

Supervision & Duty of Care Policy

Brighton Primary School

1542

Purpose of this policy

To explain the duties owed by the school community, including teachers, staff and parents towards our students.

Legal background

“Duty of care” is an element of the tort of negligence. In broad terms, the law of negligence provides that if a person suffers injury as the result of a negligent act or omission of another, the injured person should be compensated for loss and damage flowing from that negligence.

The fact that a duty of care exists does not mean that a school will be liable for an injury sustained by a student.

From 1 July 2017, an additional duty of care will exist for any organisation in Victoria that exercises care, supervision or authority over children, including schools. This duty of care will establish a presumption of liability, such that these organisations will need to prove that they took “reasonable precautions” to prevent child abuse. The new duty does not change existing duties that schools and teachers already have, but instead reinforces the importance of ensuring that schools take reasonable precautions to minimise the risk of child abuse.

Standard of care required by schools

Principals and teachers are held to a high standard of care in relation to students. The duty requires principals and teachers to take reasonable steps to minimise the risk of reasonably foreseeable harm, including:

- ensuring the school complies with the seven Child Safe Standards
- 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.

Whenever a teacher-student relationship exists, teachers have a special duty of care. Generally, teachers are expected to take such measures as are reasonable in the circumstances to protect a student under their charge from reasonably foreseeable risks of injury.

Additionally schools enrolling international students under the age of 18 (who are not being cared for by a parent or suitable relative) are expected to have a comprehensive homestay policy and procedures in place to assess and monitor the suitability of accommodation arrangements. See *International Student Program (ISP) Quality Standards and School Resources* under [Department resources](#)

Supervision Responsibilities

The Principal must:

- arrange for student supervision according to school needs
- ensure staff are aware of their responsibilities to supervise students during school times as well as before and after school
- ensure school supervision is provided for a minimum of 10 minutes before and after school
- ensure parents/guardians are regularly informed about supervision available before and after school
- sufficient teachers are available to supervise the departure of students at the end of the school day

BPS has a yard duty timetable which is reviewed and updated regularly. There is a permanent notice in the newsletter regarding formal supervision times and the After School Care service delivered by an outside provider.

Parents/Guardians are responsible for the care and supervision of their child:

- travelling to and from school
- outside the times of school supervision before and after school

BPS has an After School hours care service provided on the premises. Parents are encouraged to book their children into this service if their children arrive at school before 8:45am or stay after 3:45pm.

Parents/Guardians are encouraged to:

- use the designated entrances/exits
- make sure that students are familiar with these entrances/exits and use them
- avoid talking to teachers, who are supervising entry or exits, about their child's progress and should arrange another time for this discussion
- obey parking regulations, speed limits and other traffic controls to:
 - help to create a safe environment at entrances/exits to schools
 - show respect to neighbours who live close to the school

At BPS the following entrances/exits should be used accordingly:

-Male St staff carpark entrance/exit: not to be used by parents and students

-Wilson St middle entrance/exit (under bell tower) to the front of the school: students accompanied by parents

-Wilson St west side entrance/exit (near the bike shed) and two Male St entrances/exits (Wondergarden and Junior Oval): main thoroughfares into and out of the school grounds for parents and students.

Related policies

- Child Safe Standards Policies
- Engagement Policy (includes behaviour/bullying)
- Excursion Policy
- Camp Policy
- Visitors Policy
- First Aid Policy

Department resources

- The [PROTECT](#) Portal - provides further information on how schools can meet their obligations under the Child Safe Standards
- [ISP Quality Standards and School Resources](#) - see: International Student Program Quality Standards for Schools, Quality Standard 5 - Younger Students

This policy has been adapted from the policies below. For more information please refer to:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/supervision.aspx>

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/dutyofcare.aspx>

This policy was last ratified by School Council in 2017

To be reviewed in 2020