

DUTY OF CARE POLICY

-Student Supervision

RATIONALE

At Amsleigh Park Primary School we are committed to meeting all obligations required to effectively and diligently meet our professional 'duty of care' including that associated with student supervision. Government school principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students. Principals and teachers have a special duty of care in relation to their students to take steps that are reasonable in the circumstances to protect students from risks of injury that should reasonably have been foreseen. This duty includes the duty to provide an adequate system of supervision.

The duty is not to prevent injury in all circumstances – it is a duty to take *reasonable* steps to prevent injury which is *known or foreseeable*. The question of what are reasonable steps will depend on the individual circumstances of the case, and consideration of the following factors:

- The probability that the harm would occur if care were not taken
- The likely seriousness of the harm
- The burden of taking precautions to avoid the risk of harm
- The social utility of the activity that creates the risk of harm

The duty may, in some circumstances, extend *outside school hours* and *outside the school premises*. This will depend on whether the relationship between staff and student extends to the individual circumstances, whether the risk was known or foreseeable, and whether there were any reasonable steps that could be taken to prevent the injury from occurring.

The duty is *non-delegable*, meaning that it cannot be assigned to another party.

Definition – Duty of Care

Whenever a student–teacher relationship exists, the teacher has a special duty of care. This is defined as: “A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher’s charge from risks of injury that the teacher should reasonably have foreseen.” (*Richards v State of Victoria* (1969) VR 136 at p. 141). As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.

School authorities in breach of the duty of care may be liable for injuries inflicted by one student on another, as well as for injuries sustained by a student.

Schools normally satisfy the duty of care by allocating responsibilities to different staff. For example, the principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in each school, and teachers are responsible for carrying out their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.

Amsleigh Park Primary School has zero tolerance for child abuse and is committed to meeting the requirements of Ministerial Order 870 and the Child Safe Standards. Mandatory Reporting is vital to ensuring that any instances of child abuse are reported according to the Child Safe Standards.

GOALS

- ❖ To ensure that all staff have an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.
- ❖ To ensure that all requirements for duty of care are met by the school.

GUIDELINES

- ❖ All teachers have equal responsibility for 'duty of care.'
- ❖ The Principal and/or Assistant Principal shall ensure that this policy is implemented and monitor supervisory arrangements on an ongoing basis. The Principal will
 - Regularly communicate the duty of care and supervision obligations and responsibilities to all staff as outlined in Appendix 1
 - Regularly communicate the supervision arrangements to parents
 - Determine the level of student supervision to be provided to students in all of the circumstances
 - Allocate specific responsibilities to staff members to provide the supervision that is required
 - Communicate the specific supervision responsibilities allocated to staff members
 - Regularly review the level of student supervision provided to students and make adjustments as and when deemed appropriate
 - Regularly review the duty of care and supervision policy to ensure that it is consistent with the *School Policy and Advisory Guide*, and continues to meet the duty of care obligations and responsibilities for all students
- ❖ Teachers and other staff will:
 - Comply with the lawful and reasonable directions of the Principal
 - Comply with all Department and school policies
 - Perform supervisory duties as required (See appendix 1)
- ❖ Parents, guardians and carers will
 - Make appropriate arrangements for the transport, care and supervision of students travelling to and from school
 - Make appropriate arrangements for the care and supervision of students outside the times of supervision before and after school
 - Comply with late arrival and early departure policies and other school based policies
- ❖ The Principal will communicate this policy to all staff using the following mechanisms:
 - A copy of this policy will be provided to each member of staff in the Staff Handbook at the first staff meeting at the commencement of the school year.
 - New staff will be informed of this policy as part of the School's Induction Program.
- ❖ Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific requirements of the duty involve providing adequate supervision in the school or on school activities as well as providing safe and suitable buildings, grounds and equipment.
- ❖ Whilst each case regarding a teacher's legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:
 - Arriving late to class or leaving a class early.
 - Arriving late to scheduled timetabled yard duty responsibilities.
 - Believing that a child is being abused but failing to report the matter appropriately.
 - Being late to supervise the line-up of students after the bell has sounded.
 - Leaving students unattended in the classroom.
 - Ignoring dangerous play.
 - Leaving the school during time release without approval.
 - Inadequate supervision on a school excursion.

