



# DUTY of CARE and SUPERVISION POLICY

## Background

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.”* (*Richards v State of Victoria* (1969) VR 136 at p. 141). The nature and extent of the duty will vary according to the circumstances. 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 preventive measures could be taken. A teacher’s duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring outside the school where a student is acting on a teacher’s instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have ‘assumed’ the teacher pupil relationship.

Schools in breach of the duty of care may be liable for injuries inflicted by one student on another, as well as for injuries sustained by a student. In order to successfully bring a claim in negligence for compensation for an injury, a person must establish, on the balance of probabilities, that:

- A duty of care was owed to the person harmed at the time of the injury
- The risk of injury was foreseeable
- The likelihood of the injury occurring was more than insignificant
- There was a breach of the duty of care or a failure to observe a reasonable standard of care
- This breach or failure was a cause of the injury.

The fact that a duty of care exists does not of itself mean that a school will be liable for an injury sustained by a student. In order for the student to succeed in a negligence claim, all of these elements must be established.

At Bell Primary School we understand our duty of care and that teachers are required to supervise all learning environments that students are working in- the school grounds, classroom and online spaces as well as excursions and camps. This duty also requires protection from risks that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.

As part of the Victorian Government state school system we are committed to the safety and wellbeing of all children and young people, regardless of their age, culture, beliefs, socio-economic circumstances, disability, family living situation, child rearing practices or educational level. There is a culture of ‘no tolerance’ for child abuse and is committed to meeting the requirements of Ministerial Order 870 and the Child Safe Standards. Mandatory Reporting is vital to ensuring that any instances of child abuse are reported according to the Child Safe Standards. The school is aware of and compliant with the Child Safe Standards.

## Purpose

To ensure Bell Primary School:

- Staff understand their legal duties towards students.
- Staff have an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.
- is compliant with Department of Education and Training's (DET) policies and procedures and the Child Safe Standards.

## Scope

This policy applies to any staff employed for educational purposes including:

On-going and contract teachers and Educational Support Staff

Casual Relief teachers employed for short term work

## Implementation

The Principal has the overall responsibility of implementing this policy, but may delegate certain roles to suitably qualified staff.

The school will manage Duty of Care in the following ways:

### **Informing Staff of Duty of Care**

All staff will be informed of their legal requirement in the following ways:

- A copy of this policy 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 google drive.
- New staff will be informed of their Duty of Care as part of the school's Induction Program.
- Duty of Care will be discussed from time to time in staff and grade level team meetings.
- Staff will complete a risk assessment including duty of care when planning for camps, excursions and incursions.
- Ensure that staff understand the direct link to the Bell PS Child Safe Policy and meet all of the standards outline.
- Staff are familiar with other related policies which support Duty of Care obligations.

### **School Facilities**

The school will ensure it provides safe and suitable buildings, grounds and equipment by:

- Assigning Occupational Health and Safety as a role of a staff member of the school.
- Completing regular workplace inspections of school premises.
- Ensuring all regular maintenance works on SAMS is completed e.g. electrical tagging, air conditioner maintenance.

### **Teaching and Learning Programs**

The school's teaching and learning programs clearly establish:

- The educational purpose for the activity, the appropriate tools and online spaces which support the activity's educational purpose and additional support that is available for students who may need assistance.
- Whole-school programs that support quality relationships between students e.g. Berry Street Model, Respectful Relationships
- Professional Development for teachers to develop and refresh skills to collaboratively create and maintain a safe and respectful learning environment e.g. Mandatory Reporting, Occupational Health and Safety Modules.

### Advice to Parents/Carers

- Staff members are cautioned against giving advice to parents or students on matters that they are not professionally competent to give.
- Advice is to be limited to areas within a teacher's own professional competence and given in situations related to education.
- Staff should not give advice in areas outside those related to their role where they may lack expertise. e.g. medical advice or diagnosis of a learning disability.

### ICT and Online Environments

The school will ensure:

- Students have signed a ICT Acceptable Use Agreement and Declaration
- Students are explicitly taught safe online behaviour through e-Smart sessions
- Students are supervised at all times when using ICT devices
- Only suitable online programs are used with students with clear educational purposes
- There is follow up of breaches of online behaviour, with notes entered in the ICT incident report via Compass and appropriate follow up with parents/carers.

