

ALLIANZ P.L.C.

# Schools Journal

[www.allianz.ie/schools](http://www.allianz.ie/schools)  
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Sporting activities form an  
integral part of school life

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One of Ireland's longest and most  
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## Legal Review

We discuss 4 cases which have been recently  
finalised in the Courts

Allianz 

# Editorial

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

Allianz and Paul McGinley have had a partnership going back to 1996. It is a fitting tribute to Paul and a measure of the man that he has been chosen as the first ever Irish golfer to be selected as captain of a Ryder Cup Team. In his ambassadorial role with Allianz, Paul has



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

supported the Allianz Leagues and the Allianz Cumann na mBunscol initiative within the primary education system catering for over 100,000 pupils across the 32 counties. All at Allianz wish Paul and the European Ryder Cup Team good luck in September at Gleneagles in the 40th Ryder Cup Match.

As summer time is approaching, many schools will be planning end

of school year tours for their pupils. In this edition of our Schools Journal we outline some advice which should assist in ensuring that these tours are less stressful and more enjoyable for both staff and pupils.

We also feature a number of articles on Risk Management, covering such topics as Safety Statements and Risk Assessments, maintenance of school electrical systems, sporting facilities and activities.

Our Legal Review article includes four cases that were recently settled in the Courts involving supervision and slip, trip and fall issues.

Finally, as the school year draws to a close, I wish each and every one of you a well earned enjoyable summer break.

I hope you find this addition of our Schools Journal of interest. If there is any additional information we can provide in relation to any articles published, 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, your local Allianz Representative or your Insurance Intermediary. Our schools website is [www.allianz.ie/schools](http://www.allianz.ie/schools)

*Anthony Shannon*

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



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# Why does **your school** need Allianz Pupil Personal Accident Protection?

The simple idea behind this Insurance Protection is to cover Medical and Dental Expenses following an accident. You can choose "School Activities only" cover, which provides for Medical and Dental expenses when pupils are engaged in school activities, or for an additional amount per pupil, the child can be covered for "24 hour cover" which provides for these Medical and Dental Expenses 24/7 365 days a year.

Your school has a choice of administering the scheme in two ways

**Option A** – The school decide that All Pupils will participate and choose the same cover  
*Premium – School Activities only €5 per pupil (€3.50 online) or 24hr Cover €8 per pupil (€5.60 online)*

**Option B** – Each parent or guardian can choose the cover they require  
*Premium – School Activities only €6 per pupil (€4.20 online) or 24hr Cover €9 per pupil (€6.30 online)*

The key benefits of the Allianz Pupil Personal Accident Insurance are:

#### **No Time Limit** ✓

Subject to Policy monetary limits, we are the only Pupil Personal Accident Insurer in Ireland who will continue to pay Medical and Dental Expenses following a reported accident for an unlimited time. Other Insurers stop paying insured expenses after a set time period (usually two years).

#### **Superior Protection** ✓

99% of all Pupil Personal Accident Claims

are made under the Medical and Dental Expenses benefit. Our Medical and Dental Expenses benefits are €50,000 for each which is the highest available in the market.

#### **24/7 Protection** ✓

The 24 hour option covers pupils 365 days a year.

#### **30% Premium Reduction** ✓

30% online premium reduction available at [www.allianz.ie/schools](http://www.allianz.ie/schools). This is the highest premium reduction available to schools in the market. Schools may retain the 30% premium reduction at parents discretion.

#### **No Excess** ✓

No claims excess means parents / guardians can claim all Medical and Dental Expenses following an accident and not just a portion of them.

#### **Straightforward Claims Settlement** ✓

Provides a hassle free facility for parents to claim Medical and Dental expenses following an accident.

To further illustrate the importance of the Allianz Pupil Personal Accident Insurance we have outlined a number of claims submitted in the last year.

