



Adran Addysg Gwynedd  
Gwasanaeth Ysgolion Goruchwyliaeth a Dylestwydd Gofal 2014



### **Supervision and the duty of care Policy**

The Strategic Head teacher has overall responsibility for the internal organisation, management and control of the school, and staff are required to carry out his / her reasonable instructions.

National Conditions of Service for teachers contain an obligation to maintain good order and discipline among their pupils and to safeguard their health and safety both when they are authorised to be on the school premises and when they are engaged in authorised school activities.

The school's duty of care for pupils is set out in legislation and also in common law. The relevant legislation is the 'Health and Safety at Work...Act 1974', and more recently the 'Management of Health and Safety at Work Regulations 1999.' Both these Acts of Parliament deal primarily with health and safety protection for employees at work, but they also cover non-employees who are present at the workplace and are likely to be affected by the way the workplace is run. Clearly, pupils are a case in point.

The key-word in the legislation and also in relation to the common law duty of care is "reasonableness".

There are no absolute duties under the legislation or at common law.

It is important to note here that schools are required to make reasonable adjustments to any policies in operation in order to facilitate the education of disabled pupils. The Disability Rights Commission (now the Equality & Human Rights Commission) published a Code of Practice with examples of what adjustments could be considered. Statutory Rights for disabled pupils are now incorporated in the Equality Act 2010.

The law says that school staff must act in a reasonably careful way, but in these circumstances the law does not expect the impossible or suggest that schools can protect children from every conceivable danger at every minute of the day.

The Strategic head teacher is in control of the internal organisation, management and discipline of the school, and he / she must see that procedures are in place to identify risks and then control them.

School staff must take all reasonable steps to ensure that children under their control are not exposed to unacceptable risks, and the law says that a person would be seen as being negligent if reasonable steps are not taken to reduce or eliminate a foreseeable risk. This means a risk that can be reasonably anticipated.

In law, the employer is vicariously responsible for an employee's negligence in the course of employment, unless the circumstances are such that the employer can say that the employee was acting outside the course of employment.

So far as teachers are concerned, they have a particular duty of care which has been described as "in loco parentis". This means that the teacher stands in the place of the parent and is expected to exercise the same standard of care as a reasonably careful parent would.



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Teachers by today, however, are responsible for a large number of children in educational establishments which hugely differ from those in 1893 when this term was adopted. In this context teachers are expected to act to the standard of a reasonably competent professional.

### **Supervision Before and After School**

There are two issues involved here.

First, there is the question of staff members' responsibilities under their conditions of service, and secondly there is the expectation of parents in relation to supervision before school starts and when it finishes.

A Strategic head teacher can direct staff to supervise early arrivals or late leavers at school only if that is a reasonable instruction, bearing in mind their role, conditions of service and job descriptions. In the case of teachers, any such time must be included in the teacher's directed time.

It is important that members of staff know what is expected of them and when. These arrangements should be made with consensus.

Communication with parents is also important.

On the one hand parents cannot be expected to see that their children arrive at school at a precise time, because they may have their own work arrangements to comply with. Arrival time may also be subject to school transport arrangements. On the other hand, parents can reasonably be expected to understand, however, that the school cannot make an open commitment regarding supervision. The school should be careful to keep new parents advised of any arrangements in operation and to tell all parents of any change, giving them reasonable notice so that they can make new arrangements for getting their children to school.

It is with reference to the above that a clearly understood system between the school and parents is in operation and known to all parties. Should a problem then arise, providing that the parent understood what was required of him/her, it would be the parent who would be faulted for not complying with the understood system between the school and the parents.

### **Playgrounds**

Where schools allow children onto the premises before school begins, the school has to reasonably ensure that there are no inherent dangers and take reasonable precautions against the pupils doing anything inherently dangerous. The school does, in any case, have a duty of care in relation to the safety of the premises, and it is for the school to decide on the appropriate supervision before and after school sessions bearing in mind the number of children involved, their ages, the type of playground and what the parents have been told about their children arriving early or being left at school late.

In short:



- Adopt reasonable guidance regarding 'Safety' which addresses any risk assessments in place in order to protect pupils and staff with reference to their conditions of work
- Clearly note school expectations with regard to supervision before, during and at the end of the school day and share these with every family.



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- Monitor the implementation of the guidance and directly respond to those parents who do not comply with expectation.

|                       | <b>Ysgol Bro Idris Supervision and Duty of Care Policy</b> |  |
|--|--|---|
| <b>Mabwysiadwyd ddiwethaf:</b> Corff Llywodraethol Ysgol Bro Idris, 12 <sup>fed</sup> o Orffennaf 2018 |  |   |
| <b>Dyddiad mabwysiadu nesaf:</b> Tymor yr Haf 2021   |  |   |
| <b>Llofnod Cadeirydd y Corff Llywodraethol:</b> <i>H. W Jones</i>                                      |  |   |
| <b>Dyddiad:</b> 12.07.18   |  |   |
| <b>Llofnod y Pennaeth Strategol:</b> <i>J. Owen</i>  |  |   |
| <b>Dyddiad:</b> 12.07.18   |  |   |