

ALLIANZ P.L.C.

Schools Journal

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"Chance favours the prepared"

Allianz 

Editorial

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

As Christmas time is approaching, I would like, on behalf of Allianz, to take this opportunity of wishing all of you a happy Christmas and a safe and peaceful New Year. We thank you, our valued customers for your support over the last year. Allianz are committed to preserving and developing further that special ethos and philosophy that has always characterised our relationship with our education customers. As part of one of the worlds largest Insurers, Allianz have the financial strength and confidence, essential in these uncertain and challenging times.



Anthony Shannon
Member of the Board of Management

As many of you know from first hand experience, a number of schools suffered loss or damage as a result of weather related events during 2009, 2010 and January 2011. Whilst the winter of 2011 was one of the mildest on record, there is no guarantee that we will not experience severe weather related events over the coming winter and into the future. As the great Swedish Innovator Alfred Nobel once said "Chance favours the prepared". By carrying out some preventative measures you can minimise the risk of suffering loss or damage caused by severe weather events including storm, flood and frost. Further information on this topic is available in our brochure "**Protecting Your School Property from Frost and Freeze Related Losses**" (a copy of which you should recently have received), our "**Guide to Insurance, Safety and Security in the School**" and our schools website www.allianz.ie/schools.

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. 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

Anthony Shannon

Anthony Shannon
Member of the Board of Management



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SPONSORSHIP



Cumann na mBunscol

www.scoilsport.org

Allianz are delighted to continue our support to Cumann na mBunscol through a sponsorship that is now in its 19th year.



↑ Above, left to right Patrick Bridgeman and Kelly Tighe Holy Trinity Primary School Dublin, Liam O'Neill President Chumann Lúthchleas Gael, Ciaran Whelan Allianz, Liam Magee Treasurer Cumann na nBunscol, Paul Duggan Chairman Cumann na mBunscol, Chloe Monahan and Josh Kamtoh Holy Trinity Primary School Dublin

Founded in 1971, Cumann na mBunscol is an inclusive organisation that welcomes all children to participate in sports in an atmosphere of fun and enjoyment making Gaelic Games the games of choice in primary schools whilst emphasising participation for all.

Allianz's involvement with Cumann na mBunscol helps to provide support to many schools and volunteer teachers countrywide whose commitment and dedication forms the basis of the success of Cumann na mBunscol. Over the years Cumann na mBunscol has had a major influence on the sporting development and education of our school children and promotes participation and fair play.

Allianz are proud of our on going partnership with Cumann na mBunscol and would like to wish all the schools the very best of luck in the upcoming Cumann na mBunscol competitions throughout the school year.



↑ Above, left to right Chloe Monahan, Josh Kamtoh, Ciaran Whelan Allianz, Patrick Bridgeman and Kelly Tighe

↓ Below, left to right Chloe Monahan, Kelly Tighe, Patrick Bridgeman and Josh Kamtoh, all pupils of Holy Trinity Primary School Dublin





Legal Expenses

We receive many queries regarding our Legal Expenses covers and how Boards of Management should respond in a myriad of situations. In this article we address the issues arising and some of the misconceptions held.



Dermot Connor
Underwriting Manager
Religious/Education

What is Legal Expenses cover?

Legal expenses cover allows the Board of Management in certain circumstances take legal action or defend legal action arising from challenges to the Boards decisions by a third party and/or the infringement of the Boards legal rights. This cover is in respect of legal costs/expenses not otherwise protected by the other sections of the Allianz Custodian School Custodian Policy.

Legal Expenses cover is not designed or intended to provide cover in respect of a Board of Management's legal expenses arising from their day to day activities such as the design and or implementation of their Enrolment or Employment Policies/Procedures.

In short there must be a challenge to the Board of Management's decision (after you have exhausted your own internal procedures) or an infringement of the Board's legal rights before a claim can be considered under the Legal Expenses Section.

What does the Legal Expenses Section of the Allianz Custodian School Protection Policy cover?

