PURPOSE

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.

GUIDELINES

To ensure that staff has an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.

POLICY IMPLEMENTATION

Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific requirements of the duty involve providing adequate supervision in the school or on school activities as well as providing safe and suitable buildings, grounds and equipment.

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.

Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this duty of care will be established if a teacher or principal failed to take 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.

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.

Risks to students outside the school environment

Risks outside the school environment may sometimes call for immediate and positive steps by a school depending on the age of students, urgency and threat of injury.

Classroom Supervision

At law, the Duty of care cannot be delegated to ancillary staff, parents, trainee teachers or external education providers.

It is not appropriate to leave students in the care of Education Support (ES), parents, trainee teachers or external education providers/

In an emergency situation use the phone for the Principal or contact the teacher in the next room. (send another student for assistance).

No student should 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 by documentation and appropriate follow up. The teacher, Principal is to be contacted first to alert them that the student is on their way.
Movement of Students:
Care needs to be taken in allowing students to leave the room to work in other areas of the school.

Use of students as monitors outside the room during class time must only occur with the approval of the Principal. Students as monitors will go in pairs.

Students going to the toilet during class time will go in pairs.

Care and secure supervision should actioned when students are moving to specialist classes and then back to their home classroom.

Yard supervision:

Yard supervision is an essential element in teachers' duty of care. Students 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 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 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 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 Principal.
- Be alert and vigilant -intervene immediately if potentially dangerous behaviour is observed in the yard - enforce behaviour standards and logical consequences for breaches of safety rules.
- You should always be on the move and highly visible.

Excursions, Incursions and Camps

Students 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.

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 a teacher’s responsibility to be aware of these guidelines and remain the person designated with duty of care.

Excursion and camp activities require the teacher to ensure that the venue and transport adhere to DET 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. 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 or designated teacher of an Excursion or Camp will carry a mobile phone 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. One staff member is to walk to the middle of the crossing to ensure visibility and orderly crossing. Other staff will control the flow of students across the road.

All staff must follow the DET Guidelines when organising an excursion, incursion or camp. All procedural steps contained in the school’s Excursion and Camps 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 section 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 Engagement & Wellbeing Policy annually.

EVALUATION

This policy will be reviewed as part of the school’s three year review cycle or earlier as required.