**1** A Pupil was playing football during lunchtime. He went to pick up the football when someone else kicked it. He was left with a severely swollen thumb and had to make multiple visits to Vhi Swiftcare clinics. His parents have Private Health Insurance but there was a €250

excess. They were able to claim the €250 from the Allianz Pupil Personal Accident Insurance policy.

**2** A Pupil received an accidental elbow in the mouth during a school practice game. There was nerve damage and the tooth gradually went grey and required root canal work. The dental expenses were covered under the Allianz Pupil Personal Accident Insurance. Any future dental expenses will also be covered for an unlimited time period once they are as a result of the original accident. This benefit is unique to the Allianz Pupil Personal Accident Insurance.

Allianz p.l.c. is regulated by the Central Bank of Ireland Standard acceptance criteria and policy conditions apply. Calls may be recorded.



## Competition

We are delighted to announce our Pupil Personal Accident Competition for 2014. Every school that buys or renews their Allianz Pupil Personal Accident Policy online before the 31st October 2014 will be in the free draw to win one of 3 new iPad Air's. There are three chances to win so best of luck to everyone.  
*Terms and Conditions apply.*

#### **The winners of the three iPad Air last year were:**

- 1 Faughart National School, Faughart, Dundalk, Co Louth
- 2 Barnaderg National School, Killrerin, Tuam, Co Galway
- 3 Scoil Naisuinta Beal Atha Grean, Ballagran Village, Killmallock, Co Limerick.

# Safety Statements and Risk Assessments

Boards of Management are responsible for ensuring as far as reasonably practical, the safety and health of their employees and the safety and health of those who are in any way affected by the work activities of the school.

Everybody in the school has a role to play in ensuring good safety, health and welfare within the school. This includes staff, pupils, visitors and contractors. The Safety, Health & Welfare at Work Act 2005 (the 2005 Act) sets out the main provisions for securing and improving the safety, health and welfare of people at work.

## What is a Safety Statement?

A safety statement is a written programme of a school's commitment to look after the safety, health and welfare of staff (teaching and non-teaching) while they work and the safety and health of other people who might be affected by either the condition of the premises or work activities taking place in the school including students, visitors, parents/guardians, visiting sales people, delivery people and maintenance workers.

## Why should a school prepare a Safety Statement?

Apart from the Legal Requirement to do so as set out in the 2005 Act, managing safety, health and welfare effectively in schools brings with it huge benefits. Schools are a unique environment as the workplace is shared with students to whom a high duty of care is owed because of their vulnerability. When good systems are in place to prevent accidents, injury and ill health to staff, students and visitors, the whole school becomes a better place in which to work and learn.

## What should be covered by a Safety Statement?

The areas that should be covered by the safety statement

are specific and are set out in Section 20 of the 2005 Act. The Safety Statement must specify

- The hazards identified and the risks assessed.
- The protective and preventive measures taken and resources provided for protecting safety health and welfare in the school.
- The plans and procedures to be followed and the measures to be taken in the event of an emergency or serious or imminent danger.
- The duties of employees including the co-operation required from them on safety and health matters.
- The names and job titles of people being appointed to be responsible for safety and health or for performing specific tasks set out in the statement.
- The arrangements made for appointing safety representatives and for consulting with employees on safety and health matters.
- The Safety Statement must be written in a form, manner and language that will be understood by all and have regard to all relevant safety and health legislation.

## What is a Risk Assessment?

A Risk Assessment is concerned with identifying hazards, then estimating the severity and likelihood of harm arising from such hazards. The employer can then put in place the necessary improvements to minimise the risk and weigh up whether they have taken enough precautions to prevent a possible accident or injury. Examples of hazards would be slipping/tripping due to general untidiness, pot



holes in school yard, manual handling (heavy, awkward or hard to reach loads), broken plugs and sockets, overloading, trailing cables and incorrect wiring.

