



## **Tipton St John Church of England Primary School**

### **DUTY OF CARE STATEMENT**

Teaching staff owe a duty to take reasonable care for the safety and welfare of pupils whilst pupils are involved in school activities or are present for the purposes of a school activity. The duty is to take such measures as are reasonable in all the circumstances to protect pupils from risks of harm that reasonably ought to be foreseen. (Department of Education)

When non-teaching staff, volunteers and external providers agree to perform tasks that require them personally to care for pupils, they will also owe a duty to take such measures as are reasonable in all the circumstances to protect pupils from risk or harm that reasonably ought to be foreseen. (Department of Education)

Duty of care is a legal concept that has its origins in the common law.

### **WHAT DO WE MEAN BY REASONABLE CARE?**

This varies according to the circumstances, but the following factors need to be taken into consideration;

- The pupil's age, experience and capabilities
- Physical and intellectual impairment
- Medical conditions
- Behaviour characteristics
- The nature of the school activity
- Any conflicting responsibilities the school or staff member may have.

### **ASSESSING THE RISK IN A SCHOOL ACTIVITY**

When assessing the risk involved in a school activity consideration must be given to the following factors;

- The probability of the risk occurring
- The magnitude of the risk
- The expense, difficulty and inconvenience involved in alleviating the risk.

### **WHAT DOES THE DUTY ENCOMPASS?**

The duty encompasses a wide range of matters (but not limited to)

- Provision of adequate supervision
- Ensuring grounds, premises and equipment are safe for the use of the pupils
- Implementing strategies to prevent bullying from occurring in our school
- Rendering medical assistance to, or seeking assistance from a medically trained person for a pupil who is injured or becomes sick at school.

## **PROCEDURES TO ENSURE DUTY OF CARE**

### **EARLY MORNING GOING INTO CLASS**

Children in Maple class remain with their parents until collected by the class teacher. Children in Willow and Oak classes enter the class as and when they arrive. This includes children with a travel plan.

### **DURING THE SCHOOL DAY**

Children may not leave the school grounds during the school day without the Head of School's permission or in his absence a member of senior staff standing in.

The child must be collected by a known adult and a valid reason given.

### **END OF THE SCHOOL DAY**

All parents/carers are encouraged to pick their children up on time.

All class teachers have the duty to ensure they have up-to-date information as to who will be collecting the pupils in their care.

In the event children are left it is the responsibility of the class teacher to contact home. All pupil details are in the main school office.

Continuous late collections should be reported to the Safeguarding Officer.

Pupils with parents/carers on the school grounds assume responsibility for the pupil.

### **AFTER SCHOOL SPORTS & ACTIVITIES**

The person appointed for the club has the duty of care for that pupil, activity and collection of that pupil.

It is the class teacher's responsibility to ensure children reach their activity safely and on time.

## **OUT OF HOURS**

All staff have a duty to ensure the welfare of all children out of school hours. To make a referral or for informal help and advice regarding child protection concern please ring 0345 155 1071 (9am – 5pm) 0845 605 1166 (weekends and public holidays) School staff can go straight to MASH if they feel the school is not dealing with their concerns.

[mashsecure@devon.gcsx.gov.uk](mailto:mashsecure@devon.gcsx.gov.uk).

For more information on safeguarding children or to access a MASH enquiry for visit [www.devon.gov.uk/childprotection](http://www.devon.gov.uk/childprotection)

## **EXCURSIONS**

Risk assessments of all excursions must be made in advance by the class teacher and authorised by the Head of School.

Supervision of visits is a priority. A lead adult must be appointed. Teachers must ensure the ratio of adult to pupils is appropriate to the activity and the age of the children and that pupil's SEN needs are catered for.

## **SAFEGUARDING**

All staff have a duty to report to the Safeguarding Officer concerns about a pupil immediately anything is noticed or heard.