



“We flourish as engaged bilingual global citizens who can face challenges as critical, creative thinkers. Our exemplary holistic education promotes a lifelong love of learning.”

## SUPERVISION AND DUTY OF CARE POLICY

### RATIONALE

Camberwell Primary School (CPS) staff have a duty of care to provide adequate supervision to students. In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.

To do this effectively they must have adequate awareness and understanding of their duty of care obligations and responsibilities. CPS staff members must conduct at all times themselves consistently with these legal obligations and responsibilities.

### POLICY

All government school staff will be made aware of their legal responsibilities. As part of the government school principal contract, government school principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students.

### DEFINITION

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 injury that the teacher should reasonably have foreseen.” (Richards v State of Victoria (1969) VR 136 at p. 141) As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.

School authorities in breach of the duty may be liable for injuries inflicted by one student on another, as well as for injuries sustained by a student.

Schools normally satisfy the duty of care by allocating responsibilities to different staff. For example, the principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in each school, and teachers are responsible for carrying out their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury. This duty extends to intervention in single-sex areas if need be by a teacher of the other gender.

### IMPLEMENTATION

- Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements of the duty involve providing adequate supervision in the school or on school activities as well as providing safe and suitable buildings, grounds and equipment.
- 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.
- The teacher’s duty of care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen does not have a legal obligation to respond.



“We flourish as engaged bilingual global citizens who can face challenges as critical, creative thinkers. Our exemplary holistic education promotes a lifelong love of learning.”

- 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 their legal duty of care responsibilities to their students:-
  - arriving late to scheduled timetabled yard duty responsibilities
  - 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
  - failing to instruct a student who is not wearing a hat to play in the shade
  - ignoring dangerous play
  - leaving the school during time release without approval
  - inadequate supervision on a school excursion
- Staff members are also cautioned against giving advice on matters that they are not professionally competent to give (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 must ensure that the advice they give is correct and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

The duty is non-delegable, meaning that it cannot be assigned to another party.

## 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 record their name, their signature, the date and time, and the purpose of the visit.

At CPS on the Camberwell campus and the Reserve Road campus, the procedure is as follows:

All persons that arrive into the school must report at the office and register by signing to record their name, their signature, the date and time, and the purpose of the visit. Once the sign-in has occurred they are supplied with a numbered visitor’s lanyard.

Visitors and Casual Relief teachers who are unfamiliar to the premises wait at the office until they are collected by the supervising staff member or they are accompanied by a Administration staff member to the correct destination.

All visitors must sign out.

The same process is employed for volunteers at the school. All volunteers must be registered and complete a volunteer form that must be certified by the Principal on behalf of School Council. These volunteers are approved and the list retained.



“We flourish as engaged bilingual global citizens who can face challenges as critical, creative thinkers. Our exemplary holistic education promotes a lifelong love of learning.”

## SUPERVISION GUIDELINES

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

At CPS supervision at the beginning of the school day will commence at 8:40a.m.

At the Camberwell Road Campus, this supervision will include supervision by a staff member who will oversee the central pathway between the two entry points into the school from Camberwell Road to Reserve Road. At the Reserve Road Campus, this supervision will include supervision by a staff member who will oversee the entry gateway points into the school from Reserve Road.

Supervision at the end of the school day will be provided until 3:45p.m.

At the Camberwell Road Campus, this supervision will include supervision by a staff member who will oversee the central pathway between the two entry points into the school from Camberwell Road to Reserve Road. At the Reserve Road Campus, this supervision will include supervision by a staff member who will oversee the entry gateway points into the school from Reserve Road.

Students must be supervised for a minimum of 10 minutes before and 15 minutes 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

### CLASSROOM SUPERVISION

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

**No student** should 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. This should be accompanied by documentation and appropriate follow up. The teacher, Principal or Assistant Principal **is to be contacted first** to alert them that the student is on their way.

In **an emergency situation** use the phone for the Principal or Assistant Principal or Wellbeing Officer or contact the teacher in the next room. (if appropriate – send another student for assistance)

### Movement of Children

Care needs to be taken in allowing students to leave the room to work in other areas of the school.



