



# SUPERVISION AND DUTY OF CARE POLICY

## Rationale

At Abbotsford Primary School, 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. Whenever a student-teacher relationship exists, the teacher has a special duty of care. This is a legal obligation to protect students from injury and harm.

## Purpose

- Teaching is a skilled profession and teachers must accept the legal consequences of such specialised knowledge and skills.
- In situations where the teacher should reasonably have foreseen the possibility of injury, the teacher has a duty to take reasonable care.
- 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 found to be guilty of negligence, it must be proved that the injury was a foreseeable result of the action or lack of action.
- There are higher expectations of a teacher's duty of care will have a higher expectation when the child's age is lower or children are part of the Program for Students with Disabilities (PSD).
- Schools are bound by standards which are issued under legislative authority and noncompliance with these standards may amount to negligence.
- The Principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in the school. Teachers are responsible for the conduct of their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.

## Guidelines

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

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.

The following instructions and notices apply to all teaching staff. This policy will be made available to all staff members.

### **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.

#### 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 Abbotsford Primary School, supervision at the beginning of the school day will commence at 8.45-9.00am. This supervision will include a teacher on yard duty. Supervision at the end of the school day will be provided until 3.45pm. This supervision will include a teacher on yard duty.

If a parent, guardian or 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 or 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 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 Abbotsford Primary School's Student Engagement Policy.

If a teacher needs to leave the classroom unattended at any time during a lesson, he or she should contact the Principal, Assistant Principal or Business Manager 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 Abbotsford Primary School, the Principal and Assistant Principal are responsible for preparing and communicating the yard duty roster on a weekly basis. At Abbotsford Primary School, the designated yard duty areas are: Area A and Area B.

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:

- 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 inform the Principal, Assistant Principal or another teacher on yard duty to ensure that alternative arrangements are made.

If the supervising teacher needs to leave yard duty during the allocated time, he or she should inform the Principal or Assistant Principal, or another teacher on yard duty, 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 office, but not leave the designated area until a relieving teacher has arrived in the designated area.

#### Late arrival or early departure of students

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 (eg 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 Abbotsford Primary School, the procedure is as follows:  
The parent/other adult will sign the Sign Out sheet for early departure.

### 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 Abbotsford Primary School, the procedure is outlined in the *Abbotsford Primary School Visitors and Volunteers Policy, 2016* and the *Abbotsford Primary School External Providers Policy, 2016*

### Use of information and communication technologies

Teachers and other staff of Abbotsford 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:

- Relevant Departmental policies (eg. Student Engagement Guidance, Bully Stoppers, Acceptable Use Policy)
- Relevant Abbotsford Primary School policies (eg. ICT Acceptable Use Agreements)

It is important to note that

- It is not reasonable or practicable for teachers or the 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 teachers or the 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 Abbotsford Primary School, the procedure is as follows:

Following the Guidelines in the *Abbotsford Primary School Acceptable Use of ICT policy*.

### 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.

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

## **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

## **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 Staff Handbook 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 school policy documentation.

This policy will be included in the Abbotsford Primary School Policy folder which is distributed to staff.

## **Related School Policies**

*Abbotsford Primary School Excursion & Camps policy, 2016*

*Abbotsford Primary School Bullying & Harassment policy, 2016*

*Abbotsford Primary School Acceptable Use of ICT policy, 2016*

*Abbotsford Primary School Student Engagement & Inclusion policy, 2016*

## **Evaluation**

This policy was ratified by School Council in September 2016.

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