



# Chilwell Primary School

*"Learning for Life"*

No.2061

Gavan Welsh – Principal

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## POLICY: ON SITE SUPERVISION POLICY 2016-2017

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### 1. Rationale:

Teachers and other staff in a school have a responsibility to take reasonable steps to protect students from risks of injury, including those that may be encountered within the online learning environment. Teachers must understand their Duty of Care responsibilities and other school-based policies that work to support it such as the Student Engagement Policy and Acceptable Use Agreements.

### 2. Definition:

"Duty of Care" is an element of negligence. In broad terms, the law of negligence provides that if a person suffers injury as the result of the negligence of another, they should be compensated for the loss and damage which arises from the negligent act or omission.

In order to successfully bring a claim in negligence for compensation for an injury, a person must establish, on the balance of probabilities, that:

- a duty of care was owed to the person harmed at the time of the injury
- the risk of injury was foreseeable
- the likelihood of the injury occurring was more than insignificant
- there was a breach of the duty of care or a failure to observe a reasonable standard of care
- this breach or failure was a cause of the injury.

The fact that a duty of care exists does not of itself mean that a school will be liable for an injury sustained by a student. In order for the student to succeed in a negligence claim, all of these elements must be established.

Whenever a teacher-student relationship exists, teachers have a special duty of care. This has been expressed as: "a teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher's charge from risks of injury that the teacher should reasonably have foreseen." (*Richards v State of Victoria*).

The nature and extent of the duty will vary according to the circumstances. For example, the standard of care required will be higher when taking a group of preps for swimming lessons than when teaching a group of year 12s in the classroom.

The important issue in all cases will be what precautions the school could reasonably be expected to have taken to prevent the injury from occurring.

Principals and teachers are held to a high standard of care in relation to students. The duty requires principals and teachers to take all reasonable steps to reduce risk, including:

- 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.

### 3. Aims:

To educate and reinforce to the staff and school community what steps need to be taken to ensure that students are safe and adequately supervised at school.

### 4. Implementation:

#### Staff

- The school will ensure that staff are rostered to supervise the school grounds from 15 minutes before the instruction period begins until 15 minutes after the end of the instruction period.
- Staff will follow all guidelines for behaviour management as set out in the Student Engagement Policy.
- Staff are required to supervise the school grounds when rostered to do so.
- Staff are required to supervise all learning environments; the classroom 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.
- Staff are required to ensure that they have adequate supervision when organizing excursions and that the staff student ratio complies with DET (Department of Education and Training) guidelines for the type of event.
- Staff are required to complete all appropriate risk management documentation before camps and swimming events.
- Staff are required to notify the principal or OHS (Occupational Health and Safety) representative of any 'near miss' events or dangers.
- Staff are required to write up all first aid treatments provided.

#### Parents

- Parents are encouraged to contact the school if they become aware of a bullying problem involving their child or another person's child.
- Parents are required to enter the school grounds to physically collect their child.
- Parents are required to ensure that their child is collected by 3:45pm and is not left in the yard before 8:45am or arrange for them to be booked into OSHC.

#### Students

- Are to report all playground incidents involving themselves or others to the teacher on duty.
- Are not to enter classrooms without a teacher
- Are to engage in appropriate use of the internet and school network as set out in the school's acceptable use policy.
- Are to adhere to the out of bounds areas eg. Car parks behind buildings and under buildings.