

Duty of Care Policy and procedures

Movelle School Values:

Respect, responsibility, resilience, compassion

Movelle Primary School values continual learning and encourages respect, resilience, teamwork and responsibility in all that we do.

Definition:

Whenever a student-teacher relationship exists, the teacher has a special duty of care. This is defined 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.” As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventative measures could be taken.

School authorities in breach of duty of care may be liable for injuries inflicted by one student on another, as well as for injuries sustained by student.

Rationale:

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.

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:

Movelle will provide adequate supervision in the school or when children are on school activities, as well as providing safe and suitable buildings, grounds and equipment.

Apart from mandatory reporting requirements, a teacher has duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care will be established if a teacher or principal failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected, including sexual abuse.

A teacher has greater duty of care than an ordinary citizen, in that a teacher is obliged to protect a student from reasonable foreseeable harm or to assist an injured student.

Legal duty of care responsibilities include:

- Arriving to class on time and not leaving a class early.
- Arriving on time to scheduled timetabled yard duty responsibilities
- Acting appropriately to protect a child who claims to be bullied
- if the teacher believes a child is being abused they must report the matter appropriately

- Supervising line up of students when bell has sounded
- Not leaving students unattended in a classroom
- Instructing students who are not wearing hats to play in the shade
- Not ignoring dangerous play
- Not leaving the school during time release without approval
- Providing adequate supervision on a school excursion.

Staff members are cautioned against giving advice they are not professionally competent to give. Teachers must ensure that the advice they give is correct and where appropriate in line with the views of the school. Teachers should not give advice in those areas outside their role where they may lack expertise, appropriate.

The following instructions and notices apply to all staff.

Classroom supervision

Staff 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, parents or trainee teachers (At law, the Duty of care cannot be delegated)

It is **not** appropriate to leave the students in the care of external education providers. e.g. incursions.(At law, the Duty of care cannot be delegated)

In **an emergency situation** use the phone for Principal or Assistant Principal or contact 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 AP or Principal. This should be accompanied by documentation and appropriate follow up. The teacher, AP or principal **is to be contacted first** to alert them that student is on their way.

Movement of students

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

Discretion is to be used when allowing students to visit the toilet during class time. At Movelles, children will always be accompanied by another student.

Yard Supervision

Yard supervision is an essential, element in teachers' duty of care.

Be aware:

- students are less constrained and more prone to accident and injury than in a closely supervised classroom
- Yard duty supervision requires the teacher to fully comply with DEECD guidelines and brings with it an increased duty of care.
- 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.
- Be alert and vigilant – intervene immediately if potentially dangerous behaviour is observed in the yard- enforce behaviour standards and logical consequences for breaches of safety rules.
- You should be always on the move and highly visible.
- At Movelle, Teachers are required to wear the orange coloured vest, carry a first aid bag, and in terms 1 and 4 wear a hat.

Excursions, Incursions and Camps.

Be aware that:

- students are less constrained and more prone to accident and injury than in a more closely supervised classroom
- an incursion with an internal 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 DEECD 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 DEECD guideline
- 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.

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 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 and a senior member of staff will remain at the school until they arrive.

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.

All staff must follow the DEECD guidelines when organising an excursion, incursion or camp. All procedural steps contained in the School camping, excursions and incursions Policy and Procedure outlines must be followed.

Informing staff of the legislative liability of Duty of Care.

All staff will be informed of their legal requirements as Duty of Care will be an agenda item during staff meetings. Staff will be directed to familiarise themselves

with the Student Safety section of the Victorian Government Schools Policy Advisory Guide. A copy of this document will be placed on I Drive for all staff to access.

New staff will be informed of their Duty of Care as part of their Induction program. Staff will be directed to the student wellbeing policy annually.

Date reviewed	July 2014
Approved by School Council	August 26 th 2014
School Council President signature & date	
Responsible for Review	Assistant Principal
Review Date	February 2017
References	Victorian Government Schools Policy Advisory Guide