

# Moonee Ponds West Primary School



## Duty of Care and Yard Duty Supervision Policy

### PURPOSE

Goals:

- To ensure that Moonee Ponds West Primary School staff have an adequate awareness and understanding of their duty of care obligations and responsibilities to provide adequate supervision to students.
- To ensure that Moonee Ponds West Primary School staff conduct themselves at all times consistently with these legal obligations and responsibilities.

The Principal is responsible for ensuring that there is an adequate system of supervision in place during school hours, before and after school, and on school excursions and camps.

Teachers and other school staff are responsible for following reasonable and lawful instructions from the Principal, including instructions to provide supervision to students at specific dates, times and places.

The school will adequately secure the school grounds during class time to ensure student safety. Teachers need to focus on teaching during class times and parents/carers wishing to meet with staff are required to follow an agreed appointment process. Ad hoc meetings are not encouraged as they may detract from teacher focus of the whole class.

### SCOPE

At Moonee Ponds West Primary School:

Principals and teachers have a special duty of care in relation to their students to take steps that are reasonable in the circumstances to protect students from risks of injury that should reasonably have been foreseen. This duty includes the provision of an adequate system of supervision, and a duty of care to staff and students at all times that includes protection against inclement weather.

The duty is not to prevent injury in all circumstances – it is a duty to take *reasonable* steps to prevent injury which is *known or foreseeable*. The question of what are reasonable steps will depend on the individual circumstances of the case, and consideration of the following factors:

- The probability that the harm would occur if care were not taken
- The likely seriousness of the harm
- The burden of taking precautions to avoid the risk of harm
- The social utility of the activity that creates the risk of harm

The duty may, in some circumstances, extend *outside school hours* and *outside the school premises*. This will depend on whether the relationship between staff and student extends to the individual circumstances, whether the risk was

known or foreseeable, and whether there were any reasonable steps that could be taken to prevent the injury from occurring.

The duty is *non-delegable*, meaning that it cannot be assigned to another party.

Adequate security of students, and tracking of visitors into the school, are requirements of the school's duty of care.

On-site security 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.

## **POLICY IMPLEMENTATION**

### **Before School & After School**

- Students must be supervised for a minimum of 10 minutes before and after school. This supervision may include some or all of the following:
  - Monitoring of entry or exit points and/or designated pick up and drop off areas
  - Supervision of the arrival and departure of school contract buses
  - Yard supervision
  - Classroom supervision.
- Students and parents/carers are accountable for very early arrival and very late departures from the school grounds
- At Moonee Ponds West Primary School, supervision at the beginning of the school day will commence at 8.45am. This supervision will include supervision of students arriving at school and while playing in the school grounds prior to the commencement of the school day at 9.00am.
- Supervision at the end of the school day will be provided from 3.30pm until 3.45pm. This supervision will include monitoring the safe departure of students from the school by car, bike, walking or contract bus.
- If a parent or carer (or other authorised person) drops off or otherwise arranges for a student to be on the school premises before supervision commences at the beginning of the day, the principal will, as soon as practicable, follow up with the parent or carer to:
  - advise of the supervision arrangements before school, and
  - request that the parent or carer make alternate arrangements.
- If a parent or carer (or other authorised person) has failed to collect the student after school, the next steps may include some or all of the following:
  - Attempting to contact the parents or carers
  - Attempting to contact the emergency contacts
  - Placing the student in the out of school hours care program (if appropriate)
  - Contacting the Victoria Police and/or the Department of Human Services (Child Protection) to arrange for the supervision, care and protection of the student.

### **Classroom**

- The classroom teacher has ultimate responsibility for the supervision of all students in their care.
- This duty cannot be delegated to external education providers, parents, carers or trainee teachers.
- In addition, no student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal from the classroom is only to occur in accordance with the school's Student Discipline and Wellbeing Policy.

- If a teacher needs to leave the classroom unattended at any time during a lesson, he or she should contact administration staff to request assistance. The teacher should then wait until alternate supervision is being provided prior to leaving the classroom.

