

Tyers Primary School – Duty of Care Policy

Purpose

To ensure Tyers Primary School staff have an adequate awareness and understanding of their ‘duty of care’ obligations and responsibilities to provide adequate supervision to students.

“Duty of care” is a legal obligation that requires schools to take reasonable steps to reduce the risk of reasonably foreseeable harm, which can include personal injury (physical or psychological) or damage to property. The reasonable steps that our school may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

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 duty to provide an adequate system of supervision.

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 are reasonable steps 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.

Staff at our school understand that school activities involve different levels of risk and that particular care may need to be taken to support younger students or students with additional needs. Our school also understands that it is responsible for ensuring that the school premises are kept in good repair and will take reasonable steps to reduce the risk of members of our community suffering injury or damage because of the state of the premises.

School staff, parents, carers and students are encouraged to speak to the principal to raise any concerns about risks or hazards at our school, or our duty of care obligations.

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.

Procedures

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.

Before School & After School

At Tyers Primary School grounds are supervised by school staff from 8:40 am until 3:30 pm.

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 Tyers Primary School, supervision at the beginning of the school day will commence at 8:40 am. This supervision will include monitoring the entry of students through the school entry points and as they are dropped off in the school carpark at the front of the school and yard supervision.

Supervision at the end of the school day will be provided until 3:30 pm. This supervision will include monitoring the exit of students through the school exit points and as they are picked up in the school carpark at the front of the school and yard supervision.

Student attending Breakfast Club on Monday and Thursday morning will be supervised from 8:25 am in the Kids Kitchen until normal supervision commences.

Students attending Before or after school will be supervised from 7:00 am in the morning until normal supervision commences and from 3:30 pm until 5:00 pm if prior arrangements have been made with the school prior to attendance at Before or After School Care.

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.
- Contacting the Victoria Police and/or the Department of Health and 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 and Inclusion Policy.

If a teacher needs to leave the classroom unattended at any time during a lesson, he or she should contact the teacher in the adjacent room or the 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.

At Tyers Primary School the school Principal is responsible for preparing and communicating the yard duty roster each term or more frequently as required. At Tyers Primary School the designated yard duty areas are the school grounds, oval, school playground areas, sand pit, gazebo and toilets.

Teachers who are rostered for duty are responsible for remaining on duty until the end of the break period, or until replaced by 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 contact the school Principal to ensure that alternative arrangements are made.

If the supervising teacher needs to leave yard duty during the allocated time, he or she should contact the school Principal but should not leave the designated area until a 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 until a relieving teacher has arrived in to replace the current duty teacher.

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 (e.g. 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:

- Upon late arrival or early departure at school a parent or authorised person will sign the student(s) in/out through the uEducateUs Student Management System kiosk available at the school office.
- Students will be accompanied to/collected from the school office or their classroom by the parent/authorised person.
- 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.
- Parents are encouraged to notify the school if prior knowledge is known of a late arrival or early dismissal, e.g. medical/dental appointment.

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 sign in/out through the uEducateUs Management System kiosk available at the school office

At Tyers Primary School the procedure is as follows:

- All visitors to the school must attend the school Office upon their arrival at the school.
- Upon arrival at Tyers Primary School visitors will attend the school office and sign in/out through the uEducateUs Management System kiosk available at the school office
- Visitors will wait for authorization from the Principal or his/her designated representative or the Business Manager before accessing any areas within the school.
- The Principal (or his/her designated representative) or the Business Manager will accompany the visitor to the area they need to access and will notify relevant staff of the visitors attendance.
- Upon leaving the school the visitor will attend the office and inform the Principal (or his/her designated representative) or the Business Manager they are leaving and will sign out.
- The Principal (or his/her designated representative) or the Business Manager will ensure the visitor has left the school premises.

Use of digital technologies

Teachers and other staff of Tyers 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 Department policies (eg. Student Engagement Guidance, Bully Stoppers, Acceptable Use Policy).
- Relevant Tyers Primary School policies including but not limited to Digital Technologies Policy and Digital Technologies, Acceptable Use agreement.

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.

At Tyers Primary School, the procedure is as follows:

- The Principal (or his/her designated representative) should be immediately notified upon knowledge of an occurrence of an online incident.
- Depending upon nature of the incident, i.e. online bullying, inappropriate internet site, divulging of personal information, etc. the Principal will take appropriate action to respond to the incident with reference to Department of Education and Training's policies and the school's Digital Technologies Policy, Digital Technologies, Acceptable Use Agreement, Bullying Prevention Policy and Student Wellbeing and Engagement Policy and other relevant policies.
- Actions may include, but are not limited to loss of network privileges, counseling, notification to internet provider of inappropriate sites and notification to police.

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 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 (refer Volunteers Check Policy and Working With Children Check Policy).

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.

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 in the Tyers Primary School Policy Folder 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 Departments Schools Policy and Advisory Guide.

This Policy will be included in the Tyers Primary School Policy Folder and online in the Staff folder.

Related School Policies

This policy should be read and understood (but not limited to) in conjunction with the following school policies:

- Volunteers Check (WWCC) Policy
- Working With Children Check Policy
- Yard Duty and Supervision Policy
- Camps and Excursion Policy (inc. local excursions)
- Incursion Policy
- Visitors Policy
- Child Safe Policy
- Mandatory Reporting Policy
- First Aid Policy
- Digital Technologies Policy and Digital Technologies Acceptable Use Agreement
- Bullying Prevention Policy
- Student Wellbeing and Engagement Policy

Links

- [Departments School Policy & Advisory Guide](#)
- [Duty of Care](#)
- [Supervision](#)
- [Student Collection](#)
- [Excursions – Staffing and Supervision](#)

Review

The Tyers Primary School School Council and staff will regularly monitor and review the effectiveness of the Supervision and Duty of Care Policy and revise the policy tri-annually or as required by completing a policy review.

Supervision and Duty of Care Policy updates and requirements will be made available to staff, families and visitors.

This policy was reviewed and updated February 2020