

Policy Number	Ratification Date	Reviewed	Review Date
25	June 2019	June 2019	June 2020



DUTY OF CARE POLICY

(including ONSITE SUPERVISION and LINE OF SIGHT)

Purpose

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Elsternwick Primary School owe to our students and members of the school community who visit and use the school premises, to ensure that students are adequately supervised at all times.

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.

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

- [Bullying Prevention](#)
- [Camps and Excursions](#)
- [First Aid](#)
- [Child Safe Standards](#)
- [Emergency Management](#)
- [Volunteers](#)
- [Visitors](#)
- [Working with Children and Suitability Checks](#)
- [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. Elsternwick Primary School’s Occupational Health and Safety Management System (OHSMS) identify and control the risks associated with asbestos, via the School Asbestos Management Plan (SAMP). School staff, parents/carers and students are encouraged to speak to the principal to raise any concerns about risks or hazards at our school, or our duty of care obligations.

External Providers

Staff at our school acknowledge that, as our duty of care is non-delegable, we are also required to take reasonable steps to reduce the risk of reasonably foreseeable harm when external providers have been engaged to plan for or conduct an activity involving our students. [Our Visitors Policy and Camps and Excursions Policy](#) include information on the safety and care of our students when engaged with external providers.

All external providers attending Elsternwick Primary School complete an Occupational Health and Safety (OHS) induction, a Private Therapists Request Form (where applicable) and complete a License Agreement which must be approved by School Council. Valid Working with Children Checks must be presented. If a private therapist is working one-on-one or in small groups with children they will remain in a line-of-site of Elsternwick Primary School teaching staff.

Our school also takes steps to ensure student safety when they are engaging in off-site workplace learning programs with external providers, such as excursions or school camps. Our school will follow all applicable Department of Education and Training policy and guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount. The Department's guidelines in relation to Workplace Learning are available at the following link:

<https://www.education.vic.gov.au/school/principals/spag/curriculum/pages/workplace.aspx>

Onsite Supervision

As part of its duty of care the school is required to adequately supervise students for a defined period before school, at recess, lunch time and after school.

This on-site supervision requires not only protection from known hazards, but also protection from those that could arise (that is, those the teacher should reasonably have foreseen) and against which preventive measures could be taken.

It is essential parents/carers are kept informed as to when supervision of students is available before and after school, and that outside these times supervision and/or the collection of students is the responsibility of parents/carers. This information is clearly provided to parents/carers, along with the provision of the Outside School Hours Care program, on a regular basis via Compass.

All student absences are communicated via text/Compass by 9.30am each day.

Late arrival/early departure

Parents/carers may require their child to be dismissed early from school. In this case, students must be signed out via the Compass Kiosk at the front office before collecting their child from class. Teachers must check the student has been signed out via Compass before allowing them to depart.

In the case of a student arriving to school after 9.00am, parents/carers must sign their child in using the Compass Kiosk before taking them to class. Teachers must check the student has been signed in via Compass before allowing the parent/carer to depart.

Students can only be collected by a responsible person 16 years or older. No students will be allowed to go home on their own outside of normal dismissal time.

When a student departs from the school (following initial attendance) without authorisation, the parent/guardian will be informed immediately. Where there is a reasonable concern for the student's safety or the safety of others, immediate contact will also be made with the police and the Department's Incident Support and Operations Centre.

Before/after school yard duty supervision

The school will provide staff supervision for students arriving before school between 8.45am – 9am.

The school will provide staff supervision for students after school between 3.30pm-3:45pm.

Sufficient teachers will be allocated by the school principal or their nominee to supervise students during these periods.

Outside of these times the supervision and/or the collection of students is the responsibility of parents/carers.

Students not collected after school

Students still at school awaiting collection after 3.45pm will be directed to the office area. Attempts will be made to contact the parents/carers, or the emergency contact person identified in school records. Students will then be booked into Outside School Hours Care if enrolled and parents will incur this cost.

Where all reasonable attempts have been made to locate the parents/guardian and the emergency contact persons, and the time is well beyond a reasonable time for collection, consideration will be given to contacting the police or the Department of Human Services and for them to arrange for the care and protection of the student.

Outside of the school grounds

The supervision of the arrival and departure of any school contract buses is a matter for the discretion of the principal who will consider the following, in consultation with the excursion coordinators:

- the number of students alighting from and boarding the bus at the school
- the age of students alighting from or boarding the bus
- the times of the arrival and departure of the bus/es
- the location of the pick-up and drop-off points in relation to the other areas of the school
- whether supervision is required to protect students on the bus, or from unruly student behaviour when boarding or alighting from the bus

Line of Sight

Private Therapists

If a private therapist is working one-on-one or in small groups with children they will remain in a line-of-site of Elsternwick Primary School teaching staff.

Education Support Staff

The principal must ensure that the conditions of the VGSA 2017 and the *Education and Training Reform Act 2006 (Vic)* are met. Supervision requirements for ES staff are found in the Dimensions of Work in Schedule 3 of the VGSA 2017, which state, *supervision of students cannot be required except where it is an integral part of the employee's position or involves supervision of students individually or in small groups, in controlled circumstances, where the responsibility for students remains clearly with a teacher.*

Therefore Education Support staff can only supervise individuals or small groups when it is directly connected to the nature of their work. They must operate under the direction and support of a teacher close by, but not necessarily in direct line of sight.

Further information and resources

- School Policy and Advisory Guide: Duty of Care
- School Policy and Advisory Guide: Workplace Learning

Review Cycle

This policy was last updated on June 2019 and is scheduled for review in June 2020.