



# Cobram Anglican Grammar School

*A School of the Anglican Schools Commission (Inc.)*

## Duty of Care Policy

<b>Section</b>	Child Safety
<b>Number</b>	10g
<b>Version</b>	2.0
<b>Approved</b>	School Council
<b>Date</b>	May 2022
<b>Review Date</b>	May 2023
<b>Policy Owner</b>	Principal

### 1. Principles

Principals and teachers have a legal duty of care to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.

The School owes a duty to take reasonable care that any student (or other persons) on the premises will not be injured or damaged because of the state of the premises, including things done or omitted to be done to the premises.

The School actively identifies different and sometimes greater measures which may be needed to be taken for younger students or students with disabilities to discharge this duty of care.

All Cobram Anglican Grammar School staff will be made aware of their legal responsibilities. The Principal is required to plan, implement and monitor and report on arrangements for student care, safety and wellbeing in addition to his/her professional teaching obligations.

This policy assists school staff to understand how to meet their legal duty of care to students.

### 2. Summary

- All staff working with students owe a duty of care to those students.

- All staff must take reasonable steps to reduce the risk of reasonably foreseeable harm to students.
- All staff must take reasonable precautions to minimise the risk of child abuse by an individual associated with the school.
- The requirement to take reasonable steps to reduce the risk of reasonably foreseeable harm, continues even when another party is involved (for example, a third party providing services for an excursion or school camp).
- In some circumstances, a school's duty of care will extend beyond school hours and outside of school grounds.

### 3. Details

School staff have a duty of care in relation to students. Principals, teachers and other staff working with students must take reasonable steps to minimise the risk of reasonably foreseeable harm, including by:

- providing suitable and safe premises
- providing an adequate system of student supervision
- undertaking risk assessments for school activities and events
- implementing strategies to prevent reasonably foreseeable injuries, whether physical or psychological, to students (including injuries suffered as a result of bullying)
- ensuring that appropriate medical assistance is provided to a sick or injured student
- ensuring the school complies with the Child Safe Standards
- taking other reasonable precautions to minimise the risk of child abuse by an individual associated with the school
- implementing relevant Department of Education and Training (DET), Anglican Schools Commission (ASC) and local school policies
- managing employee recruitment, conduct and performance

This duty of care is non-delegable, meaning that it cannot be assigned to another party. However, this does not mean that only one person holds a duty of care to a particular student at any one time. Multiple staff may have a duty of care to the same student, with differing responsibilities and roles to play in relation to the school discharging its overall duty of care. The scope of the each staff member's duty of care may be different.

The Principal is responsible for making and administering arrangements for supervision as are necessary according to the circumstances in the school. Teachers and General Staff 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.

General Staff support the educational services being provided to students, but do not perform duties of a teacher as defined in clause 2.6.1 of the *Education and Training Reform Act 2006 (Vic)* or its successor. General Staff have a duty of care, however supervision of students by General Staff cannot be required except where it

is an integral part of the employee's position and involves supervision of students individually or in small groups, in controlled circumstances, where the responsibility for students remains clearly with the teacher.

#### **4. Classroom Supervision**

- Students are not 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 students in the care of general 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, contact the Principal, Head of School or the teacher in the next room or request the office to get teacher assistance.
- Students are not to 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 Year Level Coordinator, Head of School or Principal. This could be accompanied by documentation or prior arrangement. The teacher, Year Level Coordinator or Principal is to be contacted first to alert them that the student is on their way.

#### **5. Movement of Students**

- Extreme care needs to be taken in allowing students to leave the room for any reason.
- Use of students as monitors outside the room during class time must only occur with the approval of the Principal or Assistant Principal.

#### **6. Supervision of VCE and Year 10 Students during unscheduled class time**

There are times at Cobram Anglican Grammar School when a student in Year Ten, Eleven or Twelve have study periods as part of their daily and/or weekly timetable.

This arrangement comes as a consequence of students completing their VCE and having selected a range of subjects that includes a number of study periods.

##### **Year Ten:**

Year Ten students who have study periods are positioned in the back of other subject classes that are running alongside the study periods. In these cases the students, although engaged in private study, are supervised by the classroom teacher.

##### **Year Eleven and Twelve:**

Year Eleven and Twelve students who receive study periods are placed in the VCE Study Centre where they are supervised by staff members who have offices and/or classrooms immediately adjacent to the VCE Study Centre. This ensures that there is a staff presence either in the VCE Study Centre at all times or in one of the adjacent

classrooms. The area is high visibility with windows ensuring a line of sight into and across all classrooms in this area of the school.

## **7. Yard Supervision**

- Yard and playground supervision is an essential element in a teachers' duty of care. It is well established that in supervising pupils a teacher's duty of care is one of positive action.
- Be aware that children 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 School Policy 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 to attend at the time indicated on the roster and at the sounding of the appropriate bell.
- Teachers on duty are to remain on duty until the bell signals the end of the break period or until replaced by the relieving teacher, whichever is applicable.
- Teachers on duty must always be moving.
- Changes to the yard duty roster are to be notified to the Daily Organiser.
- If a teacher rostered for duty will be absent due to an excursion, sport etc. it is that teacher's responsibility to notify the Daily Organiser of the situation to arrange a swap or have the yard duty covered.
- Be alert and vigilant – intervene immediately if potentially dangerous behaviour is observed in the playground – enforce school behaviour standards and logical consequences of playground safety rules.

## **8. Excursions, Camps and Incursions**

- Be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- Be aware that 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.
- Be aware that excursions outside the school, incursions and camps require 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 remain the person designated with duty of care.
- Be aware that these activities require the School to ensure 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 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 mobile contact known to the school 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 are to control the flow of students across the road.

At a minimum all staff must follow the DET guidelines when organising an excursion, incursion or camps.

## 9. Advising Students

- 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 staff members own professional competence and given in situations arising from a role (such as advisor, careers teacher, year level coordinator or subject teacher) specified for them by the principal.
- Staff 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.
- Staff should not give advice in areas where they may lack expertise.

## 10. References

Ministerial Order No. 870

ASC Child Safe Code of Conduct (VIC) (8p)

ASC Child Safe Policy VIC (8i)

Education and Training Reform Act 2006 (Vic)

ASC Victorian Agreement 2016

Department of Education and Training (DET) Policy & Advisory Guide

<https://www2.education.vic.gov.au/pal/duty-of-care/policy>

Review Frequency		Document Availability		Policy Delivery	
1 Year	<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	School Website	<input checked="" type="checkbox"/>
2 Years	<input type="checkbox"/>	Student	<input type="checkbox"/>	Staff Intranet	<input checked="" type="checkbox"/>
3 Years	<input type="checkbox"/>	Parents	<input checked="" type="checkbox"/>	Student Handbook	<input type="checkbox"/>
As Required	<input type="checkbox"/>			Prospectus	<input type="checkbox"/>
NA	<input type="checkbox"/>				

### Version Control

Version	Date	Summary of Changes
1.0	22/02/2022	New policy
2.0	24/05/2022	<b>Item 1 Amended addressing;</b> <ul style="list-style-type: none"> <li>that it owes a duty to take reasonable care that any student (or other persons) on the premises will not be injured or damaged because of the state of the premises, including things done or omitted to be done to the premises</li> <li>that different and sometimes greater measures may need to be taken for younger students or students with disabilities to discharge this duty of care.</li> </ul>