



# NEWLANDS PRIMARY SCHOOL

## DUTY OF CARE

### **Aim:**

To ensure that Newlands 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 Newlands Primary School staff conducts themselves at all times consistently with these legal obligations and responsibilities.

### **Policy Statement**

Principals, teachers and educational support staff 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

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.

### **Implementation**

#### *Supervision Policy*

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. Newlands Primary School Supervision and Duty of Care Policy Statement

#### **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 Newlands Primary School, supervision at the beginning of the school day will commence at 8:45am. This supervision will include a staff member at the main entrance gate to school. Supervision at the end of the school day will be provided until 3:45pm. This supervision will include a teacher at the main gate to the school.

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 and Inclusion Policy.

If a teacher needs to leave the classroom unattended at any time during a lesson, he or she should contact the Assistant Principal (or a member of the school leadership) 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 involves developing a roster for staff to supervise students in the outside play area for the time indicated in the roster.

At Newlands Primary School, a delegated staff member is responsible for preparing and communicating the yard duty roster to staff each term. Teachers who are rostered for duty are responsible for patrolling the outside play area 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:

- 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 Assistant Principal (or a member of the school leadership) 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 Assistant Principal (or a member of the school leadership), 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 Assistant Principal, but not leave the designated area until a relieving teacher has arrived in the designated area.

### ***Student Late Arrival or Early Departure***

At Newlands Primary School, there is a procedure in place for the safe collection and drop off of students at school during school hours (eg late arrival, early departure or temporary absence). 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. This information is collected electronically at the office.

#### ***Late Arrival***

When a student is late for school they are to be signed in electronically at the office. This is always done by an adult. If the student arrives unaccompanied by an adult, a staff member completes the sign in process. The student will be given a sign in pass to take to class confirming they have signed in at the office.

#### ***Early Departure/Temporary Absence***

When a student is departing early or leaving the school temporarily, an electronic absence is completed and signed by an authorised adult.

- 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 office staff, school staff will request photo identification to verify the person's identity.
- The student will be signed out electronically at the office.
- A print out of the absence slip will be named and signed by the adult collecting the student.
- The printed slip will be kept at the office for future records.
- The adult will take an early leaver pass to the classroom teacher confirming the student has been signed out at the office.
- Teachers will not release students to an adult unless they have an early leaver pass.

#### ***Visitors***

At Newlands Primary School there is a procedure to monitor all visitors in the school. This procedure requires all visitors arriving and departing the school premises during school hours to enter via the front door and sign in. The visitors will wear a visitor's pass so they are easily identified by students and staff. At the end of a visit, the visitors sign out. For further details, refer to Newlands Primary School Visitors Policy.

#### ***Use of Information and Communication Technologies***

Teachers and other staff of Newlands Primary School also have a responsibility to reasonably supervise the use of information and communication technologies, and the use of online learning environments at school.

In doing so, teachers and other staff should be guided by the following:

- DET Student Engagement Guidance: <http://www.education.vic.gov.au/school/principals/participation/Pages/studentengagementguidance.aspx>
- DET Bully Stoppers: <http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/default.aspx>
- Acceptable Use Policy <http://www.education.vic.gov.au/school/principals/health/Pages/lolsocialmediaaup.aspx>
- Newlands Primary School Student Engagement Policy
- Newlands Primary School ICT Policy

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, teachers and educational support staff 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. For further details, refer to Newlands Primary School Incursion Policy.

### ***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 provides 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

Any volunteer that attends an excursion or camp must have a Working with Children check.

Prior to the commencement of the excursion or camp, the Principal (or delegate) 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. For further details, refer to Newlands Primary School Excursion Policy & Newlands Primary School Camps Policy

### **1. 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 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 Educational Services 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 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.

### **2. Procedures for Implementation**

The Principal will communicate this policy to all staff when approved by School Council and then ensure that:

- A copy of this policy will be provided to each new member of staff
- School staff are directed to familiarise themselves with all relevant sections of the Schools Policy and Advisory Guide.

### **3. Related School Policies**

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

- Excursion Policy
- Incursion policy
- Camps policy
- Child Protection Reporting Policy ( Formerly Mandatory Reporting Policy )
- ICT policy - Student Engagement & Inclusion policy
- Visitor Policy

**4. Resources Department of Education & Training School Policy & Advisory Guide Resources:**

- Duty of Care DET Policy
- Staffing and Supervision DET Policy
- Student Safety
- Cybersafety

5. Evaluation This policy will be reviewed as part of the school's three-year review cycle.

Policy last reviewed	2021
Approved by	Principal
Next scheduled review date	2024