“We flourish as engaged bilingual global citizens who can face challenges as critical, creative thinkers. Our exemplary holistic education promotes a lifelong love of learning.”

Use of students as monitors outside the room during class time must only occur with the approval of the Principal or Assistant Principal

Discretion is to be used when allowing students to visit the toilet during class time. They must be sent with a partner. Students sent to First Aid during class time, must be sent in a group of 3 so if the said student remains in the First Aid room, 2 students return to class.

#### OUT OF NORMAL HOURS STUDENT ARRIVALS OR DEPARTURES BEFORE, DURING AND AFTER SCHOOL

At CPS on the Camberwell Road campus and the Reserve Road campus the procedure is as follows:

All students that arrive during school hours (after 9:00a.m and before 3:30p.m), must report at the office and be registered by a parent/carer by signing to record their name, their signature, the date and time and the reason why the student is late. This information is immediately recorded in Sentral (Content Management System). Once entered the information is immediately available to the teacher(s) concerned.

Once the sign-in has occurred the parent/guardian is issued with a signed and dated ‘Grounds Pass’ sticker and a late entry notice to give to the teacher. Parents picking up a child are issued with a signed and dated Grounds Pass sticker and a card to supply to the teacher, so they know that the withdrawal is registered.

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 8:45a.m., the principal will, arrange for the student to be taken to the school office for supervision whilst parents are contacted, 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.

Parents are able to make arrangements for students to be cared for prior to 8:45a.m. They are able to attend the Before School Care Program run by Camp Australia. [www.campaustralia.com.au](http://www.campaustralia.com.au)

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

Parents are also able to make arrangements for students to be cared for after school from 3:45p.m. They are able to attend the After School Care Program run by Camp Australia. [www.campaustralia.com.au](http://www.campaustralia.com.au)

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



“We flourish as engaged bilingual global citizens who can face challenges as critical, creative thinkers. Our exemplary holistic education promotes a lifelong love of learning.”

CPS clearly and regularly communicates to parents/guardians the times and locations at which student supervision will be available, and that outside these times and locations supervision is the responsibility of parents/guardians. Parents/guardians are kept informed of supervision availability through means such as school meetings, information sessions, newsletters and letters.

## YARD SUPERVISION

Yard supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising pupils, a teacher's duty of care is one of positive action. Yard duty supervision within the school requires the teacher to fully comply with DET 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 are expected to follow policy whilst on yard duty.

The Principal is responsible for ensuring that students are adequately supervised during recess and lunch. At CPS the PCOs are responsible for preparing and communicating the yard duty roster. At CPS the designated yard duty areas are: Camberwell Road Campus - Upper Yard, Lower Yard, Secret Garden, Synthi-grass, Tennis Courts, Park Reserve Road Campus - Yard, Tennis Court, Strip of Land

Teachers who are rostered for duty are responsible for remaining in the designated area until the end of the break period, or until replaced a 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.

During yard duty, supervising teachers should be guided by the following:

- That they should always be on the move and highly visible.
- Teachers must carry a mobile phone.
- 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.

Teachers must be aware:

- that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- alert and vigilant -intervene immediately if potentially dangerous behaviour is observed in the yard - enforce the school's behaviour standards and logical consequences for breaches of safety rules.
- that students who require first aid assistance receive it as soon as practicable
- that students are required to wear a hat according to Sun-Smart policy

The Office or PCOs should be contacted if:

- the supervising teacher is unable to conduct yard duty at the designated time,
- the supervising teacher needs to leave yard duty during the allocated time or
- a relieving teacher does not arrive for yard duty.

Following the call the teacher should remain in the designated area until alternative arrangements are made the relieving teacher has arrived in the designated area

Refer to Playground Supervision Guidelines



“We flourish as engaged bilingual global citizens who can face challenges as critical, creative thinkers. Our exemplary holistic education promotes a lifelong love of learning.”