The actual specific terms and conditions of the cover provided are set out in your Policy however in broad

terms the cover provided would fall under the following categories:

- Legal action by the Board of Management against employees, past employees or prospective employees as well as pupils, past pupils or prospective pupils including their parents or guardians.
- Legal action by the Board of Management to recover damages arising from a wrong perpetrated against the School.
- Legal action by or against the Board of Management in respect of contracts entered into by the Board for the purchase, hire, sale or supply of goods or services.
- Legal action by or against the Board of Management in respect of disputes relating to the ownership or occupation of the school premises.
- Legal expenses incurred by the Board of Management in defending a prosecution for a breach of a Statute, Statutory Instrument, Order or Regulation.

In each case cover applies only to legal costs and expenses which are incurred by the Board with the express prior approval of Allianz and in this regard we would remind all Schools to contact Allianz prior to incurring such costs. Where costs are incurred without our prior approval you will not be in a position to recover same under your Policy.

Clearly from a School Board of Management (and Allianz) perspective there is no benefit in pursuing legal action where at the outset it is clear that there are little or no prospects of success. Consequently, as with all Legal Expenses Policies (not just Allianz), there is a condition within your Policy that any action taken must offer a reasonable prospect of success if we (Allianz) are to agree to support same.

How can claims arise?

Examples of claims under the headings listed above would be

- A** The Board of Management may wish to take legal proceedings to prevent a former pupil or employee from defaming the school or for the return of property belonging to the school (e.g. audio/visual equipment) loaned to that person.
- B** The Board of Management may wish to pursue a supplier for the non performance of a contract for the supply of goods or services e.g. the IT Company engaged to service and maintain your IT equipment fails to meet its obligations under the contract.
- C** The Board of Management may wish to mount a defence to a prosecution for a breach of statute such as a breach of Health & Safety legislation.
- D** The Board of Management having exhausted their own procedures in relation to a disciplinary matter may still be faced with a potential claim if there is a challenge to the outcome – in such circumstances an independent investigation may be warranted to advise how best to proceed and under your Allianz Custodian School Protection Policy we will consider funding such an investigation up to a maximum value of €25,000.

Following your own policies/procedures is the most effective way of reducing your exposure to legal expenses and in fact the most common advice given by Solicitors is simply to follow your own procedures. You must follow your procedures exactly as they are set out because any deviation from same will open the door to potential future litigation where one of the parties to the process is unhappy with the outcome.

In addition, your Policy Excess (i.e. the amount the Board must pay before your Legal Expenses cover becomes operative) is €300 and therefore the first consultation with legal advisors is generally always funded from the Schools own funds.

What is not covered?

The principal exclusions are:-

- Fines or penalties
- Legal Costs and Expenses incurred **prior to the approval of and acceptance of a claim by Allianz**
- Any prosecution deliberately or intentionally solicited by the School or any deliberate or intentional breach of contract
- The first **€300 of each and every claim.**

Are these the only items not covered?

No, there are other limitations in the Policy, but those shown above are the principal ones. You should consult your policy document for full details.

Can Allianz provide guidance?

We in Allianz are always happy to provide guidance based on the extensive knowledge we have built up over many years underwriting School insurance and therefore if you are in doubt as to whether you require or are entitled to legal advice cover please contact our Education Claims Team on **01 613 3966** or your Insurance Intermediary.

Summary

Legal Expenses cover is provided to enable the Board of Management pursue or defend actions arising from challenges to the Board's decisions and/or infringements of the Boards legal rights.

It is not a substitute for establishing and implementing good policies/procedures/practices but is there to provide assistance where having followed such policies/procedures/practices the Board of Management still find themselves requiring to seek a legal remedy to either establish their rights or defend their position.

Prior approval by Allianz is required where a Board of Management wishes to avail of their Legal Expenses covers and provided the issue at hand falls within the scope of the cover outlined and offers a reasonable prospect of success, Allianz will not unreasonably refuse such requests.

Allianz are committed to providing you our customers with the highest level of service. If you have any questions regarding this article you should contact our Education Team on **01 613 3966**, your local Allianz Representative or your Insurance Intermediary.



Irish Paralympic Team – Inspiring a nation

Having been dubbed “The Superhumans” the 2012 Irish Paralympic team have proven that they are worthy of the title having defied the odds, scaled impossible heights and soared to achieve beyond their wildest dreams.

↑ **Mark Rohan**
winner of 2 gold medals
in the hand cycling
competitions.

Between them, our elite athletes achieved an impressive eight gold, three silver and five bronze – finishing a respectable 19th out of 165 countries on the medal table; and if that wasn’t enough, the Irish team smashed three world records, seven Paralympic records and 17 national records. A spokesman for Paralympics Ireland said “It is an unbelievable performance for such a small population.”

