

## SUPERVISION & DUTY OF CARE POLICY

### Rationale

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 provision of an adequate system of supervision. The duty is *non-delegable*, meaning that it cannot be assigned to another party.

'Reasonable steps' 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
- the social utility of the activity that creates the risk of harm

In some circumstances the duty of care may extend *outside school hours* and *outside the school premises* depending 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.

### Aim

To ensure that Birrilee PS staff have an adequate awareness and understanding of their duty of care obligations and responsibilities to provide adequate supervision to students.

To ensure that Birrilee PS staff conduct themselves at all times consistently with these legal obligations and responsibilities.

### Implementation

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.

## **I. Before School & After School**

- I. Before-School Care is run by an external provider (Camp Australia) and takes pre-booked students between 7:00am and 8:30am.
- II. After-School Care (also Camp Australia) takes pre-booked students between 3:30pm and 6:30pm.
- III. Supervision at the beginning of the school day will commence at 8:30am until the morning-class bell which rings at 8:50am. Supervision will be provided by a designated yard-duty teacher and includes the following;
  - monitoring students in the school grounds at arrival and departure from school
  - supervising students during the arrival and departure of school contract buses
  - yard supervision
  - classroom supervision during wet-day mornings will be provided by the teachers in each grade area
- IV. Supervision at the end of the school day will be provided until 3:45pm following the end-of-day bell at 3:30pm. Supervision will be provided by a designated yard-duty teacher.

## **2. Care of students outside the hours of duty of care**

- I. If a parent, guardian and carer (or other authorised person) drops-off or otherwise arranges 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 and carer to;
  - advise of the supervision arrangements before school
  - request that the parent, guardian or carer make alternate arrangements
- II. If a parent, guardian or carer (or other authorised person) has failed to collect a student within 15 mins after the end of school, the next steps may include the following;
  - attempt to contact the parents, guardians or carers
  - attempt to contact the emergency contacts
  - failing all of the above, contact Victoria Police and the Department of Human Services (Child Protection) to arrange for the supervision, care and protection of the student
- III. If a student attends an out-of-hours program (such as language classes, computer technology classes or sports classes), the supervisor for the activity is responsible for keeping a record of enrolled students, emergency contact details and relevant medical information, such as asthma, a known allergy/anaphylaxis reaction or epilepsy.  
The supervisor must adhere to the *Visitor and External Provider Policy* and must have a Working With Children Check.  
The supervisor is responsible for contacting parents/guardians immediately in the event of:

- a failure of a student to attend a session
- illness
- failure to collect a student at the end of the session. Students are not to be left unattended.

### **3. The Classroom**

- I. The classroom teacher has responsibility for the supervision of all students in their care.
- II. This duty cannot be delegated to Education Support staff (ES staff), external education providers, parents or trainee teachers.
- III. In addition, student should not be left in an unsupervised area as a withdrawal consequence for misbehaviour. Withdrawal from the classroom is only to occur in accordance with the Birralee PS's Code of Behaviour.
- IV. If a teacher needs to leave the classroom temporarily unattended at any time during a lesson, he or she should arrange for supervision of their class by another teacher and inform their co-ordinator and administration of the arrangement. The teacher should then wait until alternate supervision is provided prior to leaving the classroom.
- V. If a teacher is to be absent, they must contact the teacher designated with the role of arranging Casual Relief Teacher (CRT) cover to report the absence so that class supervision can be organised.
- VI. If an ES staff member is to be absent, they must contact the Assistant Principal so that any necessary arrangements can be made for the supervision of their student.