## EXCURSIONS, INCURSIONS AND CAMPS

**All staff must follow DET 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.**

### 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.

### CAMPS AND EXCURSIONS OUTSIDE THE SCHOOL

These activities require the teacher to fully comply with DET guidelines and bring with it an increased duty of care. It is a teacher’s responsibility to be aware of these guidelines and remain the person designated with duty of care. Arrangements will be made for students not attending to continue their normal program at school under supervision of another classroom teacher.

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

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.

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.

The teacher in charge or designated teacher of an excursion or camp will carry a mobile phone and a first aid kit.

The supervision of students on a camp or excursion will include the following:





“We flourish as engaged bilingual global citizens who can face challenges as critical, creative thinkers. Our exemplary holistic education promotes a lifelong love of learning.”

- 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.

These activities also require the teacher to:

- ensure that the venue and transport adhere to DET guidelines.
- have copies of all confidential medical forms and permission notes with contact details. A copy of this material will also be kept at school.
- students are to be counted on and off transport and at other times on a regular basis whilst on excursion or camp activities.
- use designated crossing points if students are crossing roads. Staff are to walk to the middle of the crossing to ensure visibility and orderly crossing. Other staff control the flow of students across the road.

If the return time from an excursion or camp is delayed, the teacher in charge will contact the school to 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.

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.

#### USE OF INFORMATION AND COMMUNICATION TECHNOLOGIES

Teachers and other staff of CPS 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)
- CPS eSmart Policy, CPS Acceptable Use 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 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 CPS the procedure is outlined in the eSmart Policy and the CPS Acceptable Use Guidelines



“We flourish as engaged bilingual global citizens who can face challenges as critical, creative thinkers. Our exemplary holistic education promotes a lifelong love of learning.”

#### 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. Consider for example, if a live power line came down outside the school, no emergency workers had arrived, and primary children are about to be dismissed to walk home. No school would allow the children to walk out to that danger unsupervised.

There will be a number of other situations where the school will be under a duty to take reasonable steps. In some instances, the school’s control over the activity may require it to take more active measures to satisfy the requirement that it take reasonable steps. For example, a known bully on a school bus may require the school to suspend or refuse to transport the bully. In other instances, the school may not control the activity, and the reasonable measures available to it will be limited. For example, fights at a local train or bus stop between students from rival schools may involve informing the police, contacting the other school to implement preventative measures, and notices to parents and students.

While older students are often free to move around the buildings and work independently in break out spaces and designated study areas they must be under (indirect) adult supervision at all times. Staff are responsible for their students at all times.

The following instructions and notices **apply to all staff.**

#### INFORMING STAFF OF THE LEGISLATIVE LIABILITY OF DUTY OF CARE

All staff at our school will be informed of their legal requirement via:-

- A copy of this document will be provided to each member of staff at the first staff meeting at the commencement of the school year, and will be placed on the intranet.
- New staff will be informed of their Duty of Care as part of the school’s Induction Program
- Duty of Care will be an agenda item at staff meetings and staff will be directed to familiarise themselves with section 6.16.1 of the Victorian Government Schools Reference Guide.
- Staff will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions.
- Staff will be directed to the student wellbeing policy annually.





“We flourish as engaged bilingual global citizens who can face challenges as critical, creative thinkers. Our exemplary holistic education promotes a lifelong love of learning.”

#### EVALUATION

- This policy will be reviewed annually or more often if necessary due to changes in regulations or circumstance.
- This Policy will be included in the CPS Staff Handbook distributed at the beginning of each school year and housed on Sentral.

#### RELATED POLICY

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

- Excursion & Camps policy
- Incursion policy
- Bullying & Harassment policy
- Mandatory Reporting policy
- eSmart policy
- Student Engagement & Inclusion policy

#### RELATED LEGISLATION

#### REFERENCES

School Policy & Advisory Guide –

- Duty of Care <http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/prinduty.aspx>
- Supervision <http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/prindutycare.aspx>
- Excursions <http://www.education.vic.gov.au/school/principals/spag/safety/pages/excursions.aspx>