

SUPERVISION AND DUTY OF CARE POLICY

PURPOSE

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

Richmond West will:

- ensure that Richmond West Primary School staff have an adequate awareness and understanding of their duty of care obligations and responsibilities to provide adequate supervision to students.
- ensure that Richmond West Primary School staff conduct themselves at all times consistently with these legal obligations and responsibilities.

SCOPE

This policy applies to all school activities, including camps and excursions. It is applicable to all students and staff.

Staff at Richmond West primary 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.

DEFINITIONS

“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.

POLICY IMPLEMENTATION

At Richmond West Primary School:

1. The Principal and staff 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 duty to provide an adequate system of supervision.
2. 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 reasonable steps are will 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

SUPERVISION AND DUTY OF CARE POLICY

- The burden of taking precautions to avoid the risk of harm
- The social utility of the activity that creates the risk of harm
- 3. The duty may, in some circumstances, extend *outside school hours* and *outside the school premises*. This will depend 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.
- 4. The duty is *non-delegable*, meaning that it cannot be assigned to another party.
- 5. Adequate security of students, and tracking of visitors into the school, are requirements of the school's duty of care.
- 6. On-site security requires not only protection from known hazards, but also protection from those that could arise (that is, those the teacher should reasonably have foreseen) and against which preventive measures could be taken.

Before School & After School

- Students must be supervised for a minimum of 10 minutes before and after school. This supervision may include some or all of the following:
 - Monitoring of entry or exit points and/or designated pick up and drop off areas
 - Supervision of the arrival and departure of school contract buses
 - Yard supervision
 - Classroom supervision.
- Students and parents are accountable for very early arrival and very late departures from the school grounds
- At Richmond West Primary School, supervision at the beginning of the school day will commence at 8.45am. This supervision will include supervision of students arriving at school and while playing in the school grounds prior to the commencement of the school day at 9.00am.
- Supervision at the end of the school day will be provided from 3.30pm until 3.45pm. This supervision will include monitoring the safe departure of students from the school by car, bike, walking or contract bus.
- 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, and
 - request that the parent, guardian or carer make alternate arrangements.
- If a parent, guardian or carer (or other authorised person) has failed to collect, the student after school, the next steps may include some or all of the following:
 - Attempting to contact the parents, guardians or carers
 - Attempting to contact the emergency contacts
 - Placing the student in the out of school hours care program (if appropriate)

SUPERVISION AND DUTY OF CARE POLICY

- Contacting the Victoria Police and/or the Department of Human Services (Child Protection) to arrange for the supervision, care and protection of the student.

Classroom

- The classroom teacher has ultimate responsibility for the supervision of all students in their care.
- This duty cannot be delegated to external education providers, parents or trainee teachers.
- In addition, no student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal from the classroom is only to occur in accordance with the school's Student Discipline and Wellbeing Policy.
- If a teacher needs to leave the classroom unattended at any time during a lesson, he or she should contact administration staff to request assistance. The teacher should then wait until alternate supervision is being provided prior to leaving the classroom.

Recess and lunch times

- 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.
- At Richmond West Primary School, the Assistant Principal or their delegate is responsible for preparing and communicating the yard duty roster generally on a term by term basis. At Richmond West Primary School, the designated yard duty areas are sectioned into two areas – East and West
- Teachers who are rostered for duty are responsible for remaining in the designated area until the end of the break period, or until replaced by a relieving teacher, whichever is applicable. During yard duty, supervising teachers should be guided by the following:
 - If the designated area is large in size, teachers are expected to methodically move around the area rather than remain static in the one position. This increases the ability to appropriately monitor student activity.
 - Be alert and vigilant.
 - Intervene if potentially dangerous behaviour is observed in the yard.
 - Enforce behaviour standards and implement logical consequences for breaches of safety rules.
 - Ensure that students who require first aid assistance receive it as soon as practicable.
- If the supervising teacher is unable to conduct yard duty at the designated time, he or she should contact the Assistant Principal to ensure that alternative arrangements are made.
- If the supervising teacher needs to leave yard duty during the allocated time, he or she should contact the Assistant Principal, but should not leave the designated area until the relieving teacher has arrived in the designated area.

SUPERVISION AND DUTY OF CARE POLICY

- If a relieving teacher does not arrive for yard duty, the teacher currently on duty should send a message to the office, but not leave the designated area until a relieving teacher has arrived in the designated area.

Late arrival or early departure

- 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 (eg 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. In relation to early departure from school, the procedure will also include:
 - o Students will be only permitted to leave the school premises under the supervision of a parent, or another person authorised by parents to collect the student.
- The exiting of students during the school day requires an official 'sign out' in order to track those who are on and off the premises for emergency and security purposes.
- If the person collecting the student is unknown to school staff, school staff will request photo identification to verify the person's identity.
- When a student departs from the school (following initial attendance) without authorisation, the student's parent/guardian will be informed immediately.

