

	<b>Supervision and Duty of Care Policy</b>	<b>Endorsed by School Council:</b>  August 2020  <b>Developed:</b> March 2018
Information: 02 6076 1566	DET Schools Reference Guide:	<b>Next review:</b> Term 3 2022
Manager: Principal	<b>Associated Policies:</b> Child Safe Policy, Mandatory Reporting Policy, Camps and Excursions Policy, Visitors in Schools Policy, Acceptable Use for Digital Technology Policy, Student Engagement and Inclusion Policy, Bullying and Harassment Policy	Issue No: 1.3

### **Rationale/Aims:**

In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their care from risks of injury that are reasonably foreseeable.

The duty is not to prevent injury in all circumstances – it is a duty to take reasonable steps to prevent injury that 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.

This policy is to ensure that all staff:

- Have an awareness and understanding of their duty of care obligations and responsibilities in order to provide adequate supervision at all times.
- Consistently conduct themselves, at all times, with these legal obligations and responsibilities.

This policy is to be read in conjunction with the school’s **Child Safety Policy** and **Mandatory Reporting Policy** and **Camps and Excursions** policies.

### **Implementation:**

The Supervision and Duty of Care Policy will be included in the Staff Handbook.

### **Policy and Procedures:**

Duty of Care requirements include providing:

- adequate supervision in the school or on school activities;
- providing safe, well maintained and suitable premises, grounds and equipment to minimise the risk of injury or damage to a person;
- providing effective anti-bully strategies;
- ensuring appropriate and timely medical assistance is provided to injured or sick students.

A teacher's duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring outside the school where a student is acting on a teacher's instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have assumed the teacher pupil relationship.

All staff need to be aware that greater measures may need to be taken for younger students or students with disabilities.

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.

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 legal duty of care to students:

- Arriving late to scheduled timetabled responsibilities including yard duty.
- Failing to act appropriately to protect a student who claims to be bullied.
- 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 or ignoring dangerous play.
- Failing to instruct a student who is not wearing a hat to play in the designated shade area.
- Failing to instruct a student, exposed to severe weather conditions, to sheltered areas.
- Leaving the school during 'non face-to-face teaching time' without approval and without signing out.
- Inadequate supervision on a school excursion.
- Failure to provide timely medical assistance.

Staff members are also cautioned against giving advice on matters that they are not professionally competent to give (as this could be 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 careers teacher, year level coordinator or subject teacher) specified for them by the principal. Teachers should not give advice in areas where they may lack expertise.

### **Before School and 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.
- Supervision of the arrival and departure of school contract buses.
- Yard supervision.
- Classroom supervision.

At Corryong College supervision at the beginning of the school day will commence at 8.45am. This supervision will include staff supervising the arrival of the school busses, the corridors and school grounds.

Staff not timetabled for active supervision of students will be available from 8.45am onwards, to assist in emergency situations.

Supervision at the end of the school day will be provided until 3.20pm. This supervision will include staff supervising the departure of the school buses and corridors.

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.
- 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.
- 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 Corryong College's Student Engagement and Inclusion Policy, by sending the misbehaving student to the Assistant Principal's (Wellbeing) office, accompanied by another student.

If a teacher needs to leave the classroom unattended at any time during a lesson, he or she should contact the Principal or Assistant Principal where possible, or contact the teacher in an adjoining learning space 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 Corryong College, the time tabler (Assistant Principal – Teaching and Learning) is responsible for preparing and communicating the yard duty roster each term. The yard duty roster will include the area designated for monitoring by the staff member(s), ensuring all areas are covered and monitored regularly.

At Corryong College the designated yard duty areas are:

- Corridors
- School grounds
- Senior campus rooms B1 and B2 on extreme weather days.
- Senior campus A block corridor and VCE room
- Senior campus canteen
- Senior campus ECA centre
- F-4 Hub
- 5-8 Hub

Teachers who are rostered for duty are responsible for remaining in the designated 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, and individually, 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.
- Enforce school rules and policies.
- Ensure that students who require first aid assistance receive it as soon as practicable.
- Teachers are required to wear high-vis vest collected from staffroom.

If the supervising teacher is unable to conduct yard duty at the designated time (known in advance), he or she should contact the Daily Organiser 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 General Office, who will locate the Principal/Assistant Principal or their delegate to organise a relieving teacher, 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 General Office or Staff Room, 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 (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:

- 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.

At Corryong College the procedure is as follows:

#### **Late arrivals:**

- All students report to the front office and sign in to the front office. Students must present with a note from their parents/carers
- The front office staff adjusts the roll according to the parent/carer note.

#### **Early departures and leave within school hours (Primary Students):**

- Students are to be collected and signed out, only by parents/carers. If returning, parent/carer must also sign student back in to school, at front office.
- Primary students must be collected and signed out by their parents/carers
- Students wait outside the General Office until they are collected by the person specified in the note.

