

SCHOOLS

Allianz

ALLIANZ P.L.C.

# Schools Journal

www.allianz.ie/schools  
Issue 01 | 2012

School Insurance  
Allianz Cover

Video

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Pupils Personal Accident  
Meet our External Team  
Record Keeping & Procedures

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Safety, Health & Welfare at Work Act 2005  
Partial Possession of New or Refurbished Property  
Automatic Personal Accident Cover for Teachers and other staff

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Win Tickets to the Ryder Cup!  
Increased Limits of Indemnity for Professional Indemnity, Employment Practices Liability & Legal Expenses  
Log on to [www.allianz.ie/schools](http://www.allianz.ie/schools)

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Back to School  
Internet Safety and Security  
School Finance  
School opens in Banda Aceh

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Legal Review  
Risk Management  
School Playground Equipment  
Work Experience Programmes

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Legal Review  
Risk Management  
Fire Safety Management  
Increased Benefits under our Custodian School Protection Policy

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Legal Review  
Risk Management  
Seomraí Rangá Réamhchúirta, Cabáin Inaistrithe agus Fóirgnimh Shealadacha eile  
Why Allianz?

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Legal Review  
Risk Management  
New Guide to Insurance, Safety & Security in the School  
Polasaí Árachais Phearsanta Timpistí do Dhaltaí 2008/2009

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Legal  
School Enrolment Policy  
Treoir nua maidir le Sabhalteacht Cuailí Báire  
Insurance  
Allianz Commitment to Schools

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Risk Management  
Frost Protection in Schools  
Legal  
Legal Review  
Insurance  
Claims Procedure

SCHOOLS

Allianz

# SCHOOLS JOURNAL

School

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Win a €1,000 book voucher for your School

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Risk Management  
School Security – How safe is your school?  
Legal  
Legal Review  
Free Prize Draw  
Win a €1,000 book voucher for your School

SCHOOLS

Allianz

# SCHOOLS JOURNAL

Allianz

# Editorial

**Dear Friends,** Welcome to the Spring edition of our Schools Journal.

I particularly would like to welcome all newly appointed Principals and members of Boards of Management who have been appointed to their new and challenging rolls over the last twelve months.



**Anthony Shannon**  
Member of the Board of Management

In this specially extended edition of our Schools Journal we include a number of key updated articles which have appeared in previous editions but which generate most queries from schools. These include the need for Boards of Management to ensure that appropriate procedures are put in place to ensure that all income and expenditure is recorded and accounted for

in a clear and transparent manner, the issue of supervision and the various challenges schools and teachers face, and the use of teachers and other staff private cars on school related business.

Previous editions of our Schools Journals are available on our dedicated school website [www.allianz.ie/schools](http://www.allianz.ie/schools). In addition full contact details of our Education Team and your local Allianz Representatives who are based in your local area are included in this edition of our Schools Journal.

I hope you find this edition of our Journal to be of interest and assistance to you. If there is any additional information we can provide in relation to any of the articles published or indeed, if you have any issues you wish to raise, please do not hesitate to contact us.

Our email address is [education@allianz.ie](mailto:education@allianz.ie). Please quote your policy number in the subject title of the email. You can also contact our Education Team at 01 613 3966, Our Pupil Personal Accident Unit at 01 613 3900, your local Allianz Representative or your Insurance Intermediary. Our schools website is [www.allianz.ie/schools](http://www.allianz.ie/schools).