- ❖ Staff members are also cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Advice is to be limited to areas within a teacher's own professional competence and given in situations arising from a role (such as year level coordinator or subject teacher) specified for them by the principal. Teachers must ensure that the advice they give is correct. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

Visitors

- ❖ The Principal will ensure that there is a procedure to monitor all visitors in the school. As a minimum this procedure must require all visitors arriving and departing the school premises during school hours to use a visitors' book to record their name, their signature, the date and time, and the purpose of the visit.
- ❖ Amsleigh Park Primary School Staff are required to ensure that we meet the requirements of Ministerial Order 870 and the Child Safe Standards which applies to all staff, contractors, volunteers and any other member of the school community involved in child-related work with students of Amsleigh Park Primary School

This policy should be read in conjunction with the following policies:

- ***Statement of School Philosophy***
- ***Child Safety Policy***
- ***Staff Code of Conduct***
- ***Work with Children Check Policy***
- ***Student Engagement Policy***

ACHIEVEMENT MEASURES

- ❖ The principal and Assistant Principal should monitor the requirements of this policy on an ongoing basis.
- ❖ Opinion Survey Data
- ❖ Feedback from staff, parents and students should be considered when evaluating this policy.

STATUS:

Reviewed: July 2016

Ratified: August 2016

Next Review: August 2018

Appendix 1

The principal is responsible for ensuring that there is an adequate system of supervision in place during school hours, before and after school, and on school excursions and camps.

Teachers and other school staff are responsible for following reasonable and lawful instructions from the principal, including instructions to provide supervision to students at specific dates, times and places.

Classroom Supervision

- ❖ At no time should students be left unsupervised in the classroom or specialist areas (This includes before and after school, lunchtimes and recess breaks).
- ❖ It is not appropriate to leave students in the care of support staff, parents or student teachers (At law, the duty of care cannot be delegated).
- ❖ It is not appropriate to leave students in the care of external education providers for example incursions (At law, the duty of care cannot be delegated).
- ❖ In an emergency situation, use the 'internal' phone to call the Principal or Assistant Principal or contact the teacher in the next room.
- ❖ No student is to be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted by sending a student to a colleague's classroom, or to the Assistant Principal or Principal.

Movement of Children

- ❖ Extreme care needs to be taken in allowing students to leave the room for any reason.
- ❖ Use of students as monitors outside the room during class time should normally occur with the approval of the Sub-school Leader and/or Principal-Assistant Principal. Children must not be unaccompanied.
- ❖ Students should generally be able to access toilets during class time. Children should attend in pairs.

Yard supervision

- ❖ Playground supervision is an essential element in teachers' duty of care. Teachers who rostered for duty are responsible for remaining in the designated area until the end of the break period, or until replaced a relieving teacher, whichever is applicable. During yard duty, supervising teachers should be guided by the following:
 - If the designated area is large in size, teachers are expected to methodically move around the area rather than remain static in the one position. This increases the ability to appropriately monitor student activity.
 - Be alert and vigilant
 - Intervene if potentially dangerous behaviour is observed in the yard
 - Enforce behaviour standards and implement logical consequences for breaches of safety rules
 - Ensure that students who require first aid assistance receive it as soon as practicable
- ❖ Teachers should be aware that yard duty supervision within the school requires the teacher to fully comply with DET guidelines and brings with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and duty of care responsibilities. Teachers are also expected to follow school policy whilst on duty.
- ❖ All staff on yard duty must wear a high visibility vest at all times. They must also carry a first aid bag.
- ❖ No permanent changes to the yard duty roster are to be made without the approval of the person responsible for rosters.
- ❖ If a teacher rostered for duty will be absent due to an excursion, sport etc it is that teacher has the responsibility to arrange a swap with another staff member. Once a swap is arranged the details are to be recorded on the staff bulletin.

