



ALBANY RISE PRIMARY SCHOOL

Duty of Care & On Site Supervision Policy

RATIFIED BY SCHOOL COUNCIL: 20th September 2017

REVIEW DATE: 2018

PURPOSE:

- 1.1 To explain the legal duties owed by teachers and school staff towards students.

GUIDELINES:

From 1 July 2017, an additional duty of care will exist for any organisation in Victoria that exercises care, supervision or authority over children, including schools. This duty of care will establish a presumption of liability, such that these organisations will need to prove that they took “reasonable precautions” to prevent child abuse, if they are to successfully defend a legal claim. The new duty does not change existing duties that schools and teachers already have, but instead reinforces the importance of ensuring that schools take reasonable precautions to minimise the risk of child abuse

2.1 Standard of care required by schools

Principals and teachers are held to a high standard of care in relation to students. The duty requires principals and teachers to take reasonable steps to minimise the risk of reasonably foreseeable harm, including:

- ensuring the school complies with the seven Child Safe Standards
- provision of suitable and safe premises
- provision of an adequate system of supervision
- implementation of strategies to prevent bullying
- ensuring that medical assistance is provided to a sick or injured student
- managing employee recruitment, conduct and performance.

- 2.1 The duty is *non-delegable*, meaning that it cannot be assigned to another party.
- 2.2 Whenever a teacher-student relationship exists, teachers have a special duty of care.
- 2.3 Generally, teachers are expected to take such measures as are reasonable in the circumstances to protect a student under their charge from reasonably foreseeable risks of injury.
- 2.4 The nature and extent of this duty will vary according to the circumstances. For example, the standard of care required will be higher when taking a group of preps for swimming lessons than when teaching a group of year 12s in the classroom.
- 2.5 The important issue in all cases will be what precautions the school could reasonably be expected to have taken to prevent the injury from occurring. This will involve consideration of the following factors:
 - identifying the risk of harm
 - 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.
- 2.6 Additionally schools enrolling international students under the age of 18 (who are not being cared for by a parent or suitable relative) are expected to have a comprehensive homestay policy and procedures in place to assess and monitor the suitability of accommodation arrangements. See *International Student Program (ISP) Quality Standards and School Resources* under [Department resources](#).



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Duty of care to students outside the school

- 2.7 The law has established that, in some circumstances, a school's duty (and therefore the Department's duty) will extend beyond school hours and outside of school grounds. The duty will be extended to outside school hours and premises when the relationship between the school and the student requires it *in the particular circumstances*. For example, in some circumstances schools may be liable for injury sustained by students in the playground before school begins for the day, particularly if it occurs during the period of time for which the school yard is supervised.
- 2.8 Whether the duty extends outside of school grounds depends on all the circumstances of each individual case, and the school's knowledge of any dangers.
- 2.9 It is important that schools clearly inform parents when playground supervision will be provided and that no formal supervision of the playground occurs outside those hours. Similarly, some risks outside of school will involve informing parents of bus arrangements and leaving it to parents to make appropriate arrangements for transporting their children to and from school.
- 2.10 There will be other situations in which schools will be under a duty to take reasonable steps to avoid injury. For example, a known bully on a school bus may require the school to suspend or refuse to transport the bully. If the danger to students is beyond the control of the school, reasonable steps may involve contacting police or issuing warnings to parents.

Negligent advice: teachers

- 2.11 Teachers are frequently called upon to advise students. When doing so teachers should:
- limit their advice to students to areas within their own professional competence and given in situations arising from a role specified for them by the principal
 - ensure that the advice they give is correct and in line with the most recent available statements from institutions or employers. Careers teachers and coordinators at senior levels should keep contemporaneous notes of advice given to individuals
 - avoid giving advice in areas unrelated to their role or where they may lack expertise

Classroom Supervision

- 2.12 It is **not** appropriate to leave students in the care of ancillary staff, aides, parents or trainee teachers (At law, the Duty of care cannot be delegated)
- 2.13 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)
- 2.14 In **an emergency situation** use the phone for the Office, Principal or Assistant Principal, or contact the teacher in the next room. (if appropriate – send another student for assistance)
- 2.15 **No student should 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 by an appropriate follow up. The teacher, Principal or Assistant Principal **is to be contacted first** to alert them that the student is on their way.



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Movement of students

- 2.16 When allowing students to leave the room to work in other areas of the school, students must remain supervised in any specified area.
- 2.17 Use of students as monitors outside the room during class time must only occur with the approval of the Principal or Assistant Principal (eg. Office roles, canteen)
- 2.18 Discretion is to be used when allowing students to visit the toilets or other areas in the school (eg. Messages during class time). Students must be sent in responsible pairs.

Yard Supervision

- 2.19 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 Albany Rise Primary School *Behaviour and Wellbeing* policies whilst on yard duty.
- 2.20 Teachers rostered for duty are to attend the designated area at the time indicated on the roster.
- 2.21 Teachers on duty are to remain in the designated area until the end of the break period or until replaced by the relieving teacher, whichever is applicable.
- 2.22 The handing over of duty from one teacher to another must be quite definite and **must occur in the area of designated duty**. Where a relieving teacher does not arrive for duty, the teacher currently on duty should send a message to the office, **but not leave the area until replaced**.
- 2.23 No changes to the yard duty roster are to be made without the approval of the Assistant Principal.
- 2.24 Teachers are to be alert and vigilant -intervene **immediately** if potentially dangerous behaviour is observed in the yard - enforce behaviour standards and restorative practices for breaches of school rules.
- 2.25 Teachers should always be on the move and highly visible.
- 2.26 Teachers must ensure they visit the area around the toilets and respond immediately to any inappropriate behaviours if observed.

Excursions & On Site Incursions

- 2.27 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. The duty is *non-delegable*, meaning that it cannot be assigned to another party.
- 2.28 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.
- 2.29 Strict adherence to the ARPS Mandatory Reporting policy, Child Safe Environment policy and Child Safe Reporting policy will be enforced should any staff member form a belief that a child is at risk of child abuse. Fulfilling the roles and responsibilities for mandatory reporting does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

All staff will be informed of their legal requirement via:-

- 2.30 A copy of this document will be provided to each member of staff at the commencement of the school year, and will be placed on the staff server.

ARPS POLICY



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- 2.31 New staff will be informed of their Duty of Care as part of the school's Induction Program
- 2.32 Duty of Care will be an agenda item at staff meetings and staff will be directed to familiarise themselves with section Student Safety of the Victorian Government Schools Policy Advisory Guide and Child Safe Standards.
- 2.33 Staff will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions.
- 2.34 Staff will be directed to the Student Engagement, Inclusions & Wellbeing policy, Mandatory reporting Policy, Child Safe policies and ARPS 'Duty of Care Advice' document annually.

References:

<http://www.education.vic.gov.au/school/principals/spag/safety/pages/dutyofcare.aspx>

Principal: _____

School Council President: _____

Date ratified by School Council: 20th September 2017

To be reviewed: _____ 2018 _____

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