Yours sincerely

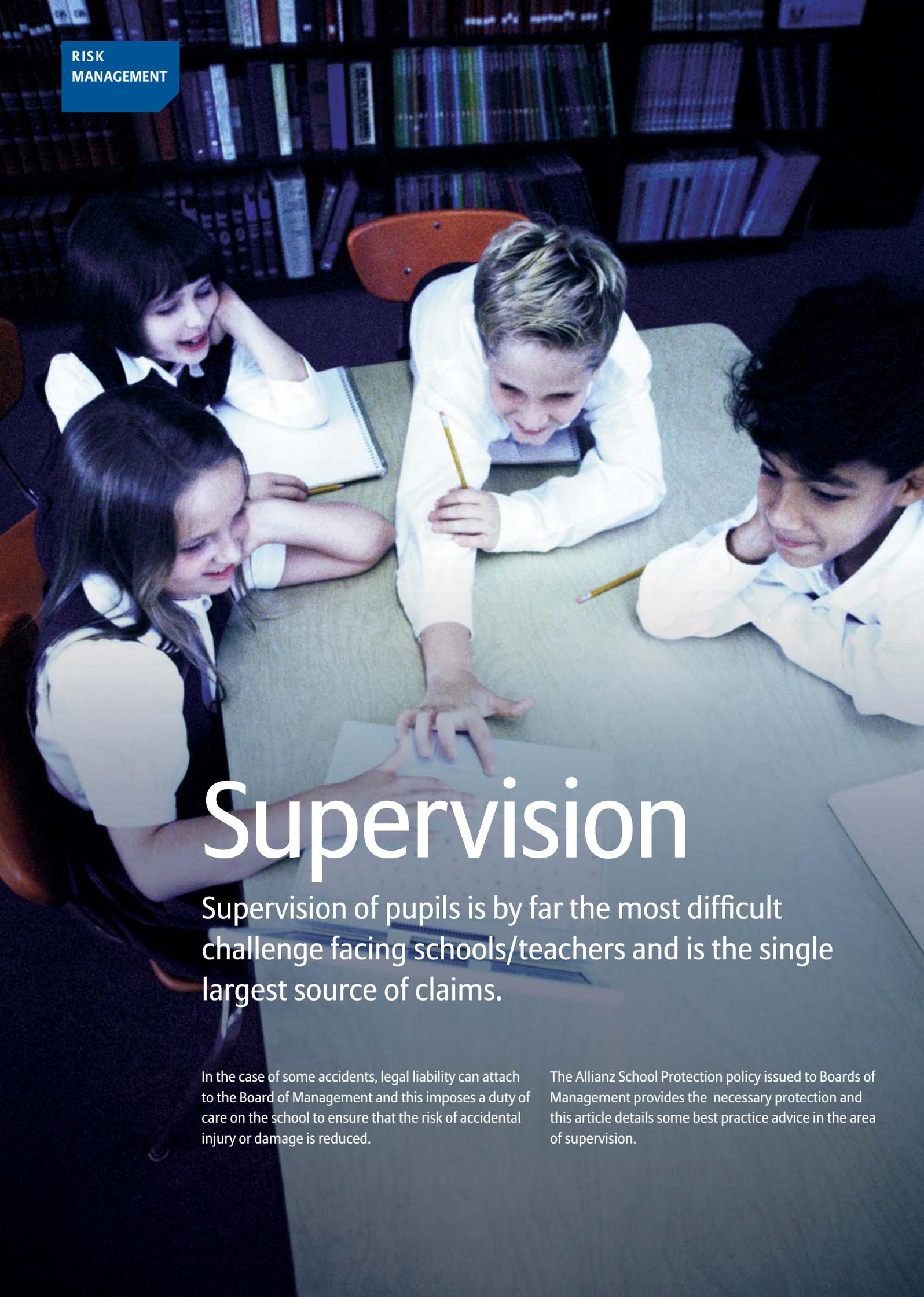


**Anthony Shannon**  
Member of the Board of Management



## Contents

- 2 Editorial**  
Welcome to the Spring edition of our Schools Journal.
- 3 Supervision**  
Supervision and the many challenges schools and teachers face are discussed.
- 8 Paralympic Games - London 2012**  
Allianz are supporting Paralympic Ireland and its athletes.
- 10 Legal Review**  
Details of some recently settled school accident claims.
- 12 Allianz Pupil Personal; Accident**  
Practical examples of actual claims are discussed.
- 13 "Ride-on" Mowers**  
Why the need for separate insurance?
- 14 Teachers Cars**  
We discuss the various issues involved where teachers and other staff use their cars on school related business and damage to staff cars whilst parked on school grounds.
- 16 School Finance**  
The need for Boards of Management to ensure that adequate and transparent procedures are in place.
- 18 Allianz Education Team**  
Full contact details are provided.



# Supervision

Supervision of pupils is by far the most difficult challenge facing schools/teachers and is the single largest source of claims.

In the case of some accidents, legal liability can attach to the Board of Management and this imposes a duty of care on the school to ensure that the risk of accidental injury or damage is reduced.

The Allianz School Protection policy issued to Boards of Management provides the necessary protection and this article details some best practice advice in the area of supervision.



**Dermot Connor**  
Underwriting Manager  
Religious/Education

### What is the extent of the teacher's duty of care?

The measure of duty placed on the teacher is "to take such care of his/her pupils as a careful parent would of his/her children". This legal principle is known as "in loco parentis" (in the place of the parent). The degree of supervision required of the teacher will vary with the circumstances and especially the age of the pupil.

In other words, the nature of the activity being supervised and the age of the pupil will dictate the extent of the teacher's duty of care.

A higher standard of care is required for very young children and the law holds children of very tender years incapable of contributory negligence.

### What have the courts said?

Some judicial comments-

1. *If every teacher is to take precautions to see that there is never ragging or horseplay among his pupils, his school would indeed be too awful a place to contemplate.*
2. *If a school teacher knows, or ought to know, that a game is being played in a dangerous manner, or in an unsuitable place likely to make it dangerous he is negligent if he does not take proper steps to prevent danger.*

3. *Careful supervision is essential and the persons having charge of the school are bound to see that there is supervision of the playground during play intervals. It is the duty of the principal teacher to see that the playground is clear and not a source of danger to children playing there.*

### Does the law require constant supervision?

The courts have held that constant and individual supervision is not necessary and the responsibility of the teacher is that of reasonable care.

**The proper level of supervision in any particular instance will be a matter for the Board of Management and/or teaching staff.** In considering the proper level of supervision, the person responsible will have to consider the age, maturity and number of pupils under his/her control as well as the topography of the area in which supervision takes place.

### How do the courts interpret the law?

The courts have, in recent years, imposed on the teacher a duty of care which is, in the view of many, in excess of the duty of care attributable to a parent.



- (e) Pupils should never be left unsupervised in a gymnasium or sports hall, particularly where there is equipment such as trampolines, trampetts and vaulting horses available. Strict instruction must be given to all students in relation to how and when such equipment should be used.

### **What about children leaving the school during lunch or on other occasions?**

The general rule is that school authorities should know where all the children are at all times. If children go home for lunch, the parents should be asked to sign an authorisation note and the following wording is recommended:

“This is to acknowledge that we have requested the Board of Management and Teachers to allow our child (or children) (...name(s)...) to leave the school premises at lunch time. We are aware that an accident may befall the child on their way from or on their return to the school and we hereby absolve and release the Board of Management and Teachers from all claims of every nature and kind in respect of any injury or loss or accident which may be suffered by our child during lunch time.”

The form should be addressed to the school, indicate the names of the child or children, signed by the parents and dated.

### **What about games?**

When considering indoor games such as indoor football etc., the number of players involved must be carefully considered so that pupils are not placed at any risk over and above the normal hazards of the sport.

Teachers must encourage all pupils to acquire and use relevant safety equipment in all sports e.g. helmets should be worn when hurling and cycling, gum shields should be used when playing football, hurling or rugby.

Any other equipment which may reduce the likelihood or severity of injury must be recommended and used.

When considering swimming or any games played away from the school, ensure that transport is provided for all the pupils to and from the venue. Your responsibilities to supervise do not diminish because pupils are elsewhere than on school grounds.

### **Who should supervise?**

It is essential that supervision is undertaken by a person trained to supervise in large numbers. This will in most cases mean a teacher. Parents, generally, have experience only in a small family unit and should not be used in either a teaching or supervisory capacity unless accompanied by and under the direction of a member of the teaching staff. Pupils, too, should never be left to supervise.