Jason Smyth, Michael McKillop and Mark Rohan have become household names after each winning double gold in their respective sports. In addition, McKillop was honoured with a special achievement award in the closing ceremony for best representing the spirit of the Games.

Our own Helen Kearney also made a name for herself in these Paralympic games having a sublime run in the Individual Championship test, which resulted in a silver medal for herself and also a bronze for the Irish Equestrian team in the team standings. This was an amazing performance as this was not only the first time she had competed in the Paralympic Games but also the first time ever that Ireland competed in the equestrian event. Afterwards Helen could barely contain

the excitement “I am absolutely thrilled. I felt confident and knew that I had done what I could to prepare. It is an amazing feeling, a dream come true.”

Double Gold medallist, Mark Rohan, also ensured his achievements would be remembered with great races in the individual road race and individual time trial in London. Despite tough competition the whole way through both events the crowds never stopped cheering and Mark went on to victory. The support of the crowds certainly made an impression as Mark later stated that his best memory of the Games was “the sheer delight and pride in people’s faces” when he was on the podium listening to Amhran na bhFiann.

Orla Barry pushed hard in a tough discus event with other competitors breaking Paralympic records “I thought with my first throw I might not make it in to the final but it ended up winning me a bronze medal. I don’t know how that happened really but I came here to get on the podium and I’m going back with a bronze medal. I’m absolutely delighted.”



↑ **Helen Kearney**
an Alliant employee based at Alliant House Dublin who won an individual silver medal and a bronze medal for the Irish Equestrian team.

The main triumph for the Paralympians though is the vast support they have received throughout the Games and the acknowledgement that they truly are elite athletes. As a partner of Team Ireland Alliant played a crucial role in securing the coverage of the games on Setanta Sports and also ensured that the Games were free-to-air. The result was widespread coverage as this was the first time ever the Paralympics were broadcast live, and, along with huge campaigns in social media and the national press, the result is that the whole nation



↑ **Members of the Irish Paralympic Team**

Back row from left to right
Padraig Moran, Orla Barry and Daragh McDonald.
Front row left to right Eimear Breathnach and Mark Rohan.

watched our Paralympic heroes in awe as they repeatedly changed our views on the “impossible”.

Without a doubt these athletes have gone above and beyond the high standards that they hold themselves to and Alliant are proud to continuously support them as they further defy what is deemed “impossible”. By supporting Paralympic Sports globally and locally, Alliant raises awareness of the daily challenges of people with a disability while sharing the realisation that those difficulties can be overcome. The phenomenal achievements of the Irish Paralympic team have succeeded in both inspiring a generation but more importantly inspiring a nation.



Alliant **WeatherSafe** is a fantastic web and smartphone service that can help you stay safe and plan your life better using the latest weather forecasts. **WeatherSafe** uses best-in-class 3-hourly and 7-day forecasts supplied by MeteoGroup, one of the world’s leading weather forecasters.

The Alliant **WeatherSafe** app is available on the web, or download from iPhone and Android stores.



Stay one step ahead of the weather with Alliant **WeatherSafe**.



With you from A-Z



www.alliant.ie/WeatherSafe-FastRegister

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Cyber Bullying

The social media boom heralded by the arrival of websites such as Facebook and Twitter as well as internet enabled phones and tablets have made it possible to connect, engage and stay in touch with people all around the world.



Brian Sheehy
Religious and
Education Team

These communication platforms are allowing people to say different things in a different way to a different audience. While the advantages of this medium of communication are obvious it also presents a significant challenge to schools.

The main challenge faced by schools in this heightened technological age is cyber bullying. Bullying is not a new phenomenon for schools and they regularly face these problems throughout the school year. However, cyber bullying is a new phenomenon and should be treated as high priority.

Behaviours that constitute Cyber Bullying:

Flaming: Perpetrators send angry, rude, vulgar messages about a person to an online group or that person via e-mail or text messages. Flaming usually occurs in “public” settings, such as chat rooms or discussion groups, rather than via private e-mail exchanges.

Online Harassment: Bullies repeatedly send offensive messages via electronic means to another individual. Harassment normally occurs through personal communication channels, such as e-mails, but harassing messages can also be communicated through public forums, such as chat rooms and discussion groups.

