



## 1. PURPOSE

- To ensure that 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 processes and procedures are in place to protect students from the risk of injury.
- To ensure that students are safe in all school environments and outside of school hours.

## 2. GUIDELINES

- 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”.
- 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 preventative measures could be taken.
- A teacher’s duty of care includes the geographic area of the school, school activities, activities occurring outside the school where the student is acting on a teacher’s instructions as well as to situations both before and after school where a teacher can be deemed to have ‘assumed’ the teacher-pupil relationship.
- A teacher’s duty of care does not start nor end at precise times during the day. A teacher’s duty applies irrespective whether the risk occurs in or outside the school environment. In all cases the teacher and the school must take **reasonable steps** to protect the student from the risk.
- The Principal is responsible for making and administering arrangements for supervision as necessary 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.

## 3. IMPLEMENTATION:

- The provision of adequate supervision in the school, in school or outside school activities and before and after school activities where the teacher has assumed the teacher-pupil relationship
- The provision of safe and suitable buildings, grounds and equipment.
- The upholding of Mandatory Reporting requirements (**See Child Protection Reporting formerly Mandatory Reporting Policy**) including taking immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected, including sexual abuse.

### **Classroom supervision**

Teachers are responsible for their students at all times. By law, the Duty of Care cannot be delegated.

- 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 during Incursions without adequate supervision arrangements (By Law the duty of care cannot be delegated).
- In an **emergency situation** the teacher should phone for the Principal or Assistant Principal or contact the teacher in the next room (if appropriate send two students for assistance).

No student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted by:

- First alerting the teacher, Assistant Principal or Principal that the student will be sent to them.
- Sending the student to a colleague's classroom or to the Assistant Principal or Principal.
- Sending accompanied documentation and arranging appropriate follow-up.

All teachers must:

- Arrive on time to supervise students before the bell has sounded.
- Request the Principal's permission to leave the school during time release.
- Limit advice given to that which is within a teacher's own professional competence and give such advice through the role specified for them by the Principal (eg. Year Level Coordinator).
- Ensure that the advice they give is correct and, where appropriate, in line with the most recent available.

### **Movement of Students**

Care needs to be taken in allowing students to leave the room to work in other areas of the school.

- Students must travel in pairs and only with the permission of a teacher, Assistant Principal or Principal.
- Students must travel to visit the toilet in pairs and only with the permission of a teacher, Assistant Principal or Principal.

### **Yard Supervision**

Yard supervision is an essential element teachers' Duty of Care.

Teachers must:

- Arrive on time to scheduled timetabled yard supervision responsibilities.
- Remain in the designated until the end of the break period or until replaced by the relieving teacher, whichever is applicable.
- Hand over the duty from one teacher to another in an area of designated duty. Where a relieving teacher does not arrive for duty the teacher should send a message to the office but not leave the area until replaced.
- Use positive action to ensure the safety of students.
- Instruct a student not wearing a hat to play in the safety area.
- Be aware that students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- Be alert and vigilant, intervening immediately if potentially dangerous behaviour is observed in the yard.
- Enforce behaviour standards and logical consequences for breaches of safety rules.
- Fully comply with DET guidelines and the school's **On-Site Supervision of Students Policy and Procedures**.

### **Risks to students outside the school environment**

The school may on occasion need to implement positive steps to protect the safety of students outside the school environment including:

- Keeping students at school beyond the dismissal time because there is an external threat of danger to students until such point as the danger is over or they can be safely supervised to return home. (eg. power line down outside the school).
- Taking more active measures to ensure that other students do not negatively affect the safety and wellbeing of students. (eg. a known bully on a school bus may require the school to suspend or refuse transport to the bully).
- Informing other agencies such as the police or other schools of potential intervention required where the school is not in control of the activity (eg. fights at a local bus stop between students from other schools).

## **Excursions, Incursions and Camps**

- The teacher in charge will have copies of all confidential medical forms and permission notes with contact details. A copy of this material will also be kept at school.
- The teacher in charge or designated teacher of an excursion or camp will carry a mobile phone and a first aid kit including any asthma medication, Epiens if there are students in the group who may need them.
- If the return home from a camp or excursion 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 if necessary and 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 the middle of the crossing to ensure visibility and orderly crossing. Other staff control the flow of students across the road.

All staff need to be aware that:

- Students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- A teacher must be present at all times and remain the person designated with duty of care responsibilities.
- Camps and excursions outside the school require the teacher to fully comply with DET guidelines and bring with it an increased duty of care. It is the teacher's responsibility to be aware of these guidelines and remain the person designated with duty of care.
- 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.
- All staff must follow DET guidelines when organising an excursion, incursion or camp. All procedural steps contained in the school's Camping, Excursions and Incursions policies and procedures must also be followed.

### **Informing staff of the legislative liability of Duty of Care**

- All staff will be informed of their legal requirement via a copy of this document
- Regular reminders and updates at staff meetings
- New staff will be informed of their Duty of Care as part of the school's Induction Program
- Staff will be directed to the school's other related policies

### **Other policies and procedures which underpin this policy:**

- Behaviour Management
- Care arrangements for Ill Students
- Camping
- Incursion and Excursion
- Mandatory Reporting
- On-Site Supervision of Students
- Student Engagement and Wellbeing
- Student Welfare

## **4. EVALUATION**

- This policy will be reviewed every four years and following significant incidents if they occur.

This policy was ratified by School Council on...	2013
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