**POLICY DETAILS**

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| **Policy Title** | Supervision and Yard Duty Policy and Procedure |
| **Approved Date** | 12 August 2021 |
| **Next Review** | In conjunction with the school Principal each year by the elected School Council. |

**RATIONALE**

All government school staff will be made aware of their legal responsibilities. As part of the government school Principal contract, government school Principals are required to plan, implement and monitor arrangements to ensure the safety, security and wellbeing of students needs. Adequate supervision of students in the school yard is a part of the school’s duty of care. In addition to their professional obligations, 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.

**DEFINITION**

Whenever a student–teacher relationship exists, the teacher has a special duty of care. This is defined 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 (1969) VR 136 at p. 141). As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.

School authorities in breach of the duty may be liable for injuries inflicted by one student on another, as well as for injuries sustained by a student.

Schools normally satisfy the duty of care by allocating responsibilities to different staff. For example, the principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances in each school, and teachers are responsible for carrying out their assigned supervisory duties in such a way that students are, as far as can be reasonably expected, protected from injury. This duty extends to intervention in single-sex areas if need be by a teacher of the other gender.

It is imperative that school students cannot be used as supervision staff.

**AIMS**

To ensure that it is clear of what the duty of care within a school environment entails, in particular the supervision of children.

**IMPLEMENTATION AND PROCEDURE**

* In addition to their professional obligations, 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.
* 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.
* 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 supervise the line-up of students after the bell has sounded
  + leaving students unattended in the classroom
  + failing to instruct a student who is not wearing a hat to play in the shade
  + 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.
* Teachers must ensure that the advice they give is correct and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas outside those related to their role where they may lack expertise.
* Supervision of students is the responsibility of all staff.
* A roster system will be used to time-table staff members for yard supervision.
* Yard supervision will include before school, recess and lunch breaks, and after school.
* Parents will be informed regularly via the newsletter that staff members are not rostered to take yard duty until 8:45am each morning. Parents are discouraged from sending their children to school before this time as they may not be supervised by a staff member.
* Parents will also be informed via the newsletter that staff members will not be rostered to undertake yard supervision after 3:45pm each day. Parents are required to make sure that their children have been collected or have left the school grounds by this time. Students still in or about the school yard after that time will be brought to the school office by the supervising teacher and parents contacted.
* The yard supervision roster will require staff members to undertake yard duty before school, for half of recess or half of lunch-time, or after school on specific days.
* Yard duty staff members will keep a record of individual student behaviour.
* Casual Relief Teachers will be responsible for the yard duty responsibilities of staff members they are replacing.
* Before 8.45am and after 3.45pm, it is the responsibility of the parents or carers of children to ensure they fulfil their duty of care to their child/ren and supervise their activities, unless otherwise stated or arrangements made.
* Supervision on school excursions will be coordinated by the school principal. Children are to always wear full school uniforms on excursions, so as to make identification of children easier.
* If parents are required to drive students to excursions, it is the responsibility of the driving parent to obtain permission from the students’ parents to drive them. Drivers must have full comprehensive insurance and a full drivers licence to drive students and have the correct amount of child restraints in good working order, for all the students they are transporting. The parent is to hand all students over to the teacher at the destination and they are then under the care of the teachers.
* Supervision is a must around water and students will always be supervised while using a swimming pool (including if a swimming pool is owned by a school, privately or by the municipal council).

**POLICY REVIEW**

This policy will be reviewed in conjunction with the school Principal each year by the elected School Council. Any changes will be made in accordance to the Victorian Education Department and VRQA guidelines. All revisions will be documented.