### Where can we access practical information on the preparation of our Safety Statement/ Risk Assessment?

#### The Health and Safety Authority (HSA)

The Health and Safety Authority have published two extensive documents entitled *Guidelines on Managing Safety, Health and Welfare in Post - Primary Schools* and *Guidelines on Managing Safety, Health and Welfare in Primary Schools*. These documents are available as a resource on the Health & Safety Authority Website at [www.hsa.ie/education](http://www.hsa.ie/education)

Part 1 of these Guidelines is a step by step approach to putting in place a safety, health and welfare management system.

Part 2 contains the necessary tools and templates to support the school in the implementation of these systems. Central to the publication is a series of practical Risk Assessment templates which will assist schools in carrying out the task of reducing/eliminating risks in the school.

The HSA website also contains a number of e-learning courses for those working in the Education Sector. One of these courses entitled *An Introduction to Managing Safety and Health in Schools* offers a free course to assist schools in their understanding and management of workplace safety. It covers areas such as completing a Safety Statement, Roles and Responsibilities, as well as Accident Reporting. See <http://alison.com/courses/HSA-1>

### The Allianz Publication *Guide to Insurance, Safety and Security in the School*

This Guide provides assistance to Trustees, Members of Boards of Management and School Principals in the practical day to day management of schools. On the subject of Safety Statements it defines terms such as Hazard, Risk, Risk Management and Control Measures, as well as providing a comprehensive look at the obligations imposed on employers and employees under the 2005 Act.

Hard copies of this publication were issued to all schools in the country and additional copies are available on request. They are also available for viewing under the Resources section of the Allianz website [www.allianz.ie/schools](http://www.allianz.ie/schools). In addition, your local Allianz Representative is available to give guidance and advice in relation to any Health and Safety issues.

*We wish to acknowledge the Health and Safety Authority as the source material for this article.*



# Sporting Activities

Sporting activities form an integral part of school life and, not surprisingly, are one of the principal sources of accidents in the school.

Most of the accidents that occur involve minor injuries but, unfortunately, more serious injuries do occur. There is an inherent risk of injury in most schools, but, provided the school takes reasonable precautions to prevent accidents, it is less likely that they will occur or that the school will be held legally liable if an accident does occur. The precautions to be taken depend on the exposure to the risk of injury presented by the sport. Additionally, the ability of the pupil to participate in the sport in conjunction with the nature, extent and appropriateness of instruction and supervision provided should be considered. It is also important that all guidelines in relation to training, participation following injury, safety gear to be worn etc. as recommended by the respective National Federations and Associations should be adhered to.

The following are some of the areas which pose potential hazards:

## Premises

- Where sport's activities are permitted indoors, it is essential that the room is suitable for the activity. The room must be large enough to allow pupils participate in the sport, without the risk of continually colliding with each other. For example, a hall which is suitable for 5-a-side football may be unsuitable if 10-a-side football was permitted.
- There should be no obstacles in the room which

could cause tripping or other hazards. Again, an example would be a hall where there are central heating radiators attached to the side walls which, with contact sports, could cause serious injury to anyone falling against them.

- The floor surface should be reasonably firm and should not be slippery from over polishing or from wetness.
- Concrete or tarmac areas should be relatively level and free from potholes or other tripping or slipping hazards.
- A sports field should be level and free from debris of any sort such as protruding stones. A check to ensure there are no sharp objects on a pitch should be carried out, particularly where the pitch is open and/or used by other persons.

## Equipment

- Sports equipment should be well maintained and checked regularly to ensure there are no defects. The equipment should be suitable for the age and maturity of the pupils involved. This is particularly important in relation to gym equipment.
- Participants in any sport should wear suitable clothing and footwear. Personal protective equipment should be compulsory where there is a risk of serious injury. For example, participants in camogie or hurling should wear appropriate protective headgear. In addition, in contact sports gum shields should be worn.



