

	<h1 style="text-align: center;">Hughesdale Primary School</h1>	
	<h2 style="text-align: center;">Supervision and Duty of Care Policy</h2>	
<b>Ratified at school Council;</b>	<b>Due for Review; March 2020</b>	
<b>Authority (Principal);</b>	<b>Authority (School Council President);</b>	

### **1 Purpose**

- To ensure that Hughesdale Primary School meets its responsibility to the supervision and duty of care of all students.
- To ensure that all staff have an understanding of their duty of care to students and behave in a manner that does not compromise these legal obligations.
- To ensure that all requirements for duty of care are met by the school.
- This Policy is to be read in conjunction with the Student and Staff Safety Policy and the Child Safe Policy.

### **2 Guidelines**

- Hughesdale Primary School is committed to meeting all requirements in order to ensure that we efficiently and diligently meet our professional 'duty of care' especially in relation to student supervision. Government school principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students.
- Principals and teachers have a special duty of care in relation to their students in order to take steps that are reasonable in the circumstances. This is to protect students from risks of injury that should reasonably have been foreseen. This includes the duty to provide an adequate system of supervision.
- Hughesdale Primary School has zero tolerance for child abuse and is committed to meeting the requirements of Ministerial Order 870 and the seven Child Safe Standards. Mandatory Reporting is vital to ensuring that any instances of child abuse are reported according to the Child Safe Standards.

### **3 Implementation**

- All teachers have equal responsibility for 'duty of care.'
- The Principal and/or Assistant Principal shall ensure that this policy is implemented and monitor supervisory arrangements on an ongoing basis.
- The Principal will:
  - Regularly communicate the duty of care and supervision obligations and responsibilities to all staff as outlined in Appendix 1
  - Regularly communicate the supervision arrangements to parents

- Determine the level of student supervision to be provided to students in all of the circumstances
  - Allocate specific responsibilities to staff members to provide the supervision that is required
  - Communicate the specific supervision responsibilities allocated to staff members
  - Regularly review the level of student supervision provided to students and make adjustments as and when deemed appropriate
  - Regularly review the duty of care and supervision policy to ensure that it is consistent with the *DET School Policy and Advisory Guide*, and continues to meet the duty of care obligations and responsibilities for all students
- Teachers and other staff will:
    - Comply with the lawful and reasonable directions of the Principal
    - Comply with all Department and school policies
    - Perform supervisory duties as required (See appendix 1)
- Parents, guardians and carers will:
    - Make appropriate arrangements for the transport, care and supervision of students travelling to and from school
    - Make appropriate arrangements for the care and supervision of students outside the times of supervision before and after school
    - Comply with late arrival and early departure policies and other school based policies
- The Principal will communicate this policy to all staff using the following mechanisms:
    - A copy of this policy will be provided to each member of staff in the Staff Handbook at the commencement of the school year.
    - New staff will be informed of this policy as part of the School's Induction Program.
- 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.
- 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 class or leaving a class early
    - Arriving late to scheduled timetabled yard duty responsibilities
    - 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
    - Ignoring dangerous play
    - Leaving the school during time release 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 year level coordinator or Professional Learning Team (PLT) Leader) specified for them by the

principal. Teachers must ensure that the advice they give is correct. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

#### **4 Visitors**

- The Principal will ensure that there is a procedure to monitor all visitors in the school. As a minimum this procedure must require all visitors arriving and departing the school premises during school hours to use the I-Pad to record their name, their signature, the date and time, and the purpose of the visit. Each visitor not employed by the DET will be asked to provide a Working with Children's Check (WWCC) which will be photocopied and filed. Please refer to the Student and Staff Safety Policy.
- 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 Hughesdale Primary School. Please refer to the Occupational Health and Safety Induction Procedures.

#### **5 Risk Management –**

- All staff including the Principal and Assistant Principal are required to manage risk in order to reduce the chances of child abuse occurring
- The school will follow a risk management strategy to minimize risk to child safety at Hughesdale Primary School (See appendix 2)

#### **6 Duty of Care for Outside Hours Activities (Fairs, community events, carnivals, concerts etc)**

- The school owes a duty of care to the students, staff and visitors on the school grounds
- The school will take reasonable steps to prevent injury that is reasonably foreseeable
- In order to discharge sufficient duty of care, the school will undertake a comprehensive risk assessment and develop a specific Emergency Management Plan for events such as a fete/fairs
- This plan may include the following information:
  - The degree of supervision required, this will depend on the types of activities being undertaken and the expected crowds. Some schools engage a private security company to ensure adequate supervision and control of the behaviour at large scale events
  - First aid procedures and who will be responsible for implementing these
  - Details of local doctor, ambulance and other emergency services and who will be responsible for contacting emergency services if required
  - Where people will assemble in the case of an emergency
  - Who will supervise and oversee the emergency management procedure
  - Briefing of teacher, parent and student volunteers
- When planning a School fete or Community Concert the school will comply with legal and safety requirements as per the following website:  
<http://www.education.vic.gov.au/school/principals/spag/management/Pages/operations.aspx>
- The School Council will consider the following when determining whether to hold a school fete or external event:
  - Duty of care (to both students and visitors)
  - Occupiers liability
  - Occupational Health and Safety
  - Emergency management
  - Permits which may be required

