



# Duty of Care

## POLICY



### Rationale:

Whenever a student teacher relationship exists, the teacher has a special duty of care. This is a legal obligation to protect students from injury.

**"A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher's charge from the risks of injury that the teacher could have reasonably foreseen."  
(Richards v State of Victoria, 1969)**

As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also from those that could arise (those that the teacher could have reasonably foreseen) and against which preventative measures could have been taken.

- Teaching is a skilled profession and teachers must accept the legal consequences of their application of such special knowledge and skills.
- Teachers in breach of duty of care may be liable for injuries inflicted by one student on another, as well as the injuries sustained by the student.
- For a teacher or a school to be held guilty of negligence, it must be proved that the injury was a foreseeable result of the action or lack of action.
- In situations where the teacher should reasonably have foreseen the possibility of injury, the teacher has a duty to take reasonable care.
- The teacher's duty of care will have a higher expectation when the child's age is lower.
- Schools are bound by standards which are issued under legislative authority; non compliance with these standards may amount to negligence.

### Aim:

*For teachers, to carry out their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.*

### Implementation:

#### **Classroom Supervision**

- At no time are students to be left unsupervised in classrooms or specialist areas. This includes before and after school, lunchtimes and recess breaks.
- It is not appropriate to leave students in the care of ancillary staff, parents or trainee teachers, or external education providers.
- Teachers are required to adequately supervise students who are working in online spaces.
- In an emergency all reasonable steps must be taken to get assistance: phone for the Principal or Assistant Principal, contact the teacher in the next room, and send a student to the office with the Get Help Quick card. (GHQ)
- **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 who will be alerted to the student being on their way.

#### **Movement of Children**

- Extreme care needs to be taken when allowing students to leave the room for any reason.
- Use of students as monitors outside the room during class time must only occur with the approval of the Principal or Assistant Principal
- Utmost discretion is to be used when allowing students to visit the toilet during class time.

#### **Playground supervision**

- Playground supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising pupils, teachers' duty of care is one of positive action.
- Teachers should circulate to ensure all areas are adequately supervised.
- Be alert and vigilant; intervene immediately if potentially dangerous behaviour is observed in the playground; enforce the TRIBES agreements and logical consequences of playground safety rules.

- Be aware that yard duty supervision within the school requires the teacher to comply with department 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 and at the sounding of the appropriate bell. They must wear the fluorescent jacket provided by the school and carry a first aid bag.
- Teachers on duty are to remain in the designated area until the bell signals 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 be quite definite and must occur in the designated duty area. If 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.
- At the end of recess periods teachers should not leave the play area until all students have moved to their line up areas.
- If a teacher rostered for duty will be absent due to an approved school activity, it is that teacher's responsibility to arrange a swap. Once a swap is arranged the details are to be in writing in the school diary and the person responsible for rosters is to be notified.
- No changes to the yard duty timetable are to be made without the approval of the person responsible for timetables.

#### **Excursions, Incursions and Camps**

- Be aware that excursions and camps bring an increased duty of care and require the teacher to fully comply with department guidelines.
- All overnight stays are to be approved by the School Council.
- Be aware that 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.
- It is a teacher's responsibility to be aware of these guidelines and remain the person designated with duty of care.
- In seeking parental consent for camps and excursions give details of all activities and risks to enable parents to make an informed decision.
- Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to department guidelines.
- Students must 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 with them. A copy will also be kept at school.
- The teacher in charge or designated teacher of an excursion or camp will carry mobile contact known to the school.
- They will follow the procedures as designated in the schools First Aid Policy.
- If the return time from an excursion or camp is delayed, the teacher in charge will 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, if available. A Staff member will walk to 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 department guidelines when organising an excursion, incursion or camp. All procedural steps contained in the School camping, excursions and incursions Policy and Procedure outlines must also be followed.

#### **Evaluation:**

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

**Reference:** School Policy and Advisory Guide – Duty of Care, Camps, Excursions

#### **Supporting documentation:**

- **Teachers, Students and the Law - Australian Education Union Booklet**  
(a Quick reference guide for Australian teachers)
- **Footscray West Primary School's Policies on**  
*Cyberbullying, Sunsmart, First Aid, Emergency Management, Engagement.*

**This policy was last ratified by School Council in....**

**August 2015**