

KEW EAST PRIMARY SCHOOL

DUTY OF CARE AND SUPERVISION

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PURPOSE

- To ensure that staff and the community have an adequate awareness and understanding of their duty of care obligations and responsibilities to provide adequate supervision to students.
- To ensure that staff conduct themselves at all times consistently with these legal obligations and responsibilities.

POLICY GUIDELINES

- Principals and teachers have a special duty of care 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. This duty includes the duty to provide an adequate system of supervision.
- 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; and
 - 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.

Organisational Duty of Care

- DET schools are required to provide an 'organisational duty of care' as of 1 July 2017, to prevent child abuse.
- In doing so, schools must be compliant with Child Safe Standards and take reasonable precautions to minimise the risk of child abuse. A 'reasonable precautions' test must be met when defending a legal claim.
- This duty of care applies to any organisation that exercise care, supervision or authority over children.
- Organisations such as schools cannot avoid their duty by delegating their care, supervision or authority of children to other organisations, such as camp staff.

Before School & After School Supervisions

- Students must be supervised for a minimum of 10 minutes before and after school. This supervision may include:
 - monitoring of entry or exit points and/or designated pick up and drop off areas;
 - Yard supervision; and
 - Classroom supervision in the event of wet weather before school between 8.45am – 9.00am
- Other related documents include:
 - <http://www.education.vic.gov.au/school/principals/spag/safety/pages/dutyofcare.aspx>
Duty of Care
 - <http://www.education.vic.gov.au/school/principals/spag/safety/pages/supervision.aspx>
Supervision
 - <http://www.education.vic.gov.au/school/principals/spag/safety/pages/studentcollection.aspx>
Student Collection
 - <http://www.education.vic.gov.au/school/principals/spag/safety/pages/staffing.aspx>
Excursions – Staffing & Supervision

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Supervision

- The Principal is responsible for ensuring that there is an adequate system of supervision in place during school hours, before and after school, and on school excursions and camps.
- Teachers and other school staff are responsible for following reasonable and lawful instructions from the Principal, including instructions to provide supervision to students at specific dates, times and places.

Recess and lunch times

- The Principal is responsible for ensuring that students are adequately supervised during recess and lunch.

Late arrival or early departure

- The Principal will ensure that the school has a procedure in place for the safe collection and drop off of students at school during school hours (e.g. late arrival or an early departure). This will include a record of the date and time, the reason for the late arrival or early departure, and the person who has authorised the late arrival or early departure.

Visitors

- The Principal will ensure that there is a procedure to monitor all visitors in the school. As a minimum this procedure must require all visitors arriving and departing the school premises during school hours to use a visitors' book to record their name, date, time, purpose of the visit, signature and to wear a visitor's ID lanyard.

Supervision of the Use of Information and Communication Technologies

- Teachers and other staff of KEPS also have a responsibility to reasonably supervise the use of information and communication technologies, and the use of online learning environments at school. In doing so, teachers and other staff should be guided by the following relevant Departmental policies (e.g. Student Engagement Guidance, Bully Stoppers, Acceptable Use Policy) and relevant KEPS policies such as, Acceptable Use Agreements F-2 and Year 3-6, eSmart and Digital Technologies Policy, Student Engagement and Wellbeing Policy, Camps and excursions Policy and Visitors Policy.
- It is important to note that it is not reasonable or practicable for a teacher or Principal to inspect every website that will be accessed by a student. The nature of the Internet means that there can be no guarantee against inappropriate content or changing circumstances in website content. It is not reasonable or practicable for a teacher or principal to supervise an online learning environment 24 hours a day.
- The principal and teachers are expected to respond to an online incident that impacts on students at the school as soon as they have knowledge of its occurrence.

Incursions

- Teachers must continue to supervise their students even whilst a visitor, speaker or instructor is presenting to the class.
- Visitors, speakers and instructors should not be responsible for supervising students on the school premises.

Excursions and Camps

- The Principal must ensure that students participating in excursions and camps are appropriately supervised. Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors.
- The *Schools Policy and Advisory Guide* provide minimum requirements for staff-student ratios. However, Principals should determine the appropriate and effective level of supervision for each individual excursion or camp, taking into account the following:
 - the experience, qualifications and skills of staff ;
 - the age, maturity, physical characteristics and gender of the students;
 - the size of the group;

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- the nature and location of the excursion / camp; and
- the activities to be undertaken.
- Most excursions and camps must:
 - be under the direct control of a teacher with at least one other excursion staff member present;
 - have enough teachers to maintain appropriate control of the excursion and each activity; and
 - have teachers comprising at least half of the excursion staff.
- Any person other than a teacher (non-teaching staff and parents) who supervises students on an excursion or camp must have a Working with Children Check (WWCC).

