



# Mernda Primary School 0488

## DUTY OF CARE POLICY STATEMENT

### DUTY OF CARE: INSTRUCTIONS FOR THE SUPERVISION OF STUDENTS, STUDENT CARE AND SUPERVISION

#### RATIONALE

Whenever a student teacher relationship exists, the teacher has a special duty of care. This is a legal obligation to protect students from injury.

**"A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teachers charge from the risks of injury that the teacher could have reasonably foreseen."  
(Richards v State of Victoria, 1969)**

As part of that duty, 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.

- Teaching is a skilled profession and teachers must accept the legal consequences of such special knowledge and skills.
- 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. In courts this test **is not a demanding one**.
- In situations where the teacher should reasonably have foreseen the possibility of injury, the teacher has a duty to take reasonable care.
- The teacher's duty of care will increase as the child's age is lower.
- Schools are bound by standards which are issued under legislative authority, non compliance with these standards may amount to negligence.

#### AIM

The Principal is responsible for making and administrating 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.

(This background information is based upon the appropriate sections of the Schools Reference Guide, plus information from relevant court judgements and legal texts).

## IMPLEMENTATION

In the context of duty of care owed to our students and my responsibility as 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

- 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 (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 phone for 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 area/levels Leading Teacher or Assistant Principal or Principal. This should be accompanied by documentation (a red slip). The teacher needs to ensure that the incident is documented on GradeXpert and appropriate people are alerted. The Principal or Assistant Principal **is to be contacted first** to alert them that the student is on their way, or that the student needs to be removed.

### 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 must only occur with the approval of the Principal or Assistant Principal.
- Utmost discretion is to be used when allowing students to visit the toilet during class time.

### 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 expected to follow School policy whilst on yard duty.
- Teachers rostered for duty are to attend the designated area at the time indicated on the roster and at the sounding of the appropriate bell.
- 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 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**.
- No changes to the yard duty roster are to be made without the approval of the Daily organiser, or a person from leadership.
- If a teacher rostered for duty will be absent due to an excursion, sport etc it is that teacher's responsibility to notify the Assistant Principal and Daily organiser of the situation to arrange a swap. Once a swap is arranged the details are to be in writing. All yard duty swaps will appear on the daily bulletin.
- 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.
- Always be moving.

## 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. 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.
- The teacher in charge of an excursion or camp will carry a mobile contact number known to the school, and a first aid kit needs to be available on either the excursion or camp.
- 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 the designated crossing points. Staff are to walk to the middle of crossing to ensure visibility and orderly crossing. Other staff will control the flow of students crossing 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. Please also refer to the Mernda P.S. 'Guidelines for Planning Excursions' located on the school T-Drive and the Mernda P.S. shared document folders.**

## EVALUATION

- A copy of this policy will be provided to all staff annually
- This policy will be updated as part of the three year cycle

This policy was last ratified by School Council on

23<sup>rd</sup> August 2017