#### **Early departures and leave within school hours (Year 7-11 students):**

- Students will bring a note from their parent/carer on the morning of, or before, an early departure. Year Level Leader, AP or Principal approval is to be acquired prior leave, preferably before school.
- When students are ready to leave, they must sign out and in, if returning, at the front office.

#### **Early departures and leave within school hours (Year 12 students):**

- Students are permitted to sign out and in at the senior campus front office at all times. Leave is only permitted to gather study items, run errands or fulfil appointments that are unable to be made outside of normal school hours.

**NOTE:** students are only to leave school grounds for appointments that are unable to be made outside of the normal school day. Students are not to leave for the purpose of acquiring food or beverage items.

### **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 Corryong College the procedure is as follows:

- All visitors report directly to the General Office on arrival.
- Visitors must sign into the visitor's book and wait at the General Office until they are met by their supervising teacher (the person who organised the attendance of the visitor), who will escort them.
- Upon departure, the supervising teacher needs to escort them to the General Office, where the visitor will sign out and leave.
- Contractors will be escorted to the area requiring their attention. They will be asked, at the completion/semi completion of their task, to return to the office and confer with the principal, or principal's representative, and complete the visitors book.

**PLEASE NOTE:** if the visitor has been presenting to a class and the supervising teacher needs to remain with their class, the teacher is to:

- a) Arrange another teacher to monitor their class while they supervise the visitor's departure.
- b) Arrange another teacher to meet the visitor at their class and supervise the visitor's departure.
- c) Send 2 students to the General Office, who will organise for someone to return to the class and then supervise the visitor's departure.

### **Use of Information and Communication Technologies (ICT)**

Teachers and other staff of Corryong College 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:

- Relevant Departmental policies (e.g. Student Engagement Guidance, Bully Stoppers, Acceptable Use Policy).
- Relevant Corryong College policies (e.g. Acceptable Use 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.

At Corryong College the procedure is as follows:

#### **Class ICT use:**

- During class time, teachers must regularly monitor the work students are doing, by watching each student at various times throughout the class.
- Teachers must enforce school policy regarding internet use at all times with their students.

#### **Online incidents:**

- The incident details are documented.
- The parent/guardian/carer of the student impacted is to be contacted and alerted to the incident.
- Advice regarding the information and any evidence being taken to the Victoria Police should be given.
- The Assistant Principal or delegate will follow up the incident, following the College Bullying and Harassment Policy regarding all forms of harassment.

#### **Incursions**

Teachers must continue to supervise their students at all times 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.

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 or their 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 and carrying 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. For e.g. Monitoring the crossing roads in a safe and orderly manner at designated crossing points.
- Carrying a First Aid Kit to ensure that students who require first aid assistance receive it as soon as practicable, as well as carrying/monitoring student specific medical requirements.
- Carrying a mobile phone for emergency contact, to ensure that risk management plans and emergency management plans can, and are, implemented as necessary.

### **Risks to students outside the school environment**

Legal cases establish that a teacher's duty of care does not start nor end at precise times during the day. The approach generally taken is that a teacher's duty applies irrespective whether the risk occurs in or outside the school environment. However, the important issue in all cases will be whether the school took reasonable steps to protect the student from the risk.

Risks outside the school environment may sometimes call for immediate and positive steps by a school depending on the age of students, urgency and threat of injury.

### **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 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.

### **Definitions:**

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 physical injury that the teacher should reasonably have foreseen.”

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.

### **Legal background**

'Duty of care' is an element of the tort of negligence. In broad terms, the legal position is that if a person is injured as a result of a negligent act or omission of another, the injured person should be compensated for loss and damage flowing from that negligence.

To successfully bring a compensation claim in negligence, a person must establish on the balance of probabilities, that: a duty of care was owed to them at the time of the injury the risk of injury was reasonably foreseeable the likelihood of the injury occurring was more than insignificant there was a breach of the duty of care or a failure to observe a reasonable standard of care; and this breach or failure caused or contributed to the injury, loss or damage suffered. The fact that a duty of care exists does not mean that a school staff member will be liable for every injury sustained by a student. In order for the student to succeed in a negligence claim, all of the above elements must be established.

In Victoria since 1 July 2017, and only specifically in relation to child abuse claims, there is a 'presumption of liability' for any organisation that exercises care, supervision or authority over children, including schools. This means that school staff need to prove that they took 'reasonable precautions' to prevent child abuse by an individual associated with the school, if the Department is to successfully defend a legal claim. This does not change existing duties that school staff already have, but instead reinforces the importance of ensuring that schools take reasonable precautions to minimise the risk of child abuse

### **Review Process:**

This policy will be reviewed annually, or as needed, due to changes in regulations or circumstances.

### **References:**

DET and School Policy and Advisory Guide links:

[Duty of Care DET Policy](#)

[Staffing and Supervision DET Policy](#)

[Student Safety](#)

### **Related Policies and Documents:**

Bullying and Harassment Policy

Student Engagement and Inclusion Policy

Camps and Excursions Policy

Acceptable Use for Digital Technology Policy

Visitors in School Policy

Child Safe Policy

Mandatory Reporting Policy