Rationale:
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 all students.

Child Safe Standard:
Victorian Government Schools are child safe environments. Our school actively promotes the safety and wellbeing of all students, and all school staff are committed to protecting students from abuse or harm in the school environment, in accordance with the legal obligations including child safety standards. Refer to our Child Safety and Code of Conduct Policies.

Aim:
The purpose of this policy is to explain the nature of the legal duties owed by teachers and school staff towards students as well as:

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

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

- provision of suitable and safe premises
- provision of an adequate system of supervision
- implementation of strategies to prevent bullying
- ensuring that medical assistance is provided to a sick or injured student
- managing employee recruitment, conduct and performance.

The duty is non-delegable, meaning that it cannot be assigned to another party. Your Duty of Care cannot be delegated to external providers or visitors to the school.

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).

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 twelves 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
- 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 duty may, in some circumstances, extend outside school hours and outside 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.

**Implementation:**

The Principal is responsible for ensuring that there is an adequate system of supervision in place during school hours, before and after school, and on school excursions and camps. Teachers and other school staff are responsible for following reasonable and lawful instructions from the Principal, including instructions to provide supervision to students at specific dates, times and places.

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.

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.

Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this duty of care will be established if a teacher or principal failed to 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, while the ordinary citizen does not have a legal obligation to respond.

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 class or leaving a class early
- arriving late to scheduled timetabled yard duty 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
- being late to supervise the line-up of students after the bell has sounded
- leaving students unattended in the classroom
- failing to instruct a student who is not wearing a hat to play in the shade
- ignoring dangerous play
- leaving the school during time release without approval
- inadequate supervision on a school excursion

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, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas outside those related to their role where they may lack expertise.
Classroom Supervision:

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 an emergency situation the teacher will dial ext 9 to contact the office for assistance from the Principal or Assistant 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 the Assistant Principal or Principal. This should be accompanied by documentation and appropriate follow up. The teacher, Principal or Assistant Principal is to be contacted first to alert them that the student is on their way.

Movement of Students:

Teachers need to carefully consider the safety and actions of students when they leave the classroom to work in other areas of the school or when they are used as monitors. 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.

It is important to 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. 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 rostered for duty are expected 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

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

The Schools Policy and Advisory Guide provides minimum requirement for staff-student ratios. The Principal and Assistant Principals should determine the appropriate and effective level of supervision for each individual excursion or camp, taking into account the following:

- The experience, skills and qualifications of staff
- The age, maturity, physical characteristics and gender of the students
- The size of the group
- The nature and location of the excursion/camp
- The activities to be undertaken
- Requirements outlined in the Safety Guidelines for Education Outdoors, for specific adventure activities
Further considerations include;

- Be aware that 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.
- 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.
- 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.

Before and After School:

Students must be supervised for a minimum of 15 minutes before school and fifteen minutes after school. This supervision may include monitoring of exit and entry points of pick up and drop off areas, yard supervision and classroom supervision.

At Craigieburn Primary School, supervision at the beginning of the school day will commence at 8.45am. This supervision will include a staff member in the central asphalt area of the school. Supervision at the end of the day will be provided from 3.15 - 3.30pm. This supervision will include two staff near the main entry/exit areas of the school.

Parents are responsible for the collection of students from school or a school activity.

If a parent, guardian and/or carer drops off or arranges for a student to be on the 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 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 care program (if appropriate)
- contacting Victoria Police and/or the Department of Human Services (Child Protection) to arrange for the supervision, care and protection of the student.
Student Late Arrival or Early Departure:

At Craigieburn Primary School, there is a procedure in place for the safe collection and drop off of students at school during school hours if they arrive late or are collected early. When a student is collected early the school has a record of the date, time, reason for collections, persons name and signature.

Late Arrival
When a student is late for school and accompanied by a parent a Late Arrival Pass will be issued at the office. This pass is always completed by an adult. The original document (white) is brought to the teacher and copy kept in the office. If the student arrives unaccompanied by an adult, a pass is not issued and the teacher records late arrival as unapproved.

Early Departure
When a student is departing or leaving the school temporarily, an Early Leave Pass also needs to be completed and signed by an authorised adult. Students will only be 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 the school staff, verification of that person will need to be established by requesting photo identification.

Students Running Away From School:

If a staff member reasonably suspects that a student has left the school grounds or a school-approved activity, such as an excursion or camp, without authorisation, they should immediately notify a member of the leadership team so that all reasonable steps can be taken to discharge the duty of care owed to that student. The reasonable steps to be taken will vary and depend on the individual circumstances of the case and the individual student.

Schools must:

- take immediate steps to establish whether the student has left the school grounds or a school approved activity
- take all reasonable steps to discharge the duty of care that is owed to the student
- notify the Victoria Police if there is a reasonable concern for the safety of the student or others
- notify the parent, guardian or carer of the student as soon as reasonably possible
- report the incident to the Department’s Security Services Unit on (03) 9589-6266, as soon as practicable

Visitors:

At Craigieburn Primary School there is a procedure to monitor all visitors in the school. This procedure requires all visitors arriving and departing the school premises during school hours to enter via the front door and use the Visitors Book to record their name, date, time, signature and purpose of the visit. A visitors’ badge so they can be easily identified by the school community. At the end of the visit, the visitors sign the time they leave in the Visitors Book.

Principals must:

- implement Department and school level policies and procedures
- be responsible for visitors allowed into school
- ensure as a minimum a record of all visitors to the school is kept in the event of a school emergency or any future investigation
- ensure that visitors where required have the appropriate approvals to work with children
- ensure that any programs or content delivered by visitors (other than Special Religious Instruction) complies with the requirement that education in Victorian government schools is secular
- ensure that any programs delivered by visitors are delivered in a manner that supports and promotes the principles and practice of Australian democracy including a commitment to the following, as outlined in s 1.2.1 of the Education and Training Reform Act 2006
Acceptable Use of Digital Technologies:

The use of Digital technologies carries with it responsibilities. Teachers at Craigieburn Primary School have a responsibility to supervise the use of digital technologies and the use of online learning environments.

In doing so, teachers should be guided by the following policies;
- CPS Acceptable Use Policy
- CPS Student Engagement and Inclusion Policy
- CPS Digital Technology Policy
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Principals, Teachers and Educational Support staff are expected to respond to an online incident that impacts on students at the school as soon as they have knowledge of its occurrence.

Procedures for Implementation:

The Principal will communicate this policy to all staff when approved by School Council and then ensure;
- a copy of this policy will be provided to each new staff member
- the policy will be made available on the staff server and school website
- the policy will be made available to the School Council on the school website
- the policy will be communicated at the first staff briefing at the beginning of each school year

Related School Policies:

This policy should be read in conjunction with the following Craigieburn Primary School Policies:
- Student Engagement and Inclusion Policy.
- Working with Children Check Policy.
- On Site Supervision Policy.
- Student Safety Policy.
- Excursion, Incursion and Camp Policy.
- Mandatory Reporting Policy and Procedures.
- Digital Technologies Acceptable Use Policy.
- Visitors Policy.

Links:

Department of Education and Training Website http://www.education.vic.gov.au


Evaluation:
This policy will be reviewed as a part of the school’s cyclic process or more often if necessary due to changes in legislation or regulations.

This policy was last ratified by School Council in Oct 2016 and will be reviewed annually.