### **Recess and lunch times**

- The Principal is responsible for ensuring that students are adequately supervised during recess and lunch. This will usually involve designating areas in the yard, and developing a roster for staff to supervise students in the designated area for the time indicated in the roster.
- At Moonee Ponds West Primary School, the Assistant Principal or their delegate is responsible for preparing and communicating the yard duty roster generally on a term by term basis. At Moonee Ponds West Primary school the designated yard duty areas are sectioned into three areas – Little Adventure, Tiger Turf and Eglinton
- Teachers who are rostered for duty are responsible for remaining in the designated area until the end of the break period, or until replaced by a relieving teacher, whichever is applicable. During yard duty, supervising teachers should be guided by the following:
  - If the designated area is large in size, teachers are expected to methodically move around the area rather than remain static in the one position. This increases the ability to appropriately monitor student activity.
  - Be alert and vigilant.
  - Intervene if potentially dangerous behaviour is observed in the yard.
  - Enforce behaviour standards and implement logical consequences for breaches of safety rules.
  - Ensure that students who require first aid assistance receive it as soon as practicable.
- If the supervising teacher is unable to conduct yard duty at the designated time, he or she should contact the Assistant Principal to ensure that alternative arrangements are made.
- If the supervising teacher needs to leave yard duty during the allocated time, he or she should contact the Assistant Principal, but should not leave the designated area until the relieving teacher has arrived in the designated area.
- If a relieving teacher does not arrive for yard duty, the teacher currently on duty should send a message to the office, but not leave the designated area until a relieving teacher has arrived in the designated area.

### **Inclement Weather**

- As part of the usual yard duty timetable process, an inclement weather timetable will be activated by the Principal/Assistant Principal when conditions outside are considered to be unsuitable for students and staff.
- Inclement weather is generally defined as extreme heat, rain, lightning, dust, wind, cold or any other condition that is considered by the Principal/Assistant Principal to be unsuitable.
- Where inclement weather is obvious prior to children being dismissed for a recess or lunch break, an announcement will be made by the Principal/Assistant Principal advising class teachers to follow the inclement weather time-table until further notice.
- In such cases, teachers will supervise a number of grades (as previously agreed to by the teachers concerned), for an agreed time during the recess or lunch break.
- Teachers, other than classroom teachers, will similarly share supervision of the classes and other areas (as determined).
- All children will be confined to classrooms unless permission has been granted by a teacher to leave temporarily, e.g. toilet break.
- Children will be expected to walk indoors/under cover at all times and undertake appropriate indoor games and activities.

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- In the case of unpredicted inclement weather occurring during a recess break, a yard duty teacher will inform the Principal/Assistant Principal of the possible need to activate the inclement weather timetable.
- The Principal/Assistant Principal will assess the situation and make the decision to call the children inside or alternatively, to seek adequate shelter, in which case the yard duty teachers will continue to supervise outside.
- In the event of children being required to come inside the school buildings, yard duty teachers will supervise the return to classes briefly while designated teachers make their way to the classrooms, or other areas, that they are required to supervise.
- All staff and students are required to wear broad-brimmed hats from September 1<sup>st</sup> through to the end of April consistent with the school's Sunsmart policy.
- Excursions, camps, scheduled sport, physical education or other outside activities may need to be reorganised or rescheduled should inclement weather occur or be predicted.

#### **Late arrival or early departure (See separate Policy)**

The Principal will ensure that the school has a procedure in place for the safe collection and drop off of students at school during school hours (eg late arrival or an early departure). This will include a record of the date and time, the reason for the late arrival or early departure, and the person who has authorised the late arrival or early departure. In relation to early departure from school, the procedure will also include:

- Students will be only permitted to leave the school premises under the supervision of a parent/carer or another person authorised by parents to collect the student.
- The exiting of students during the school day requires an official 'sign out' in order to track those who are on and off the premises for emergency and security purposes.
- If the person collecting the student is unknown to school staff, school staff will request photo identification to verify the person's identity.
- When a student departs from the school (following initial attendance) without authorisation, the student's parent/carer will be informed immediately.

At Moonee Ponds West Primary School the procedure is as follows:

- Parent or another person authorised by the parent/carer signs out the student(s) at the general office by completing an early release via the Compass kiosk located at the office. .
- Office staff record the early departure and reason for early departure on the Compass Reporting System.
- Parent/Carer or person authorised to pick student(s) up from school early, take the the"Early Release from School" form to the classroom and hand the form to the teacher.
- Student(s) leave the school with their parent/carer or the authorised person.

#### **Visitors (including Casual Relief Staff, Tradespersons and Classroom/Grounds Parent/Carer Helpers)**

The Principal will ensure that there is a procedure to monitor all visitors in the school. As a minimum this procedure must require all visitors arriving and departing the school premises during school hours to use the Compass Kiosk System to record their name, the date and time, and the purpose of the visit.

At Moonee Ponds West Primary School, the procedure is as follows:

- Office Staff hand each visitor a visitor tag to be worn whilst on school grounds.
- The Visitors enter the date and time and the purpose of their visit on the Compass Kiosk system situated in the office foyer.
- Visitors are required to wear the visitors badge during the period they are at the school.
- Visitors are also required to sign out on the system prior to leaving the school.

### **Use of information and communication technologies**

- Teachers and other staff of Moonee Ponds West Primary School also have a responsibility to reasonably supervise the use of information and communication technologies, and the use of online learning environments at school.
- In doing so, teachers and other staff should be guided by the following:
  - Relevant Departmental policies (eg. Student Engagement and Wellbeing Policy, Bully Stoppers, Acceptable Use Policy)
  - Relevant Moonee Ponds West Primary School policies (eg. Internet Use and school and personal devices).