Incursions

- ❖ Teachers must continue to supervise their students even whilst a visitor, speaker or instructor is presenting to the class.
- ❖ Visitors, speakers and instructors should not be responsible for supervising students on the school premises.

Excursions and camps

- ❖ The principal must ensure that students participating in excursions and camps are appropriately supervised.
- ❖ Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors.
- ❖ The *Schools Policy and Advisory Guide* provide minimum requirements for staff-student ratios. However, Principals should determine the appropriate and effective level of supervision for each individual excursion or camp, taking into account the following:
 - The experience, qualifications and skills of staff
 - The age, maturity, physical characteristics and gender of the students
 - The size of the group
 - The nature and location of the excursion / camp
 - The activities to be undertaken
- ❖ Most excursions and camps must:
 - be under the direct control of a teacher with at least one other excursion staff member present
 - have enough teachers to maintain appropriate control of the excursion and each activity
 - have teachers comprising at least half of the excursion staff
 - Any person who supervises students on an excursion or camp must have a Working with Children check.
- ❖ Prior to the commencement of the excursion or camp, the Principal must ensure that the specific roles and responsibilities of each supervisor are clarified and understood by all supervisors and students.
- ❖ The supervision of students on a camp or excursion will include the following:
 - Retaining copies of all confidential medical forms and permissions slips for each student who is participating in the excursion or camp.
 - Regularly marking off the attendance of students – this may include at the beginning of the excursion, on the transport, and at each location and activity.
 - Ensuring that the venue, transport and activities conducted adhere to DET guidelines.
 - Monitoring student behaviour, enforcing behaviour standards, and implementing logical consequences for a failure to comply with the behaviour and safety standards
 - Ensure that students who require first aid assistance receive it as soon as practicable
 - Ensure that risk management plans and emergency management plans are implemented as necessary

Late arrival or early departure

- ❖ The Principal will ensure that the school has a procedure in place for the safe collection and drop off of students at school during school hours (eg late arrival or an early departure). This will include a record of the date and time, the reason for the late arrival or early departure, and the person who has authorised the late arrival or early departure.
- ❖ In relation to early departure from school, the procedure will also include:
 - Students will be only permitted to leave the school premises under the supervision of a parent or another person authorised by parents to collect the student

- If the person collecting the student is unknown to school staff, school staff will request photo identification to verify the person's identity

At Amsleigh Park Primary School the procedure is as follows:

1. All students must be signed out by a parent/guardian at the school office before they are collected from learning areas
2. Once a parent has signed the school's register of early departures the child can be collected by the parent/guardian from the learning area.

Before School & After School

- ❖ At Amsleigh Park Primary School supervision at the beginning of the school day will commence at 8.45am. This supervision will include yard supervision by one teacher.
- ❖ Supervision at the end of the school day will be provided until 3.45pm This supervision will include yard duty supervision by one teacher.
- ❖ If a parent, guardian and carer (or other authorised person) drops off or otherwise arranges for a student to be on the school premises before supervision commences at the beginning of the day, the principal will, as soon as practicable, follow up with the parent, guardian and carer to
 - advise of the supervision arrangements before school, and
 - request that the parent, guardian or carer make alternate arrangements.
- ❖ If a parent, guardian or carer (or other authorised person) has failed to collect the student after school, the next steps may include some or all of the following:
 - Attempting to contact the parents, guardians or carers
 - Attempting to contact the emergency contacts
 - Placing the student in the out of school hours care program (if appropriate)
 - Contacting the Victoria Police and/or the Department of Human Services (Child Protection) to arrange for the supervision, care and protection of the student