### **What then is the correct level of supervision?**

There is no simple answer. In considering the correct level of supervision the age, maturity and number of pupils must be considered as well as the topography of the area in which supervision takes place.

The most common types of accidents, under this heading, are as follows:

- (a) One pupil injures another while a teacher is out of the room for a few seconds or minutes.
- (b) A pupil is injured whilst using a piece of equipment (woodworking or metalwork) whilst the teacher is not watching him/her. (In this regard explicit instructions must be given for the use of such equipment.)
- (c) A pupil is injured whilst ‘playing’ in the school playground during break or lunch time. Either the game is too robust and dangerous or there are not enough teachers to provide an adequate level of supervision. Supervising through a window inside the school is inadequate and indefensible in a legal action.
- (d) On wet days when pupils are confined to their classrooms, supervision should not be carried out on a random basis. Each classroom requires supervision.



**When does the school accept responsibility to supervise?**

The school and teachers have a duty to supervise at all times when pupils are in their charge. If the school allows access to the school before official opening hours then the duty to supervise applies.

Likewise, whilst pupils are on the premises after hours a similar duty applies.

**But surely the school cannot be responsible for pupils left by their parents early morning or after finish of school?**

Yes it can. It is accepted that some parents drop their children at the school some time before school starts, and similarly collect them some time after school finishes, but that does not wholly absolve the school/teachers of their responsibility to supervise.

This legal obligation produces a dilemma for school management. Do we lock the gates and refuse entry until ten minutes before school starts? To do so could expose children to the danger of passing traffic or to the inclement weather.

It is, alas, a dilemma which holds little sway with the courts who will argue that it is a practice known to the school for parents to leave pupils before hours or collect them after hours, and in that acceptance is the obligation to provide supervision. Where in such circumstances, legal liability attaches to the Board, cover is provided by the Allianz School Protection Policy.

**Can the school do anything about it?**

As we have said, this is a dilemma which offers little relief for the school. However, there is some mitigation which can be made.

We recommend that a note is sent to all parents at the beginning of term advising them of the hours at which the school can accept responsibility for their children. This is in the nature of a disclaimer and a recommended wording is as follows:

**CIRCULAR**

“The school will open to receive pupils at the hour of 8.45 a.m. No responsibility is accepted for pupils arriving before that time. Classes will commence each day at 9.15 a.m. No pupils should arrive later than 9.10 a.m.

Classes will end each day at 3.30 p.m. Parents who wish to have their children escorted home should make their own arrangements to have them met at the school gate and the person to escort them should be at the school not later than 3.30 p.m. as the school cannot accept responsibility for looking after the children after that time.”

**NOTE:** The times shown are for the purposes of example only. When issuing such a circular you should insert the actual times which are in operation for your school.

**What about the School Transport System?**

Schools are not party to the School Transport System and the fact that the children are conveyed to or from school by bus does not impose any additional obligations on the school or teachers.

As we have stated, it is important that parents are aware that no arrangement exists for the supervision of their children who arrive at the school, whether by school bus or otherwise, before the official opening time. A similar situation arises in respect of children who remain after school hours awaiting collection by the school bus.

In situations where teachers voluntarily adopt the practice of escorting pupils to and from school or the bus, they could be held to be liable if, having established the practice, they miss out for some reason or another or fail to do so in a careful manner.



In the interests of both children and the school, a letter along the lines as suggested above and adapted as appropriate to meet particular circumstances, should be sent to all parents at the beginning of each term. In respect of the School Transport System it is suggested that the letter should include the following paragraph:

“In the case of children travelling by the School Bus, the school cannot accept responsibility for escorting them from the bus to the school or from the school to the bus. Parents who feel that their children may need to be escorted in these circumstances should make arrangements to ensure that an escort is provided.”

#### **Does this apply to special schools who employ bus escorts?**

The simple answer is no. In providing an escort, the school is accepting responsibility for the pupils from the time of escort. As it is organised by the Board it is a School Related Activity and receives the full protection of the Allianz School Protection Policy.

We would recommend that escorts are vetted in accordance with appropriate procedures and in addition they should receive full instruction and training in the performance of their duties. There should also be a contingency plan to provide substitute escorts should an escort be unavailable on a particular day or days.

#### **What about school trips and tours?**

The normal laws of negligence apply, i.e. school management must take reasonable care for the safety of

the pupils. To avoid liability, Boards of Management will have to address two key areas: planning and supervision.

#### **Planning**

Proper planning of a trip involves choosing an appropriate venue, mode of transport and type of activity having regard to the age and capacity of the pupils. For example, a rock climbing expedition for 8 year olds would place too rigorous physical demands on the children exposing them to risk of injury irrespective of the level of supervision and could well constitute negligence.

#### **Supervision**

Adequate supervision is vital. Children will be more exuberant outside the confines of the school environment and consequently will be harder to control. Therefore, **a greater level of supervision** will be required than that which is required on the school premises.

Parents, as supervisors, should always be accompanied by a teacher as they may not have the necessary training to be effective and responsible supervisors and should be properly briefed on what is expected of them before the trip.

#### **Are there any restrictions on class numbers?**

Allianz does not seek to advise Boards of Management what can and cannot be done in the educational process and we believe it is a matter for you the professionals on the ground to determine what is best for the children in your care having taken account of the specific circumstances pertaining to your school.

It is the responsibility of the Board of Management to maintain classes at a level that allows effective supervision by a teacher.

#### **What about children with disabilities?**

It is considered that children with disabilities benefit from schooling with able-bodied students. There is no difference in the legal requirements for them but the Board of Management and the teachers should be aware that the duty of care to children with disabilities may be increased as a result of their disability.

For further information on Supervision or any other aspect of your Allianz School Protection Insurance please contact your local Allianz representative or our dedicated Education Team on 6133 966 or your Insurance Intermediary.