At Richmond West Primary School, the procedure is as follows:

- Parent or another person authorised by the parent/carer signs out the student(s) at the general office by completing a yellow "Early Release from School" form.
- Office staff record the early departure and reason for early departure on the Sentral Reporting System.
- Parent/Carer or person authorised to pick student(s) up from school early, take the yellow "Early Release from School" form to the classroom and hand the form to the teacher.
- Student(s) leave the school with their parent/carer or the authorised person.

Visitors (including Casual Relief Staff, Tradespersons and Classroom/Grounds Parent Helpers)

The Principal will ensure that there is a procedure to monitor all visitors in the school. As a minimum this procedure must require all visitors arriving and departing the school premises during school hours to use the VPass ipad System to record their name, the date and time, and the purpose of the visit.

At Richmond West Primary School, the procedure is as follows:

- Office Staff hand each visitor a badge which has a number on the back of the badge.
- The Visitors use this badge and number to sign in by recording their name, badge number, the date and time and the purpose of their visit on the VPass ipad system situated in the office foyer.
- Visitors are required to wear the badge during the period they are at the school.

SUPERVISION AND DUTY OF CARE POLICY

- Visitors are also required to sign out on the system prior to leaving the school and hand their badge back to office staff.

Use of information and communication technologies

- Teachers and other staff of Richmond West Primary School also have a responsibility to reasonably supervise the use of information and communication technologies, and the use of online learning environments at school.
- In doing so, teachers and other staff should be guided by the following:
 - o Relevant Departmental policies (eg. Student Engagement Guidance, Bully Stoppers, Acceptable Use Policy)
 - o Relevant Richmond West Primary School policies (eg. Internet Use and school and personal devices).

It is important to note that:

- It is not reasonable or practicable for a teacher or the 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 an online incident that impacts on students at the school as soon as they have knowledge of its occurrence.

At Richmond West Primary School, the procedure is as follows:

1. Concern raised
2. Concern investigated
3. Site blocked, if practicable
4. Investigation of effect on students or community
5. Natural consequences
6. Management of future risk.

Incursions

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

Excursions and camps

- The Principal must ensure that students participating in excursions and camps are appropriately supervised.

SUPERVISION AND DUTY OF CARE POLICY

- Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors.
- The Schools Policy and Advisory Guide provide 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:
 - o The experience, qualifications and skills of staff
 - o The age, maturity, physical characteristics and gender of the students
 - o The size of the group
 - o The nature and location of the excursion / camp
 - o The activities to be undertaken.

Excursions and camps must:

- be under the direct control of a teacher 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.
- Any person who supervises students on an excursion or camp must have a Working with Children check.
- Prior to the commencement of the excursion or camp, the Principal must ensure that the specific roles and responsibilities of each supervisor are clarified and understood by all supervisors and students.
- The supervision of students on a camp or excursion will include the following:
 - o Retaining copies of all confidential medical forms and permissions slips for each student who is participating in the excursion or camp.
 - o Regularly marking off the attendance of students – this may include at the beginning of the excursion, on the transport, and at each location and activity.
 - o Ensuring that the venue, transport and activities conducted adhere to DET guidelines.
 - o Monitoring student behaviour, enforcing behaviour standards, and implementing logical consequences for a failure to comply with the behaviour and safety standards
 - o Ensure that students who require first aid assistance receive it as soon as practicable
 - o Ensure that risk management plans and emergency management plans are implemented as necessary.

Roles and Responsibilities

The Principal will:

- Regularly communicate the duty of care and supervision obligations and responsibilities to all staff.
- Regularly communicate the supervision arrangements to parents.

SUPERVISION AND DUTY OF CARE POLICY

- Determine the level of student supervision to be provided to students in all of the circumstances.
- Allocate specific responsibilities to staff members to provide the supervision that is required.
- Communicate the specific supervision responsibilities allocated to staff members.
- Regularly review the level of student supervision provided to students and make adjustments as and when deemed appropriate.
- Regularly 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.

Teachers and other staff will:

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

Parents, guardians and carers will:

- Make appropriate arrangements for the transport, care and supervise 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.

Parents, guardians and carers are encouraged to:

- Drop off/pick up their children before and after the school bell at the start and end of days.
- Complete the drop off up until bell time at 9.00am and then exit the school yard by 9:10am.
- Enter the school grounds after 3:10pm in preparation for picking up their child.
- Report to the office if entering (or staying in) the school grounds after 9:10am and before 3:10pm in order to sign in as a Visitor's using V-Pass and collect a Visitor's Tag.
- Congregate in the agreed physical space provided by the school after signing in if wanting to continue chatting socially beyond 9:10am and before 3:10pm.
- Congregate in the outside Junior Quadrangle near the Junior Playground after 9:00am and before 9:10am and between 3:10pm and 3:35pm (i.e. after morning drop-off and before afternoon pick-up).
- Refrain from being within sight of students in classrooms immediately after drop-off and immediately before pick-up as this may cause distraction from their learning.
- Refrain from talking to staff during class times, which run from 9.00am to 3:25pm, unless an official appointment has been made via prior communication with that staff member.
- If collecting their child during class times, all parents are required to approach the Administration Office to request and sign their child out and not go directly to their child's class in order to collect them.
- No parents/carers are permitted to take students directly from the classroom.