Cyber stalking: Involving online harassments that includes threats of harm or behaviour that is excessively intimidating.

Denigration: incorporates sending harmful, untrue or cruel statement about a person to other people or posting such material

online. These statements may be posted on a web page or may be spread to others via e-mail or instant messaging. Included within this category of cyber bullying is “posting or sending digitally altered photos of someone particularly in a way that portrays them in a sexualised or harmful manner”. Online “slam books” which are created to make fun of students also represent a form of denigration. Students create a website where class mates’ names are listed and mean and nasty comments are uploaded about targeted students.

Masquerade: Bullies pretend to be someone else and send or post material that makes another person look bad.

Outing: involves sending or posting material about a person that contains sensitive, private or embarrassing information, including forwarding private messages or images.

Exclusion: perpetrators purposely exclude someone from an online group.



Happy Slapping/Hopping: One person walks up and slaps/assaults someone while another captures it on camera which is then uploaded to the web.

The trend of cyber bullying is increasing at the same pace as the means and mode of cyber technology which allow it to take place. While it may be argued that cyber bullying is taking place outside the school gates, the reality is that the impact of this activity, in a lot of cases, is being felt inside the school gates. In addition, the facility of cyber technology within schools introduces a risk that cyber bullying may be conducted from within the school building. The above behaviours can trigger the same well known symptoms in victims that are usually associated with conventional bullying.

Combating Cyber Bullying

It is imperative that the whole school community including the Board of Management, teachers, parents and pupils have the appropriate structures in place to combat any act of cyber bullying. A number of steps may be taken:

- 1 A clear definition of cyber bullying will need to be established. This should identify unacceptable online conduct towards any person in the school community.
- 2 This definition should be clearly communicated to the entire school community including Parents/Guardians.
- 3 The consequences of a breach of this definition will need to be known and again communicated to the whole community.
- 4 The prevention of cyber bullying should be integrated as an essential part of the school's overall strategy. The Code of Behaviour, the Anti-bullying Policy and

other relevant policies should specify that any usage of the internet, digital media or mobile phone which intrudes on the privacy and dignity of staff, students or their families is deemed a serious breach of the school Code of Behaviour and Anti-Bullying Policy Response to Cyber Bullying.

- 5 It should be further stated that any behaviour which endangers the health and safety of any member of the school community is treated with the utmost seriousness by the Principal and Board of Management and that such behaviour includes the inappropriate use of social media.
- 6 The Parents Association of the school should be educated on the potential dangers associated with the abuse of new technologies
- 7 Each school should introduce an internet educational module for all students which would also highlight the seriousness of cyber bullying.

Response to Cyber Bully

If a very serious incident occurs, which might attract the attention of the media, a school should prepare a statement to be issued if contacted over the incident.

Also, the Principal/Deputy Principal should pursue the following guidelines while also ensuring that the needs of the victim and parents of the victim are kept in mind when a serious instance of cyber bullying has occurred.

Principal/Deputy Principal.

- Ensure offending item is removed, having saved a copy.
- Inform: Year Heads, Tutors, Guidance

Counsellors (Secondary Schools).

- Contact both sets of parents and inform them of the offending item, either over the phone or in person.
- Inform the Gardáí (if this constitutes a serious incident).
- Inform Chairperson of Board (if serious).
- Analyse the report which should be submitted by the Year head.
- Decide on the best way to help the victim and the perpetrator.
- Decide on any sanctions/further action which should be taken against the perpetrator.
- Keep a detailed report on file. (This is very important. If the matter is very serious and may merit expulsion all files have to be open to parents and students in the event of an appeal)

Victim.

Meet his/her year head as requested.

- Meet Guidance Counsellor (Secondary Schools) as requested.
- Meet Principal/Deputy Principal if required, this will depend on the seriousness of the incident.
- Meet tutor if applicable.
- Further counselling may be provided, if necessary (Secondary Schools).
- Care team may be involved.

Parents of Victim

- Informed by Principal/Deputy Principal – by both if this constitutes a serious incident.
- Meet Guidance Counsellor (Secondary Schools)
- Will be kept informed until the problem has been resolved.

If you have any queries regarding this article please contact our Education Team on **01 613 3966**, your local Allianz Representative or your Insurance Intermediary.