# The biggest show on earth – featuring the Paralympic Games – London 2012

Allianz actively supports our Paralympians through every step of their journey as they strive to overcome their challenges and embody the true Olympic spirit.



The Paralympic Games, held every four years in parallel with the Olympic Games, is the premier multisport event for elite athletes with a disability. Through successful partnerships with the International Paralympic Committee (IPC) and the German National Paralympic Committee, Allianz has been committed to the Paralympic Movement since 2006. As a trusted partner of Paralympic Sport, Allianz has been vocal and active in its support of the Paralympic Movement. By supporting Paralympic Ireland and its athletes, Allianz in Ireland aims to not only drive awareness for the Paralympics movement but support their quest for medals. By supporting Paralympic Sports globally and locally, Allianz raises awareness of the daily challenges of people with a disability while sharing the realisation that those difficulties can be overcome. Ireland is seeking to travel with a team of around 42 athletes across 9 sports with 26 having already secured slots in athletics, boccia, cycling, equestrian, rowing, sailing and table tennis. The full team will be announced in late June.

#### **Olympic spirit embodied – Orla Barry and Mark Rohan**

Allianz in Ireland is very proud to support both Orla Barry and Mark Rohan. These Paralympians embody the Olympic spirit and are an inspiration to us all. Both have overcome serious challenges to go on and represent Ireland at the highest level possible. Even in these challenging times, their stories are an example to



us all about to overcoming obstacles. Orla Barry, from Waterford, broke onto the international scene aged just sixteen in 2006, finishing a creditable fifth in the final of the F57 discus at Beijing 2008. In 2011, Orla was just outside the medals at the IPC World Championships in New Zealand. She went on however to set a new discuss European record. Mark Rohan from Ballinahown in Co. Westmeath was an inter-county Gaelic footballer who suffered serious road injuries in a road accident in 2001 which left him paralysed from the chest down. Mark is now the current World Hand-cycling champion and aiming for gold in London. Follow Orla and Mark's remarkable stories on Facebook /Allianz.

### Supporting the supporter community

It can be easy to forget that for every athlete, there is a network of family, friends, supporters and coaches in the background helping and cheering for success. Allianz has seen this in its support of Gaelic football right through to the arts. The supporter community can be often overlooked and can sometimes be the last to know or are distanced from that moment of greatness. As the build-up to the Olympics reaches fever pitch, it could potentially overshadow the Paralympics, and the athletes whose sacrifices and dedication are the true embodiment of the Olympic spirit.

Allianz will ensure the Paralympians' supporters see and stay connected with the main events through Setanta TV who will broadcast the 2012 Paralympic Games live. This is a broadcasting first for Ireland and will not only boost and

encourage the athletes and their supporters but will also give visibility to the courage, commitment and outstanding achievements of all of our Paralympic athletes.

As we get closer to London 2012, and our athletes strive to make it into the teams to represent Ireland, we wish all of our athletes success in the games and commend them for their achievements, both in life and in sport.

My advice, always focus on the positives.

Mark Rohan was a talented inter-county footballer until a road accident left him paralysed from the chest down. But instead of dwelling on his misfortune, Mark drew on his sporting talent and extraordinary inner strength to become a world hand-cycling champion. Now his sights are set firmly on gold at the London 2012 Paralympic Games, and Allianz is proud to support him in his quest.

Allianz.ie  

General Insurance

**Allianz** 

Mark Rohan 2012 World Handcycling Champion.

Allianz, An Official Sponsor of the 2012 Irish Paralympic Team.

Allianz is regulated by the Central Bank of Ireland.

# We continue our review of some **school accidents** which have been finalised in the Courts in the last few months



**Gerry O'Toole**  
Claims Relationship  
Manager

## **Case 1 – Failure to provide adequate training to an employee**

This case which involves a minor injury, outlines the strict position the Court takes in applying Health & Safety Legislation to what most people would consider a very simple and common sense task. Nevertheless, the Court viewed the task as one which the Employer should have ensured that there was a safe means of carrying out that task.

The staff member was faced with a task which was not usual in the course of her day. Some equipment had arrived which was packaged and secured with nylon binding. The staff member had tried to use a scissors from the first aid kit to snip the binding but it was not strong enough. She then took a knife and used it to cut the nylon binding but cut her hand at the same time. The case was run to a full hearing in the Circuit Court on the basis that this was a simple task which only required some common sense to carry it out safely. In addition, there was a bigger scissors available in the school office had the employee taken it upon herself to look for same. The package did not come with any warnings or instruction regarding the release of the binding. The Judge found against the school on the grounds that the school had failed to provide any training in the use of knives and had not provided adequate implements for the task. He did find the Plaintiff 30% contributory negligent and made a small award in her favour.

## **Case 2 – Accident away from the school at local outdoor playground facility**

This case involves an accident occurring away from the school at an outdoor playground facility in a local park. A group of pupils were brought to the park under the supervision of five teachers. While on the climbing frame, one of the pupils fell to the ground and suffered a broken leg. No issue was made in relation to supervision on the day or in relation to the playing equipment. The ground on to which the climbing frame was fixed, was covered in bark and evidence was given in the Circuit Court that



the bark under the climbing frame was eight inches deep. The injured pupil's Engineer gave evidence that the British Standard SI 1177 required a depth of one foot of bark and that it needed to be refilled and rotavated on a regular basis. On cross examination, the Engineer was asked if it was reasonable to expect the teachers to measure the depth of the bark to which he responded that he did not consider it so. It was also reasonable to allow children to play on such equipment and it was accepted that children would fall from such equipment and there was a trade off between fun and safety. The depth of the bark was the sole issue and the Playground was not a party to the proceedings. The Judge ruled that taking the injured pupil's case at its height, despite the strong arguments presented, it would be unfair and too remote in law on foreseeability to expect teachers to be familiar with the provisions of Statutory Instrument 1177 and a bridge too far to hold the school liable in negligence. The injured pupil's claim was dismissed with no order as to costs.

