



Duty of Care: Supervision of Students Policy

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Next Review: 2023

Rationale

Principals and teachers are held to a high standard of care in relation to students. A safe environment plays an important role in assisting students to reach their potential and enhance their wellbeing. The teacher-student relationship is regarded legally as a relationship in which principals and teachers have a duty of care to:

- ensure the school complies with the seven Child Safe Standards
- provide suitable and safe premises
- ensure that procedures for child safety are implemented at all times
- ensure that reasonable precautions are taken to minimise the risk of child abuse.
- provide adequate supervision in all aspects of schooling
- implement strategies to prevent bullying (including cyberbullying) and harassment
- ensure that medical assistance or care is provided to a sick or injured student
- ensure the safety and wellbeing of students in an emergency or critical incident
- manage employee recruitment, conduct and performance

Background

The School provides effective student supervision and care to ensure that students are in a safe environment at all times. **Duty of care** is a legal concept that has its origins in the common law. The common law is a collection of legal principles that have been established over time by the courts. The duty of care principle not only underpins, but to a large extent drives, most school policies and practices. This policy attempts to explain, in plain English, what “duty of care” means, how teaching staff may discharge their duty of care to students, and the circumstances in which non-teaching staff, external providers and volunteers may owe students a duty of care.

Definitions

Duty of care: is the responsibility that principals and teachers have 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. 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.

(Refer to The Catholic School Operational Guide [CECV])

Supervision: is the supervisory role of staff aimed at enhancing a student's educational opportunities, building self-esteem, and ensuring students are safe and supported. Whilst in a supervisory role, each staff member has an obligation to fulfil duty of care requirements. Staff must comply with the arrangements for student supervision put in place by the school for all activities where the student is under the duty of care of a member of the staff.

School environment: is any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- a campus of the school;
- online school environments (including email and intranet systems); and
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

(Ministerial Order 870)

Principles

- Learning within a safe environment plays an important role in student outcomes and sense of wellbeing.
- Principal and teachers must take reasonable steps to ensure the safety of student and others within the school environment.
- Clear procedures and processes that are consistently applied are important in ensuring high standards of duty of care at all times.
- The principal is responsible for ensuring that there is a well organised and responsive system of supervision and yard duty in place during school hours, before and after school, and on school excursions and camps.
- Teachers are required to supervise all learning environments; the school grounds, the classroom and excursions - online spaces are also considered a learning environment. Therefore as part of that duty, teachers are required to adequately supervise students who are working in these spaces. This duty also requires protection from risks that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.
- The school will comply with all diocesan and legislation requirements for child safety outlined in the Child Safe standards (Ministerial Order 870) including reasonable precautions to prevent the abuse of a child by an individual associated with the school while the student is under the care, supervision or authority of the school.
- Effective strategies that ensure the safety and care of all students are implemented. This includes appropriate measures for younger students, students with disabilities or students at risk.
- All staff have a responsibility to take reasonable steps to prevent potential injury to students and others.
- Strategies are implemented, as required, for specific students such as students with disabilities and age levels to ensure that the environment is safe for all students.
- Schools are required to implement all procedures as outlined in the Procedures document.

Policy Statement

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. All school staff will be made aware of their legal responsibilities. School principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students in addition to their professional teaching obligations.

Relevant Legislation

- Ministerial Order No 870 – Child Safe Standards – Managing the risk of child abuse in schools
- Child Wellbeing and Safety Act 2005 (Vic)
- Disability Discrimination Act 1992

Key related documents

- Pastoral Care and Wellbeing Policy and Procedure
- Safeguarding Children and Young People: Code of Conduct
- Anaphylaxis Policy
- Behaviour Management Policy and Procedures
- Digital Technology Policy
- SunSmart Policy
- Critical Incident Plan
- School Emergency Management Plan
- CECV Child Safety Commitment Statement
- DET Safety Guidelines for Education Outdoors
<http://www.education.vic.gov.au/school/teachers/studentmanagement/excursions/Pages/outdoorguidelines.aspx>
- *Guidelines for Behaviour Support* (2017) Catholic Education Ballarat



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Procedures

The principal has a legal obligation to maintain an efficient system of supervision. The responsibility to provide supervision is paramount and overrides all other administrative considerations. Teachers assigned to supervision duties must actively and closely supervise the pupils. It is not sufficient merely to be passive in the general area of pupils requiring supervision. The amount of actual supervision required by teachers depends on the age and ability of the pupil as well as the activity in which they are engaged.