- Goalposts of any size should always be anchored securely to the ground. In addition regular inspections of goalposts should be carried out to ensure they are properly maintained and any defects identified should be repaired immediately. Portable goalposts must be properly assembled and be secured by appropriate anchor weights to prevent them from toppling over. They should not be left in place. Nets should be secured by plastic hooks or tape and not by metal cup hooks. Homemade goalposts should never be used.
- Basketball posts should have padding on the shaft of the pole to prevent serious injury in the event of pupils colliding with the pole. Posts and rings should be regularly inspected to ensure there is no evidence of corrosion or disintegration. They may need to be painted annually with anti-rust paint to prevent corrosion.

### Refereeing

The referee in any game must maintain good discipline and prevent any situations arising which could result in injuries. For example, allowing persistent fouling to go unchecked could constitute a breach of the duty of care, particularly if a serious injury ensued.

### Supervision

Where school games are played outside normal school hours, the responsibility to supervise continues with the school. Adequate arrangements for supervision must be made particularly for “away fixtures”.

### Insurance Cover

The cover provided by the Allianz Custodian School

Protection Policy includes **the legal liability of the School** (Board of Management) arising out of school related sporting injuries subject to the policy terms, exclusions and conditions.

However, the Board of Management is not necessary responsible for every accident that occurs in a school and in the absence of legal liability, has no obligation to pay medical or other expenses as a result of such accidents.

Optional separate insurance is available – Allianz Pupil Personal Accident insurance, which the majority of schools avail of, includes cover for such medical/dental costs following an accident (subject to policy limits) and this can be arranged by the Board of Management or Parents’ Association of the school. Details of this insurance can be obtained from our Schools’ website [www.allianz.ie/schools](http://www.allianz.ie/schools)

The implementation of adequate procedures in relation to the maintenance of school sports facilities and grounds and adequate supervision and management of Sporting activities has a positive impact on the number of such injuries arising and helps ensure that the emotional distress and disruption to school activities caused by such injuries is greatly reduced.

If you require any additional information in relation to this article, please contact our Education Team at 01 613 3966, your local Allianz Representative or your Insurance Intermediary.

A close-up photograph of Paul McGinley, an Irish golfer, wearing a dark blue Allianz-branded jacket and cap. He is looking slightly to the side with a subtle smile. The background is a soft-focus green, suggesting a golf course.

# Paul McGinley and Allianz – one of Ireland's longest and most compatible partnerships

It is a fitting salute to Paul McGinley and a measure of the man that he has been chosen as the first ever Irish golfer to be nominated as captain of a Ryder Cup team.

Its perspective is measured by the great acclaim his achievement has received throughout the golfing world.

The common consensus is that when Europe meets the USA at Gleneagles Hotel in Perthshire, Scotland on September 26th to 28th in the 40th match, that the management of the European team is seen to be in the safe hands of a man who has done himself and his country proud.

The story of Irish golf is richly embellished in the annals of the Ryder Cup matches. To date, 19 players have earned the accolade of selection, the team pinnacle of a golfer's career.

Embodied in those bare statistics, however, is an even richer narrative of critical input to winning matches, conspicuously by McGinley himself. A random selection of some of the most famous Irish contributions take account of Eamonn Darcy at



Muirfield Village in 1987; Christy O'Connor Jnr at the Belfry in 1989; Philip Walton at Oak Hill in 1995; Darren Clarke's emotional three wins on the only occasion the match was played in Ireland at the K Club in 2006; and, imperishably, by the redoubtable McGinley on his Ryder Cup debut.

The gifted Dubliner made three consecutive and victorious Cup appearances between 2002 and 2006. He left a lasting legacy and will forever hold a special place in the folklore of the matches as the Irishman who holed the winning putt to win the Cup in 2002 at The Belfry when he coolly slotted a burdensome 10 foot putt to beat a bemused Jim Furyk in the deciding game. He was instantly swamped by his jubilant team-mates in wild celebration.

### **A role model, the educational accomplishment that Paul insisted on has certainly stood him in good stead.**

That Paul was equal to the dramatic challenges is founded in a strength of mind that has accentuated his career and set him apart as one of Ireland's greatest ever sportsmen. When his childhood dream of playing Gaelic football for his beloved Dublin was cruelly shattered by a career ending knee injury while toting out for Ballyboden St. Enda's, he defiantly faced up to his misfortune and drove himself to become one of golf's legendary personalities.

