



STAFF DUTY OF CARE

INTRODUCTION

The Law requires a member of staff always to be mindful of pupils' safety and welfare. The Children Act 1989 Section 3 (5) defines the duty of care to the effect that a person with care of a child may do what is "reasonable in all the circumstances" for the purpose of safeguarding or promoting the welfare of the child.

Our responsibility for our pupils goes beyond the professional duty of teaching them effectively and safely; there is also a wider legal and moral "duty of care" to see that they come to no harm while they are on school premises or on a school trip. In the classroom, on duty, and while they are on the school site, therefore, we must be aware of our legal duty to provide effective and reliable supervision.

Teachers should always act in accordance with the procedures and guidelines provided by the school.

In conjunction with this document, staff should read and abide by the *DfE Teacher Standards* (attached as Appendix 1) and also the school Safeguarding Policy and Keeping Children Safe in Education (2020) which are located here:

<https://www.stedmunds.org.uk/about-us/policies-inspection-reports/>

1. In Loco Parentis

- Because we act *in loco parentis* our legal duty of care is measured by the standards of a reasonably prudent parent. In law, this principle is judged not in relation to the standards of a parent looking after a single child in their own home, but in the context of a school, where there are many more children being cared for under conditions of school life.

- The key is to be sure that you are acting with appropriate thoughtfulness, consideration and professionalism. This being the case, you are unlikely to fall foul of the law. You will probably make the right decision if you ask yourself the question:

If I were the parent of one of these children, or if this were my own child, would my actions be reasonable and prudent in the circumstances?

2. In the Classroom

Your actions should be those of a “reasonable person” in the circumstances of class teaching.

It is worth reminding ourselves that:

- maintaining good order and discipline in lessons is one of the most basic requirements of our profession.
- in subjects where dangerous substances or tools are used teachers must promote safe working practices.

3. Duties

- Be punctual and be active when on duty.
- Be clear what you are supposed to be doing during your duty period (see the Staff Day Duty document on the Portal).
- Be sure you know the school rules and enforce them.

4. Health and Safety

- Staff should read and abide by the school's Health & Safety policy. This can be found here:

<https://www.stedmunds.org.uk/about-us/policies-inspection-reports/>

- Health and Safety legislation is concerned with employees, not school children.
- The law does, however, give powers to take action against individuals allegedly involved in any action or neglect which causes an accident or incident at a place of work. In effect, any member of staff with a named responsibility is personally liable and must, therefore, understand the standards of safety that are expected in schools. If, for example, as a Head of Department you have arranged for the purchase of specialist equipment, you are expected to understand and act on any special maintenance and safety requirements. Heads of PE/Games departments should particularly be aware of the need to make their staff familiar with safety requirements.
- Staff should be familiar with the fire drill, the location and operation of escape routes and fire fighting equipment.

5. Accidents and Medical Treatment

- Staff should read and abide by the school's First Aid and related policies. These can be found here:

<https://www.stedmunds.org.uk/about-us/policies-inspection-reports/>

- With the exception of first aid after an accident, staff should not administer medical treatment to pupils without parental consent.
- Access to qualified medical staff is available to pupils 24 hours a day in the Medical Centre. If there is any doubt about the severity of an illness or injury, the Medical Centre staff should be contacted and consulted.
- Sick or injured pupils should be sent to the Medical Centre promptly, accompanied by yourself, or another. You should check, when possible, that the pupil has actually arrived. In cases of serious or potentially serious injury the Medical Centre Sister may be sent for to come to the scene of the injury (she has a mobile phone).
- If a pupil is injured whilst in your care and goes to the Medical Centre the matter will be recorded by the Medical Centre staff in the "Accident" book; you must fill in an Accident Form (supply in Common Room Annexe). The completed form should be passed to the Medical Centre staff without delay.
- A member of staff taking a casualty to hospital acts in loco parentis and assumes legal responsibility for the child until such time as the parents arrive. In critical cases this may involve signing a consent form for an operation. This is standard practice.
- If you have taken a child to hospital as a casualty, do not forget to keep the school informed as appropriate.
- Members of staff are expected to have at least a basic knowledge of first aid. A current certificate is desirable, particularly for games/PE staff and staff taking trips away from school. The school lays on first aid training regularly for members of staff who are not trained.
- Mobile phones – all members of staff taking games on, for example the Jackman Field, the Astro, or at the UKC facilities, are equipped with a mobile phone to allow for speedy contact with the Medical Centre.

