

Where does Duty of Care End: An open letter

Disclaimer – facts, numbers and events may not be entirely accurate.

I am framing this as an open letter. It is not a witch hunt or a comment on behaviours, morals or values. It is intended to raise an issue, hopefully generate some discussion, visibility and opinion, and maybe some solutions. Please read on.

I recently escorted my 16 year old daughter and a group of her friends to a party. It was about 10:30pm on a Saturday night. The party was at a reasonably well known venue, and intended to continue until 11:30pm. Our late arrival was due to the girls having participated in an event which had ended around 9:30pm. They were keen to get to the party.

As we approached the venue, ever present social media feeds, into which teenagers seem to be permanently connected, generated some noise as to whether the party was actually still in progress. It appeared that something had happened. Exactly what, was not specified. As we approached the venue, we happened across a boy, alone, of similar age to my girls – clearly intoxicated, or under the influence of something – wandering unsteadily and aimlessly. The girls checked whether he was ok, and without much thought we continued on to the venue.

At the venue, it was clear that the party was no longer happening. Several security guards were prominently blocking the entrance. I approached and explained that I was bringing my daughter and her friends to the party. We were late due to the above mentioned event. I was duly informed that the party had been shut down. On further enquiry, was told that a boy had jumped/fallen/been pushed from a balcony into the water below. He was taken off in an ambulance (but, with some injuries, was now ok). Further, I was informed, that a number of kids were intoxicated and “on drugs”. And so, the party was shut down.

As we walked away, my initial reaction was that this was entirely appropriate. Break the (explicitly stated) rules, and bear the consequences.

The girls said that we should check on the boy we had encountered on our way in. So we wandered into the park alongside the venue. Very prominently, was a group (probably 20-30) of teenagers. Amongst the group were a number of friends/classmates/peers of my daughter and her friends. It was blatantly clear that alcohol and/or other substances were prominent in a significant proportion of this group. Just as obvious were a number of kids who were sober.

My daughter asked me to stand back, (which I initially did) as she approached the group. She was greeted warmly. On seeing me (despite remaining detached), a large proportion of the group, almost magically, dispersed. An encounter with an adult was definitely not desirable. To them I represented authority, and possibly consequences. The throng evaporated. Only a single boy remained. Not by his own volition, but because he was flat on the ground, comatose, unmoving. I approached and prodded. As he groggily came to life, we checked whether he was ok (clearly not); was someone looking after him (clearly not – the group was initially more focused on self-preservation and escaping from authority); was someone picking him up (no coherent answer). The other kids were nervously observing from a distance. Eventually, a “friend” approached (full credit to whoever this was). Together, we were able to ascertain that “someone” would look after him, and that “someone’s” parents were coming to pick him/them up. I was relatively satisfied that the situation was safe.

This sets the scene. A bunch of teenagers – some sober, many not – unattended in a public park at 11pm on a Saturday night.

I don't want to be moralistic, prescriptive or judgemental. The purpose of writing this, is to raise a bunch of issues. I do this from the perspective of allowing our kids to develop within a safe environment, to extend and test boundaries, to balance authority with freedom, and as a father.

Where does duty of care end:

Technically, there has been no breach.

- The venue abided by clearly stated rules.
- The rules were broken
- There were consequences

However, there were also unintended consequences.....

Unintended that: A large contingent of under 18's – children - had been ejected from a venue, where there were adult eyes on them. They were now unsupervised, in an uncontrolled space, late at night. Further, a significant proportion of these children were in no state to be in control of themselves, or able to understand the potential implications of the prevailing situation. They were literally just wandering the streets. They had been cast out from a venue early, and not necessarily by choice. I assume that if the party had continued to its designated end point, most of this contingent would have been picked up by parents, or had arrangements in place to get home. Also, as a parent, I would have assumed that my own children would, in similar circumstances, be in one safe place, at least for the intended duration of the party.

Of course, any of these teenagers could have left the party of their own volition. Intoxicated or not, they could have wandered the streets themselves. However, forcing them, as a group, out of a party, may have not been their choice or desire. Is there not a collective duty of care, something, to ensure that there is some degree of safe oversight until the designated end time for the party. This should operate independently of whether the party ends prematurely or not.

Several questions:

- Where were the parents of the child/children whose party this was. Shouldn't they have remained until the designated end time, to ensure that the children were safely picked up (they may have been inside the venue, but to us, they were not present). Maybe they should have alerted parents/carers directly, that the party had been terminated early. Perhaps they should take some responsibility to ensure that their guests left in a safe way (rather than just left)
- Although not breaking any rules, should or could the venue not have corralled the kids and assumed a role in ensuring that the children were passed on to safe hands. I know this raises a can of worms, with respect to liability, legal obligation etc. So from their perspective, removing a potential issue is in their own interest (even if not the most responsible action)
- What happens to parents/children who had an expectation that their children/they would be at the venue until the designated finish time. I personally operate under this assumption. In this case, my daughter would have been ejected, and would probably have ended up in the park, along with the large group mentioned above
- How should kids who are intoxicated, or under the influence of other substances, be handled. I have been told, that often kids arrive at parties, already in this state. Should they

be breathalysed or checked on entry. If they are positive, then what. Should parents be notified (after all, they are minors).

- How can we create a safer environment. We will not be able to eliminate the alcohol or drugs, despite any amount of effort. Can we make sure that kids – both sober and not – are not ever cast loose. That at all times they are under care. That they are not left without eyes on them for any reason at all
- There is a tension between duty of care and obligation. No one in a carer position (the venue, the parents) has done anything “wrong”. However, for our children, the outcome is a gap in the system/process. This has potentially put them at risk

All this just opens a host of further questions and issues. I don't have solutions – just thoughts. I hope this sparks reaction, discussion and dialogue.

To reiterate: How far does duty of care extend. To the limit of the rules, or further. Anything, which will lead to action or guidance would be a good outcome. This situation is not unique. It is not a one off. It will arise again. There will be more parties, events, situations. Our children will push limits and boundaries. They will continue to drink/take drugs/put themselves at risk. How do we create a safer framework to them and for us. How do we balance obligation, liability, the law and individual and collective duty of care.

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