

EXTRACT TAKEN FROM DEPARTMENT OF EDUCATION DUTY OF CARE POLICY APPENDIX A DUTY OF CARE – SCHOOL-BASED APPLICATIONS

JOURNEY TO AND FROM PLACE AT WHICH SCHOOL ACTIVITY IS UNDERTAKEN

As a general rule, a school has no 'door-to-door' responsibility for students. However, a duty of care will be owed in situations where the school assumes responsibility for students, such as where a school provides transport for students to and from a school activity, or where a school assumes responsibility for escorting students across a railway line or busy highway.

STUDENTS ON SCHOOL GROUNDS BEFORE SCHOOL

Where it is known that students arrive at school at a certain time (e.g. if buses start delivering students from a particular time) the responsibility of the school to provide adequate supervision for the students commences at that time.

Students who arrive at school early should be directed to a particular area to enable the supervisor to be able to observe exactly what is occurring.

Allowing for the fact that some parents will still ignore this recommendation and deliver students to school earlier than this time, these parents should be contacted individually and asked to come in to the school to discuss the matter with the principal. It should be pointed out that it is impossible for the school to provide supervision for students at these times. The parents should be requested to find some other way of occupying their children at this time.

STUDENTS ON SCHOOL GROUNDS AFTER THE CLOSE OF SCHOOL

Where the presence of students on school grounds is known or ought to be known, the question to be asked is whether it is reasonable in the circumstances to impose responsibility on a staff member for students using the school grounds at the close of the school day. The various scenarios a school may encounter may be summarised as follows:

Students who leave school grounds and return later (e.g. in the evenings, weekends) to use the grounds

There will be no duty of care owed to students who leave the school grounds and return later to use the grounds or playground equipment (unless they return to participate in a school activity).

Students who remain on school grounds after being collected by parents

The collection of students at the end of the school day by, for example, parents will result in those parents or others collecting the students assuming responsibility for supervising them while on the school grounds or while using the playground equipment.

Students who remain on school grounds whilst waiting for parents to collect them

In respect of very young students or students who are otherwise unable to care for themselves, the duty of care is likely to last until the student is collected. However, it is not reasonable to expect staff members to supervise students whose parents are regularly and significantly late in collecting their children.

Students who otherwise remain on school grounds at the close of school

There should be a teacher on duty for a reasonable amount of time after the close of school to ensure that the majority of students are no longer present. Once a suitable time has been determined for it to no longer be viable for teachers to remain on the premises after school to supervise children, then that time should be widely circulated around the parents of the students by way of newsletter.

The advice in the newsletter should state that there will be no one to supervise students at school after the set time and that the school cannot accept responsibility for students remaining on school premises after that time.