

Duty of Care Policy

(November 2024)



Help for non-English speakers

If you need help to understand the information in this policy please contact Teesdale Primary school.

Purpose

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Teesdale 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.

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

- Yard duty and Supervision
- Bullying Prevention
- Camps and Excursions
- First Aid
- Child Safe Standards
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Child Safety Responding and Reporting Policy and Procedures
- Occupational Health and Safety

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.

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.

RESPONSIBILITIES

Whenever a student–teacher relationship exists, the teacher has a special duty of care, which also aligns with the Teesdale Primary School Child Safety Code of Conduct and Child Safety Policy. 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.” (*Richards v State of Victoria* (1969) VR 136 at p. 141) 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 preventive measures could be taken. School authorities in breach of the duty may be liable for injuries inflicted by one student on another, as well as for injuries sustained by a student.

Schools normally satisfy the duty of care by allocating responsibilities to different staff. It is the responsibility of the principal and staff to carry out allocated supervision and other assigned duties, in such a way that students are, as far as can be reasonably expected, protected from injury. This duty extends to intervention in single-sex areas if need be by a teacher of the other gender. Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements of the duty involve providing adequate supervision in the school or on school activities as well as providing safe and suitable buildings, grounds and equipment. 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.

Whether the duty extends outside of school grounds depends on all the circumstances of each individual case, and the school’s knowledge of any dangers, including extra-curricular events, camps and excursions. A teacher’s duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring outside the school where a student is acting on a teacher’s instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have ‘assumed’ the teacher-student relationship.

The following instructions and notices apply to all staff at Teesdale Primary School.

Classroom Supervision

- 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 students in the care of external education providers for example incursions (At law, the Duty of care cannot be delegated)
- In an emergency situation use the phone for the Principal or contact the 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 leadership.

Movement of Children

- Care needs to be taken in allowing students to leave the room to work in other areas of the school.
- While older students are often free to move around the buildings and work independently in break out spaces and designated study areas they must be under (indirect) adult supervision at all times. Staff are responsible for their students at all times.
- Use of students as monitors outside the room during class time must only occur with the approval of the Principal
- Discretion is to be used when allowing students to visit the toilet during class time.

Yard supervision

- Yard supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising pupils, the teacher's duty of care is one of positive action.
- Be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- Be aware that yard duty supervision within the school requires the teacher to fully comply with DET guidelines and brings with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and duty of care responsibilities. Teachers are also expected to follow school policy whilst on yard duty.
- Teachers and Education Support Staff 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 Principal.
- Be alert and vigilant -intervene immediately if potentially dangerous behaviour is observed in the yard - implement the school's behaviour standards and logical consequences for breaches of safety rules.
- You should always be on the move and highly visible.
- It is important that Teesdale Primary School clearly informs parents when playground supervision will be provided and that no formal supervision of the playground occurs outside those hours.

Excursions, Incursions and Camps

- Be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- Be aware that an incursion with an external provider does not absolve supervision duties of the teacher or Education Support Staff member, including first aid duties. A teacher must be present at all times and remain the person designated with duty of care responsibilities.
- Be aware that camps and excursions outside the school require the teacher to fully comply with DET 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.
- Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to DET guidelines.
- Be aware that 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 staff member will remain at 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 DET guidelines when organising an excursion, incursion or camp. All procedural steps contained in the Camp, Excursions and Incursions Policy and Procedure outlines must also be followed.

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
- Included as annual reference in school newsletter
- Made available in hard copy from school administration upon request

Further Information and Resources

- the Department's Policy and Advisory Library (PAL): [Duty of Care](#)
- the Department's Policy and Advisory Library (PAL): [Structured Workplace Learning](#)
- Teesdale Primary School's Commitment to Child Safety
- [Child Safety Code of Conduct](#)
- [Child Safety Policy](#)
- [Volunteers Policy](#)
- [Child Safety and Responding and Reporting Obligations Policy and Procedures](#)
- [Camps and Excursions Policy](#)

Policy Review and Approval

Policy last reviewed	November 2024
Approved by	Principal
Next scheduled review date	November 2027