



Duty of Care Policy

PURPOSE

Roberts McCubbin Primary School is bound by Duty of Care Standards which are defined in common law and legislation. The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at owe to our students and members of the school community who visit and use the school.

POLICY

“Duty of care” is a legal obligation that requires schools to take reasonable steps to reduce the risk of reasonably foreseeable harm, which can include personal injury (physical or psychological) or damage to property. The reasonable steps that Roberts McCubbin Primary School may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk. Our school has developed policies and procedures to manage common risks in the school environment, including:

- Duty of Care Policy
- Bullying and Harassment Policy and Procedures
- Student Engagement and Well-Being Policy
- Child Safety Responding Policy (including Mandatory Reporting)
- Statement of Values – Promoting Healthy, Safe and Respectful School Communities
- Camps and Excursion Policy
- Incursion and Excursion Policy (External Provider)
- ICT/eSmart Policy
- Child Safe Standards
- Safe and Happy Book
- Working with Children and Suitability Checks

IMPLEMENTATION

Staff at Roberts McCubbin Primary School understand that school activities involve different levels of risk and that particular care may need to be taken to support younger students or students with additional needs. Our school also understands that it is responsible for ensuring that the school premises are kept in good repair and will take reasonable steps to reduce the risk of members of our community suffering injury or damage because of the state of the premises.

- School staff, parents, carers and students are encouraged to speak to the principal to raise any concerns about risks or hazards at our school, or our duty of care obligations.
- Apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable
- Staff are responsible for their students at all times.

Classroom Supervision:

- Teachers must not leave the classroom unattended at any time during a lesson.
- It is not appropriate to leave students in the care of ancillary staff, voluntary staff, parents or trainee teachers (At law, the Duty of care cannot be delegated)
- In **an emergency situation** use the phone for the Principal or Assistant Principal or contact the teacher in the next room (if appropriate – send another student 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 or by following the school's Student Behaviour Management Plan. Any action taken should be accompanied by documentation and appropriate follow up.
- Teachers are able to use their mobile phone during supervision times, for roles, for learning, to contact staff and for emergencies

Movement of Students:

- 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 room during class time must only be in pairs and should only occur when necessary.
- Discretion is to be used when allowing students to visit the toilet during class time. Students must always go to the toilet in at least pairs.

Yard supervision:

- 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.
- Be aware that 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 also expected to follow school policy whilst on yard duty:
 - All staff must wear visibility vests when on duty and to carry a bum- bag and walkie-talkie.
 - All staff must wear a suitable hat in Term 1 and until end of April, and from mid-September until end of Term 4
- 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.
- 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 Assistant Principal.
- Use Restorative Practices when on duty and follow school safety rules in line with the *Safe and Happy Book*.
- Teachers must not use their mobile phone during supervision times for personal messages and phone calls or checking social media. Personal phones can be used in emergency situations.

Excursions, Incursions and Camps:

All staff must follow the 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-

- 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 Department of Education and Training (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.
- Excursion and camp activities require the teacher to ensure that the venue and transport adhere to DET guidelines.
- 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.
- On transport staff will position themselves throughout the vehicle so that all children can be viewed by at least one adult.
- The teacher in charge will have copies of all confidential medical forms and permission notes 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 program at school under supervision of another classroom teacher.
- The teacher in charge or a designated teacher of an excursion or camp will carry a mobile phone and a first aid kit.
- 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.
- 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.

LEGISLATIVE LIABILITY OF DUTY OF CARE

- All staff 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 Student Safety of the Victorian Government Schools Policy Advisory 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 and *Safe and Happy Book* annually

RISKS TO STUDENTS OUTSIDE THE SCHOOL ENVIRONMENT

It is important that the school takes **reasonable steps** to protect students from risks.

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 may be a number of other situations where the school will be under a duty to take reasonable steps.

While students are moving around the buildings and working independently in break out spaces and designated study areas they must be under adult supervision at all times.

EVALUATION:

This Policy is to be reviewed every 3-4 years

This policy was reviewed and to be ratified in May 2019

REFERENCES

Other policies which underpin this policy:

- Child Safe Policy
- Student Engagement and Well-Being Policy
- Child Safety Responding & Reporting Obligations Policy (including Mandatory Reporting)
- Statement of Values – Promoting Healthy, Safe and Respectful School Communities
- Bullying and Harassment Policy and Procedures
- *Safe & Happy Book*

Reference: <http://www.education.vic.gov.au/school/principals/spag/safety/pages/dutyofcare.asp>