

POLICY: DUTY OF CARE POLICY

PURPOSE

Principals and teachers are held to a high standard of care in relation to students. Whenever a teacher-student relationship exists, teachers have a special duty of care. This has been expressed as: “a teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher’s charge from risks of injury that the teacher should reasonably have foreseen.” (Richards v State of Victoria).

AIMS

The duty requires principals and teachers to take all reasonable steps to reduce risk, including:

- provision of suitable and safe premises.
- provision of an adequate system of supervision.
- implementation of strategies to prevent bullying.
- ensuring that medical assistance is provided to a sick or injured student.

The duty is non-delegable, meaning that it cannot be assigned to another party. The important issue in all cases will be what precautions the school could reasonably be expected to have taken to prevent the injury from occurring. This will involve 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.

IMPLEMENTATION

Classroom Supervision:

- Students are not to be left unsupervised in the classroom or specialist areas.(This includes before and after school lunchtimes and recess breaks)
- Students are not to be left in the care of ancillary staff, parents or trainee teachers.
- Students are not to be left in the care of external education providers, for example, incursions, guest speakers.
- In an emergency situation a staff member is to use the phone for the Principal or Assistant Principal or contact the teacher in the next room.
- A student is not to be left unsupervised outside a classroom as a withdrawal consequence. Withdrawal is to be conducted as per the Code of Conduct by sending the students to a colleagues’ classroom, or the Principal or Assistant Principal. The teacher, Principal or Assistant Principal is to be contacted first to alert them that the student is on the way or to have the student collected.

Movement of Students:

- Students are to be supervised when making their way to and from a specialist session.
- Students are to attend the toilet in pairs.
- Monitors outside during class time will operate in pairs.

Yard Supervision:

- 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 bell signals the end of the break or until replaced by the relieving teacher, whichever is applicable. Where a teacher does not arrive for duty, the teacher currently on duty should send a message to the office, but not leave the designated area until replaced.
- No permanent changes to the yard duty roster are to be made without the approval of the Timetable Leader.
- If a teacher rostered for duty will be absent due to an excursion, etc. it is the teacher's responsibility to write the change on the staffroom whiteboard and inform the Daily Organiser.
- Be alert and vigilant-intervene immediately if potentially dangerous behaviour is observed –enforce playground behaviour expectations and consequences re Code of Conduct. If teacher requires assistance send a message to the office.

Excursions, Incursions, Camps:

- Students are to be counted on and off transport and at other times on a regular basis whilst on excursion or camp activities.
- Teachers will have all confidential medical and permission forms with contact details.
- Teachers will carry mobile contact known to the school and a first aid kit.
- The teacher in charge will inform the Principal of the updated arrival time.
- If crossing roads students are to use designated crossing points. A staff member to walk into the middle of the crossing to ensure visibility and orderly crossing. Other staff/parents control the flow of students across the road.
- All staff are to follow the DET guidelines when organising an excursion, camp or incursion.

EVALUATION

This policy will be reviewed as necessary.