



Memo To: All Staff

From: Lyn Read –Principal

Date: 27/1/2023

Topic: DUTY OF CARE: Instructions for the supervision of Students

Related: Child Safe standards and policy

Student Care and Supervision

1. Background

Whenever a student teacher relationship exists, the teacher has a special duty of care. This is a legal obligation to protect students from injury.

“A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teachers charge from the risks of injury that the teacher could have reasonably foreseen.”

(Richards v State of Victoria, 1969)

As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also from those that could arise (those that the teacher could have easily foreseen) and against which preventative measures could have been taken.

There are other related legal principals of which teachers should be aware:

- Teaching is a skilled profession and teachers must accept the legal consequences of such special knowledge and skills
- Teachers in breach of duty of care may be liable for injuries inflicted by one student on another, as well as the injuries sustained by the student
- For a teacher or a school to be held guilty of negligence, it must be proved that the injury was foreseeable result of the action or lack of action. In courts this test **is not a demanding one.**
- In situations where the teacher should reasonably have foreseen the possibility of injury, the teacher has a duty to take reasonable care

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- Greater measures may need to be taken for younger students or students with a disability.
- If schools are bound by standards which are issued under legislative authority, non compliance with these standards may amount to negligence

The Principal is responsible for making and administrating such arrangements for supervision as are necessary according to the circumstances in the school. Teachers are responsible for the carrying out of their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury.

(This background information is based upon the appropriate sections of the School Policy Advisory Guide, plus information from relevant court judgements and legal texts).

2. Implementation

In the context of duty of care owed to our students and my responsibility as Principal to administer the necessary arrangements for student supervision appropriate to this school, the following instructions **apply to all teaching staff**.

2.1. Classroom Supervision

-At **no** time are children to be left unsupervised in the classroom or specialist areas

(This includes before and after school lunchtimes and recess breaks)

-It is **not** appropriate to leave children in the care of ancillary staff, parents or trainee teachers (At law, the Duty of care cannot be delegated)

-In **an emergency situation** use the phone for the Prin or AP or the contact the teacher in the next room

- **No child** is to be left unsupervised **outside the classroom or in a hallway** as withdrawal consequence for misbehaviour. Withdrawal is to be conducted by sending a child to a colleague's classroom, or to the assistant principal or principal. The teacher, Principal, AP is to be **contacted first** to alert them that the child is on their way and accompanied by another student.

2.2. Movement of Children

-extreme care needs to be taken in allowing children to leave the room for any reason.

-Utmost discretion is to be used when allowing children to visit the toilet during class time.

2.3. Yard supervision

-Playground supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising pupils, teacher's duty of care is one of positive action.

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- Teachers rostered for duty are to attend the designated area at the time indicated on the roster and the sounding of the appropriate bell
- Teachers on duty are to remain in the designated area until the bell signals 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. Where a relieving teacher does not arrive for duty, the teacher currently on duty should send a message to the office or staffroom, **but not leave the area until replaced.**
- Changes to the yard duty roster need to be placed on the daily calendar.
- If a teacher rostered for duty will be absent due to an excursion, sport etc it is that teacher's responsibility to arrange a swap. Once a swap is arranged the details are to be recorded in the staffroom calendar

2.4. Legal principals of Yard Supervision

- be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom
- be alert and vigilant
- intervene **immediately** if potentially dangerous behaviour is observed in the playground
- enforce system and logical consequences of playground safety
- always be moving around the yard

This statement should be read in conjunction with the Child Safe policy