Playground Supervision

The principal is responsible for ensuring that students are adequately supervised before and after school and during recess times. This will involve designating areas in the yard, and developing a roster for staff to supervise students in the designated area for the time indicated on the roster. The roster will be made available to all staff and be displayed in the staffroom, staff intranet and any short-term changes will be recorded on the staffroom whiteboard.

Playground supervision is an integral part of a teacher's responsibility. All teachers are required to do yard duty according to a designated roster for before and after school and at recess times. 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. Staff must actively supervise their designated area, be vigilant and constantly mobile. Punctuality is an essential element of this compliance.

Yard Duty Teachers:

- are expected to move around the area rather than remain static in the one position.
- should be alert and vigilant to what is happening in the yard
- are not permitted to carry hot drinks while on duty
- ensure that students' behaviour is safe, sensible and fair and consistent with school expectations and rules
- act as role models in demonstrating safe behaviour, for example, in wearing Sunsmart hats.
- intervene if potentially dangerous behaviour is observed in the yard
- enforce behaviour standards and implement logical consequences for breaches of safety rules (see Behaviour Management Policy and *CECV Positive Behaviour Guidelines*)
- ensure that students who require first aid assistance receive it as soon as practicable

- wear the school visible vest and carry a first aid bag and school electronic communication device
- record any incidents in the incident book (Administration office), and if required, follow up with classroom teacher and parent
- take preventative steps if any safety issue is identified, such as faulty playground equipment. The area of concern is to be closed for student use and reported immediately to the administration office. The teacher will need to follow up with the occupational health and safety officer as soon as possible.
- ensure that the communication devices are returned to the chargers in the First Aid room
- if a relieving duty teacher does not arrive for yard duty, the teacher currently on duty should contact the administration office using the school communication device, but should not leave the designated area until a relieving teacher has arrived in the designated area.
- if the supervising teacher is unable to conduct yard duty at the designated time, the administration office is to be contacted to ensure that alternative arrangements are made.
- if at any time the administration office is not responding to a call from a yard duty teacher, then yard duty teacher should contact the principal or member of the leadership team.
- if a student leaves the school grounds without authorisation the administration office is contacted and the parents will be informed immediately.
- if the supervising teacher needs to leave yard duty during the allocated time, the teacher must contact the administration office but should not leave the designated area until a relieving teacher has arrived in the designated area.
- Each school is required to outline the designated areas for yard duty and ensure that they are known by all staff.

Inclement or Hot Weather

- If the weather is unsuitable for outside play, students will be supervised in their classrooms. On these occasions a specific indoor duty roster will take effect. This roster will be available on the staff notice board and staff intranet.
- In the event of hot weather, the temperature and wind conditions will be taken into account.
- The principal or delegate will determine when students are to remain inside at recess times and before school.
- If students are out on yard at recess times and before school and the weather becomes inclement, yard duty teachers are to ask students to move to the sheltered areas and await the PA announcement to move to their classrooms.
- A yard duty teacher may need to contact the administration office to check awareness of changed weather conditions.
- Refer to the SunSmart policy regarding sun protection measures and procedures.

First Aid (see Student Care and Health Policy)

- Yard duty teachers using supplies in first aid bag may treat minor injuries. Students may in some cases need to walk with the teacher or sit in a designated area for a short time. The teacher will need to assess if further treatment is required.
- In the event of a student requiring additional first aid, the student will be sent to the first aid room with another student. The yard teacher will give the injured student a first aid card (in first aid bag). A staff member will be on duty in the first aid room.
- If a student requires an EpiPen then the correct procedures for administering the EpiPen must be followed

- If a student is injured and should not be moved or requires emergency assistance, the yard duty teacher is to ring 000 for assistance and then contact administration office.

