DUTY OF CARE
POLICY

Rationale:
- In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their care from risks of injury that are reasonably foreseeable.

Aims:
- 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.

Implementation:
- In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.
- Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements of the duty involve providing adequate supervision in the school or on school activities, providing safe and suitable buildings, grounds and equipment, providing effective anti-bully strategies, and ensuring appropriate and timely medical assistance is provided to injured or sick students.
- 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.
- The teacher’s duty of care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen does not have a legal obligation to respond.
- Whilst each case regarding a teacher’s legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:-
  - arriving late to scheduled timetabled yard duty responsibilities
  - failing to act appropriately to protect a student who claims to be bullied
  - believing that a child is being abused but failing to report the matter appropriately
  - being late to supervise the line up of students after the bell has sounded
  - leaving students unattended in the classroom or ignoring dangerous play
  - failing to instruct a student who is not wearing a hat to play in the shade
  - leaving the school during ‘non-face to face teaching time’ without approval
  - inadequate supervision on a school excursion
- Staff members are also cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Advice is to be limited to areas within a teacher’s own professional competence and given in situations arising from a role (such as careers teacher, year level coordinator or subject teacher) specified for them by the principal.
- In the context of duty of care owed to our students and the 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

School Policy & Advisory Guide -
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, RE instructors, 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 is appropriate

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 Assistant Principal or Principal. This should be accompanied by documentation. The teacher, Principal or Assistant Principal is to be contacted first to alert them that the student is on their way.

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.

When students move between classrooms or specialist areas staff need to be aware of the risks involved and ensure that students move safely across the school. Any movement around the school must be kept to a minimum.

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 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 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.

At the end of the recess period all staff need to be in their classroom prior to the second bell in order to supervise students and enable duty teachers to be back to their class and students ready for instruction to commence immediately

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 Assistant Principal.

Pod partners should ensure that relief teachers in their area are aware of their yard duty responsibilities.

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 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.

• Be aware that camp activities 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.

• Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to DEECD 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. 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 or designated teacher of an excursion or camp will carry a mobile phone to contact the school and a first aid kit.

• If crossing roads during camps or excursions students are to use designated crossing points. Staff are to walk to middle of crossing to ensure visibility and orderly crossing. Other staff control the flow of students across the road.

• 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.

• 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.

Communication strategy

• Regular information will be provided for staff at staff meetings.

• Prior to camps, excursions, incursions and school activities staff will be required to assess the risks involved and develop strategies to eliminate/minimise these risks.

• Teachers must ensure that the advice they give is correct and well documented and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas where they may lack expertise.

**Evaluation:**
This policy will be reviewed as part of the school’s three-year review cycle.

This policy was last ratified by School Council in.... **June 2012**