SPS DUTY OF CARE and
STUDENT SUPERVISION POLICY

RATIONALE
Sherbourne PS staff have a Duty of Care to protect students from reasonably foreseeable risks of injury including hazards that are known or could have been foreseen and prevented. In schools there must be clearly allocated specific responsibilities to staff members to undertake student supervision, as determined by the needs of the school. 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.

AIM
To ensure Sherbourne Primary School and its staff satisfy their Duty of Care in supervising students.
To ensure that staff have an understanding of their Duty of Care to students, and behave in a manner that does not compromise these legal obligations.

IMPLEMENTATION
- It is the Principal's responsibility to arrange for student supervision according to the school's needs and ensure staff are aware of their responsibilities to supervise students during school times as well as before and after school
- Sherbourne PS will fulfill its requirements and follow the guidelines in the DEECD School Policy and Advisory Guide
- 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 of Care involve providing adequate supervision in the school and 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
- Beyond mandatory reporting requirements, a teacher has a concurrent Duty of Care to protect a student from harm that is reasonably foreseeable. A breach of this Duty of Care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this Duty of Care will be established if a teacher or principal failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected, including sexual abuse
- 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
- The teacher's Duty of Care includes a legal requirement to mark the roll of attendance each school day twice - at the start of the morning and afternoon sessions

Classroom Supervision
- Students may not be left in the care of ancillary staff, parents or trainee teachers (At law, the Duty of Care cannot be delegated)
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- Students may not be left in the care of external education providers for example, incursion staff or providers. (At law, the Duty of Care cannot be delegated)
- In an emergency situation the supervising teacher should use the phone for the Principal or Assistant Principal or contact the teacher in the next room. (If appropriate – send a group of students for assistance)
- 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

Movement of Students

- Care needs to be taken in allowing students to move around the school during class time. Students must always travel in a group of three when moving independently from the rest of the class and teacher.

Supervision before and after school

- School supervision is provided for a minimum of 10 minutes before and after school.
- Parents/guardians are regularly informed about supervision available before and after school.
- Sufficient teachers are directed to supervise the departure of students at the end of the school day.
- Before and After school Care duty is part of the Term Yard Duty allocation for teachers.
- Parents and guardians are responsible for the care and supervision of students:
  - travelling to and from school
  - outside the times of school supervision before and after school.
- Schools do have the ability to impose appropriate behavioural consequences for behaviours of students on public transport and travelling to and from school.

Recess and Lunch times

- Each term a Yard duty roster will be organized, communicated and on display for all teachers.
- The Yard Duty roster will include before and after school duty in the yard, recess, lunch, first aid and inside supervision periods during breaks.
- Students may not remain inside classrooms without supervision during breaks.
- Students with special needs may require additional supervision arrangements as appropriate.
- Yard supervision is an essential element in teachers’ Duty of Care. It is now clearly established that in supervising students, teacher’s Duty of Care is one of positive action.
- Yard duty supervision within the school requires the teacher to fully comply with DEECD 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.
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- Teachers on duty are to remain in the designated area until 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.
- Changes to the yard duty roster must be recorded on the staffroom whiteboard.
- Supervising teachers are required to be alert and vigilant - to intervene immediately if potentially dangerous behaviour is observed in the yard, enforce behaviour standards and logical consequences for breaches of safety rules.
- Teachers on yard duty should always be on the move and highly visible.
- Teachers on yard duty should wear the school high visibility vests and carry the First Aid bag which includes a phone.

Excursions, Incursions and Camps

- DEECD prescribed staff student ratios of a minimum of 1 staff to 20 students will be adhered to on all excursions and 1:10 on overnight residential camps.
- 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.
- Camps and excursions outside the school require the teacher to fully comply with DEECD 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.
- Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to DEECD guidelines.
- Students are to be counted on and off transport and at other times on a regular basis whilst on excursion or camp activities.
- Each teacher will have copies of all confidential medical forms and permission notes with contact details for their class group. A copy of this material 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 of an excursion or camp will ensure a mobile phone and a first aid kit are always carried.
- 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.
- If crossing roads, students are to use designated crossing points. 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.
- All staff must follow the DEECD 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.
- Students going to the toilet must go in groups of 3 and report to the teacher or supervising adult advising they are going and upon their return.
- Staff should be mindful of appropriate supervision of public toilets and make suitable
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arrangements to ensure supervision and safety. When possible a male staff member or parent should be included to assist supervision of the boys and a female available for the girls.

SWIMMING

- Students must be supervised at all times while using a swimming pool including in the school pool and off site.
- In addition to the swimming instructor there will always be a school staff member assigned to ‘Swim Back up’ to assist with safety and discipline and support the instructor and swimmers as necessary.
- Students may not enter the water until the Swim Back-up person is poolside.
- The Swim Back-up person is not responsible for the collection and delivery of groups of children for swimming instruction.
- Parent helpers have responsibility for the collection and delivery of swimmers.

Informing Staff of the legislative liability of Duty of Care

All staff will be informed of their legal requirements via: -

- A copy of this document will be provided to each member of staff 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 the Student Safety section of the Victorian Government Schools Policy Advisory Guide.

References:

Related Documents
SPS Excursion Policy
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SPS Incursion Policy
SPS Mandatory Reporting Policy