SUPERVISION AND DUTY OF CARE POLICY

- Students can only be collected by a responsible person 16 years and over.
- No students will be sent home on their own outside of normal dismissal time.
- The school must receive written permission from a parent/carer before the school will authorise a student to be dismissed to:
 - o go home for lunch
 - o attend an appointment during school hours.

Parental responsibility:

Parental responsibility is defined as “all the duties, powers, responsibilities and authority which, by law, parents have in relation to children”. In the absence of any court orders to the contrary, it is presumed that both parents have parental responsibility and are therefore entitled to spend time with their children, collect their children from school, and make other decisions in relation to their children.

Further information about parental responsibility can be found in the Department’s School Policy and Advisory Guide (SPAG) at the following

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

In this case, court orders dated 22 April 2009 specifically state at paragraph 1 that the parents gave joint parental responsibility for the children and that the children live with the Mother.

Parent disputes:

School Policy & Advisory Guide states that whenever school staff are faced with parent disputes, principals and staff should:

- Avoid becoming involved
- Avoid favouring one parent
- Act at all times in the best interests of the student and the school community
- Act sensitively and realise that a resolution that is satisfactory to both parents will likely not be possible.
- It is not the role of the school to determine parenting disputes. It should be emphasised to parents that it is up to them to resolve the matter away from the school through:
 - Discussion and agreement between themselves
 - Family Dispute Resolution at a Family Relationship Centre
 - Advice from a legal practitioner, or
 - Seeking a court order.

Student Collection:

In the event that a parent with parental responsibility were to attend at school and insist on collecting their child, the school could not refuse to allow the student and parent to leave *unless* there were concerns for the wellbeing and/or safety of the student.

SUPERVISION AND DUTY OF CARE POLICY

A suggested course of action in this scenario includes:

- Reason with the parent and ask that they reconsider their position and allow the child to remain in school until the conclusion of the school day.
- Encourage the parent to determine family law disputes away from the school.
- Explain to the parent that it appears that it is not his or her stipulated time with the child pursuant to the Family Law Act orders (if applicable).
- If the parent appears to be in an altered state, if the student appeared extremely distressed or if you form the view that the parent may pose a risk to the student, you should immediately call the police and the Department of Human Services and not allow the student to leave with the parent.
- If both parents are at the school and an argument or incident ensues, you should contact police who will determine the immediate next steps.

Procedures for Implementation

- 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 first staff meeting at the commencement of the school year, possibly by electronic means.
- 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.

Arrangements for students arriving early or not collected after school:

- Parents/guardians will be informed when supervision of students is available before and after school hours and that supervision outside of these times and/or the collection of students is the responsibility of parents/guardians.
- Students remaining in the school yard awaiting collection after 3.45pm will be directed to the office waiting area.
- 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 parents/guardians, or the emergency contact person identified by the parent/guardian in the school records.
- Placing the student in the out of school hours care program (if appropriate).
- Where all reasonable attempts have been made to locate the parents/guardian and the emergency contact persons, and the time is well beyond a reasonable time for collection, consideration will be given to contacting the police or the Department of Human Services and for them to arrange for the care and protection of the student.
- Information about the whereabouts of the student will be left with appropriate friends of the student, or next-door neighbours, if known, and at the school.
- Parents will be informed via the school's newsletter the times when staff members will be rostered to undertake yard supervision before and after school each day.

SUPERVISION AND DUTY OF CARE POLICY

- Parents/carers are discouraged from sending their children to school before the designated supervision time in the morning which normally begins at 8:45am.
- Parents/carers are encouraged to pick up their child by the end of the designated end of day supervision period which ends at 3:40pm. Students are expected to exit the school grounds after this time, unless their usual pick up has been delayed; after which time the student should report to the administration office.
- If a child arrives at a time considered unreasonably early or late (i.e. well before the morning supervision or well after the afternoon supervision), then the name of that child will be recorded at the administration office so that a telephone call can be made advising the parent of this policy. A record of the conversation recorded in an official book of that child's name, the telephone call, the date, names and details. A subsequent change in behaviour is then expected.
- If that child's name recurs in the official booklet, then the principal will issue an official warning letter to the parent outlining the concerns and the directive of the change in behaviour required by the student/parent.

FURTHER INFORMATION AND RESOURCES

Related Policies:

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

- Camps and Excursions Policy
- Student Behaviour & Wellbeing policy
- Child Safety Responding and Reporting policy
- Digital Technologies' (ICT Acceptable Use) policy
- Student Engagement & Wellbeing policy
- Parental Responsibilities Policy
- Photographing and Filming of Students Policy

Further information about parental responsibility can be found in the Department's School Policy and Advisory Guide (SPAG) at the following

- link: <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/parentalresponsibility.aspx>
- The [PROTECT](#) Portal - provides further information on how schools can meet their obligations under the Child Safe Standards
- [ISP Quality Standards and School Resources](#) - see: International Student Program Quality Standards for Schools, Quality Standard 5 - Younger Students

EVALUATION

This policy will be reviewed as part of the school's review cycle, or if DET guidelines change.