a duty of care to their pupils. In addition, given the age of the pupils you care and provide for, you should be seen to act ‘*in loco parentis*’ – that is to say, in the stead of a parent – so that when making decisions that affect the children in your care you should consider what a reasonable, caring parent would do in the circumstances.

Note 2: Article 6(1) of the Children (NI) Order 1995

Article 6(1) of the Children (NI) Order 1995 defines parental responsibility as meaning:

‘... all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property’.

A child’s birth mother will automatically have parental responsibility. The acquisition of parental responsibility is defined by article 7 of the Children (NI) Order.

For children born prior to 15 April 2002 the following will have parental responsibility:

- the child’s mother;
- the child’s father (if married to the child’s mother at the time of the birth);
- the child’s father (if unmarried to the mother at the time of the birth and has acquired parental responsibility by way of prescribed agreement or court order);
- step parents (if acquired parental responsibility by court order);
- adoptive parents will also have parental responsibility by virtue of the adoption order.

Also, if a care order is in place for the child, the health and social care trust in whose area the child resides will have parental responsibility.