A measure of that achievement is that he combined his golfing apprenticeship with a self imposed insistence on completing a formal education. In between flogging golf balls on the practice range at Grange Golf Club in search of the magic that was to follow on the fairways, he completed a marketing degree at the Dublin Institute of Technology and then combined a golfing scholarship at university in San Diego with a degree in international business.

Only then, with a strong education secured, did he join the professional ranks.

A role model, the educational accomplishment that Paul insisted on has certainly stood him in good stead. Outside the fairway ropes he is recognised as a man apart, a gentleman oozing grace, charm and eloquence, and whose commercial and business acumen has always shone through, more especially by the manner in which he has conducted himself in the demanding media and corporate schedule since his Ryder Cup captaincy was confirmed.

These are qualities which have been fundamental to his ambassadorial role with Allianz in one of Ireland's longest and most compatible partnerships. With telling perceptiveness he has contributed knowledgeably to the sponsorship portfolio held by Allianz including the Allianz Leagues, the Allianz Cumann na mBunscol initiative within the primary education system catering for over 100,000 pupils across all 32 counties; and to the Allianz golf promotions supporting communities through golf with the Irish Times Golf Masters and the Irish Independent Executive Golf Trophy.

At the Gleneagles Hotel in September, Paul will look to continue Europe's phenomenal recent record which shows them to have won seven of the last nine biennial contests. His credentials to lead the team are certainly beyond dispute and it is widely agreed that having played in three Ryder Cups in a stellar career, Paul has an innate understanding of every attribute required to be a successful Captain.

His meticulous nature and his passion for the strategic aspects of the Captain's role bring a McGinley dynamic that can be infectious and inspiring.

Roll on Gleneagles – Best wishes Paul from all at Allianz Ireland.



## “Ride-on” Lawnmowers

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

While these mowers are used primarily on private property, they fall within the definition of mechanically propelled vehicles under the Road Traffic Act. 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.

Under the Road Traffic Act 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 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 Road Traffic Act.

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 download a proposal form from our schools website at [www.allianz.ie/schools](http://www.allianz.ie/schools), contact our Education Team on 01 613 3966 or email us at [education@allianz.ie](mailto:education@allianz.ie).

## Prefabricated **Classrooms**, Portacabins and Other Temporary Buildings



For many years, schools have had no choice but to hire or purchase prefabricated buildings to accommodate their ever increasing pupil numbers.

However, since 2013, under the Government Prefab Replacement Scheme, prefab classroom units over a period of years are being replaced by permanent classroom accommodation. Whilst there is a Government commitment to phase out the renting of prefab classroom units, for the foreseeable future, many schools will continue to have prefab classroom units until the replacement programme is completed.

During the recent storms, a considerable number of prefab classroom units suffered substantial damage. In a number

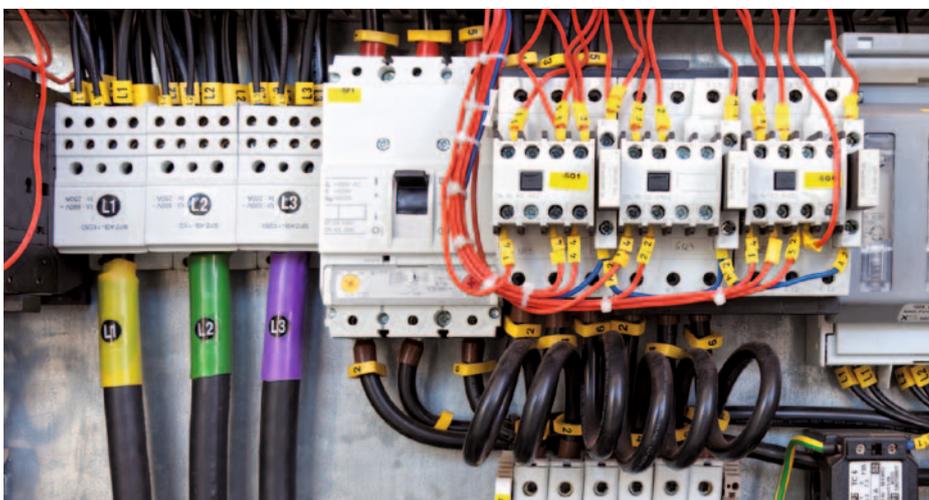
of cases the repair costs were in excess of the current sum insured and as a result Boards of Management had to deal with the shortfall.

