

# Governance support resources

## Before and after school - who is responsible

### Who cares?

A question often asked of the Advisory & Support Centre is who cares for students at various times of the day, in various situations, and just as intrinsic to the whole question is who is in charge of them and their learning at school.

In this country the state requires children between the ages of six and sixteen to be educated. For this to happen the state provides the places (schools) and the money for boards of trustees to employ suitably trained people (teachers) to teach the curriculum set out by the state. Therefore, parents are required to have their children in school, in the care of the people employed to teach them.

As the law is not specific a pragmatic view should prevail. Let's look at several scenarios.

### During the school day when does the school (and ultimately the board) have responsibility for the safety of the student?

We respond that an appropriate time would be 30 minutes before school starts until 15 minutes after school finishes. This would include any specific school related activities students are involved in such as school sports team practices.

Therefore, if a student is dropped off at the school gate at 7:30am as the parents go off to work they are on their own until 30 minutes before school starts. That is a parental decision and essentially, they are responsible for their child's safety until the 30 minutes "rule" kicks in.

The same is true at the end of the school day. If parents want their children to remain at school until they are collected late in the afternoon, then the 15 minutes "rule" remains in place. After that students are not in the direct care and protection of the school staff. Boards of trustees do not employ staff, particularly teachers, to be child minders out of school hours. Staff have other school and teaching related matters to attend to.

There needs to be a degree of flexibility around this 'rule'. If, for example, a group of students is delivered to the school gate by "school bus" at, say, 8:20am, then care and responsibility should kick in straight away as these students have no option and the bus has been provided to get them to school.

### What about crossing roads to and from school?

If there is a pedestrian crossing controlled by school patrol, care starts from the far side of the crossing in the morning, and to the same spot in the afternoon, but only while the crossing is patrolled. The reason is simple. At other times the school has no control over the pedestrian crossing, the traffic, and the general environment of a public area.

### Student-only specific buses to and from school

This is an extremely difficult area to deal with. If the bus is owned and operated by the board then while on board the students are bound by the same rules as they are while at school. However, if the bus is owned by a company contracted to provide the service, then care of the students passes to the company. It is acknowledged that often that care can be compromised by the actions of the students. The standard of behaviour on school buses (and indeed any public transport) has to be a joint effort between school staff and families with both parties working to reinforce the message.

## During school breaks

The safety concept continues during breaks between classes such as morning interval and lunch time. Although students have much more freedom during these times, mainly through play, the supervision must be constant (even if benign) so the care and responsibility for the students is maintained.

## During school trips and camps

The same concept applies on school trips, whether they are an excursion during school time or overnight or longer. In fact, staff and other adults in a supervisory position should act somewhat more prudently than a prudent parent would be expected to act.

Whilst schools are not required by law to police vet volunteers doing so should be considered for any off-site trips or activities where volunteers are assisting.

## Who decides whether the students will leave the school premises for educational purposes. Is it the parents or is it the staff at school?

In our view the decision about the whereabouts of the students during standard school hours is a decision to be made on sound educational grounds by the appropriate people – headed by the principal. Not the parents. Before students participate in an Education outside the Classroom (EOTC) event, parents need to be informed. 'Parent consent' will be required for some events, particularly those that extend outside normal school hours and/or involve more than a minimal level of risk.

## Important to consider from a Health & Safety Perspective

For all activities, inside or outside the classroom, NZSTA recommends that a risk assessment should be conducted considering and mitigating all risks as a part of the schools Health & Safety policy and procedures. This is because education (and care) of the students is not restricted to the classroom and playground. It happens wherever the students are. This applies no matter whether it is a walk in the local park to look at the colour of the leaves in autumn, a trip to Wellington to visit Te Papa or a school camp.

NZSTA health & safety information can be found on our website – We have a guide developed for schools, boards and trustees that covers the Health and Safety at Work Act 2015.

The Ministry of Education publication Education outside the Classroom Guidelines 2016 – Bringing the Curriculum Alive, is also a useful document

So, the bottom line is that during the normal school day and within reasonable times before and after school the staff care for the students, while educating them, with the ultimate responsibility resting with the board of trustees and the principal. The board is responsible for the policy and the principal is responsible for the management of the school.



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### Where do I get advice?

The Governance advisory and support centre advisers can also assist and are contacted on 0800 782 435, option 1 or [govadvice@nzsta.org.nz](mailto:govadvice@nzsta.org.nz)