



PURPOSE

The purpose of this policy is to explain to our school community the duty of care obligations that all staff at Portland Secondary College (Must Street & Victoria Parade Campuses) owe to our students and members of the school community who visit and use the school premises. The College's Duty of Care Policy is part of the suite of policies which are linked to the Child Safe Policy which mandates zero tolerance to child abuse.

POLICY

"Duty of care" is a legal obligation that requires schools to take reasonable steps to reduce the risk of reasonably foreseeable harm, which can include personal injury (physical or psychological) or damage to property. The reasonable steps that our school may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

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.

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.

Our school has developed policies and procedures to manage common risks in the school environment, including:

- Yard duty and Supervision
- Bullying Prevention
- Camps and Excursions
- First Aid
- Child Safe Standards
- External Providers (including RTOS delivering VET/VCAL)
- Emergency Management
- Volunteers
- Visitors
- Mandatory Reporting
- Occupational Health and Safety



Staff at our school understand that school activities involve different levels of risk and that particular care may need to be taken to support younger students or students with additional needs. Our school also understands that it is responsible for ensuring that the school premises are kept in good repair and will take reasonable steps to reduce the risk of members of our community suffering injury or damage because of the state of the premises. The College's Operations manager will maintain a maintenance schedule ensuring the premises are maintained to a safe standard.

School staff, parents, carers and students are encouraged through the newsletter, the College website staff meetings and parent forums to speak to the principal to raise any concerns about risks or hazards at our school, or our duty of care obligations. Reports will be passed onto the Operations Manager who will enter it on the Maintenance Request Register on Compass which becomes part of the schedule for repair.

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 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 class
- leaving students unattended in the classroom
- 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.

Classroom Supervision

It is **not** appropriate to leave students in the care of ancillary 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 during incursions (At law, the Duty of care cannot be delegated).

In **an emergency situation** use the phone for 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 totally unsupervised **outside the classroom** as a withdrawal consequence for misbehaviour. Withdrawn students must be able to be seen by the teacher. Otherwise 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. When a student runs away, the Assistant Principal or Principal must be informed immediately.

Movement of Children

Care needs to be taken in allowing students to leave the room to work in other areas of the school.

Use of students as monitors outside the room during class time must only occur with the approval of the Principal or Assistant Principal

Discretion is to be used when allowing students to visit the toilet or their lockers during class time.

Yard supervision

Yard 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.

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 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 College policy whilst on yard duty.

Teachers rostered for duty are 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.

Excursions, Incursions and Camps

On Excursions, Incursions and Camps staff must be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.

Staff must 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.



Staff must be aware that 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.

Staff must be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to DET guidelines.

Staff must 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. All procedural steps contained in the School camping, excursions and incursions Policy and Procedure outlines must also be followed.

Informing Staff of the legislative liability of Duty of Care

All staff at Portland Secondary College will be informed of their legal requirement via:-

- A copy of this document will be provided to each member of Portland Secondary College staff at the first staff meeting at the commencement of the school year, and will be placed on H: Drive.
- New staff will be informed of their Duty of Care as part of the school's Induction Program
- Duty of Care will be an agenda item at staff meetings and staff will be directed to familiarise themselves with section 6.16.1 of the Victorian Government Schools Reference Guide.
- Staff will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions
- Portland Secondary College staff will be directed to the Student Engagement and Wellbeing Policy annually.



FURTHER INFORMATION AND RESOURCES

- [Anaphylaxis Management Policy.docx](#)
- [Bullying Prevention Policy.docx](#)
- [Asthma Management Policy.docx](#)
- [Student Wellbeing and Engagement Policy.docx](#)
- [Inclusion and Diversity Policy.docx](#)
- [Yard Duty and Supervision Policy](#)

REVIEW CYCLE

DATE	VERSION	RATIFIED BY	NEXT REVIEW
Oct 2018	2	Portland Secondary College School Council	Sept 2020