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We wish to acknowledge the National Association of Principals and Deputy Principals (NAPD) Welfare Committees' publication "The Very Useful Guide for School Leaders" as the source material for this article.

Security in the School

Front door security, recording and tracking visitors to the school



Noel O'Loughlin
Religious/Education
Business Executive

Schools are paying more and more attention to both external and internal security of their premises. This attention is mainly focused on the periods when the school is closed. Traditionally, less attention has been paid to security when school's are open. This has resulted in some unsavoury incidents and sadly, experience has shown that the risk of unwanted visitors, protection of pupils and theft (amongst other issues) needs to be considered.

We recommend that you consider preparing a formal Security Statement. It can be kept very simple – most of the precautions are common sense and cost little or nothing other than the time needed to think them through and implement them.

Exposures

The following groups should be considered when preparing a security policy:

- Visitors, both welcome – and unwelcome.
- Contractors.
- Outside groups who have permission to use the school facilities.

Checklist

There are a few basic procedures which all schools can easily implement. These can be expanded upon depending on the size, layout and location of the school, and the money and resources the school has available:

- ✓ All visitors should be directed by means of signage to a single entrance door and reception point
- ✓ Access to other parts of the building should, as far as possible, be prevented
- ✓ Visitors should sign in and out at the reception area
- ✓ Visitors should be accompanied by a member of staff to their destination and should be returned to reception by a member of staff to be signed out
- ✓ Access to playgrounds and fields should be closely monitored by staff
- ✓ A record should be kept of all key holders, both internal and external
- ✓ The number of key holders should be limited as far as possible
- ✓ The school office should be locked when unoccupied, even for a short period
- ✓ Do not leave high value, easily moved items on display and unattended in the school office, e.g. laptops and cash
- ✓ Staff should avoid keeping cash on the premises wherever possible. Safes should be used and kept locked
- ✓ All medicines should be kept in the school's medicines cabinet. Access to the cabinet should be by designated staff only
- ✓ Encourage all pupils and staff to exercise personal responsibility for their own security and the security of others
- ✓ Establish a system to record and review all breaches of security and to take reasonable steps to prevent a recurrence
- ✓ Caretaking staff should closely monitor the movement of unknown vehicles and individuals in and around the school premises
- ✓ Caretaking staff should be responsible for all contractors on site
- ✓ Contractors' vehicles should have restricted access to the school site to avoid times when students and staff are moving around the site
- ✓ Contractors should only be allowed access to the school site at times agreed with the school beforehand
- ✓ Outside groups who have been given permission to use the school premises should be informed of the areas of the school they can access and the procedures for entering and leaving the premises, including use of keys
- ✓ Consider installing CCTV cameras at the main entrance door. Such action will require compliance with the Data Protection Commissioner's requirements regarding the use of CCTV equipment – www.dataprotection.ie
- ✓ Consider installing a keypad entry code system
- ✓ Security procedures should be reviewed and (where necessary) amended on an annual basis.

Further information on security in the school is available in our "Guide to Insurance, Safety and Security in the School", our schools website www.allianz.ie/schools, your local Crime Prevention Officer, your local Allianz Representative or your Insurance Intermediary.



Winter Checklist – Protecting your School property from extreme winter weather

The extremely low temperatures encountered during the winters of 2009/10 & 2010/11 have made us all aware of the potentially devastating effects of extreme winter weather.



Alan Black
Religious and
Education Team

The winter period of 2011/2012 was considerably milder than the previous two, but you only had to look across at the United Kingdom during this period to see how close we were to having three consecutive extreme winters.

“Chance favours “the prepared”

Most widespread damage was due to freezing temperatures causing burst pipes but there are other types of winter related damage that can be caused, namely storm and flood. As the great Swedish Innovator Alfred Nobel once said “Chance favours the prepared”. If proactive steps are taken, the risk and extent of damage can be reduced and in many cases eliminated. It is easy and relatively inexpensive to put preventative measures in place to avoid damage. Some of the measures that can be put in place are:

Frost/Freeze Protection

- **Fit Frost Thermostats** – These should be fitted in strategic locations within your premises connected

to your heating system. They will automatically turn your heating on once the ambient temperature of your school reaches a pre-set level and can also save you money over this period as you do not have to leave your heat running throughout the holidays.