It is important to note that:

- It is not reasonable or practicable for a teacher or Principal to inspect every website that will be accessed by a student. The nature of the Internet means that there can be no guarantee against inappropriate content or changing circumstances in website content.
- It is not reasonable or practicable for a teacher or Principal to supervise an online learning environment 24 hours a day.
- The Principal and teachers are expected to respond to an online incident that impacts on students at the school as soon as they have knowledge of its occurrence.

At Moonee Ponds West Primary School, the procedure is as follows:

1. Concern raised
2. Concern investigated
3. Site blocked, if practicable
4. Investigation of effect on students or community
5. Natural consequences
6. Management of future risk.

### **Incursions**

- Teachers must continue to supervise their students even whilst a visitor, speaker or instructor is presenting to the class.
- Visitors, speakers and instructors should not be responsible for supervising students on the school premises.

### **Excursions and camps**

- The Principal must ensure that students participating in excursions and camps are appropriately supervised.
- Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors.
- The Schools Policy and Advisory Guide provide minimum requirements for staff-student ratios. However, Principals should determine the appropriate and effective level of supervision for each individual excursion or camp, taking into account the following:
  - The experience, qualifications and skills of staff
  - The age, maturity, physical characteristics and gender of the students
  - The size of the group
  - The nature and location of the excursion/camp
  - The activities to be undertaken.

Most excursions and camps must:

- be under the direct control of a teacher with at least one other excursion staff member present
- have enough teachers to maintain appropriate control of the excursion and each activity

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- have teachers comprising at least half of the excursion staff.
- Any person who supervises students on an excursion or camp must have a Working with Children check.
- Prior to the commencement of the excursion or camp, the Principal must ensure that the specific roles and responsibilities of each supervisor are clarified and understood by all supervisors and students.
- The supervision of students on a camp or excursion will include the following:
- Retaining copies of all confidential medical forms and permissions slips for each student who is participating in the excursion or camp.
- Regularly marking off the attendance of students – this may include at the beginning of the excursion, on the transport, and at each location and activity.
- Ensuring that the venue, transport and activities conducted adhere to DET guidelines.
- Monitoring student behaviour, enforcing behaviour standards, and implementing logical consequences for a failure to comply with the behaviour and safety standards
- Ensure that students who require first aid assistance receive it as soon as practicable
- Ensure that risk management plans and emergency management plans are implemented as necessary.

## Roles and Responsibilities

The Principal will:

- Regularly communicate the duty of care and supervision obligations and responsibilities to all staff.
- Regularly communicate the supervision arrangements to parents/carers.
- Determine the level of student supervision to be provided to students in all of the circumstances.
- Allocate specific responsibilities to staff members to provide the supervision that is required.
- Communicate the specific supervision responsibilities allocated to staff members.
- Regularly review the level of student supervision provided to students and make adjustments as and when deemed appropriate.
- Regularly review the Duty of Care Policy to ensure that it is consistent with the *School Policy and Advisory Guide*, and continues to meet the duty of care obligations and responsibilities for all students.

Teachers and other staff will:

- Comply with the lawful and reasonable directions of the Principal.
- Comply with all Department and school policies.
- Perform supervisory duties as required.

Parents and carers will:

- Make appropriate arrangements for the transport, care and supervise students travelling to and from school.
- Make appropriate arrangements for the care and supervision of students outside the times of supervision before and after school.
- Comply with late arrival and early departure policies and other school based policies.

Parents and carers are encouraged to:

- Drop off/pick up their children before and after the school bell at the start and end of days.
- Complete the drop off up until bell time at 9.00am and then exit the school yard by 9:10am.
- Enter the school grounds after 3:10pm in preparation for picking up their child.
- Report to the office if entering (or staying in) the school grounds after 9:10am and before 3:10pm in order to sign in as a Visitor's using Compass and collect a Visitor's Tag.
- Congregate in the agreed physical space provided by the school after signing in if wanting to continue chatting socially beyond 9:10am and before 3:10pm.

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- Congregate in the outside Junior Quadrangle near the Little Adventure Playground after 9:00am and before 9:10am and between 3:10pm and 3:35pm (i.e. after morning drop-off and before afternoon pick-up).
- Refrain from being within sight of students in classrooms immediately after drop-off and immediately before pick-up as this may cause distraction from their learning.
- Refrain from talking to staff during class times, which run from 9.00am to 3:30pm, unless an official appointment has been made via prior communication with that staff member.
- If collecting their child during class times, all parents/carers are required to approach the Administration Office to request and sign their child out and not go directly to their child's class in order to collect them.
- No parents/carers are permitted to take students directly from the classroom.
- Students can only be collected by a responsible person 16 years and over.
- No students will be sent home on their own outside of normal dismissal time.
- The school must receive written permission from a parent/carer before the school will authorise a student to be dismissed to:
  - go home for lunch
  - attend an appointment during school hours.