## **Case 3 – Pupil knocked down by car while crossing the public road**

In this next case, the claim arose as a result of a pupil being knocked down by a car while crossing the road.

This case was not as straight forward as it would initially appear. The school were involved in a football match which had finished and the players were returning to the school which was across the road from the exit of the pitches. There was a car parked at the side of the road to the right of the pupil, along with two of his team mates, and may have prevented the pupil from seeing the approaching car. The road does have a set of pedestrian

proceedings were issued with the Board of Management and the Motorist being named as defendants. Legal advice was required on whether, firstly, was there negligence on the part of the Board of Management in allowing the pupils to cross the road unsupervised and wearing football boots which would have a very poor grip on the road surface. Secondly, was there negligence on behalf of the driver of the car in her driving as she approached a school and a pedestrian crossing in the knowledge that pupils were exiting. Thirdly, whether there was contributory negligence on the part of the injured pupil who was twelve years of age, in attempting to cross the road in the manner that he did and at a time when pedestrian lights were red against him. The matter was listed for hearing in the High Court and a great deal of discussion took place in advance of the hearing. In the end, there was an acceptance of one third for contributory negligence on the part of the injured pupil with the motorist and the Board of Management agreeing to pay a third each in settlement of the injured pupils claim.

#### Case 4 – Teacher trips in pot hole in school car park

This last case stresses the need to continually inspect/monitor the school premises for defects which might arise over time. In this case, a teacher returning to his car, following supervision of evening study, stepped into and tripped in a pot hole in the car park causing a serious injury to his wrist and back. His car was parked in an area away from public lighting and it was his role to turn off the lights when locking up the school after the evening study session. As a result of his turning off the lights, the exterior light nearest to his car and the pothole, was turned off. In retrospect, it would have been better if he had moved his car earlier in the day to a spot covered by the public lighting, recognising that it would be dark when he would be exiting the building. Apart from the lighting aspect, the fact that a pot hole 14 inches in width, 28 inches in length and 3 & 1/4 inches deep was present was sufficient for a finding of negligence against the school. Neither the Caretaker nor School Management were aware of the existence of the pot hole or how long it had been there. A pothole of that size does not develop overnight and the view was that the Plaintiff would succeed on liability. Inspection and maintenance of school premises is a continuous and ongoing process which demands constant attention. This case highlights what can happen where there is a breakdown in the system. The claim was settled in advance of being set down for hearing in the High Court.

lights and all pupils were instructed to use these lights when going back and forth to the pitches. The pupil took it upon himself to make a run for it before the lights were green. As he stepped forward he saw the oncoming car and as he back pedalled, slipped (as he was still wearing his football boots) and was struck by the passing car resulting in a fracture injury to his leg. High Court



# Allianz Pupil Personal Accident – “Accidents Occur and are Covered”



**Alan Black**  
Education Business  
Executive

The old cliché “Accidents don’t happen, they are caused” is certainly true. However accidents do occur.

For schools with Pupil Personal Accident cover in place there is the “Peace of Mind” factor for parents, teachers and principals that the various benefits provided by the Allianz Pupil Personal Accident Policy, in particular medical/dental expenses resulting from an accident not recoverable from any other source can be recovered under the policy. Rather than outlining the benefits provided under our Pupil Personal Accident Insurance policy and how essential we feel it is to your school, this year we are going to show you how it works in practical terms where the medical/dental expenses were not recoverable from any other source and let you decide.

#### Case 1 – Pupil injured during PE Class

Pupil was taking part in PE in the school grounds when he tripped on an uneven surface and fell awkwardly on his left hand. His hand swelled up immediately and the pupil was taken to the VHI Swiftcare clinic. An x-ray was carried out and it was determined his thumb was broken. As there is no excess under the policy full medical costs were reclaimed.

#### Case 2 – Pupil injured in school yard

Pupil was in the school yard at lunch time when he was pushed. He banged his head on the concrete ground and received a bump to his head. The bump initially went down but a number of days later his face swelled up and

turned black and blue as a result of the original fall. He had to visit the emergency department three times and have a head CT scan. His medical expenses were covered under the Pupil Personal Accident Policy and reclaimed by his parents.

#### Case 3 – Pupil injured whilst playing conkers

Pupil was playing the game of conkers using chestnuts with another pupil where the chestnut of the opponent hit the pupil in the mouth. There were significant dental expenses accruing from the accident which were covered in full under the Allianz Pupil Personal Accident Policy. Follow on dental expenses as a result of this accident will also be covered.

#### Case 4 – Eye injury to Pupil

A Pupil was poked in the eye by another pupil in the school yard on break time. The injured pupil was brought to the doctor and subsequently to an eye clinic where it was discovered he had suffered a tear to his cornea. The medical expenses were covered in full under the Allianz Pupil Personal Accident Policy.

These cases have been selected from the thousands of similar Pupil Personal Accident claims we receive each year. These cases were settled speedily and to the parents satisfaction. If the Allianz Pupil Personal Accident Policy



did not exist in these cases, the parents/guardians would have had to prove negligence against the school in order to reclaim these expenses which could very easily have led to legal action. The existence of a Pupil Personal Accident Policy does not completely eliminate the possibility of legal action being taken in the event of an injury but it does reduce the possibility considerably and in turn save the school a lot of time and effort that these legal cases would take. There is compelling evidence to suggest that effecting Pupil Personal Accident cover impacts positively on the level of public liability claims made against schools which in the long term is of benefit to all.

If you are interested in purchasing the Allianz Pupil Personal Accident Policy our application form for the next school year will be available from early May 2012 on our schools website. We will also be continuing our offer of a 30% discount for buying or renewing your Pupil Personal Accident Policy online at [www.allianz.ie/schools](http://www.allianz.ie/schools).