Before School and After School

- Schools must notify parents and care-givers of the exact times that students are permitted to be on the school grounds
- Yard duty must commence at least 15 minutes before and end 15 minutes after school.
- If a parent (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/carer to
 - advise of the supervision arrangements before school
 - request that the parent/carer make alternate arrangements
- If a parent (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/carers
 - attempting to contact the emergency contacts
 - placing the student in the out of school hours care program (P- Years 6 if appropriate)
 - contacting the Victoria Police (local police station) and/or the Department of Human Services (Child Protection) to arrange for the supervision, care and protection of the student
- Parents/carers will be informed via the website and be reminded in the school newsletter of the designated supervision times.
- Students who arrive late or leave early will be signed in / out at the school office. The administration officer will maintain a record of late arrivals and early departures.

Classroom Supervision

The classroom teacher has ultimate responsibility for the supervision of all students in their care. The classroom at all times must be a safe learning environment. This duty cannot be delegated to learning support officers, external education providers, parents, volunteers or students undertaking Initial Teacher Education (ITAs). 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 Behaviour Management Policy.

In order to provide a safe learning environment classroom teachers:

- must be organised and implement learning experiences that address all students' needs
- interact regularly and positively with students in the classroom
- ensure a consistent communication and response to expectations and student responsibilities
- Inform and regularly remind students of acceptable internet and social media use (See Digital Technology Policy)
- be vigilant and respond appropriately to any incidents of bullying and harassment
- are proactive in reporting any defects in the maintenance register or safety concerns to the occupational health and safety officer and take immediate steps to ensure the issue does not pose a risk to students and others
- be consistent in their implementation of the Behaviour Management Policy and Positive Behaviour Guidelines (Catholic Education Office Ballarat)
- implement the processes for Child Safety Standards MO 870 and Mandatory Reporting

- attend to student injuries/illness according to the Student Care and Health Policy
- If a teacher needs to leave the classroom at any time during a lesson, the teacher should contact the administration office. The teacher should then wait until alternate supervision is being provided prior to leaving the classroom.
- Teachers are required to be in attendance at the student line up area, if not on yard duty supervision, before the start of day bell rings at 8.45am and at end of recess times.
- Teachers will not dismiss students earlier than 3.15 pm-the end of day finish time.
- Students will not be allowed to remain in rooms without direct teacher supervision.

Volunteers

Volunteers are welcomed to assist with school activities such as helping in the classroom, maintenance, excursions and camps and canteen. Schools are to implement the *CECV Guidelines on the engagement of volunteers in Catholic schools* available at

<http://www.cecv.catholic.edu.au/getmedia/14f0d67b-fb34-48eb-bd2c-0a32688b1a96/Volunteer-Guidelines.aspx>. This link should also be provided on the school website.

Volunteers will:

- have completed a Volunteer Application Form and undertaken a screening process as outlined in the CECV Guidelines on the engagement of volunteers in Catholic schools
- have participated in an induction of relevant school policies and procedures including Child Safety Standards and their role as a volunteer
- have a current Working with Children Check (WWCC) and if required, a National Police Records Check (Police Check)
- be under the supervision of the classroom teacher at all times when engaged in learning activities
- be under the supervision of the principal or delegate at all times when engaged in activities that have little or no student contact

Incursions

Incursions are in school experiences in which a visitor such as a speaker or instructor is invited by the teacher due their experiences or expertise to share their knowledge and skills with the students in a one-off session.

Incursion visitors:

- must sign the visitor's book at the administration office on arrival and when exiting the school.
- must respect the vision, mission, ethos and code of conduct of the school
- should not be responsible for supervising students
- have a current Working with Children Check (WWCC) and if required, a National Police Records Check (Police Check)

Classroom teachers must:

- closely supervise the visitor at all times including accessing facilities such as staffroom and staff toilets. The visitor must not have access to student personal information or use student toilets
- ensure that the visitor conducts the session in a safe manner and the content, equipment or resources used are also suitable and safe for students in a Catholic school.
- complete the school incursion form before the commencement of the activity. This form is filed in the school document management system and includes:
 - Date and time of activity

- Teacher and Class
- Learning goal and outcomes
- Visitor name and background (relevant to the learning focus)

