



Duty of Care: Supervision of Students Policy

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Ratified:

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Rationale

Principals and teachers are held to a high standard of care in relation to students. A safe environment plays an important role in assisting students to reach their potential and enhance their wellbeing. The teacher-student relationship is regarded legally as a relationship in which principals and teachers have a duty of care to:

- ensure the school complies with the seven Child Safe Standards
- provide suitable and safe premises
- ensure that procedures for child safety are implemented at all times
- ensure that reasonable precautions are taken to minimise the risk of child abuse.
- provide adequate supervision in all aspects of schooling
- implement strategies to prevent bullying (including cyberbullying) and harassment
- ensure that medical assistance or care is provided to a sick or injured student
- ensure the safety and wellbeing of students in an emergency or critical incident
- manage employee recruitment, conduct and performance

Background

The School provides effective student supervision and care to ensure that students are in a safe environment at all times. **Duty of care** is a legal concept that has its origins in the common law. The common law is a collection of legal principles that have been established over time by the courts. The duty of care principle not only underpins, but to a large extent drives, most school policies and practices. This policy attempts to explain, in plain English, what “duty of care” means, how teaching staff may discharge their duty of care to students, and the circumstances in which non-teaching staff, external providers and volunteers may owe students a duty of care.

Definitions

Duty of care: is the responsibility that principals and teachers have in relation to their students to take steps that are reasonable in the circumstances to protect students from risks of injury that should reasonably have been foreseen. The duty is not to prevent injury in all circumstances. It is a duty to take reasonable steps to prevent injury, which is known or foreseeable. The question of what are reasonable steps will depend on the individual circumstances of the case, and 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 the 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. The duty is non-delegable, meaning that it cannot be assigned to another party.

(Refer to The Catholic School Operational Guide [CECV])

Supervision: is the supervisory role of staff aimed at enhancing a student's educational opportunities, building self-esteem, and ensuring students are safe and supported. Whilst in a supervisory role, each staff member has an obligation to fulfil duty of care requirements. Staff must comply with the arrangements for student supervision put in place by the school for all activities where the student is under the duty of care of a member of the staff.

School environment: is any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- a campus of the school;
- online school environments (including email and intranet systems); and
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

(Ministerial Order 870)

Principles

- Learning within a safe environment plays an important role in student outcomes and sense of wellbeing.
- Principal and teachers must take reasonable steps to ensure the safety of student and others within the school environment.
- Clear procedures and processes that are consistently applied are important in ensuring high standards of duty of care at all times.
- The principal is responsible for ensuring that there is a well organised and responsive system of supervision and yard duty in place during school hours, before and after school, and on school excursions and camps.
- Teachers are required to supervise all learning environments; the school grounds, the classroom and excursions - online spaces are also considered a learning environment. Therefore as part of that duty, teachers are required to adequately supervise students who are working in these spaces. This duty also requires protection from risks that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.
- The school will comply with all diocesan and legislation requirements for child safety outlined in the Child Safe standards (Ministerial Order 870) including reasonable precautions to prevent the abuse of a child by an individual associated with the school while the student is under the care, supervision or authority of the school.
- Effective strategies that ensure the safety and care of all students are implemented. This includes appropriate measures for younger students, students with disabilities or students at risk.
- All staff have a responsibility to take reasonable steps to prevent potential injury to students and others.
- Strategies are implemented, as required, for specific students such as students with disabilities and age levels to ensure that the environment is safe for all students.
- Schools are required to implement all procedures as outlined in the Procedures document.

Policy Statement

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. All school staff will be made aware of their legal responsibilities. School principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students in addition to their professional teaching obligations.

Relevant Legislation

- Ministerial Order No 870 – Child Safe Standards – Managing the risk of child abuse in schools
- Child Wellbeing and Safety Act 2005 (Vic)
- Disability Discrimination Act 1992

Key related documents

- Pastoral Care and Wellbeing Policy and Procedure
- Safeguarding Children and Young People: Code of Conduct
- Anaphylaxis Policy
- Behaviour Management Policy and Procedures
- Digital Technology Policy
- SunSmart Policy
- Critical Incident Plan
- School Emergency Management Plan
- CECV Child Safety Commitment Statement
- DET Safety Guidelines for Education Outdoors
<http://www.education.vic.gov.au/school/teachers/studentmanagement/excursions/Pages/outdoorguidelines.aspx>
- *Guidelines for Behaviour Support* (2017) Catholic Education Ballarat