**Last Year Allianz in conjunction with Steljes (SMART) Ireland who are Irelands leading supplier of Interactive Whiteboards and exclusive distributors of SMART technologies in this country held a competition for our Pupil Personal Accident Customers. The prize was a fantastic SMART Board Interactive Whiteboard which came with free installation and training. The lucky winner was Ray National School, Manorcunningham, Co Donegal. The principal of Ray National School Tracey Doran is pictured above being presented with her prize with the prize by Jim Smith of Steljes (SMART) Ireland and Alan Black of Allianz.**



## “Ride-on” Mowers

**Many schools have** purchased “ride-on” mowers for use in maintaining lawns, playing fields and large grassed areas.

As these vehicles are used in areas to which the public has access and at times can be used on a public roadway or car parks open for parent or teacher use, they are classified as mechanically propelled vehicles under the Road Traffic Act (RTA).

Consequently, the owner is legally required to effect motor insurance for any “ride-on” mower, which is used in an area deemed to constitute a public place as defined in the Road Traffic Act (RTA).

Under the RTA a public place means:

- (a)** any public road, and
- (b)** any street, road or other place to which the public have access with vehicles whether as of right of way or by permission and whether subject to or free of charge.

The fact that these vehicles may not need to be taxed does not exempt the owners from their obligations under the (RTA).

The Custodian School Protection policy specifically excludes liability which is compulsorily insurable in accordance with any Road Traffic Act(s). It is therefore essential that separate Motor insurance cover is effected for “ride-on” mowers.

Allianz offer a specially tailored policy for schools incorporating cover for third party, fire, theft and accidental damage risks at very competitive terms. You can also download a proposal from our school website at [www.allianz.ie/schools](http://www.allianz.ie/schools).



# Teachers Cars

Teachers, Secretaries and Bursars will often use their private cars in connection with School activities such as bringing pupils to sport events or to a doctor. The use of private cars by teachers and other staff generates a lot of debate regarding which Policy should respond in the event of a road traffic accident and our advices regarding same are set out hereunder.



**Noel O'Loughlin**  
Education Business  
Executive

### **Does the Allianz School Protection Policy cover a Teachers Road Traffic Act liability whilst using their car on School business?**

No. Teachers liability for passengers in a car or for any third party injury or damage arising from the use of a teachers car on school business is a matter solely for the teacher's motor insurance. However, liability which attaches to the Board of Management in the event that the teacher's insurance should prove defective, is covered by the School Protection Policy.

### **How should teachers arrange their motor insurance?**

Like any individual, teachers are free to arrange their motor insurance with whatever insurer they wish. Bearing in mind, however, that teachers may carry pupils to sports matches or to hospital in an emergency, some advice is necessary.

It is quite common for insurers to offer insurance with use of the vehicle on what is known as a Class 1 basis. This provides cover for Social, Domestic and Pleasure usage of the vehicle. To include carrying of pupils, school equipment etc. in their own car, teachers are advised to have the extended Class 1 usage of the vehicle which is Social,



Domestic and Pleasure Purposes and use by the insured in person for his/her business.

These additional words are important and will give the additional cover required only when the teacher insured is driving. In most instances NO additional premium should be required by insurers, however this does not apply to all insurers. The teacher should therefore check the position with his/her insurer **before** committing to any such arrangement with their school.

**Note** where the vehicle is insured with Allianz there is no charge for "extended Class 1 use" cover.

#### **What if the teacher has an accident whilst using his/her car on school business?**

The teacher's motor insurance will cover any liability arising out of the use of the car. If Comprehensive cover has been arranged then it will also cover damage to the teacher's car. But there will be an excess (or amount deducted from the amount of the claim payable by the teacher insured) and the possible loss of No Claim Bonus/Discount.

#### **Why should the teacher have to suffer loss and lose No Claim Bonus when he/she is using the car on behalf of the school?**

This problem has been recognised and we have extended the Custodian School Protection policy to include such financial loss suffered by a teacher in the event of involvement in an accident whilst using the car on behalf of the school. The limits any one claim provided are:

- |  |               |
|--|---------------|
| <b>(a)</b> Loss of No Claim Bonus/Discount up to | <b>€3,500</b> |
| <b>(b)</b> Premium Loading up to                 | <b>€3,500</b> |
| subject to an excess of €100.                    |               |

#### **What if the teacher's motor insurance is not Comprehensive?**

The policy cover has also been extended to include damage to a teacher's car in the event of an accident whilst using the car on behalf of the school up to a limit of **€50,000** subject to an excess of €100.

#### **What about teachers and other staff cars parked in the school grounds?**

It is not uncommon for teachers and other staff to park their cars in the school grounds however it should be remembered that

- (a)** the Board of Management make spaces available only as a concession
- (b)** the Board of Management does not make a charge for such spaces and
- (c)** the Board of Management does not undertake to safeguard the vehicles whilst parked

#### **Consequently cars parked in the school grounds are parked at the owners own risk.**

Any injury or damage caused by or to a teacher's or staff members car whilst parked on the school premises is a matter for the car owners own motor insurance.

#### **Is driving to and from School a School Related Activity?**

Driving to and from a persons normal place of work is not a School Related Activity and consequently the Motor Contingency and Use of Teachers Car Extensions provided under the Allianz School Protection Policy would not apply in respect of any injury loss or damage which arises while a teacher or other staff member is travelling to and from work in the normal course of their day to day activities.

# School Finance

Given the current economic climate, incidents involving theft/misappropriation of money from schools have increased and the importance of ensuring that appropriate procedures and precautions are implemented by schools cannot be overstated.



**Ciaran Whelan**  
Religious & Education  
Manager

The control and management of school finances requires that appropriate procedures are put in place to ensure that all income and expenditure is recorded and accounted for in a clear and precise manner. Section 18 (1) of the Education Act 1998 states that a Board of Management “shall keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice”.