External Providers

- External providers are contracted by the school to provide a service. This can include learning and teaching services (eg music), another school, health professionals, information technology technicians or trades peoples such as electricians or plumbers. Schools are to follow the *CECV Guidelines on Engagement of External Contractors in Catholic Schools* to ensure the school meets its duty of care in providing a safe environment for students including procedures for Child Safety Standards. The guidelines are available at:

<http://www.cecv.catholic.edu.au/getmedia/a099f220-2e9a-4b5a-9147-8f11e49a28d1/Contractor-Guidelines.aspx>

- All external providers must have a current Working with Children Check (WWCC) and if required, a National Police Records Check (Police Check)

Student Learning and Wellbeing

- Where an external provider is used to provide specialised learning and teaching such as a series of drama lessons, the students will be under the supervision of the classroom teacher. If the provider does not have a current Victorian Institute of Teaching (VIT) teacher registration, a current WWCC will be required.
- The external provider will complete an induction on relevant school policy and procedures before commencing.
- The classroom teacher will monitor and supervise the lessons and report any concerns to the principal.
- In the case of specialised teacher from an external provider that has current VIT registration:
 - The principal will determine whether classroom teacher supervision and assistance is also required during the learning sessions
 - The Memorandum of Understanding (MOU) with the external provider will outline their responsibilities including duty of care. It is also the responsibility of the external provider to check the credentials of the person assigned to St Example's School and other requirements outlined in the MOU
 - The principal will also check with VIT the registration, proof of identity before the external provider arrangement commences
 - The specialised teacher from an external provider will participate in an induction on school policy and procedures including duty of care before commencing teaching at the school.
 - The principal or delegate will be responsible for monitoring and ensuring that the teachers from the external provider follow school policy and procedures.
- Teacher with VIT Permission to teach are required to be supervised by a registered teacher at all times.
- The school will, at times, engage external agencies to provide services such as chaplaincy or health professionals. These services may require one to one contact with students without direct supervision. These providers will require a WWCC and proof of identity and will be

inducted in school policy and procedures before commencing. They will be monitored by the principal or delegate.

- External contractors such as IT technicians and trades people will be engaged by the school and will have no or limited contact with students. The processes to be followed are outlined in the *CECV Guidelines on Engagement of External Contractors in Catholic Schools*. The principal or delegate will ensure that these procedures are followed as well as occupational health and safety procedures.
- All external providers or contractors (i.e staff who are delegated by the external provider to provide a service to the school) regardless of the service they provide, must have a current WWCC and undertake an induction process.

Offsite Activities

- An offsite activity includes any excursion, camp (including study camps), interstate or overseas tour, holiday, trip or off-campus activity such as attendance at a sporting fixture. It does not include work experience programs.
- Offsite activity staff are teachers, Learning Support Officers, ITAs, volunteers (who have been approved as a school volunteer), campsite staff and specialist instructors who will supervise the students.
- The principal must ensure that students participating in offsite activities are appropriately supervised and that effective planning for the activities and location facilities meets student-learning needs within a safe environment.
- A site specific Emergency Management Plan (EMP) must be completed. The plan must provide details for the school's response to managing bushfire risk when conducting an offsite plan. EMPs must be reviewed annually and immediately after any significant incident. The offsite activity leader (in some instances may be the classroom teacher in the case of a single class at an offsite event) must liaise with the deputy principal/leadership team (responsible for emergency management plans and procedures) after any incident or concerns regarding the EMP, location, external provider procedures and the surrounding environment.
- The offsite activity leader must complete the Offsite Activity Checklist located on CEVN/emergency management and carry a copy of the EMP with them at all times during the offsite activity. It also provides links to other requirements such as for swimming and water sports, excursion staff and emergency management plans. The checklist must be provided to the principal for approval at least one month before the actual activity. The offsite activity leader should familiarise themselves with the checklist as soon as an offsite activity is being considered. The checklist should always be accessed online as changes are made to the document from time to time. The *Catholic School Operational Guide (CECV)* also provides advice on duty of care. A contingency plan should be considered during the bushfire season.
- On arrival at the offsite activity, the offsite activity leader conducts an evacuation drill and adjusts EMP after consultation with staff and students.
- The *Schools Policy and Advisory Guide (DET)* provides minimum requirements for staff-student ratios. These requirements must be checked for each offsite activity on the Guide's website at <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/staffing.aspx> including the *DET Safety Guidelines for Education Outdoors* as changes are made to the requirement from time to time.

