

Gunbower Primary School

DUTY OF CARE POLICY



Learning For Life

GUNBOWER PRIMARY SCHOOL

DUTY OF CARE POLICY

Rationale:

- In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their care from risks of injury that are reasonably foreseeable.

Aims:

- 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:

- 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.
- 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, providing safe and suitable buildings, grounds and equipment, providing effective anti-bully strategies, and ensuring appropriate and timely medical assistance is provided to injured or sick students.
- 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.
- 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 or ignoring dangerous play
 - failing to instruct a student who is not wearing a hat to play in the shade
 - leaving the school during 'non-face to face teaching time' 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 well documented and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas where they may lack expertise.

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 the students, urgency and threat of injury. For example: A live power line down outside the school, no emergency workers had arrived, and students are about to be dismissed to walk home. No school would allow students to walk out to that immediate danger.

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

Classroom Supervision

It is not appropriate to leave students in the care of ancillary staff, parents or trainee teachers.

It is not appropriate to leave students in the care of external education providers e.g. Incursions.

In an emergency situation, use the internal phone to contact the Principal or teacher in the neighbouring classroom.

No student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. If withdrawal is required once all other classroom behaviour management strategies have been exhausted, the Principal must be advised by the internal phone and the Principal will personally withdraw the student.

Movement of children

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

Use of students as monitors outside the classroom during class time must only occur with the approval of the Principal.

Discretion is to be used when allowing students to visit the toilet during class time.

Yard Supervision

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

Be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.

Yard duty supervision within the school requires teachers to fully comply 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 rostered for duty are to attend the designated area at the time indicated on the roster.

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.

During yard duty, rostered staff should be visible and patrolling all designated areas.

Excursions, Incursions and Camps

Children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.

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 teachers 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 responsibilities.

Excursion and camp activities require teachers to ensure that the venue and transport adhere to DET guidelines.

It is school policy for students to be counted on and off transport and at other times on a regular basis whilst on excursion or camp activities.

The teacher in charge will have copies of all confidential medical forms and permission forms with contact details. A copy of this material will also be kept at school.

Arrangements will be made for students not attending to continue their normal school program at school under supervision of another classroom teacher.

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

If the return time from an excursion or camp is delayed, the teacher in charge will contact the school notifying the Principal of the new arrival time enabling parents to be contacted of the amended arrival time.

If crossing roads, students are required to use designated crossing points, Staff are to walk to the middle of the road to ensure visibility and orderly crossing. Other staff are required to control the flow of students across the road.

When organising an excursion, incursion or camp, staff are required to follow DET guidelines. All procedural steps contained in the school camping, excursions and incursions policy and procedures are required to be adhered to.

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 commencement of the year.
- New staff will be informed of their duty of care as a component of Gunbower Primary School Induction program.
- Duty of care will be a regular agenda item at staff meetings and staff will be directed to familiarise themselves with the School Policy Advisory Guide- Duty of Care section.
- Staff will complete a risk assessment including duty of care when planning for camps, excursions and incursions.

Evaluation:

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

School Contact Information

Address:	PO Box 64 GUNBOWER Vic 3566
Principal:	Andrew Blake
School Council President:	Sally Fletcher
Telephone:	54871323
Date Approved by S/C	March 2016 (To be ratified)
Email:	gunbower.ps@edumail.vic.gov.au
Web site:	http://www.gunbowerps.vic.edu.au