

DUTY OF CARE, YARD DUTY AND SUPERVISION POLICY



Help for non-English speakers

If you need help to understand the information in this policy, please contact the school office.

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PURPOSE

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Carranballac P-9 College owe to our students and members of the school community who visit and use the school premises.

SCOPE

This policy applies to all school staff, visitors and external providers. It also applies to school council members where indicated. This policy applies in all physical and online school environments used by students during or outside of school hours, including other locations provided by for a student's use ie school bus, school camps and excursions, and those provided through third-party providers.

The policy should be read together with our other child safety and wellbeing policies, procedures, and codes of conduct. (Refer to the related school policies section at the end of this policy)

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

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

- Bullying Prevention
- Camps and Excursions
- Child Safe Standards
- First Aid
- Emergency Management
- Mandatory Reporting
- Occupational Health and Safety
- Volunteers
- Visitors
- Working with Children and Suitability Checks

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.

Date of Preparation/Update/Principal Approval: July 2022

Date Approved by School Council: Not required

Date of Next Review: July 2026

DUTY OF CARE, YARD DUTY AND SUPERVISION POLICY

Staff at Carranballac P-9 College 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. Particular attention is given to the *duty of care* of Aboriginal students, those from culturally and linguistically diverse backgrounds, students with disabilities, those unable to live at home, children and young people who identify as lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+) and other students experiencing risk or vulnerability.

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.

Guiding principles

Principals and teachers are held to a high standard of care in relation to children. The duty of care requires Principals and teachers to take all reasonable steps to reduce risk, including:

- ensuring the school complies with the Child Safe Standards
- provision of suitable and safe premises
- provision of an adequate system of supervision
- implementation of strategies to prevent bullying and harassment
- ensuring that medical assistance is provided to a sick or injured student
- managing employee recruitment, conduct and performance

Whenever a teacher-student relationship exists, teachers have a special duty of care. This has been expressed 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*).

Schools normally satisfy the duty of care by allocating responsibilities to different staff. The principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in the school; teachers are responsible for carrying out their assigned supervisory 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 needed by a teacher of the other gender.

The nature and extent of the duty will vary according to the circumstances. For example, the standard of care required will be higher when taking a group of preps for swimming lessons than when teaching a group of Year 12 students in the classroom.

The important issue in all cases will be what precautions the school could reasonably be expected to have taken to prevent the injury from occurring. This will involve consideration of the following factors:

- the probability that the harm would occur if care were not taken

DUTY OF CARE, YARD DUTY AND SUPERVISION POLICY

- 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 law has established that, in some circumstances, a school's duty (and therefore the Department's duty) will extend beyond school hours and outside of school grounds. 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.

For example: A school may be found liable for injury to a primary student occurring close to an unsupervised bus stop located outside a secondary school. If the school is aware that a large group of students regularly catch the bus from the neighbouring secondary school, and that there is a known risk of harm, the school authority still has a duty of care.

It is important that schools clearly inform parents/carers when playground supervision will be provided, and that no formal supervision of the playground occurs outside those hours.

There will be other situations in which schools will be under a duty to take reasonable steps.

For example: a known bully on a school bus may require the school to suspend or refuse to transport the student. If the danger to children is beyond the control of the school, reasonable steps may involve contacting police or issuing warnings to parents/carers.

Staff at Carranballac P-9 College 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.

The principal will ensure that staff members have an understanding of their duty of care to children as it applies to classroom supervision, movement of children, yard supervision, camps and excursions, first aid and health care needs and medication.

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 children:

- arriving late to class or leaving a class early
- arriving late to scheduled timetabled yard duty responsibilities
- failing to act appropriately to protect a child who claims to be bullied
- believing that a child is being abused but failing to report the matter appropriately
- being late to supervise the line-up of children after the bell has sounded
- leaving children unattended in the classroom
- failing to instruct a child who is not wearing a hat to play in the shade

DUTY OF CARE, YARD DUTY AND SUPERVISION POLICY

- ignoring dangerous play
- leaving the school during time release without signing out at the office
- inadequate supervision on a school excursion

Given that the duty of care may extend beyond school hours, the school will be alert to situations in which immediate and positive steps may be required. If for example, a live power line came down outside the school, no emergency workers had arrived, and children were about to be dismissed to walk home, the school would not allow them to walk out to that danger unsupervised.