- **Lag exposed Pipes and tanks** – If the exposed pipes and water tanks in the attic, boiler house or externally located pipes are not fully lagged, they are at much greater risk of bursting and causing significant damage. It is important to note that water tanks in the attic should not be insulated on the underside to allow heat from the school building to reach the tank.
- **Inline pumps connected to thermostats** – Inline pumps keep the water circulating around your heating system and if connected to a thermostat will turn on when the temperature reaches a certain pre set ambient temperature.

The above are specific proactive steps that can be taken to minimise the risk of a burst pipe in your school. There are also some general tips to help you during the winter:

- Maintain heat in the building
- Remember to protect your oil supply from freezing. Oil can freeze if temperatures reach -9 degrees Celsius. The oil tank can be protected with weather



proof insulation or a tarpaulin cover will provide protection in an emergency situation

- Leave internal doors open to protect unheated or poorly heated compartments. Make sure all radiators are on
- If air vents in the boiler house are closed off, leave sufficient opening to allow an adequate supply of air for combustion.

Vacant properties or sections of buildings

You may have an old school building not being used anymore or a section of your school not in use. It is very important to drain the water tanks of these areas if you do not intend to keep the heating on. Old buildings especially may not have adequately lagged pipes and so, during periods of extremely low temperatures, are at an increased risk of suffering from a burst pipe. An unused section of your school may be difficult to heat, so draining the water system for this section will be effective in avoiding burst pipes.

Storm

Storm can potentially affect any area. Many storm damage claims we see could have been prevented or reduced by the implementation of better maintenance and loss prevention measures. For instance, if there are loose tiles on your school roof and a storm hits, it will pull up the loose tile which could have a domino effect over the surrounding section of the roof causing thousands of euro worth of damage. If the tile was not loose in the first place, damage could be avoided.

The following steps can be taken to reduce the possibility of damage during a storm:

- Clean out gutters and down pipes of leaves, dirt and debris on a regular basis
- Keep tree branches trimmed to prevent them from overhanging your building
- Have trees that are close enough to fall onto your building checked regularly
- Check for broken, damaged or loose tiles and have them repaired where necessary

- Check the flashing around the vent pipe and any other projections where a roof covering meets an adjoining surface
- Repair any damaged gutters or down pipes and check their supports
- Ensure grounds are kept clear of loose materials and rubbish that could blow around and cause damage.

Flood

Flooding tends to be more pocketed than storm but can strike in many areas. There is not always time to prepare for a flood but given even a little advance notice, there are some measures that can be taken to minimise potential damage:

- Raise furniture, appliances and other valuable items that could be damaged by flood water entering premises to higher ground
- Move vehicles, valuable and other items to safety if there is time
- Ensure you have sandbags or other similar items that can be used to stop flood waters entering your premises
- Plug sinks and baths and put sandbags in toilet bowls to prevent water entering your property
- Clear blocked drains
- Be ready to turn off gas and electricity supplies
- Do not unplug electrical appliances if you have to stand in water to do so
- Do not enter basements or rooms if water covers electrical cables or plug outlets
- Keep a flashlight and spare batteries in an accessible place
- If required to do so, exit the property with care as submerged debris could cause you to trip or fall.

The information provided above highlights key issues under the headings identified and your local Allianz Representative is available to provide detailed assistance with any specific enquiries you may have.

WeatherSafe

Stay one step ahead of the weather this winter with the Allianz WeatherSafe app. The app is available free of charge on both iPhone and Android, offering up to date weather information wherever and

whenever. WeatherSafe's best-in-class 3 hourly and 7-day forecasts are supplied by MeteoGroup, one of the world's leading weather forecasters. Stay safe in the coming months with the use of WeatherSafe alerts which give you advance warning of severe weather,

meaning you can take the necessary steps to protect your property or plan a journey.

Download the app for free today using the App Store or Android Market.



