



Warracknabeal Secondary College

Duty of Care and Staff Yard Duty

Child Safety statement: Warracknabeal Secondary College is committed to child safety (Ministerial Order No. 870) and takes all reasonable steps to ensure that the safety of our students is paramount.

Duty of care extends to protecting all children from child abuse. (Ministerial Order 870 – effective August 1, 2016)

Rationale:

In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their care from risks of injury or harm that are reasonably foreseeable. 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.

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:

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.

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, providing safe and suitable buildings, grounds and equipment, providing effective anti-bully strategies, and ensuring appropriate and timely medical assistance is provided to injured or sick students.

The Principal must take reasonable care to ensure that any student (or other person) on the school premises will not be injured or damaged by reason of the state of the premises or of things done or should have been done to the premises.

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.

The teacher's duty of care extends to minimising the potential for harm for the students in their care and ensuring that appropriate risk management procedures have been assessed for class activities, camps and excursions. School Council maintains ultimate responsibility for the management of risk to students on camps and excursions and requires appropriate detailed information to be submitted for approval to school council prior to these activities taking place.

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, while the ordinary citizen does not have a legal obligation to respond.

A teacher's duty of care at Warracknabeal Secondary College extends to developing a clear understanding of the Child Safe standards and expectations as outlined in the all relevant policies.

Whilst each case regarding a teacher's legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:-

- arriving late to scheduled timetabled yard duty, assembly or classroom responsibilities
- failing to act appropriately to protect a student who claims to be bullied
- believing that a child is being abused but failing to report the matter appropriately
- leaving students unattended in the classroom or ignoring dangerous play
- failing to instruct a student who is not wearing a hat to play in the shade
- leaving the school during 'non-face to face teaching time' without notification or permission
- inadequate supervision on a school excursion

- inappropriate or dangerous activities allowed to occur or continue

Staff members are also 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 well documented and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas where they may lack expertise.

Classroom Supervision

In line with the DET policy:

- Teachers must not leave the classroom unattended at any time during a lesson.
- It is not appropriate to leave students in the care of ancillary staff, voluntary 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 (if available) for the Principal or Team leader or contact the teacher in the next room. (if appropriate – send another student for assistance)
- Greater measures may need to be taken to ensure the school's obligations for Duty of Care are met for younger students and students with a disability.

Movement of Students

- Care needs to be taken in allowing students to leave the room to work in other areas of the school.
- 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 students, teacher's duty of care is one of positive action. 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 College policy whilst on yard duty.
- The Yard duty roster outlines the recess, lunch and after school supervision duties and times. The Early morning yard duty roster outlines the days each staff member is on Early morning duty for the term.
- A copy of the roster is kept on the main staff room notice board and by the Daily organiser.
- Teachers rostered for duty are to be on duty at the time indicated on the roster.
- Teachers on yard duty are to remain on duty until replaced by the relieving teacher.
- The handing over of duty from one teacher to another must be quite definite. 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.
- The teacher on yard duty should not leave the grounds at anytime. The teacher on yard duty should have their mobile with them and call the office, If assistance is required, the teacher can also send a student to the office to ask for assistance. All students will be informed each term during a Monday assembly of the processes to follow when in need of assistance.
- During hand over information regarding any issues or potential problems needs to be communicated to the relieving teacher
- Bus duty teachers are required to remain on duty until the final bus has departed. Staff members must remain on after school duty until all students have left the school grounds (with the exception of other organised and supervised activities).
- No changes to the yard duty roster are to be made without informing the Timetabler and Daily Organiser. The Daily Organiser is responsible for ensuring that all yard duty is covered for each day.
- All staff on yard duty need to 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. Staff should also complete any necessary paperwork and follow up regarding any matters dealt with while on duty. This information should be recorded in the WSC Database as a 'pink slip'.

- Staff on yard duty should have a clear understanding of designated areas including: Undercover areas (Quadrangle area) for students without sunhats for term 1 (up to the end of April) and from the middle of August (date determined annually) and Out of bounds areas. These are recorded on the school maps located on the staffroom board and throughout the school.
- Staff on yard duty should always be on the move and highly visible, including the wearing of hi-visibility vests located in the Staffroom.
- During term 1 (up to the end of April) and from the mid-August staff should demonstrate 'Sunsmart' behaviours and wear wide brimmed or bucket hats while on duty.
- At the commencement of each term parents will be notified through the newsletter that there is no staff member scheduled for yard duty supervision until 8.30am each morning. Any children arriving before this time should proceed to the front office and remain there until 8.30am.
- Visitors to the school are expected to sign in at the front office and wear a Visitors badge in a visible location. It is the responsibility of the teacher on yard duty to approach any adult that is on the school grounds and direct them to the office if they haven't followed the expected sign in procedures.

Excursions, Incursions and Camp

In the organisation and supervision of students participating in excursions, incursions and camp experiences all staff must be aware of and/or hold the following responsibilities where relevant to their position and role:

- students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- 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. The provider of the incursion must have a current Working with Children's check and demonstrate compliance with the Child Safety standards. It is the organising teacher's responsibility to ensure the external provider is compliant prior to the commencement of the incursion.
- camps and excursions outside the school require the teacher to fully comply with DET guidelines and Child Safe expectations, and this brings with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and expectations, and remain the person designated with duty of care.
- excursion and camp activities require the teacher to ensure that the venue, transport and **all** external providers adhere to DET and Child safe guidelines and expectations.
- students should 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. It is also acceptable that the teacher in charge directly contacts parents via the school mobile phone to inform them of any changes to the return time.
- 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 and the expectations outlined in the Child Safe standards 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.

Informing Staff of the legislative liability of Duty of Care

All staff will be informed of their legal requirement via:-

- A copy of this document will be provided to each member of staff at the first staff meeting at the commencement of the school year, and will be placed in the policy section of the school's web page and within the staff handbook.
- New staff will be informed of their Duty of Care as part of the school's Induction Program
- Duty of Care/Child Safe will be an agenda item at relevant staff meetings and staff will be directed to familiarise themselves with the Student Safety section of the Victorian Government Schools Policy Advisory Guide and the Child Safe standards.
- Staff will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions.
- Staff will be directed to the student wellbeing policy annually.

Evaluation: This policy will be reviewed as part of the school's three-year review cycle.

Definition:


Child abuse includes—

- any act committed against a child involving—
 - a sexual offence or an offence under section 49B(2) of the *Crimes Act 1958* (grooming).
- the infliction, on a child, of—
 - physical violence or
 - serious emotional or psychological harm
- serious neglect of a child.

Ratified by School Council

Date: June 17th 2019

Signed:

Principal: 

School Council President: 

Tregear Street, Warracknabeal. VIC

POWER

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#2

out of bounds

