



STAFF CODE OF CONDUCT

Preamble

All Seventh-day Adventist Schools in Tasmania are required to plan, implement, and monitor arrangements to ensure the safety, security, and wellbeing of students.

Purpose

Whenever a student-teacher relationship exists, the teacher has a special duty of care. This is defined as: *“Principals and teachers are held to a high standard of care in relation to students. The duty requires staff to take all reasonable steps to reduce risk, including: provision of suitable and safe premises, provision of an adequate system of supervision” (30 Nov 2023) and ‘In carrying out their work, teachers must consider the welfare and best interest of students to be of paramount importance’ (Professional Boundaries for Tasmanian Teachers, Tas. Nov.2021).* 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 preventative measures could be taken.

Implementation

Although the general duty is to take reasonable steps to protect students from reasonable, 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 areas 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 (see Also Child Protection Policy).
- 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.

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- 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.

Risks to students outside the school environment

Legal cases establish that a teacher's duty of care does not start nor end at precise times during the day. The approach generally taken is that a teacher's duty applies irrespective whether the risk occurs in or outside the school environment. However, the important issue in all cases will be whether the school took **reasonable steps** to protect the student from the risk.

Risks outside the school environment may sometimes call for immediate and positive steps by a school depending on the age of students, urgency, and threat of injury. Consider for example, if a live power line came down outside the school, no emergency workers had arrived, and primary children are about to be dismissed to walk home. No school would allow the children to walk out to that danger unsupervised.

The following instructions and notices **apply to all staff**.

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, incursions [at law, The Duty of Care cannot be delegated].
- In **an emergency** use the phone to phone the Principal, relevant coordinator, Reception or contact the teacher in the next room. [if appropriate – send another student for assistance].
- **No student should** be left unsupervised outside **the classroom** as a withdrawal consequence for misbehaviour.

Movement of Students

- Care needs to be taken in allowing students to leave the room to work in other areas of the school.
- Discretion is to be used when allowing students to visit the toilets during class time.

Playground supervision

- Playground supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising pupils, teachers' 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 Playground duty supervision within the school 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 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.

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- The handing over of duty from one teacher to another must be quite definite and **must occur in 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 playground duty roster are to be made without the approval of the relevant coordinator responsible for the roster.
- Staff on duty must be alert and vigilant ready to intervene **immediately** if potentially dangerous behaviour is observed in the Playground and apply behavioural expectations and logical consequences for breaches of safety rules.
- Staff should always be on the move and highly visible.

Before and After School Care

- Students must be adequately supervised at all times, which includes a minimum of 15 minutes before and after school.

Kiss & Go Duty

- Duty staff are required to meet and assist, as appropriate, students to embark/disembark their vehicle.
- Staff are required to safely manage luggage at the rear of the vehicle. Students are not permitted to load or unload the boot of a vehicle.
- Staff are required to supervise students as they await their pickup.

Excursions, Incursions and Camps

- 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 an incursion with an external provider does not absolve supervision duties of the teacher, including first aid duties.
- A teacher must be always present and remain the person designated with duty of care responsibilities.
- Be aware that camps and excursions outside the school require the teacher to remain the person designated with duty of care.
- Be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to school guidelines.
- Be aware that school policy is for students to be counted on and off transport as well as rolls marked off, on a regular basis whilst on excursion or camp activities.
- The teacher in charge will have copies of all confidential medical forms, medications and contact details. A copy of this material will also be kept at school.
- All camps and excursions are required to have a designated First Aid officer appointed by the Teacher in Charge. The First Aid officer will always 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 advise the Principal of the estimated arrival time. Parents will be contacted via SMS via and a senior staff member will remain at school until all students are safely collected by parents/ carers.
- 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 school guidelines when organising an excursion, incursion, or camp.**

Ensuring a Safe Workplace for all People

- It is the responsibility of each employee to ensure the school premises are always safe.
- Regular checks of each employee's own workspace are required as outlined in the WH&S policies to minimise risk of injury to any persons on the school premises.
- If a risk is identified by an employee in an area outside this immediate workspace, it is the responsibility of the employee to ensure no person is put in an immediate risk of harm and then

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immediately notify the school administration of the issue (as per the WH&S policies).

EVALUATION

This policy will be reviewed as a part of the school's five-year policy review cycle.

Document Information

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