It is therefore important to ensure that these units are insured for their full replacement cost including VAT, transport and delivery costs, connection of services, debris removal and professional fees. In addition, it is also important to include an adequate sum insured for fit out costs and contents, including furniture, IT equipment etc.

Please contact our Education Team at 01 613 3966 or your local Allianz Representative if you require any additional information when carrying out a check to ensure that all such buildings are correctly identified and insured.

# Maintenance of School Electrical Installations

Every year we deal with claims which have resulted from poor levels of maintenance. Many of these losses could have been prevented by the implementation of a maintenance programme encompassing regular inspection, renewal and repair. In this article we concentrate on school electrical installations.



- 1 The electrical system should be inspected by a qualified registered electrical contractor, carrying their own separate liability insurance, to determine if wiring updates or other modifications are needed.

This is especially important when: -

- Wiring is old and it has not been inspected recently.
- New equipment or appliances are added.
- Wiring has been damaged.
- Fuses are "blown" frequently or circuit breakers trip repeatedly on a particular circuit.

- 2 Temporary wiring (including extension leads) should not be used in place of

permanent wiring.

- 3 A residual Current Device should be in place on circuits where required (e.g. outdoors, wet locations or other areas subject to moisture).
- 4 Surge protectors should be provided for computers and other electrical equipment that may be sensitive to electrical power surges.
- 5 Regular inspections of the premises should verify that:-
  - Electrical circuits are not overloaded by use of multi-socket adaptors and that fuses and/or circuit breakers are properly used. Where fuses are in use, ensure that fuses are the proper

size for each circuit and that spare fuses of each size are on hand.

- Major electrical appliances are properly connected and earthed.
- Electrical junction boxes, outlets and switches have appropriate covers or face plates in place and that all electrical connections are contained in junction boxes.
- Extension leads:-
  - Ensure that:-
  - (i) they are used only for temporary purposes
  - (ii) they are not over 15 feet in length
  - (iii) multiple extension leads are not hooked end-to-end
  - (iv) extension leads do not pass through walls / floors / ceilings, and
  - (v) they are protected from physical damage.
- Electrical cables are properly earthed and free of loose connections or damaged insulation or plugs.
- Light bulbs are not close to combustible materials.
- Electrical panels have clear access.

Further information on maintenance of school property is contained in our "Guide to Insurance, Safety and Security in the School" or our schools website [www.allianz.ie/schools](http://www.allianz.ie/schools).

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



**Gerry O'Toole**  
Claims Relationship  
Manager

## **Case 1 – Pupil knocked down by a passing car whilst running across public road on way to an after school activity**

This first case relates to the supervision of school football training which in this case was an after school activity. Two pupils walked down through the village to get to the pitch. One of the pupils ran across the road and the second pupil (the injured party) hesitated and then ran across the road and was knocked down by a passing car. A claim was brought on his behalf and the Board of Management were named as a defendant and allegations made that they were responsible for the pupils after school and should have provided supervision.