### **4. Recess and lunch times**

- I. The Principal is responsible for ensuring that students are adequately supervised during recess and lunch. This will usually involve designating areas in the yard, and developing a roster for staff to supervise students in the designated area for the time indicated in the roster.
- II. At Birralee PS, the Assistant Principal is responsible for preparing and communicating the yard duty roster. At Birralee PS the designated yard duty areas are the North Side (including the front of school area, the deck, the rear of the North Building, the northern portables, the field and canteen areas) and the South Side (including the canteen area, the basket-ball courts, the adventure playgrounds, the southern portables and the sloping southern frontage).
- III. Teachers who are rostered for duty are responsible for remaining in the designated area until replaced a relieving teacher or until the end of the break period, whichever is applicable. During yard duty, supervising teachers should be guided by the following;
  - teachers are expected to move around their yard-duty areas to increase their effectiveness at monitoring of student activity
  - be alert and vigilant

- to intervene if misbehaviour is observed in the yard
  - to enforce behaviour standards and implement logical consequences for breaches of safety rules
  - to carry, their mini-first aid kit if minor attention is needed
  - to ensure that students who require first-aid assistance receive it as soon as practicable
  - to wear their Hi-Vis vests so that they can be easily identified by students
  - on days of UV ratings at 3 and above, to dress according to the *Sun Smart Policy*
- IV. On extreme weather days (wet-days, windy-days or hot-days over 36°C) students will remain indoors. The decision for indoor supervision will be made by either the yard-duty teacher or the Principal or Assistant Principal, and will be provided by the teachers in each grade area.
- V. If the supervising teacher is unable to conduct yard duty at the designated time, he or she can swap their duty and record the change for that particular duty on the staff-room whiteboard. They should also inform the Assistant Principal to ensure that alternative arrangements are made in the case of difficulties with arrangements.
- VI. If the supervising teacher needs to leave yard-duty during the allocated time, he or she should contact administration, and should not leave their duty designated area until the relieving teacher has arrived to take over duty.
- VII. If a relieving teacher does not arrive for yard duty, the teacher currently on duty should send a message to administration, but not leave the designated area until a relieving teacher has arrived.

## **5. Late arrival or early departure**

- I. 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.
- II. In relation to early departure from school, the procedure will also include;
- students will only be permitted to leave the school premises under the supervision of a parent or another person authorised by parents to collect the student
  - parents or guardians must inform school administration if they have authorised someone to collect their child and they need to inform that person that they will need to present photo-identification of arrival at the school
  - if the authorised person collecting the student is unknown to school staff, school staff will request photo-identification to verify the person's identity
  - the authorised adult collecting a child must report to the administration area to sign the Early Departure Book if collecting a student early from school

- the administrator will inform the class teacher of the early departure and instruct them to send the student to the office with their bag

**At Birralees PS, the procedure is as follows:**

**1. Visitors**

All visitors and external providers must adhere to the expectations and procedures as described in the *Visitor and External Provider Policy* and the *Child Safe Policy*.

**2. Use of information and communication technologies**

Staff at Birralees PS have a responsibility to reasonably supervise student use of information and communication technologies, and the use of online learning environments at school. In doing so, staff and students should be guided by the following relevant Birralees PS policies:

- *Anti-Bullying Policy*
- *Code of Behaviour*
- *Internet Usage Policy*
- *Mobile Phone Policy*
- *Privacy 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 online incidents that impact on students at the school as soon as they have knowledge of its occurrence.

**3. At Birralees PS, the procedure for responding to online incidents is as follows:**

- I. The school has 'Netscape' incorporated into the ICT system to limit the viewing of inappropriate online material.
- II. Students and parents are to sign a *Responsible use of ICT* agreement once a year.
- III. Should a student access inappropriate material at school (e.g. internet use / mobile phone use / images / social media infringements etc.) the incident should be investigated thoroughly and the following actions will be implemented;
  - students will undergo a review of their ICT usage with reference to their signed agreement
  - parents will be notified of the breach of the agreement and asked to discuss the nature of integrity with their child

- if necessary and repeated, a student could be banned from the use of ICT for a designated time period

IV. Should the school be informed of inappropriate use of ICT (e.g. internet use / mobile phone use / images / social media infringements), outside school hours, the school must inform the parents as soon as practicable and actions listed above will be implemented.