- Commercial matters such as stall holder and purchase agreements insurance

## **7 Related DET Policies and Documents**

<https://www.education.vic.gov.au/school/principals/spag/management/Pages/operations.aspx>

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/safeenviro.aspx?Redirect=1#4>

<https://www.vrqa.vic.gov.au/childsafepages/home.aspx>

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

## **8 Related School Policies and Documents**

- Hughesdale PS Child Safe Policy
- Hughesdale PS Student and Staff Safety Policy
- Hughesdale PS Staff Handbook
- Hughesdale PS Child Safe Code of Conduct Policy
- Hughesdale PS Mandatory Reporting Policy
- Hughesdale PS Staff Induction Policy
- Occupational Health and Safety Induction Procedures

## **Appendix 1:**

### **Definition – Duty of Care**

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). 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.

School authorities 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.

Schools normally satisfy the duty of care by allocating responsibilities to different staff. For example, the principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in each school, and teachers are responsible for carrying out their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.

## APPENDIX 2:

Teachers and other school staff are responsible to undertake the following risk management strategies:

### Classroom Supervision

- ❖ At no time should students 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 support staff, parents or student 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 'internal' phone to call 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 Assistant Principal or Principal.

### Movement of Children

- ❖ Extreme care needs to be taken in allowing students to leave the room for any reason.
- ❖ Students should generally be able to access toilets during class time. Children should attend in pairs.

### Yard supervision

- ❖ Playground supervision is an essential element in teachers' duty of care. Teachers who are rostered for duty are responsible for remaining in the designated area until the end of the break period, or until replaced a reliving teacher, whichever is applicable. During yard duty, supervising teachers should be guided by the following:
  - If the designated area is large in size, teachers are expected to methodically move around the area rather than remain static in the one position. This increases the ability to appropriately monitor student activity.
  - Be alert and vigilant
  - Intervene if potentially dangerous behaviour is observed in the yard
  - Enforce behaviour standards and implement logical consequences for breaches of safety rules
  - Ensure that students who require first aid assistance receive it as soon as practicable
- ❖ Teachers should 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 also expected to follow school policy whilst on duty.
- ❖ All staff on yard duty must wear a high visibility vest at all times. They must also carry a first aid bag.
- ❖ 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., that teacher has the responsibility to arrange a swap with another staff member. Once a swap is arranged the details are to be sent to the Assistant Principal and the person responsible for rosters..

### Incursions

- ❖ Teachers must continue to supervise their students even whilst a visitor, speaker or instructor is presenting to the class.

- ❖ Visitors, speakers and instructors should not be responsible for supervising students on the school premises.

### **Excursions and camps**

- ❖ The principal must ensure that students participating in excursions and camps are appropriately supervised.
- ❖ Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors.
- ❖ The *DET Schools Policy and Advisory Guide* provide minimum requirements for staff-student ratios. However, Principals should determine the appropriate and effective level of supervision for each individual excursion or camp, taking into account the following:
  - The experience, qualifications and skills of staff
  - The age, maturity, physical characteristics and gender of the students
  - The size of the group
  - The nature and location of the excursion / camp
  - The activities to be undertaken
- ❖ Most excursions and camps must:
  - Be under the direct control of a teacher with at least one other excursion staff member present
  - Have enough teachers to maintain appropriate control of the excursion and each activity
  - Have teachers comprising at least half of the excursion staff
  - Any person who supervises students on an excursion or camp must have a Working with Children check.
- ❖ Prior to the commencement of the excursion or camp, the Principal must ensure that the specific roles and responsibilities of each supervisor are clarified and understood by all supervisors and students.
- ❖ Prior to the commencement of the excursion or camp, the designated leader must log onto the DET Activity Locator to register the appropriate details involving relevant information such as student and staff numbers, location of the excursion or camp and relevant safety considerations.
- ❖ The supervision of students on a camp or excursion will include the following:
  - Retaining copies of all confidential medical forms and permission slips for each student who is participating in the excursion or camp.
  - Regularly marking off the attendance of students – this may include at the beginning of the excursion, on the transport, and at each location and activity.
  - Ensuring that the venue, transport and activities conducted adhere to DET guidelines.
  - Monitoring student behaviour, enforcing behaviour standards, and implementing logical consequences for a failure to comply with the behaviour and safety standards
  - Ensure that students who require first aid assistance receive it as soon as practicable
  - Ensure that risk management plans and emergency management plans are implemented as necessary