### Classroom Supervision

- Students should be supervised at all times by teachers.
- It is **not** appropriate to leave students in the care of Education Support staff, parents or trainee teachers.
- It is **not** appropriate to leave students in the care of external education providers, for example presenters for incursions.
- **No** student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted by sending the student with another student (with a note) to a colleague's classroom eg 3 thinking minutes. or to a member of the leadership team eg 6 thinking minutes or major/severe behaviour. This should be followed up by the teacher.
- Teachers should also consider their duty of care when seating students in the class. For example, not sitting particular students together if there has been a case of bullying or on-going misbehaviour
- In an emergency situation use the classroom telephone to call for assistance from leadership or office staff or a personal mobile in a critical incident if necessary.

### Movement of Students

- Students must be supervised by teachers when moving from room to room. e.g. Classroom to Art room.
- Students must go in pairs to go to the toilet, taking messages to the office or completing other monitor roles.

### Yard Supervision

- The school will ensure there are adequate yard duty teachers on before and after school and recess and lunchtimes.
- There will be a yard duty timetable completed each term by the Assistant Principal.
- The office staff/daily organiser will alert Casual Replacement Teachers (CRT's) to their yard duty requirements
- Teachers, including CRTs, should check the Daily Bulletin on Compass to confirm yard duty for the day and any swaps that have occurred.
- Teachers will ensure they move around their designated area to supervise students
- Teachers will ensure that they are on yard duty at the correct times; if a teacher does not come out for duty, the teacher should send a child to the office to alert them of this **but not leave the area until replaced.**
- Yard duty teachers must carry the designated yard duty bag which contains basic first aid and cards to alert the office of any emergency situation eg anaphylaxis.
- Any incidences that occur on yard duty should be followed up by the yard duty teacher on at that

time. Major or severe incidences require follow up by the classroom teacher and a member of the leadership team if required. All major/sever incidences should be recorded in the 'Time-Out' folder and logged on Compass Chronicles.

- The school will inform parents in the newsletter each term of their duty of care to look after students in the school yard before 8.45am and after 3.45pm. The school will also emphasise to parents the need to supervise their children carefully when crossing roads.
- The school will make an announcement each day for any student who has not been collected from school to come to the office so that suitable arrangements can be made to ensure the child gets home safely e.g. phone parents, send to after school care.

### **Indoor Supervision- wet/hot/windy days**

In certain weather conditions the Principal/Assistant Principal will decide to keep students inside during recess or lunch breaks with an announcement prior to the bell. The following procedures will be adhered to by staff:

- Pod partners in double portables and groups of teachers in learning hubs (learning centre and upstairs) will make arrangements with 1 teacher to supervise 2 classrooms, swapping halfway through the break See Appendix A 'Wet/Hot Day Arrangements' for details when one or both teacher are rostered for Yard Duty that day.
- ICT devices are not to be used during these times as students cannot be adequately supervised by the teacher on duty.
- Students are able to move to other classes within the double portable or learning hub under clear guidelines outlined by all teachers. Expectations must related to students safety ond the School-wide behaviours matrixes in every classroom.
- Each classroom teacher must re-inforce the indoor procedures before the start of every hot/wet/windy day timetable

### **Alerts**

- The school will ensure that it follows any alerts sent by the Emergency and Security Management Branch e.g. Weather alert, security alert.
- The school will ensure that all students are kept safe and supervised in such instances.

### **Student Support, Behaviour Management and Bullying**

The school will ensure it has:

- Support Programs in place for students on the Program for Students with a Disability (PSD) and also other students with learning needs that may not necessarily be funded through this program, including adequate supervision, an Individual Learning Plan (ILP) and educational support.
- Consistent behaviour management procedures outlined in the Student Engagement and Wellbeing Policy based on the School-Wide Positive behaviour Support Framework (SWPBS)
- Clear and consistent procedures for incidents of bullying and harassment outlined in the Bullying Prevention policy.

### **Medical Incidences and Emergency**

The school will ensure that:

- It has up to date First Aid, Anaphylaxis and Asthma Policies.
- That all students in a medical emergency are adequately supervised.

