

POLICY: DUTY OF CARE POLICY and PROCEDURES



WHEELERS HILL
Secondary College

All government school staff will be made aware of their legal responsibilities. As part of the government school principal contract, government school principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students. 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.” (*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.

Wheeler's Hill Secondary College recognises that, 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.

Wheeler's Hill Secondary College believes that we will satisfy this duty of care through awareness and the allocation of responsibilities to a range of staff.

Wheeler's Hill Secondary College 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:

- We will provide adequate supervision in the school or on school activities as well as providing safe and suitable buildings, grounds and equipment.
- 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 pupil relationship.
- A teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. Teacher or principal must 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.
- The teacher’s duty of care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student
- Teachers must
 - arrive on time to class and not leave a class early
 - arrive on time to scheduled timetabled yard duty responsibilities
 - act appropriately to protect a student who claims to be bullied
 - report the matter appropriately if believing that a child is being abused
 - be on time to supervise the line-up of students after the bell has sounded
 - not leave students unattended in the classroom
 - not ignore dangerous play
 - provide adequate supervision on a school excursion
- Staff members are cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Advice is to be limited to areas within a teacher’s own professional competence and given in situations arising from a role (such as careers teacher, year level coordinator or subject teacher) specified for them by the principal.
- Teachers must ensure that the advice they give is correct and, where appropriate, in line with the most recent available statements from institutions or employers.

- Teacher's duty applies irrespective whether the risk occurs in or outside the school environment.
- Staff are responsible for their students at all times.

The following instructions and notices apply to all staff.

Classroom Supervision

- Staff must not leave the classroom unattended at any time during a lesson.
- Students are not to be left 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 Assistant Principal or contact the teacher in the next room. (if appropriate – send another student for assistance)
- Students placed outside of a class as consequence for misbehaviour must always be in sight of the supervising teacher.
- Withdrawal is to be conducted by sending a to the appropriate Sub-School Office student to a Sub-School Office or to the Assistant Principal or Principal. This should be accompanied by documentation and appropriate follow up.

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 or the Resource Centre during class time.

Yard supervision

- Yard supervision is an essential element in teachers' duty of care. Teacher's duty of care is one of positive action.
- Be aware that students 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.
- 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 Daily Organiser, or 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 always be on the move and highly visible.

Excursions, Incursions and Camps

- Be aware that students 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, 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.
- Arrangements will be made for students not attending to continue a 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 School camping, excursions and incursions Policy and Procedure outlines must also be followed.

Endorsed by Education Committee:

May 2015

Ratified by College Council:

May 2015

This policy will be reviewed as part of a 3 year cycle of review.

Next review date: 2018