The activity was organised through the School Completion Programme and involved football training at a pitch down the road from the school. The activities organised under this programme are generally held outside of normal school hours. When school finished at twenty to three, most pupils got lifts from parents/relatives, some cycled and some walked. Evidence was given that the child's mother had offered him a lift but that he had declined, choosing to walk down the road with his friend. It was common for parents to pick up their child's bags etc. from them at school and to let the children walk down to the pitch themselves. The teacher looking after the activity confirmed he would drive down to the pitch with all of the equipment and would take responsibility for the children at the pitch. It was up to the parents to make arrangements for their children to attend the activity and this was set out in a note to parents at the beginning of the school year. Further evidence was given that a minibus was now being used to ferry the children to training. On questioning by the Judge, it was confirmed that hire costs of the bus was being funded by the parents themselves. The Judge ruled that the accident did not occur during school hours. He also advised that he was satisfied that the parents were responsible for getting their child to the pitch and they had been notified of this and it was for them to make a

determination of what was safe for their child to get to the pitch. He did not accept that the children were under the supervision of the school and stated that it would be appalling for him to think otherwise. The fact that the parents were paying for the minibus to take the children to these training sessions showed that it was clearly their responsibility and not the schools. The case, as against the school, was dismissed.

## **Case 2 – Pupil received scald injury to her hand**

This case involved a teenage pupil who was involved in raising money for charity and organised a tea/coffee event on a parent's night to raise funds. The tea/coffee canisters were new and the caretaker had demonstrated how they should be filled. On the night in question, the injured party took it upon herself to shake a canister which was full of boiling water and tea bags (possibly to hurry up the process of brewing the tea) and boiling water spilt out of the canister onto her hand causing a scald. The judge accepted the circumstances of events as outlined above and confirmed there was no evidence of any negligence on behalf of the school and dismissed the injured party's claim. As the injured party was involved in a charitable event, the Judge would not make an order as to costs.

## **Case 3 – Slip, trip and fall injury in the school yard**

This next case involves a slip/trip and fall. While in the yard, the injured party in this case slipped and fell at a step in the school yard injuring her ankle/foot. She was attended to immediately by members of staff who were on supervisory duty at the time of the accident and helped her from the scene of the accident for medical attention. The area where the accident occurred was inspected immediately afterwards and was confirmed to be clean and clear of any debris. A claim was brought in the Circuit Court for compensation in respect of the personal injury suffered by the injured party which consisted of a fracture to the growth plate in her foot. Particulars were raised in the course of the pleadings and it was asked what the injured party had slipped/tripped on. The response was "a



banana skin". The school was in a position to respond on the basis that the area where the accident had occurred had been inspected immediately following the fall and they had a witness who could confirm that the area was clear of any debris and more particularly "a banana skin". An Engineer carried out an inspection of the surface and the step and confirmed them to be in good order. The case was set down for trial in the Circuit Court and the injured party agreed to drop her case on the morning of the trial.

#### **Case 4 – Impact injury in school yard**

This last claim involves an accident during lunch break in the school yard. A game of football was going on as was usual. The yard was fully supervised on the day. During the course of a game of football the injured party in this case slipped and collided with the stanchion support for the shelter suffering a cut to his face. The tarmacadam surface was in excellent order, having only been laid two years previously. There was ample room in the yard for a game

of football and this was considered to be an unfortunate accident and in which there was no negligence on behalf of the school. The case proceeded for hearing in the Circuit Court and ran well from the schools' point of view. However, the judge found in favour of the injured party advising that he considered the stanchion should have been covered in padding thereby preventing what had happened from occurring. He made a small award in respect of the injury. Despite the potential additional legal costs involved, it was decided to appeal the decision on the grounds of the potential costs of the school having to pad every stanchion and pole on their premises. The case proceeded to a full hearing in the High Court and the Judge ruled that he did not think it was reasonable to impose a duty of care that the injured party had contended in respect of this particular obstacle. He felt it would impose an impossible duty of care on a school in such circumstances and he dismissed the injured party's claim.

# School Tours, Summer Schools and Camps

Summertime is approaching and many schools will be busy planning end of term School Tours, Summer Schools and Camps. They differ to the normal day to day school routine.

