

DUTY OF CARE POLICY



Help for non-English speakers

If you need help to understand the information in this policy please contact Sunshine Harvester on 9311 1234 or email: sunshine.harvester.ps@education.vic.gov.au

PURPOSE

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Sunshine Harvester Primary School owe to our students and members of the school community who visit and use the school premises.

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 our school may decide to take in response to a potential risk or hazard, will depend on the circumstances of the risk.

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 or danger that should reasonably have been foreseen. This duty includes the duty to provide an adequate system of supervision.

Principals are responsible for making and administering arrangements for supervision that are necessary according to specific circumstances. Teachers are responsible for conducting assigned supervision duties in such a way that students are, as far as can be reasonably expected, protected from risk / injury.

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 the 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.

The duty may, in some circumstances, extend to outside school hours and outside the school premises. This will depend on whether the relationship between staff and students 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.

Our school has developed policies and procedures to manage common risks in the school environment, including:

- [W Student-wellbeing-engagement-july-2021.docx](#)
- [W Bullying-prevention-policy-july-2021.docx](#)
- [W Child Safety Responding and Reporting Obligations Policy and Procedures - December ...](#)

- [W Camps-and-Excursions-Policy-July-2021 .docx](#)
- [W COVID19SafetyManagementPlan \(002\).docx](#)
- [☰ SunSmart Policy](#)
- [W Inclusion-diversity-policy-july-2021.docx](#)
- [W healthsafetywellbeingpolicy \(1\).docx](#)
- [W Yard-duty-supervision-policy-july-2021.docx](#)
- [W Sunshine Harvester Primary School \(5526\) - 2021 - Emergency Management Plan.docx](#)
- [W Visitors-policy-july-2021.docx](#)
- [W Volunteers-policy-july-2021 .docx](#)
- [W Administration-of-medication-policy-july-2021.docx](#)

Our school acknowledges we are required to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

Staff at our 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.

IMPLEMENTATION

Supervision - Before and After School

Staff supervision for students will be provided before school between 8:45 and 9:00 AM and after school for 15 minutes after the designated dismissal time. Sufficient teachers will be allocated by principals to supervise students during these periods. Should a teacher be called away to other duties alternate supervision arrangements are to be put in place in consultation with a principal. Outside of these times supervision and/or the collection of students is the responsibility of parents/carers.

Supervision - Arrangement for Students Not Collected After School

Parents/carers are informed of student supervision times before and after school hours and reminded that supervision and/or collection of students is the responsibility of parents/carers. If it becomes known that a student who is normally collected from the school remains at the school well beyond the normal time of collection, attempts will be made to contact the parent/carer, or emergency contact person identified in our school records. After reasonable attempts have been made to locate a parent/carer or emergency contact person, students will be placed in the After School Activities program if available, and a fee will be charged.

From 6.00 pm the school will contact Police or Department of Human Services to arrange care and protection for the student.

Supervision - Lunch Time

All students eat in classrooms for the first ten minutes of lunch break. Teachers may wish to use this time to discuss healthy eating habits and manners, to view our PBS videos etc. Students should not be moving about the school whilst finishing their lunch.

Supervision - Classroom

The teachers at Sunshine Harvester have responsibility for the supervision of all students in their care, understanding they share this responsibility with their teaching partners.

This duty cannot be delegated to an external education provider, parent or Pre Service Teacher.

In addition, no student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour.

Supervision - Playground / School Yard

Teachers are responsible for completing yard duty when rostered. Staff must wear their assigned high visibility vest when on yard duty or assisting with supervision during student group movements. Times for duty must be strictly adhered to. Punctuality is essential and legal Duty of Care must be exercised at all times. No child is to be left in the room during any recess unless directly supervised by staff members, such as a teacher and an ES. This also applies to helpers and monitors.

Meetings do not cancel yard duty responsibilities. When absent, the emergency teacher will do yard duty. If absent on an excursion it is the teacher's responsibility to swap duty for that day. Tone and discipline of the school will depend to a large extent on the way teachers approach their duty and the responsibility they show.

Duty rosters are issued at the start of each term. All teachers on duty will:

- wear a high visibility vest and carry small first aid kits
- be familiar with the school rules
- actively patrol school grounds and buildings to ensure appropriate behaviour by all pupils. Active supervision includes engaging in short positive interactions with as many students as possible, scanning your area, walking in your area in a less predictable way, such as a zig zag and avoiding the distraction of mobile devices
- ensure students do not play in restricted areas or leave school grounds without permission of a principal
- keep corridors, doorways and rooms clear of students; check loitering in the vicinity of toilets and the washing/drinking facilities
- take appropriate action when a student has an accident (complete Accident Register if needed)
- undertake simple first aid duties as appropriate
- ensure non-supervised students leave school grounds at 3.30 pm dismissal
- inform a principal of any strangers remaining in the schoolyard
- ensure students do not play near boundary fences at any time.

Supervision - Unauthorised Student Departure from School

When a student departs from the school (following initial attendance) without authorisation, the parent/guardian will be informed immediately. Where there is reasonable concern for the student's safety or the safety of others, immediate contact will also be made with the police and the Department Emergency and Security Management, telephone 9589 6266 (twenty-four-hour service).

Supervision - Wet Day Program

- A principal or yard duty teacher will inform the school of a Wet Day Timetable through the Public Address system
- Students remain indoors; after eating they undertake quiet, constructive activities. There is to be no student movement around the school along with minimal movement in rooms
- Library is closed
- Refer to Yard Duty Roster for classroom supervision by teachers.

Supervision - Evacuation and Counter Disaster Plan

Refer to Evacuation Procedures in the Staff Handbook and the Emergency Management Plan.

The guiding legal principle in all supervision situations is: *a teacher should act in any situation in the same way a reasonable, careful parent would act.*

EVALUATION

The effectiveness of the Supervision Policy will be determined through:

- student accident data
- student behaviour data recorded on Sentral.

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.

External Providers

Staff at our school acknowledge that, as our duty of care is non-delegable, we are also required to take reasonable steps to reduce the risk of reasonably foreseeable harm when external providers have been engaged to plan for or conduct an activity involving our students. Our *Visitors Policy* and *Camps and Excursions Policy* include information on the safety and care of our students when engaged with external providers.

COMMUNICATION

This policy will be communicated to our school community in the following ways:

- Provided to staff at induction and included in staff handbook/manual
- Discussed at staff meetings/briefings as required
- Made available publicly on our school website
- Made available on school google drive for staff access.

FURTHER INFORMATION AND RESOURCES

The Department's Policy and Advisory Library (PAL):

- [Duty of Care](#)

POLICY REVIEW AND APPROVAL

Policy last reviewed	15/07/2024
Approved by	Principal
Next scheduled review date	August 2027