As a minimum the following procedures should be adopted:

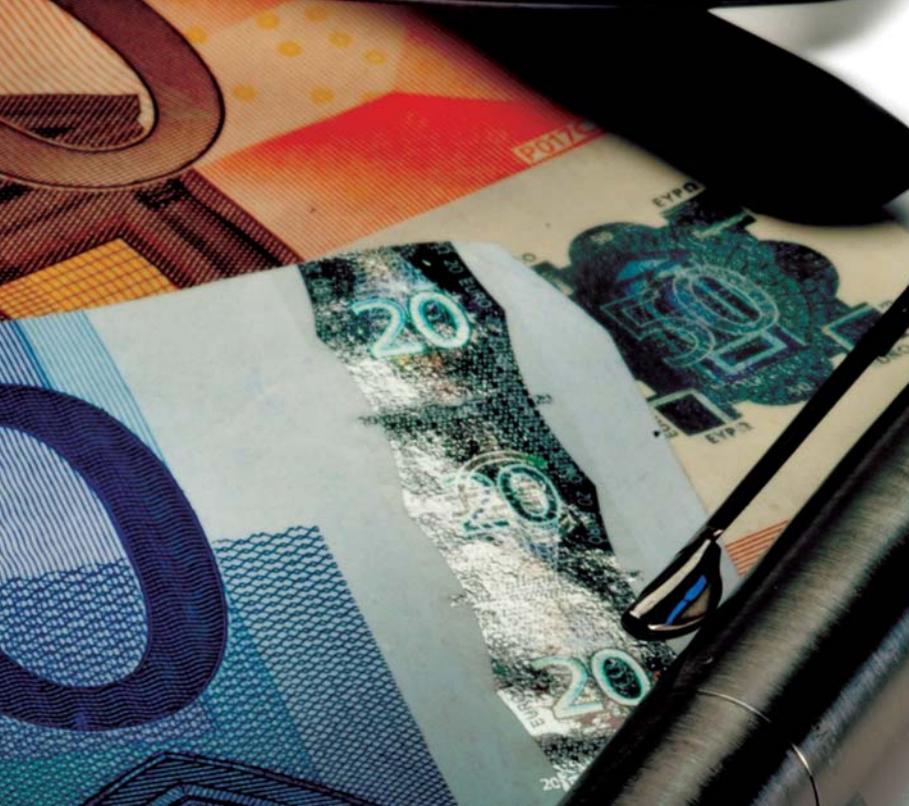
## General Guidelines.

- a. As an integral part of any selection process, the veracity of references of persons who will handle money and financial records should always be verified.
- b. All expenditure should be approved by the Board of Management.
- c. The number of accounts operated by a school should be kept to a minimum. All transactions must pass through the one main current account. In addition we would recommend that schools should have a deposit account into which all ring-fenced money is lodged.
- d. All money should be kept in a securely locked safe.
- e. Cheques and cash should be deposited in a timely manner.
- f. Bank accounts should be reconciled on a monthly basis to ensure bank balances are in order.
- g. School accounts must be properly audited or certified annually in accordance with best accounting practice.
- h. In addition, interim internal audits should be carried out as an integral part of any finance control procedures implemented by schools.

- i. At each Board of Management meeting, an income and expenditure account should be presented to the Board. This should include the following;
  - a. payments made,
  - b. payments for approval,
  - c. latest bank statement including reconciliation.
 All voluntary secondary schools are required to produce specific reports from the TAS Books accounts package which is standardised for all schools.
- j. All payments which are made to employees, with the exception of the reimbursement of vouched and approved expenses, must be taxed in accordance with the requirements of the Revenue.
- k. Expenses should only be reimbursed where accompanied by an appropriate claim for expenses which contains details of the date, the purpose for which the expense was incurred and, where appropriate, supporting receipts/vouchers.
- l. All payments should be made by crossed cheque or electronic transfer (such as Direct Debit etc) only.
- m. Appropriate records of all income should be maintained, including source, date of receipt, purpose etc. Receipts should be issued in all instances, without exception.
- n. Where School Credit Cards are issued, clear and concise guidelines regarding usage of such cards should be issued to each approved user. Statements should be reconciled and signed off on a monthly basis and should be accompanied by supporting receipts and details of the purpose for which the expense was incurred.

## Cheque Books.

- o. Cheque books should always be kept in a secure



- location with access limited to approved persons only.
- p. Authority to sign cheques should always be by at least two approved signatories, one of whom must be the Chairperson of the Board of Management, with the second signature being the Treasurer.
  - q. Voluntary secondary schools are legally obliged to follow the Articles of Management which state that "All payments shall be made by order of the board either electronically or by cheque drawn on the bank. All electronic transactions shall be independently authorised by the Principal and by one other person approved by the board. All cheques shall be signed by the Principal and by one other person approved by the board."
  - r. Pre-signing of cheques should not be permitted in any circumstances.
  - s. There should be a requirement that all requests for cheques to be signed be accompanied by a cheque requisition which details the following:
    - (i) the amount to be paid,
    - (ii) who the cheque is payable to,
    - (iii) include an invoice for the amount requested or full details of the purpose of the expenditure.

#### Petty Cash.

- t. Where the school operates a petty cash account, the following procedures should be implemented:
  - (i) the account should be operated by one nominated person,
  - (ii) pre-numbered petty cash dockets should be used for every transaction,
  - (iii) dockets should be signed by the recipient and be supported with details of the purpose for which the cash is required together with

- receipts where appropriate,
- (iv) the account should be reconciled and approved by Treasurer (in the case of a primary school) and the Principal (in the case of a voluntary secondary school) on a monthly basis..

#### Grants/DES On-Line Claims System (OLCS)

- u. Grants received from the Department of Education and Skills must be expended in accordance with the Department guidelines and spent during the specified period. Balances must be repaid to the Department as required and must not be used for other purposes.
- v. Appropriate records should be maintained which clearly show the links between the expenditure and any Grant.
- w. Where the school is operating the Department of Education and Skills On Line Claims System (OLCS) for the payment of casual and non casual teachers, all procedures and security protocols as issued by the Department , must be complied with in full.