Pupils will be less inhibited, especially where the activity takes place away from the school. These activities can be stressful for school staff. The advice contained in this article should help make these activities less stressful and more enjoyable for both staff and pupils.

## School Tours

Your Allianz Custodian School Protection policy provides cover in respect of any **"School Related Activity"**. The policy defines a **"School Related Activity"** as **"any activity usual to a school and which is carried out with the full knowledge and authority of and under the control of the Board of Management/Governors or any person specifically authorised by them"**. It is clear that routine activities such as classes, games, P.E. and school tours and the like fall within that definition.

Your legal responsibility is to take reasonable care for the safety of your pupils. It is not possible for any individual or organisation to do the right thing or be in the right place all the time. No matter what you do or how you prepare, a pupil may suffer injury. However, there are two key areas to consider which will help minimise the risk of injury: planning and supervision.

### Planning

To plan a school tour as safely as possible you should choose the appropriate

- venue
- mode of transport
- type of activity

taking into account the age and capacity of the pupils. For example, a rock climbing expedition would be physically too difficult for 8 year olds. The physical demands on

the pupils would significantly increase the risk of injury irrespective of the level of supervision.

It is important you check the venues have their own adequate insurance arrangements in place. This is especially important if attending an Activity Centre. Ask the Centre to provide evidence of cover. Allianz will be pleased to examine any insurance documentation provided by the Activity Centre.

When arranging a School Tour always obtain from parents or guardians a signed form indicating their consent to the pupil going on the school tour.

### Supervision

Adequate supervision is vital. The fact that pupils may from time to time be under the guidance of staff at an Adventure Centre does not remove from school staff the responsibility to ensure that an adequate level of supervision is provided at all times.

- 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.
- Younger pupils will require closer supervision.
- As far as possible only teachers or Special Needs Assistants should accompany the pupils.
- There may not always be enough Teachers or Special Needs Assistants to supervise the pupils whilst on the School Tour. In that case, the school may look to parents to help out. Parents or other volunteers assisting with supervision should always be under the guidance of a Teacher and the school should be satisfied as to the suitability of all voluntary helpers.



## Summer Schools and Camps

Summer Schools and Camps are generally one or two week courses centred on a specific activity. Activities usually range from academic classroom based, to arts and crafts, to field sports. The level of supervision required varies depending on the activities undertaken and the age profile of the children.

Summer Schools and Camps are not automatically covered by the Allianz Custodian School Protection Policy. However, the policy can be extended to provide cover for these Summer Schools and Camps. It is important to note that the Allianz policy can only be extended to provide cover for the Summer Schools and Camps if it is organised with the full knowledge and authority of the Board of Management of the school, the proceeds are for the benefit of the school and the Summer Schools and Camps are under the control of the school.

Most Summer Schools and Camps are not organised by the school. Independent individuals or groups may offer to organise the Summer Schools and Camps based at the school premises. In these cases it is important you check

that the organisers of the Summer Schools and Camps have their own independent insurance arrangements in place. Ask the organisers of the Summer Schools and Camps to provide evidence of cover. Allianz will be pleased to examine any insurance documentation provided by the organisers of the Summer Schools and Camps.

Public Liability Insurance cover is needed by any third party group organising a camp on the school premises. This includes school staff members who organise a camp for their own profit. They may be staff members but, if they are organising the Summer School or Camp themselves for their own financial benefit, they are looked on as a separate legal entity to the school and therefore require their own independent insurance cover. These groups can avail of discounted rates under the Summer Schools and Camps Insurance Scheme which is underwritten by Allianz.

If you require any additional information in relation to this article, please contact our Education Team at 01 613 3966, your local Allianz Representative or your Insurance Intermediary.

1 great focus

As the moment of truth grows ever closer, Ireland's Paul McGinley is taking on the biggest challenge of his career.

**Best of luck Paul on behalf of Allianz and the people of Ireland.**

With you from A-Z

Allianz 

Paul McGinley -  
European Tour Player  
and Allianz Ambassador



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