In providing advice to children, teachers should limit their advice to areas within their professional knowledge, given in situations arising from a role specified by the principal and ensure such advice is correct and in line with the most recent available statements.

Teachers must avoid giving advice in areas unrelated to their role or where they may lack expertise.

Staff will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions.

The school will regularly inform parents/carers when playground supervision will be provided, and that no supervision of the playground occurs outside these hours.

External Providers

Staff at Carranballac P-9 College 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.

Staff at Carranballac P-9 College also takes steps to ensure student safety when they are engaging in off-site workplace learning programs with external providers, such as when students are participating in work experience, school-based apprenticeships and traineeships, structured workplace learning and any other workplace learning program involving external providers. Our School will follow all applicable Department of Education and Training policy and guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount. See the Department's guidelines in relation to [Workplace Learning](#)

Onsite Supervision

Before School and 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
- Yard supervision
- Classroom supervision

DUTY OF CARE, YARD DUTY AND SUPERVISION POLICY

At Carranballac P-9 College supervision at the beginning of the school day will commence at 8:45am. This supervision will include yard duty teachers located at various points within the school grounds. Supervision at the end of the school day will be provided until 3:45pm. This supervision will include yard duty teachers located at various points within the school grounds.

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).
- 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 Engagement and Wellbeing Policy*.

If a teacher needs to leave the classroom unattended at any time during a lesson, he or she should contact the relevant staff person for 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 Carranballac P-9 College, the principal (or nominated replacement), is responsible for preparing and communicating the yard duty roster on a termly basis.

Teachers who are rostered for duty are responsible for remaining in the designated area until the end of the break period, or until replaced a relieving teacher, whichever is applicable. During yard duty, supervising teachers should be guided by the following:

DUTY OF CARE, YARD DUTY AND SUPERVISION POLICY

- 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 swap with another staff member and notify the office of this change, to ensure that alternative arrangements are made. In the event that a swap is unavailable, please notify the Daily Organiser.

If the supervising teacher needs to leave yard duty during the allocated time, he or she should send a message to the office but should not leave the designated area until the relieving teacher has arrived in the designated area.

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:

- 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
- If the person collecting the student is unknown to school staff, school staff will request photo identification to verify the person's identity

Digital devices and virtual classroom

Carranballac P-9 College follows the Department's [Cybersafety and Responsible Use of Technologies Policy](#) with respect to supervision of students using digital devices.

Carranballac P-9 College will also ensure appropriate supervision of students participating in remote and flexible learning environments while on school site. In these cases, students will be supervised while at school in a common area].

While parents are responsible for the appropriate supervision of students accessing virtual classrooms from home:

- student attendance will be monitored twice daily

DUTY OF CARE, YARD DUTY AND SUPERVISION POLICY

- any wellbeing or safety concerns for the student will be managed in accordance with our usual processes – refer to our *Student Wellbeing and Engagement Policy* and our *Child Safety Responding and Reporting Policy and Procedures* for further information.

Students requiring additional supervision support

Sometimes students will require additional supervision, such as students with disability or other additional needs. In these cases, the principal or delegate will ensure arrangements are made to roster additional staff as required. This may include on yard duty, in the classroom or during school activities.

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.

Custody Arrangements

Schools are often confronted with issues relating to custody of students. While such issues are often emotionally charged, Carranballac P-9 College will manage custody related issues in accordance with the law. The school has clear and responsible processes for managing custody related issues at a school level, and clearly articulates processes relating to the management of custody issues to parents. These include:

- Parents or guardians are required to complete and sign accurate enrolment forms for children for whom they have custody.
- Enrolments must be accompanied by Birth Certificates or similar that proves a student's name and birth date.
- The school will only enrol a child under the name provided on a Birth Certificate or more recent legally recognised document that details a name change, or by written consent of both parents/guardians.
- Any custody issues are to be declared and supported by legal documentation – which will be photocopied and retained on the student's individual file.
- The principal will be responsible for ensuring that the school complies with all Family Court Orders or similar legal documents relating to custody.
- The principal or nominee may consult with DET's legal advice team in regard to Family Court orders.
- The school will assume a default position that both parents have equal access to enrolled students unless current court orders or legal documents dictate otherwise.
- Both parents will have access to school reports, newsletters, parent interviews, and their children at school unless court orders or similar legal documents dictate otherwise.
- Parents or guardians who claim custody restrictions but fail to provide documentation will not have their requests met until such time as supporting documentation is provided.
- People who have restricted access to students, and whose presence at school or requests for information etc are in breach of court orders or similar legal documents will be directed immediately to the principal.

DUTY OF CARE, YARD DUTY AND SUPERVISION POLICY

- The police will be contacted immediately if any person refuses to comply with the principal's lawful instructions, or to obey court orders or similar.

Inclement Weather

As part of the usual yard duty timetable process, an inclement weather timetable will be activated by the Principal/Assistant Principals when conditions outside are considered to be unsuitable for students and staff. Inclement weather is generally defined as extreme heat, rain, lightning, dust, wind, cold or any other condition that is considered by the Principal/Assistant Principals to be unsuitable.

In the event of inclement weather, the school will implement the following:

- Where inclement weather is obvious prior to children being dismissed for a recess or lunch break, an announcement will be made by the Principal/Assistant Principals advising class teachers to follow the inclement weather time-table until further notice
- Designate teachers who will supervise a number of grades (as previously agreed to by the teachers concerned), for an agreed time during the recess or lunch break.
- Teachers, other than classroom teachers, will similarly share supervision of the classes and other areas (as determined)
- All children will be confined to classrooms unless permission has been granted by a teacher to leave temporarily, e.g. toilet break
- Children will be expected to walk indoors/under cover at all times and undertake appropriate indoor games and activities
- In the case of unpredicted inclement weather occurring during a recess break, a yard duty teacher will activate the inclement weather timetable
- In the event of children being required to come inside the school buildings, yard duty teachers will supervise the return to classes briefly while designated teachers make their way to the classrooms, or other areas, that they are required to supervise
- All staff and students are required to wear broad-brimmed hats from mid August through to the end of April consistent with the school's Sunsmart policy
- Excursions, camps, scheduled sport, physical education or other outside activities may need to be reorganised or rescheduled should inclement weather occur or be predicted.

Offsite Supervision

Excursions and Camps

The principal must ensure that students participating in excursions and camps are appropriately supervised. Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors.

Note: Further information can be found in the *Camps and Excursions Policy*

Supervision of student in emergency operating environments

In emergency circumstances our school will follow our Emergency Management Plan, including with respect to supervision.

DUTY OF CARE, YARD DUTY AND SUPERVISION POLICY

In the event of any mandatory period of remote or flexible learning our School will follow the operations guidance issued by the Department.

COMMUNICATION

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

- Available publicly on our school’s website and through the COMPASS communication portal
- Included in staff induction processes
- Discussed at staff briefings/meetings as required
- Discussed at parent information nights/sessions
- Included in transition and enrolment packs
- Referenced in the school newsletter
- Made available in hard copy from school administration upon request

FURTHER INFORMATION AND RESOURCES

Related School Policies/Documents:

This policy should be read in conjunction with the following school policies:

- Camps and Excursions Policy
- Child Safe Code of Conduct
- Child Safe Policy
- Child Safety Responding and Reporting Obligations Policy
- CSS Risk assessment register
- Digital Learning Policy
- Inclusion and Diversity Policy
- Statement of Values and School Philosophy
- Student Engagement and Wellbeing Policy

Related Department of Education and Training policies

The Department’s Policy and Advisory Library (PAL): [Duty of Care](#)

POLICY REVIEW AND APPROVAL

This policy will be reviewed every 4 years or if DET regulations change.

Policy last reviewed	July 2022
Approved by	Principal
Consultation (Not required)	Noted at School Council July 2022
Next scheduled review date	July 2026