Excursions and Camps (continued)

- This Policy will be located in the school intranet site under policies and will be on the school website under policies.

Parent Helpers

- All parent helpers who assist teachers on excursions, in classroom programs, such as, Maths, reading, PMP; incursions and excursions are required to have a Voluntary Working With Children Check.

Related School Policies

- This policy should be read and understood (but not limited to) in conjunction with the following school policies:
- Excursion, Incursions & Camps policy
- Mandatory Reporting policy
- eSmart and Digital Technologies policy
- Student Engagement & Wellbeing policy

POLICY IMPLEMENTATION

School Supervisions Before, During and After School

- Students are to be supervised during classes and moving between classes by a teacher, taking into consideration to be strategically placed to view students.
- At KEPS, supervision at the beginning of the school day will commence at 8.45am. This supervision will include yard duty in the senior and junior school grounds.
- Supervision at the end of the school day will be provided until 3.45pm. This supervision will include, yard duty in the senior and junior school grounds.
- If a parent, guardian or carer (or other authorised person) drops off or otherwise organises 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/guardian or carer to:
 - advise of the supervision arrangements before school; and
 - request that the parent, guardian or carer make alternate arrangement.
- Parents will be reminded via the newsletter each term as to before and after school supervision procedures.
- If a parent, guardian or carer (or other authorised person) has failed to collect the student after school by the end of the duty at 3.45pm, the duty teacher will bring the student to the office at the end of yard duty where:
 - the office staff will attempt to contact the parents, guardians or carers;
 - attempting to contact the emergency contacts if parents/guardians or carer is not available;
 - placing the student in the out of school hours care program (if appropriate); and
 - contacting the Victoria Police and/or the Department of Human Services (Child Protection) to arrange for the supervision, care and protection of the student, if no contact can be made with a parent, emergency contact or carer.

Classroom

- The classroom teacher has ultimate responsibility for the supervision of all students in their care.
- This duty cannot be delegated to external education providers, parents or trainee teachers.
- Withdrawal of any student from the classroom is only to occur in accordance with the school's student engagement and wellbeing policy.
- If a teacher needs to leave the classroom unattended at any time during a lesson, he or she should contact the office for assistance. The teacher should then wait until alternate supervision is being provided prior to leaving the classroom.

Recess and lunch times

- At KEPS, the Assistant Principal (AP) is responsible for preparing and communicating the yard duty roster.
- At KEPS the designated yard duty areas are: the junior school ground, the front quiet area (to the right and left hand side of the staff room but not the kitchen garden area) and the senior school (basketball hardcourt, senior equipment and oval).
- Teachers who are rostered on 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.
- During yard duty, supervising teachers should be guided by the following:
- If the designated area is large in size, teachers are expected to methodically move around the area rather than remain static in the one position. This increases the ability to appropriately monitor student activity;
- Refer to the yard duty folder for student medical and behaviour alerts;
- Be alert and vigilant;
- Intervene if potentially dangerous behaviour is observed in the yard;
- Enforce behaviour standards and implement logical consequences for breaches of safety rules;
- Ensure that students who require first aid assistance receive it as soon as practicable or are sent to sick bay;
- Record significant behaviour incidents in the yard duty folder;
- Alert the class relevant class teacher if there is an incident involving a student from their class; and
- Report any significant and or unresolved issues emanating from a recess or lunchtime duty to the Assistant Principal for further follow up.
- If the supervising teacher is unable to conduct yard duty at the designated time, he or she should contact the Assistant Principal to ensure that alternative arrangements are made. If a teacher has organised a swap with another staff member, this must be communicated to the Assistant Principal before the duty;
- If the supervising teacher needs to leave yard duty during the allocated time, he or she should contact Assistant Principal or Principal if AP not available, but should not leave the designated area until the relieving teacher has arrived in the designated area.
- If a relieving teacher does not arrive for yard duty, the teacher currently on duty should send a message to the office, but not leave the designated area until a relieving teacher has arrived in the designated area.
- If a staff member wishes to change their duty on any particular day they need to inform the Assistant Principal so as to negotiate a change.

