



# DUTY OF CARE POLICY

## BACKGROUND

Whenever a student teacher relationship exists, the teacher has a special duty of care. This is a legal obligation to protect students from injury.

"A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teachers charge from the risks of injury that the teacher could have reasonably foreseen." (Richards v State of Victoria, 1969)

As part of that duty, 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.

Teaching is a skilled profession and teachers must accept the legal consequences of such special knowledge and skills.

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 held guilty of negligence, it must be proved that the injury was foreseeable result of the action or lack of action. In courts this test is not a demanding one.

In situations where the teacher should reasonably have foreseen the possibility of injury, the teacher has a duty to take reasonable care.

The teacher's duty of care will have a higher expectation as the child's age is lower.

Schools are bound by standards which are issued under legislative authority, non compliance 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 carrying out of their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.

## IMPLEMENTATION

In the context of duty of care owed to our students and my responsibility as Principal to administer the necessary arrangements for student supervision appropriate to this school, the following instructions and notices apply to all teaching staff.

### Classroom Supervision

At no time are students to be left unsupervised in the classroom or specialist areas (This includes before and after school lunchtimes and recess breaks)

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 in school activities (At law, the Duty of care cannot be delegated)

In an emergency situation, use the phone for the Principal/Assistant Principal/Teaching and Learning Leader/office staff or contact the teacher in the next room

No student is to 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 a senior staff member and should be accompanied by documentation/by a phone call to alert them that the student is on their way.

### Movement of Children

Extreme care needs to be taken in allowing students to leave the room for any reason. Use of students as monitors outside the room during class time is to occur only when children are to be in pairs.

Utmost discretion is to be used when allowing students to visit the toilet during class time and also in pairs.

Yard supervision – refer to Yard Duty and Supervision Policy [Yard Duty and Supervision Policy.docx](#)

### Excursions, in school activities and Camps

The school's camps and excursion policy, must be followed, together with the respective processes.

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

Be aware that an in school activity 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.

Be aware that excursions outside the school and camps require 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 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 DET guidelines.

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

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

If the return time from an excursion or camp is delayed, the teacher in charge will contact the school to inform the them of the new arrival time so that parents can be informed (via Compass) 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 middle of crossing to ensure visibility and orderly crossing. Other staff control the flow of students across the road.

### **EVALUATION**

This policy will be reviewed in line with best practice and DET guidelines.

### **REVIEW CYCLE**

This policy was last updated in **July 2019** and is scheduled for review in **July 2021**.

**Endorsed by School Council in July 2019.**