



DUTY OF CARE

POLICY

Rationale:

At Richmond Primary School, 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.

Purpose:

- Teaching is a skilled profession and teachers must accept the legal consequences of such specialised knowledge and skills.
- In situations where the teacher should reasonably have foreseen the possibility of injury, the teacher has a duty to take reasonable care.
- 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.
- 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.
- The teacher's duty of care will have a higher expectation when the child's age is lower or children are part of the Program for Students with Disabilities (PSD.)
- Schools are bound by standards which are issued under legislative authority and noncompliance with these standards may amount to negligence.
- The Principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in the school. 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:

In the context of duty of care owed to our students it is the responsibility of the Principal to administer the necessary arrangements for student supervision appropriate to this school. A teacher's duty of care also applies to situations both before and after school where a teacher can be deemed to have 'assumed' the teacher pupil relationship. Teachers must act on information provided by a child to protect them from danger e.g. mandatory reporting, acting on reported bullying. Staff members must only give advice about areas within their own professional competence.

The following instructions and notices apply to all teaching staff. This policy will be made available to all staff members.

Classroom Supervision

- 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 education support staff, parents or trainee 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 during incursions (at law, the duty of care cannot be delegated).
- In an emergency situation, teachers will contact the Principal or the teacher in the nearest 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 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 Principal. Children must not be unaccompanied.
- Discretion is to be used when allowing students to visit the toilet or leave the room during class time.

Yard Supervision

- Playground supervision is an essential element in teacher's duty of care. It is now clearly established that in supervising pupils, teacher's duty of care is one of positive action.
- Teachers must be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- Yard duty supervision within the school requires the teacher to fully comply with DEECD 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.
- 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 include a hand over of Yard Duty equipment. 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.
- 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 notify the person responsible for rosters of the situation and arrange a swap. Once a swap is arranged, the details are to be recorded on the roster board in the staff room.
- 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.
- Staff on yard duty should be continuously mobile and cover different areas of the school playground from one another.

Excursions, Incursions and Camps

- Teachers must be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- 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.
- Excursions outside the school require the teacher to fully comply with DEECD 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.
- Camp activities require the teacher to fully comply with DEECD guidelines and brings with them 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 DEECD guidelines.
- 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 camps/excursions/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 the supervision of another classroom teacher.
- 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 and a senior staff member will remain at school until they arrive.
- If crossing roads, students are to use designated crossing points. Staff must walk to the middle of the crossing to ensure visibility and orderly crossing. Other staff should control the flow of students across the road.
- All staff must follow the DEECD 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.

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 will be provided to each member of staff at the first staff meeting at the commencement of the school year, and will be placed on the intranet.
- New staff will be informed of their Duty of Care as part of the school's Induction Program.
- Duty of Care will be an agenda item at staff meetings and staff will be directed to familiarise themselves with the section on Student Safety of the Victorian Government Schools Policy Advisory Guide.
- Staff will complete a risk assessment, including duty of care, when completing planning for camps, excursions and incursions.
- Staff will be directed to the student wellbeing policy annually.

Evaluation:

This policy will be reviewed as part of the school's Strategic Planning and Review cycle.

References:

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

This policy was last ratified by School Council in....

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