

POLICY STATEMENT**DUTY OF CARE**

PURPOSE:

Teachers are required to supervise students adequately. This requires not only protection from known hazards, but also from those that could arise (those that the teacher could have easily foreseen) and against which preventative measures could have been taken. Whenever a student-teacher relationship exists, the teacher has a special duty of care. This is a legal obligation to protect students from injury and harm.

OBJECTIVES:

1. Teaching is a skilled profession and teachers must accept the legal consequences of such specialised knowledge and skills.
2. In situations where the teacher should reasonably have foreseen the possibility of injury, the teacher has a duty to take reasonable care.
3. Teachers in breach of duty of care may be liable for injuries inflicted by one student on another, as well as the injuries sustained by the student.
4. For a teacher or a school to be held guilty of negligence, it must be proved that the injury was a foreseeable result of the action or lack of action.
5. The teacher's duty of care will have a higher expectation when the child's age is lower, when the child is part of the Program for Students with Disabilities (PSD) program, and when the child has a known significant medical condition (including but not limited to diabetes, anaphylaxis, epilepsy, cancer, etc).
6. Schools are bound by standards which are issued under legislative authority; non-compliance with these standards may amount to negligence.
7. The Principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in the school.
8. Teachers are responsible for the carrying out of their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.

GUIDELINES FOR IMPLEMENTATION:

In the context of duty of care owed to our students and the responsibility of the Principal to administer the necessary arrangements for student supervision appropriate to this school, the following instructions and notices apply to all teaching staff:

Classroom Supervision

- Attendances are marked online (or, in the cases of Specialist staff or Casual Relief Teachers (CRT's) in paper form) before 9:30am each morning and after lunch to ensure all children are present and accounted for. Where paper copies are generated, attendance slips are sent to the office at the beginning of the school day.
- At no time are students to 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 ancillary staff, parents or trainee teachers (by law, the duty of care cannot be delegated).
- It is not appropriate to leave students in the care of external education providers, for example incursion providers (by law, the duty of care cannot be delegated).
- In an emergency situation staff are to use the phone and contact the Principal, Assistant Principal, Leading Teacher or the teacher in the closest 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. This should be accompanied/followed by documentation.

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 area Leader and/or Principal-Assistant Principal. Children must not be unaccompanied.
- Classes should be accompanied by a teacher when proceeding to and from different areas of the school.
- Discretion is to be used when allowing students to visit the toilet during class time. At all times students going to the toilet must go in pairs.

Yard supervision

- Playground supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising pupils, teacher's duty of care is one of positive action.
- Be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- 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.
- Teachers rostered for duty are to attend the designated area at the time indicated on the roster or at the sounding of the appropriate bell.
 - One staff member supervises the grounds between 8.45am and 9.00am and from 3.30pm till 3.45pm.
 - Three staff members supervise the grounds throughout each recess and lunchtime in designated areas.
 - Staff will collect yard duty folders and medical bags, fluoro jackets at the first yard duty of each recess and hand these on to the relieving yard duty teacher.
 - Teachers on duty are to remain in the designated area until the bell signals the end of the break period or until replaced by the relieving teacher, whichever is applicable.
 - The handing over of duty from one teacher to another must be definite and must occur in the area of designated duty (e.g. basketball court). Where a relieving teacher does not arrive for duty, the teacher currently on duty should send a message to the office with a child, but not leave the area until replaced.
 - 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's responsibility to arrange a swap and notify the person responsible for rosters of the situation. Once a swap is arranged the details will be published in the daily bulletin.
 - Staff on yard duty should be continuously mobile.
- Be alert and vigilant - intervene immediately if potentially dangerous behaviour is observed in the playground - enforce school behaviour standards and logical consequences of playground safety rules.
- Students should remain in their classrooms under supervision during recesses and lunch times when the weather is unsuitable for them to be outside. This whole school decision is made by the designated staff member in charge.
- Parents wishing to collect their children during school hours must enter an early dismissal on the office ipad and receive an early dismissal card from the office. This card is then to be handed to the child's teacher, by the parent. No child is permitted to leave the school grounds during school hours without an accompanying adult.

Excursions, Incursions and Camps

- Be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- Be aware that an incursion with an external provider does not absolve supervision duties of the teacher, including first aid duties. A teacher must be present at all times and remain the person designated with duty of care responsibilities.
- Be aware that excursions outside the school require 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 remain the person designated with duty of care.
- Be aware that camp activities require 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 remain the person designated with duty of care.
- Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to DET guidelines.
- Be aware that school policy is for students to be counted on and off transport and at other times on a regular basis whilst on excursion or camp activities.
- The teacher in charge will have copies of all confidential medical forms and permission notes with contact details whilst on excursions/camps/swimming programs. A copy of this material will also be kept at school.
- Arrangements will be made for students not attending to continue their normal program at school under supervision of another classroom teacher.
- If children are attending programs outside the school that parents take the children to, the duty of care lies with the service provider and the parent.
- The teacher in charge or designated teacher of an excursion or camp will carry mobile contact known to the school and a first aid kit.
 - If the return time from an excursion or camp is delayed, the teacher in charge will contact the school to inform the Principal of the new arrival time so that parents can be contacted. A senior staff member will remain at school until they arrive.
 - If crossing roads students are to use designated crossing points, staff are to walk to middle of crossing to ensure visibility and orderly crossing. Other staff control the flow of students across the road.
 - All staff must follow the DET guidelines when organising an excursion, incursion or camp. All procedural steps contained in the school camping, excursions and incursions Policy and Procedure outlines must also be followed.

REFERENCES

- DET - School Policy and Advisory Guide:
<http://www.education.vic.gov.au/school/principals/spag/Pages/azindex.aspx>
- DEECD - School Policy and Advisory Guide – Duty of Care
<http://www.education.vic.gov.au/school/principals/spag/safety/pages/dutyofcare.aspx>
 - Education and Training Reform Act 2006
[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/575C47EA02890DA4CA25717000217213/\\$FILE/06-024a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/575C47EA02890DA4CA25717000217213/$FILE/06-024a.pdf)

EVALUATION

Evaluation of this policy will be carried out by the Education Committee as part of the Education Committee's cyclic review process, in five years' time, or beforehand, if a significant issue arises.