

# DUTY OF CARE POLICY

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## PURPOSE

The purpose of this policy is:

- To ensure that Seaholme Primary School staff have an adequate awareness and understanding of their duty of care obligations and responsibilities to provide adequate supervision to students.
- To ensure that Seaholme School staff conduct themselves at all times consistently with these legal obligations and responsibilities.

## SCOPE

This policy applies to **all positions at the school including:**

- Principal and school leaders
- Teachers including CRT
- Non-Teaching Employees – Education Support Staff, SSSO's (where applicable)
- Student Teachers (in consultation with supervisory teacher)

## POLICY IMPLEMENTATION

Principals and teachers have a special duty of care in relation to their students to take steps that are reasonable in the circumstances to protect students from risks of injury that should reasonably have been foreseen. This duty includes the provision of an adequate system of supervision, and a duty of care to staff and students at all times that includes protection against inclement weather.

The duty is not to prevent injury in all circumstances – it is a duty to take *reasonable* steps to prevent injury which is *known or foreseeable*. The question of what reasonable steps are will depend on the individual circumstances of the case, and consideration of the following factors:

- The probability that the harm would occur if care were not taken
- The likely seriousness of the harm
- The burden of taking precautions to avoid the risk of harm
- The social utility of the activity that creates the risk of harm

The duty may, in some circumstances, extend *outside school hours* and *outside the school premises*. This will depend on whether the relationship between staff and student extends to the individual circumstances, whether the risk was known or foreseeable, and whether there were any reasonable steps that could be taken to prevent the injury from occurring. The duty is **non-delegable**, meaning that it cannot be assigned to another party. Adequate security of students, and tracking of visitors into the school, are requirements of the school's duty of care.

On-site security requires not only protection from known hazards, but also protection from those that could arise (that is, those the teacher should reasonably have foreseen) and against which preventive measures could be taken.

At Seaholme Primary School the principal is responsible for ensuring that there is an adequate system of supervision in place during school hours, before and after school, and on school excursions and camps.

Teachers and other school staff are responsible for following reasonable and lawful instructions from the principal, including instructions to provide supervision to students at specific dates, times and places.

The school will adequately secure the school grounds during class time to ensure student safety. Teachers need to focus on teaching during class times and parents wishing to meet with staff are required to follow

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an agreed appointment process. Non-appointment meetings are not encouraged as they may detract from teacher focus of the whole class.

## Roles and Responsibilities

### **The Principal will:**

- Regularly communicate the duty of care and supervision obligations and responsibilities to all staff;
- 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 *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

### **Parents, guardians and carers will**

- Make appropriate arrangements for the transport, care and supervise 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

## Procedures for Implementation

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 at the first staff meeting at the commencement of the school year;
- New staff will be informed of this policy as part of the School's Induction Program;
- School staff will be directed to familiarise themselves with all relevant sections of the *Schools Policy and Advisory Guide*;
- Staff will be provided with an updated copy when it has been reviewed.

## Before School & After School

Students must be supervised for a minimum of 10 minutes before and after school. This supervision may include some or all of the following:

- Monitoring of entry or exit points and/or designated pick up and drop off areas
- Yard supervision
- Classroom supervision

At Seaholme Primary School supervision at the beginning of the school day will commence at 8:45am. This supervision will include yard duty teachers located at various points within the school grounds. Supervision at the end of the school day will be provided until 3:45pm. This supervision will include yard duty teachers located at various points within the school grounds.

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If a parent, guardian and carer (or other authorised person) drops off or otherwise arranges for a student to be on the school premises before supervision commences at the beginning of the day, the principal will, as soon as practicable, follow up with the parent, guardian and carer to

- advise of the supervision arrangements before school, and
- request that the parent, guardian or carer make alternate arrangements.

If a parent, guardian or carer (or other authorised person) has failed to collect the student after school, the next steps may include some or all of the following:

- Attempting to contact the parents, guardians or carers
- Attempting to contact the emergency contacts
- Placing the student in the out of school hours care program (if appropriate)
- Contacting the Victoria Police and/or the Department of Human Services (Child Protection) to arrange for the supervision, care and protection of the student

## Classroom

The classroom teacher has ultimate responsibility for the supervision of all students in their care. This duty cannot be delegated to external education providers, parents or trainee teachers.

In addition, no student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal from the classroom is only to occur in accordance with the school's Student Engagement policy.

If a teacher needs to leave the classroom unattended at any time during a lesson, he or she should contact the relevant Sub School Principal for assistance. The teacher should then wait until alternate supervision is being provided prior to leaving the classroom.

## Recess and lunch times

The Principal is responsible for ensuring that students are adequately supervised during recess and lunch. This will usually involve designating areas in the yard, and developing a roster for staff to supervise students in the designated area for the time indicated in the roster.

At Seaholme Primary School, the principal (or nominated replacement), is responsible for preparing and communicating the yard duty roster on a termly basis.

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 relieving 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.

If the supervising teacher is unable to conduct yard duty at the designated time, he or she should swap with another staff member and notify the office of this change, to ensure that alternative arrangements are made. In the event that a swap is unavailable, please notify the Daily Organiser.

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If the supervising teacher needs to leave yard duty during the allocated time, he or she should send a message to the office but should not leave the designated area until the relieving teacher has arrived in the designated area.

If a relieving teacher does not arrive for yard duty, the teacher currently on duty should send a message to the office, but not leave the designated area until a relieving teacher has arrived in the designated area.