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 – Pupil injured by broken glass

This first case involves a claim from a pupil who suffered a laceration to her knee which was caused by broken glass from a window which she alleged simply broke when a fellow pupil opened it. The window was in a stairwell and the pupils were returning to class after lunch. There were no pupils descending the stairs at the same time and as the Plaintiff was a little late in returning to class, there was only one other pupil present along with herself when the incident occurred. The second pupil was not in Court having emigrated to Australia. It was alleged by the Plaintiff that her fellow pupil simply opened the window and the pane broke and the glass somehow came into contact with her knee causing the laceration. There was a denial that there was any horseplay involved and the only reason for the glass breaking was her fellow pupil opening the window. Equally, there was no good reason for the pupils to be opening the window on their way back to class. Engineering evidence confirmed the glass thickness was adequate for the position of the window and admitted that it was most unusual for the glass to smash from simply opening the window as described by the Plaintiff. After hearing the Plaintiff's case, the Judge found that the Plaintiff had not produced any convincing evidence as to how the window was caused to break and dismissed her claim with no order as to costs.

Case 2 – Pupil injured on defective School football pitch

This next case is in relation to maintenance of playing pitches on schools premises. During a training session, the pupil involved here did a slide tackle and when he stood up discovered that he had a serious laceration to his leg. On inspection of the area of the pitch, there was nothing obvious to indicate what had caused the injury. In the pleadings and in the initial correspondence it was always alleged that the cut was caused by the presence of a rock/stone. Nothing was discovered on inspection at the time but the pitch was wet and mucky. Work had been carried out in the area by the local Council some

fourteen months prior to the accident occurring but the pitch had been taken back in care by the School and given the passage of time, there was no likelihood of passing responsibility for the accident on to the Council. There had been poor grass growth in the area following the work and the Principal did complain to the Council in relation to same but legal advice indicated that if the school were not happy with the area, they should not have allowed the pupils to train there. All in all, the advice was that the school faced significant risk in the matter as there was no doubt that the injured party cut his leg on something and given the history of the area, it was highly likely that it would be accepted that there was something in the ground which caused same. The time span between the Council work and the incident left the Insured here in a situation of having to settle the claim because of the risks presented and the claim was settled on the best possible terms.

Case 3 – Caretaker injured by defective door

This next case involves an accident involving the School Caretaker. The school hall is situated as such that there are three entrance routes into the hall. Each entrance is accessible via a set of double glass doors and people would go in one entrance and out another as a short cut to get to different parts of the school. On this occasion, the Caretaker pushed the door open with his hand and as he did so the door opened a certain amount and stopped suddenly causing him to injure his hand (fractured finger). There was a dispute in the evidence as to whether the Caretaker had made any report or complaint in relation to the functioning or any problem with this door. There was evidence that the door had been repaired and the Judge indicated that she must accept the evidence as to how the injury was caused by malfunctioning in the door even if there was a prior history of problems or not. The big issue for the defence of the matter was that the closer was replaced and was not retained, so we were not afforded the opportunity to inspect the item. Given the number of screw holes in the door, it was evident that the closer had been moved or replaced on a number of



previous occasions. We were not in a position to produce any expert report on the actual equipment which was deemed to have failed and the Judge who has to make her decision on the “balance of probabilities” was left with little choice but to find in favour of the Caretaker.

Case 4 – Alleged defective roof causing member of outside group to slip on wet floor

This last case involves a slip and fall in a school hall which had been hired out to a group after school hours for the purpose of five a side football. The group had their own insurance but this insurance does not provide cover in situations where a claim is made on the grounds of defective premises (Property Owners Liability). In this case the Plaintiff alleged that there was a puddle of water on the floor and in addition alleged that as he lay on the

ground further drops of water fell on him from a leak in the roof. A claim was pursued in the Circuit Court against the school on the grounds that there was a leak in the roof and the puddle of water was present on the floor as a result of same. We were fortunate that the area was inspected immediately post accident by the Caretaker who confirmed that he saw no water on the floor. In addition, the School were able to confirm that there was no leak in the roof and no work had been carried out on the roof either before or after the incident. Enquires were made with the team who used the hall before this group who confirmed the floor was clean and dry and school staff also confirmed there had been no problems earlier in the day nor for that matter over the following days. A full defence was presented and the Plaintiff walked away for a nuisance payment imposed to include costs.



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My
Advice

Be prepared
for cold
weather...

Burst pipes are a common problem for schools during winter. To help avoid serious damage and disruption to your school, ensure your exposed pipes and water tanks are insulated. During winter holidays check the school regularly, so that if pipes have burst, you can act quickly and minimise the damage. For more handy tips and advice visit

allianz.ie/schools

School Insurance

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