#### **Parent/carer responsibility:**

Parent/carer responsibility is defined as "all the duties, powers, responsibilities and authority which, by law, parents/carers have in relation to children". In the absence of any court orders to the contrary, it is presumed that both parents/carers have parental responsibility and are therefore entitled to spend time with their children, collect their children from school, and make other decisions in relation to their children.

Further information about parent/carer responsibility can be found in the Department's School Policy and Advisory Guide (SPAG) at the following

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

In this case, court orders dated 22 April 2009 specifically state at paragraph 1 that the parent/carers gave joint parental responsibility for the children and that the children live with the Mother.

#### **Parent/carer disputes:**

School Policy & Advisory Guide states that whenever school staff are faced with parent/carer disputes, principals and staff should:

- Avoid becoming involved
- Avoid favouring one parent/carer
- Act at all times in the best interests of the student and the school community
- Act sensitively and realise that a resolution that is satisfactory to both parent/carers will likely not be possible.
- It is not the role of the school to determine parenting/caring disputes. It should be emphasised to parents/carers that it is up to them to resolve the matter away from the school through:
  - Discussion and agreement between themselves
  - Family Dispute Resolution at a Family Relationship Centre
  - Advice from a legal practitioner, or
  - Seeking a court order.

#### **Student Collection:**

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In the event that a parent/carer with parental/caring responsibility were to attend at school and insist on collecting their child, the school could not refuse to allow the student and parent/carer to leave *unless* there were concerns for the wellbeing and/or safety of the student.

A suggested course of action in this scenario includes:

- Reason with the parent/carer and ask that they reconsider their position and allow the child to remain in school until the conclusion of the school day.
- Encourage the parent/carer to determine family law disputes away from the school.
- Explain to the parent/carer that it appears that it is not his or her stipulated time with the child pursuant to the Family Law Act orders (if applicable).
- If the parent/carer appears to be in an altered state, if the student appears extremely distressed or if you form the view that the parent/carer may pose a risk to the student, you should immediately call the police and the Department of Human Services and not allow the student to leave with the parent/carer.
- If both parent/carers are at the school and an argument or incident ensues, you should contact police who will determine the immediate next steps.

#### **Procedures for Implementation**

- The Principal will communicate this policy to all staff using the following mechanisms:
- A copy of this policy will be provided to each member of staff at the first staff meeting at the commencement of the school year, possibly by electronic means.
- New staff will be informed of this policy as part of the School's Induction Program.
- School staff will be directed to familiarise themselves with all relevant sections of the Schools Policy and Advisory Guide.

#### **Arrangements for students arriving early or not collected after school:**

- Parents/carers will be informed when supervision of students is available before and after school hours and that supervision outside of these times and/or the collection of students is the responsibility of parents/carers.
- Students remaining in the school yard awaiting collection after 3.45pm will be directed to the office waiting area.
- If it becomes known that a student who is normally collected from the school, remains at the school well beyond the normal time of collection, attempts will be made to contact
- the parents/carers, or the emergency contact person identified by the parent/carer in the school records.
- Placing the student in the out of school hours care program (if appropriate).
- Where all reasonable attempts have been made to locate the parents/carer 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.
- Information about the whereabouts of the student will be left with appropriate friends of the student, or next-door neighbours, if known, and at the school.
- Parents/carers will be informed via the school's newsletter the times when staff members will be rostered to undertake yard supervision before and after school each day.
- Parents/carers are discouraged from sending their children to school before the designated supervision time in the morning which normally begins at 8:45am.
- Parents/carers are encouraged to pick up their child by the end of the designated end of day supervision period which ends at 3:40pm. Students are expected to exit the school grounds after this time, unless their usual pick up has been delayed; after which time the student should report to the administration office.
- If a child arrives at a time considered unreasonably early or late (i.e. well before the morning supervision or well after the afternoon supervision), then the name of that child will be recorded at the administration office so that

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a telephone call can be made advising the parent of this policy. A record of the conversation recorded in an official book of that child's name, the telephone call, the date, names and details. A subsequent change in behaviour is then expected.

- If that child's name recurs in the official booklet, then the Principal will issue an official warning letter to the parent/carer outlining the concerns and the directive of the change in behaviour required by the student/parent/carer.

## **FURTHER INFORMATION AND RESOURCES**

### **Related School Policies**

- Duty of Care Policy
- First Aid Policy
- Anaphylaxis Policy
- Bullying Prevention Policy
- Work Place Bullying Policy

### **Related DET Resources**

### **Excursions and activities**