## Late arrival or early departure

The Principal will ensure that the school has a procedure in place for the safe collection and drop off of students at school during school hours (eg late arrival or an early departure). This will include a record of the date and time, the reason for the late arrival or early departure, and the person who has authorised the late arrival or early departure.

In relation to early departure from school, the procedure will also include:

- Students will be only permitted to leave the school premises under the supervision of a parent, or another person authorised by parents to collect the student
- If the person collecting the student is unknown to school staff, school staff will request photo identification to verify the person's identity

## 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 a visitors' book to record their name, their signature, the date and time, and the purpose of the visit. At Seaholme Primary School, visitors sign in at arrival at the front office, collect a school lanyard and sign out on departure.

## Use of Digital Technologies

Teachers and other staff of Seaholme Primary School also have a responsibility to reasonably supervise the use of digital technologies, and the use of online learning environments at school. In doing so, teachers and other staff should be guided by the following:

- Relevant Departmental policies (eg. Student Engagement Guidance, Bully Stoppers, Acceptable Use Policy)
- Relevant Seaholme Primary School policies (eg. Digital Technologies and Acceptable Use Policy and Agreements)

### **It is important to note that:**

- It is not reasonable or practicable for a teacher or principal to inspect every website that will be accessed by a student. The nature of the Internet means that there can be no guarantee against inappropriate content or changing circumstances in website content.
- It is not reasonable or practicable for a teacher or principal to supervise an online learning environment 24 hours a day.

The principal and teachers are expected to respond to an online incident that impacts on students at the school as soon as they have knowledge of its occurrence.

## 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.

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Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors.

The *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.

The supervision of students on a camp or excursion will include the following:

- Retaining copies of all confidential medical forms and permissions 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

**Note:** Further information can be found in the Camps and Excursions Policy

## Custody Arrangements

Schools are often confronted with issues relating to custody of students. While such issues are often emotionally charged, Seaholme Primary School will manage custody related issues in accordance with the law. The school has clear and responsible processes for managing custody related issues at a school level, and clearly articulates processes relating to the management of custody issues to parents. These include:

- Parents or guardians are required to complete and sign accurate enrolment forms for children for whom they have custody;
- Enrolments must be accompanied by Birth Certificates or similar that proves a student's name and birth date;
- The school will only enrol a child under the name provided on a Birth Certificate or more recent legally recognised document that details a name change, or by written consent of both parents/guardians;
- Any custody issues are to be declared and supported by legal documentation – which will be photocopied and retained on the student's individual file;

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- The principal will be responsible for ensuring that the school complies with all Family Court Orders or similar legal documents relating to custody.
- The Principal or nominee may consult with DET's legal advice team in regard to Family Court orders;
- The school will assume a default position that both parents have equal access to enrolled students unless current court orders or legal documents dictate otherwise;
- Both parents will have access to school reports, newsletters, parent interviews, and their children at school unless court orders or similar legal documents dictate otherwise.
- Parents or guardians who claim custody restrictions but fail to provide documentation will not have their requests met until such time as supporting documentation is provided;
- People who have restricted access to students, and whose presence at school or requests for information etc are in breach of court orders or similar legal documents will be directed immediately to the principal;
- The police will be contacted immediately if any person refuses to comply with the principal's lawful instructions, or to obey court orders or similar.

## Inclement Weather

As part of the usual yard duty timetable process, an inclement weather timetable will be activated by the Principal/Assistant Principal when conditions outside are considered to be unsuitable for students and staff. Inclement weather is generally defined as extreme heat, rain, lightning, dust, wind, cold or any other condition that is considered by the Principal/Assistant Principal to be unsuitable.

In the event of inclement weather, the school will implement the following:

- Where inclement weather is obvious prior to children being dismissed for a recess or lunch break, an announcement will be made by the Principal/Assistant Principal advising class teachers to follow the inclement weather time-table until further notice;
- Designate teachers who will supervise a number of grades (as previously agreed to by the teachers concerned), for an agreed time during the recess or lunch break;
- Teachers, other than classroom teachers, will similarly share supervision of the classes and other areas (as determined);
- All children will be confined to classrooms unless permission has been granted by a teacher to leave temporarily, e.g. toilet break;
- Children will be expected to walk indoors/under cover at all times and undertake appropriate indoor games and activities;
- In the case of unpredicted inclement weather occurring during a recess break, a yard duty teacher will activate the inclement weather timetable;
- In the event of children being required to come inside the school buildings, yard duty teachers will supervise the return to classes briefly while designated teachers make their way to the classrooms, or other areas, that they are required to supervise;
- All staff and students are required to wear broad-brimmed hats from mid August through to the end of April consistent with the school's Sunsmart policy;
- Excursions, camps, scheduled sport, physical education or other outside activities may need to be reorganised or rescheduled should inclement weather occur or be predicted.

## FURTHER INFORMATION AND RESOURCES

### Related School Policies

- Child safe Policy
- First Aid Policy
- Anaphylaxis Policy

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- Asthma Policy
- Bullying and Harassment Policy
- Child Safety Responding and Reporting Policy
- Camps and Excursions Policy

## DET resources

- <https://www.education.vic.gov.au/school/principals/spag/safety/Pages/dutyofcare.aspx>
- [School Policy and Advisory Guide](#)

## EVALUATION AND REVIEW

This policy will be reviewed annually as part of School Council responsibilities, and/or in response to any incident in regard to the school's duty of care, and/or if circumstances and regulations change.