6. Procedure in the Event of a Serious Accident

- Provide first aid if possible. If the casualty can safely be moved, take them to the Medical Centre.
- If you think the casualty cannot safely be moved, stay with them and summon help - an ambulance in an obviously life-threatening emergency, or Medical Centre staff in a less extreme case. Hand over to expert medical staff as soon as possible.
- Inform a senior member of staff. He/she will decide whether or not to contact parents: if the casualty is sent to a doctor or hospital for treatment, or if the child will not be available for collection at the normal time, a parent will need to be contacted immediately.

- Complete an Accident form and pass it to the Medical Centre staff.

Remember that in dealing with an accident your duty is to exercise the same standard of care as that which a reasonable and prudent parent would exercise towards his/her own child.

7. Supervising in a Remote Location

If a member of staff is supervising in a remote location, access to a mobile phone is advisable. Where senior pupils have supervisory responsibilities for younger pupils, there will always be a member of staff readily available and in overall charge.

V1 February 2018

V2 September 2018

V3 September 2019

V4 September 2020

Review: September 2021

Appendix 1

Teacher Standards



Department
for Education

Teachers' Standards

PREAMBLE

Teachers make the education of their pupils their first concern, and are accountable for achieving the highest possible standards in work and conduct. Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils.

PART ONE: TEACHING

A teacher must:

1 Set high expectations which inspire, motivate and challenge pupils

- establish a safe and stimulating environment for pupils, rooted in mutual respect
- set goals that stretch and challenge pupils of all backgrounds, abilities and dispositions
- demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.

2 Promote good progress and outcomes by pupils

- be accountable for pupils' attainment, progress and outcomes
- be aware of pupils' capabilities and their prior knowledge, and plan teaching to build on these
- guide pupils to reflect on the progress they have made and their emerging needs
- demonstrate knowledge and understanding of how pupils learn and how this impacts on teaching
- encourage pupils to take a responsible and conscientious attitude to their own work and study.

3 Demonstrate good subject and curriculum knowledge

- have a secure knowledge of the relevant subject(s) and curriculum areas, foster and maintain pupils' interest in the subject, and address misunderstandings
- demonstrate a critical understanding of developments in the subject and curriculum areas, and promote the value of scholarship
- demonstrate an understanding of and take responsibility for promoting high standards of literacy, articulacy and the correct use of standard English, whatever the teacher's specialist subject
- if teaching early reading, demonstrate a clear understanding of systematic synthetic phonics
- if teaching early mathematics, demonstrate a clear understanding of appropriate teaching strategies.

4 Plan and teach well structured lessons

- impart knowledge and develop understanding through effective use of lesson time
- promote a love of learning and children's intellectual curiosity
- set homework and plan other out-of-class activities to consolidate and extend the knowledge and understanding pupils have acquired
- reflect systematically on the effectiveness of lessons and approaches to teaching
- contribute to the design and provision of an engaging curriculum within the relevant subject area(s).

5 Adapt teaching to respond to the strengths and needs of all pupils

- know when and how to differentiate appropriately, using approaches which enable pupils to be taught effectively
- have a secure understanding of how a range of factors can inhibit pupils' ability to learn, and how best to overcome these
- demonstrate an awareness of the physical, social and intellectual development of children, and know how to adapt teaching to support pupils' education at different stages of development
- have a clear understanding of the needs of all pupils, including those with special educational needs; those of high ability; those with English as an additional language; those with disabilities; and be able to use and evaluate distinctive teaching approaches to engage and support them.

6 Make accurate and productive use of assessment

- know and understand how to assess the relevant subject and curriculum areas, including statutory assessment requirements
- make use of formative and summative assessment to secure pupils' progress
- use relevant data to monitor progress, set targets, and plan subsequent lessons
- give pupils regular feedback, both orally and through accurate marking, and encourage pupils to respond to the feedback.

7 Manage behaviour effectively to ensure a good and safe learning environment

- have clear rules and routines for behaviour in classrooms, and take responsibility for promoting good and courteous behaviour both in classrooms and around the school, in accordance with the school's behaviour policy
- have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly
- manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them
- maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

8 Fulfil wider professional responsibilities

- make a positive contribution to the wider life and ethos of the school
- develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support
- deploy support staff effectively
- take responsibility for improving teaching through appropriate professional development, responding to advice and feedback from colleagues
- communicate effectively with parents with regard to pupils' achievements and well-being.

PART TWO: PERSONAL AND PROFESSIONAL CONDUCT

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The Teachers' Standards can be found on the GOV.UK website: <https://www.gov.uk/government/publications/teachers-standards>