

# Duty of care statement

Memo To: All Staff

From: Teresa Stone – Principal

Date: 27 January 2016

Topic DUTY OF CARE: Instructions for the supervision of Students

## **Student Care and Supervision**

### **1. Background**

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 teachers 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 easily foreseen) and against which preventative measures could have been taken.

There are other related legal principals of which teachers should be aware:

- Teaching is a skilled profession and teachers must accept the legal consequences 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 foreseeable result of the action or lack of action. In courts this test **is not a demanding one.**
- In situations where the teacher should reasonably have foreseen the possibility of injury, the teacher has a duty to take reasonable care
- The teachers duty of care will increase as the child’s age is lower
- If schools are bound by standards which are issued under legislative authority, non compliance with these standards may amount to negligence

The Principal is responsible for making and administrating such arrangements for supervision as are necessary according to the circumstances in the school. Teachers are responsible for the carrying out of their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.

(This background information is based upon the appropriate sections of the Schools of the Future Reference Guide, plus information from relevant court judgements and legal texts).

## 2. Implementation

In the context of duty of care owed to our students and my responsibility as Principal to administer the necessary arrangements for student supervision appropriate to this school, the following instructions **apply to all teaching staff**.

### 2.1. Classroom Supervision

-At **no** time are children to be left unsupervised in the classroom or specialist areas (This includes before and after school lunchtimes and recess breaks)

-It is **not** appropriate to leave children in the care of ancillary staff, parents or trainee teachers (At law, the Duty of care cannot be delegated)

-It is **not** appropriate to leave children in the care of external education providers for example incursions (At law, the Duty of care cannot be delegated)

-In **an emergency situation** use the phone for the Prin or AP or the contact the teacher in the next room

- **No child** is to be left unsupervised **outside the classroom** as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted by sending a child to a colleagues classroom, or to the assistant principal or principal. This should be accompanied by documentation The teacher, Principal, AP is to be **contacted first** to alert them that the child is on their way and the appropriate **green slip filled out**.

### 2.2. Movement of Children

-extreme care needs to be taken in allowing children to leave the room for any reason.

-Use of children 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 children to visit the toilet during class time.

### 2.3. Yard supervision

-Playground supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising pupils, teacher's duty of care is one of positive action.

-Teachers rostered for duty are to attend the designated area at the time indicated on the roster and the sounding of the appropriate bell

-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 area of designated duty**. Where 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**.

- no changes to the yard duty roster are to be made without the approval of the Daily organiser, or Assistant Principal
- If a teacher rostered for duty will be absent due to an excursion, sport etc it is that teachers responsibility to notify the Assistant Principal and Daily organiser of the situation to arrange a swap. Once a swap is arranged the details are to be in writing

#### 2.4. Legal principles of Yard Supervision

- be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom
- Be alert and vigilant
- intervene **immediately** if potentially dangerous behaviour is observed in the playground
- enforce system and logical consequences of playground safety rules
- Always be moving.

#### 2.5. Excursions and Incursions

- be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom
- Ensure that the venue and transport adhere to DEECD guidelines and school policy
- That students are counted on and off transport and at snack times
- That the ratio of staff to students is in accordance with SOF guidelines
- If crossing roads children use designated crossing points. Staff member walks to middle of crossing to ensure visibility and orderly crossing. Other staff member controls the amount and flow of children across the road.
- the teacher in charge will have copies of all confidential medical forms and permission notes with contact details. A copy will also be kept at school
- arrangements will be made for students not attending to continue their normal program at school under supervision of another classroom teacher
- the teacher in charge or designated teacher will carry mobile contact and first aid kit
- if delayed the teacher in charge will contact school to inform them of new arrival time so that parents can be contacted and a senior staff member will remain at school until they arrive.

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.

Please follow the guidelines and procedural steps in the camping and excursions checklist for all camps, excursions and incursions