Late arrival or early departure

- In relation to early departure from school, the procedure will include:
- an authorised person must sign the student out from the office and then go to the classroom with the sign out slip, handing it to the teacher and then take the student;
- students will be only permitted to leave the school premises under the supervision of a parent or another person authorised by parents to collect the student; and

- if the person collecting the student is unknown to school staff, school office staff will request photo identification to verify the person's identity.
- If a student arrives late to school, they must be accompanied by the parent to the office so they can sign the student in late. The parent then needs to hand the late slip to the teacher while dropping off their child to the classroom.

Recording of Student Attendances

- All class teachers are required to mark an electronic roll on COMPASS immediately after students come into class at the beginning of the day (9.00-9.15am) and immediately after the lunch recess (1.50-2.00pm).
- If students are attending a specialist class in session 1 or session 5 immediately after lunch, then it is the responsibility of the specialist teacher or teacher in charge to mark the roll. Rolls should be marked on COMPASS and where this is not possible then a hard copy of student attendance needs to be sent to the office immediately after the designated roll marking times.

Visitors

- At KEPS, the procedure is as follows:
 - all visitors sign in at the office and place a sign in slip into a lanyard to be worn throughout their visit;
 - all visitors are to read and acknowledge the child safe statement; and
 - all visitors must sign out and return their lanyard on departure from the school.

Supervision of the Use of Information and Communication Technologies (ICT)

- Teachers and other staff of KEPS also have a responsibility to reasonably supervise the use of information and communication technologies, and the use of online learning environments at school.
- All staff need to ensure that the eSmart Digital Technologies Policy, Student Engagement and Wellbeing Policy and Acceptable Use Agreements F-2 and Year 3-6 are adhered to by all students.
- At KEPS, the procedure for inappropriate use of ICT is as follows:
 - in the first instance a class teacher should report the issue to the team leader to investigate;
 - if the issue is more serious, then the team leader needs to inform the Principal, Assistant Principal and or ICT coordinator for further action;
 - parents may be contacted to inform them of the school's concern; and
 - service providers and or police may also be informed if the school deems the issue to be of a serious nature and/or where a student/s may be at risk. This includes unlawful use of digital devices.

Swimming

- Staff must supervise students at swimming at all times regardless if there are instructors in the water with students.

Incursions

- Teachers must continue to supervise their students even whilst a visitor, speaker or instructor is presenting to the class.
- Visitors, speakers and instructors should not be responsible for supervising students on the school premises.

Excursions and Camps

- Refer of camps and Excursions Policy for detail.
- Prior to the commencement of the excursion or camp, the Principal must ensure that the specific roles and responsibilities of each supervisor are clarified and understood by all supervisors and students.

Roles and Responsibilities

The Principal and or Assistant Principal will:

- regularly communicate the duty of care and supervision obligations and responsibilities to all staff;
- regularly communicate (each term) the supervision arrangements to parents;
- determine the level of student supervision to be provided to students in all of the circumstances ;
- allocate specific responsibilities to staff members to provide the supervision that is required;
- communicate the specific supervision responsibilities allocated to staff members;
- regularly review the level of student supervision provided to students and make adjustments as and when deemed appropriate; and
- regularly review the duty of care and supervision policy to ensure that it is consistent with the *School Policy and Advisory Guide*, and continues to meet the duty of care obligations and responsibilities for all students.

Teachers and other staff will:

- comply with the lawful and reasonable directions of the Principal;
- comply with all Department and school policies ;
- staff are not permitted to use their mobile phones for personal use while in class to make or receive calls or when on yard duty unless there it is an emergency situation; and
- perform supervisory duties as required.

Procedures for Implementation

- The Principal/Assistant Principal will communicate this policy to all staff by:
 - reminding all staff of this policy, in the first staff meeting at the commencement of the school year;
 - new staff will be informed of this policy as part of the School’s Induction Program; and
 - school staff will be directed to familiarise themselves with this Duty of Care and Supervision Policy and other relevant KEPS and DET’s *Schools Policy and Advisory Guide (links provided)*.

EVALUATION

- This policy will be reviewed by the Student Wellbeing team in accordance with the School Council policy schedule or when necessary due to changes in legislation, policy or local circumstances and will be endorsed by School Council.