#### Fundraising.

- x. Fundraising for the benefit of a school should only be with the prior approval of the Board of Management. Full details of all connected income and expenditure should be maintained and submitted to the Board for approval.
- y. On any occasion where a large amount of cash is being collected, appropriate security measures should be implemented. Of particular importance in this regard is personal safety of those handling the cash. Regrettably many criminals are prepared to resort to violence in their attempts to obtain money. Therefore all persons handling money on behalf of the school should be specifically advised that where there is danger to personal safety from criminals demanding money – **hand it over**. Money can be replaced!!
- z. It is not permitted for schools to borrow, negotiate an overdraft or enter into a hire purchase agreement without approval of Trustee/Patron.

As indicated above, the foregoing procedures should be implemented as a minimum. However, the requirements for individual schools may vary and it is strongly recommended that professional advice in this regard be sought from the Schools Auditors to ensure that the procedures that you are adopting meet your specific needs.

# Allianz Education Team

Allianz have been underwriting Education business in Ireland since 1902. Through our long involvement with the Education sector, we have developed flexible, customised and cost-effective insurance solutions that provide the highest level of protection combined with effective risk management and claims service.

Our committed and specialist Education Team are devoted to providing market leading products and services, exclusively for schools. It consists of dedicated underwriters with backgrounds in a variety of relevant disciplines, whose exceptional knowledge of the insurance needs of schools, has enabled us to create a specialised package policy which is constantly updated and revised to suit the ever changing environment we live in.

Our Team strives to provide high quality products at a competitive price without compromising on cover. Our Education Team are on hand to answer any queries you have in relation to your insurance requirement.



**Anthony Shannon**  
*Member of the Board  
of Management*



**Ciaran Whelan**  
*Religious & Education Manager*  
**T** 01 613 3447  
**M** 087 638 2526  
**E** [ciaran.whelan@allianz.ie](mailto:ciaran.whelan@allianz.ie)



**Gerry O'Toole**  
*Claims Relationship Manager*  
**T** 01 613 3063  
**M** 087 247 6243  
**E** [gerry.otoole@allianz.ie](mailto:gerry.otoole@allianz.ie)



**Mary O'Brien**  
*Business Operations Manager*  
**T** 01 613 3417  
**M** 087 247 6296  
**E** [mary.obrien@allianz.ie](mailto:mary.obrien@allianz.ie)



**Dermot Connor**  
*Underwriting Manager  
Religious/Education*  
**T** 01 613 3054  
**M** 087 126 0073  
**E** [dermot.connor@allianz.ie](mailto:dermot.connor@allianz.ie)

## Your Allianz Team around the country

The Allianz Education Team are assisted by our Business Executives who are based in your local area. They are on hand to visit schools throughout the country and to provide general advice and assistance on insurance and health and safety matters. Schools visits can be arranged simply by contacting our Education Team at 01 613 3966, by Fax at 01 613 3630, by email at [education@allianz.ie](mailto:education@allianz.ie) or alternatively by contacting your local Allianz Representative directly.



**Mairead Mullins, ACII**  
*(North West and Midlands)*  
**M** 087 248 5065  
**E** [mairiad.mullins@allianz.ie](mailto:mairiad.mullins@allianz.ie)



**Alan Black**  
*(North East)*  
**M** 087 993 8227  
**E** [alan.black@allianz.ie](mailto:alan.black@allianz.ie)



**Shane Mooney, ACII**  
*(West)*  
**M** 087 919 0428  
**E** [shane.mooney@allianz.ie](mailto:shane.mooney@allianz.ie)



**Martin Sinnott, ACII**  
*(South East)*  
**M** 087 686 2329  
**E** [martin.sinnott@allianz.ie](mailto:martin.sinnott@allianz.ie)



*from left to right*

**Back row:**

Philip Marshall, David O'Rourke, Glenn Byrne.

**3rd row:**

Ronan Deady, Eilis Williams, Brian Sheehy, Michael Shields.

**2nd row:**

Carl Brophy, Roslyn McConkey, Eileen Griffin, Yvonne Waldron, Judith Dockery.

**Front row:**

Mary O'Brien, Business Operations Manager and Martina Conway.

Missing from photograph  
Lisa Killeen.



**Noel O'Loughlin, BBS, ACII**

(South West)

**M** 087 258 8942

**E** noel.o'loughlin@allianz.ie



**Neil Tobin, ACII**

(South)

**M** 087 252 8018

**E** neil.tobin@allianz.ie

**Education Team Contact Details**

Contact	Phone
Carl Brophy	01 - 613 3387
Glenn Byrne	01 - 613 3465
Martina Conway	01 - 613 3075
Ronan Deady	01 - 613 3798
Judith Dockery	01 - 613 4018
Eileen Griffin	01 - 613 3132
Lisa Killeen	01 - 613 3401
Philip Marshall	01 - 613 3419
David O'Rourke	01 - 613 3449
Brian Sheehy	01 - 613 3341
Michael Shields	01 - 613 3014

Contact	Phone
Yvonne Waldron	01 - 613 3366
Eilis Williams	01 - 613 3407
Roslyn McConkey	01 - 613 3060

<b>Pupil Personal Accident</b>	01 - 613 3900
<b>Property Claims</b>	01 - 613 3377
<b>Motor Claims</b>	01 - 613 3939
<b>Fax Number</b>	01 - 613 3630
<b>Hunt Number</b>	01 - 613 3966
<b>Email Address</b>	education@allianz.ie
<b>Web</b>	www.allianz.ie/schools



Allianz  
Allianz House  
Elmpark  
Merrion Road  
Dublin 4



Ms. Antoinette Brady, Bohermeen National School



*My Advice*

*With the right support you can handle any challenge.*

For over 100 years Allianz has worked closely with principals, providing support and assistance that helps them to manage their schools effectively. They know, that should they ever need us, as Ireland's leading schools insurer they can always rely on our experience, knowledge, expertise and support.

[allianz.ie/schools](http://allianz.ie/schools)

**School Insurance**

**Allianz** 