### **Excursions, In School Visits and Camps**

The school will ensure:

- DET guidelines are followed for teacher/student ratios on all camps and excursions.
- All excursions, in school visits and camp providers are aware of and follow the Child Safe Standards, understand duty of care obligations and have adequate first aid facilities.
- Risk assessments are undertaken for all camps and excursions.

- Camp and excursion providers have allowed for enough staff in the supervision of activities.
- The co-ordinating staff member completes the DET online excursion form (SAL) and completes all other Bell PS forms prior to the event in conjunction with the office staff and daily organiser
- That teachers supervise students as they leave/return to the school and at the camp/excursion facility and regularly count student numbers.
- 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.
- Teachers will take copies of all confidential medical forms and permission notes with contact details in case of emergency.
- That teachers attending the excursion or camp will carry a mobile phone and a first aid kit.
- Arrangements will be made with the daily organiser for students not attending camps or excursions to be supervised by other teachers at school.
- If the return time from an excursion or camp is delayed, the teacher in charge will contact the school to inform the office staff of the new arrival time so that parents can be contacted via Compass and a senior staff member will remain at school until they arrive.
- All In-school visits must be supervised by teachers.

### **Staff Recruitment, conduct and performance**

- The Principal will ensure that they follow DET policies in regards to staff recruitment, conduct and performance management and that staff comply with duty of care obligations.

Bell Primary School Staff are required to ensure that we meet the requirements of Ministerial Order 870 and the Child Safe Standards which applies to all staff, contractors, volunteers and any other member of the school community involved in child-related work with students of Bell Primary School.

The following policies work in conjunction with this policy:

### **Related Policies and Resources**

- Excursions and Camps Policy
- Student Wellbeing and Engagement Policy
- Visitors in Schools Policy and Procedures
- Volunteers Policy - Bell PS
- Child Safe Policy - Bell PS
- Medications Policy – Bell PS
- Asthma Policy -Bell PS
- Anaphylaxis Management Policy

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

<http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/prindutyofcare.aspx>

### **Evaluation**

This policy will be reviewed as part of the school's 3 year cycle or as needed to comply with DET policy changes.

### **Document Status**

<b>Reviewed</b>	<b>School Council Ratification</b>	<b>Next Review</b>
Jan 2020	N/A	Jan 2023

## APPENDIX A

### Wed/Hot/Windy Day Arrangements

All staff are entitled to a 30-minute unbroken break during 11:30 and 2:30

Scenario 1: Extreme weather in playtime 1 only. . Staff have a half hour break in playtime 1 as playtime to weather is unknown

Scenario 2: Extreme weather in both playtimes. Staff have a half hour break in playtime 1.

Scenario 3: Extreme weather in playtime 2 only

#### Scenarios 1 and 2

Extreme weather is called at 11:25am by Leadership after checking the radar and visual check

In your pod partners

11:30	Teacher 1 has a break	All students eat with teacher 2
12:00	Teacher 2 has a break	Teacher 1 to supervise children
12:20	Teacher 1 facilitates a learning activity with all students, such as reading a book to them	
12:30	Both teachers teaching	

#### Portables

Arrangements made between pod partners

#### Learning Centre- Preps x 3, Gr 2A

2 teachers have a break from 11:30 - 12:00 then 2 teachers have a break from 12:00 - 12:30

#### Upstairs Learning Hub

2 teachers have a break from 11:30 - 12:00 then 3 teachers have a break from 12:00 - 12:30

#### One person in a pod's class is split.

Classroom teacher has a break from 11:30 - 12:00. Specialist has a break from 12:00 - 12:30.

Specialists to decide who covers the breaks, within their team.

There are generally no more than two grade splits, however, in extreme circumstances there may be three grade splits.

#### Scenario 3 - First playtime was no extreme weather, second playtime is extreme weather

Extreme weather is called at 1.55pm by Leadership after checking the radar and visual check

Any teacher who had yard duty during playtime 1 takes the first 30 mins

2.00	All students eat with teacher 2	All students eat with teacher 2
2.30	Teacher 2 has a break	Teacher 1 to supervise children
2.40	Teacher 1 facilitates a learning activity with all students, such as reading a book to them	
2.45	Both teachers teaching	

If both pod partners had YD during playtime 1, specialists to decide who covers the breaks, within their team. Leadership are called if extras are needed.