- The principal will determine whether additional staff are required (ie more than the minimum ratio) taking into account the:
 - experience, qualifications and skills of staff
 - age, maturity, past behaviour and physical characteristics and learning requirements of the students
 - size of the group
 - nature and location of the excursion or camp
 - nature of activities to be undertaken
 - requirements for Level 2 and Level 1 first aid staff
- The offsite activity leader must ensure that the offsite activity staff are inducted on the procedures and expectations that are outlined in the Checklist and that the activity has been entered on the Catholic Schools Student Activity Locator (SAL) which is available on CEVN/emergency management.

See also Excursion and Camp Policy and Procedures.

School Emergency Management Plan *(see Emergency Management Plan)*

- It is the responsibility of all staff to familiarise themselves with the Emergency Management Plan (EMP) and ensure that students understand the procedures to be undertaken in an emergency. This includes familiarization of the assembly location area/s.
- Members of the Incident Management Team (IMT) will have specific roles and responsibilities.
- Each learning area and all other rooms such as first aid room will have a copy of the EMP on a wall folder that is located at each door. Year level rooms will have a class list.
- Teachers will need to keep a copy, in their classroom, of student requirements such as those requiring asthma puffers, EpiPens. This may not be accessible in an emergency. It is important that student health and medical information is kept confidential according to the privacy laws and not on display in the classroom (unless parents have requested information to be openly available).
- The principal and administration team will have whole of school copies of student class lists, first aid kits (including asthma puffers and EpiPens) and instructions for any special requirements for staff and students
- Copies of the completed templates for instructions for *In Case of an Emergency* and *Emergency Numbers and Key Contacts* will be placed around the school and displayed in school buildings and can be viewed from the outside.
- All teachers are expected to participate in practice evacuation procedures.

Critical Incidents *(see Critical Incident Plan)*

- All staff need to familiarise themselves with the Critical Incident Plan and ensure that they communicate as soon as possible, any critical incident to the principal or member of school leadership team (if principal is not available).

Environmental Hazards

- All staff must advise the school office immediately of any safety issues in the school environment such as presence of unauthorized persons, or potential environmental hazards eg broken steps or faulty equipment. It may require a staff member to place a barrier, wait for assistance, or ask a person to leave the school. The staff member will need to follow up with the OHS officer to ensure that environmental hazards have been addressed.

Communication

- The principal has the responsibility for ensuring that any new staff to the school are inducted on the school's policy and its implementation and all staff are made aware of any changes to the policy and procedures. The policy will be available on the staff intranet and procedures in the Staff Handbook.
- At the beginning of each school year, staff will clarify the school policy as a group and review its implementation expectations. Staff will be informed of any changes during the year to requirements at staff meetings and staff bulletins. Staff will also use student incident data to assist in providing effective duty of care. This will include related policy and procedures such as emergency management and critical incidents.
- Teachers will remind students of yard expectations and procedures, processes for first aid and procedures for inclement or hot weather, at the beginning of the year and as required. Teachers will remind, as necessary, students of expectations and processes while on an offsite activity.
- Teachers must always be proactive in monitoring student safety and report any concerns to the principal or the occupational health and safety officer.
- Parents will be informed of times when playground supervision will be provided and that no formal supervision of the playground occurs outside those hours. Parents will also be informed of bus arrangements (ie students from other schools will use the same bus) and that students will only be supervised while getting off the bus in the morning and while waiting and getting on the bus in the afternoon. This will be communicated to parents at the beginning of the year, reminders in school newsletter at regular intervals and Parent Handbook. The policy will be available on the School App and website.
- Parents are encouraged to report any safety concerns to the child's teacher who will forward the information to the relevant person.
- Parents will be provided with communication regarding the supervision of students on offsite activities. This information will be part of parent information and consent form for the activity.