#### **4. Visits**

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

#### **5. Excursions and camps**

- I. The principal must ensure that students participating in excursions and camps are appropriately supervised.
- II. Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors. All non-teaching staff must hold a current Working with Children Check.
- III. The *Schools Policy and Advisory Guide (DET)* provides 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 and intellectual abilities, and gender of the students
  - the size of the group
  - the nature and location of the excursion / camp
  - the activities to be undertaken
- IV. Excursions and camps must;
  - be under the direct control of a teacher-in-charge with at least one other excursion staff member present
  - have enough teachers to maintain appropriate control of the excursion and each activity
  - have teachers comprising at least half of the excursion staff
- V. Any person accompanying an excursion or camp must have a Working with Children Check.
- VI. Prior to the commencement of the excursion or camp, the Principal must ensure that the specific roles and responsibilities of all staff members and assistants are clarified and understood by staff, assistants and students.

- VII. The supervision of students on a camp or excursion will include the following organisation;
- retaining copies of all confidential medical forms and permissions slips for each student who is participating in the excursion or camp
  - regularly marking off the attendance of students – this may include at the beginning of the excursion, a 'head-count' on the transport, and at each location and activity. The role is re-taken if there is a discrepancy in numbers
  - ensuring that the venue, transport and activities conducted adhere to DET guidelines
  - monitoring student behaviour, enforcing behaviour standards and implementing logical consequences for a failure to comply with behaviour and safety standards
  - ensuring that students who require first-aid assistance receive it as soon as practicable
  - ensuring that risk management plans and emergency management plans are implemented as necessary

## **Roles and Responsibilities**

### **1. The Principal will:**

- Communicate the duty of care and supervision obligations, and responsibilities to all staff.
- Communicate the supervision arrangements to parents.
- Determine the level of student supervision to be provided in all circumstances.
- Allocate specific responsibilities to staff members to ensure that correct supervision is provided.
- Communicate the specific supervision responsibilities allocated to staff members.
- Review the level of student supervision provided and make adjustments as and when deemed appropriate.
- 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.

### **2. Teachers and other staff will:**

- Comply with the lawful and reasonable directions of the Principal.
- Comply with all DET and school policies.
- Perform supervisory duties as required.

### **3. Parents, guardians and carers will:**

- Make appropriate arrangements for the transport, care and supervision of students travelling to and from school.
- Make appropriate arrangements for the care and supervision of students outside the times of supervision before and after school.

- Comply with late arrival and early departure policies, and other school-based policies.

**Procedure for the communication of this policy to staff is as follows:**

The Principal will communicate this policy to all staff using the following mechanisms;

- a copy of this policy will be provided to each member of staff at the commencement of the school year
- new staff will be informed of this policy as part of the School's Induction Program
- school staff will be directed to familiarise themselves with all relevant sections of the *Schools Policy and Advisory Guide*

**Related School Policies**

This policy should be read and understood (but not limited to) in conjunction with the following school policies:

- Anti-Bullying Policy
- Child Safe Policy
- Code of Behaviour
- Excursion & Camps policy
- Internet Usage Policy
- Mandatory Reporting policy
- Mobile Phone Policy
- Privacy Policy
- Student Engagement & Inclusion policy
- The student Code of Conduct
- Visitor and External Provider Policy
- Sun Smart Policy

**Links**

School Policy & Advisory Guide (sighted August 2015)

Duty of Care: <http://www.education.vic.gov.au/school/principals/spag/safety/pages/dutyofcare.aspx>

Supervision: <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/supervision.aspx>

Student

Collection:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/studentcollection.aspx>

Excursions

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Staffing

and

Supervision:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/staffing.aspx>

**Evaluation**

This policy will be reviewed as part of the School's three year review cycle or more often if necessary, due to changes in legislation, policy or local circumstances.