

ALLIANZ P.L.C.

Schools Journal

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Issue 01 | 2013

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A collaboration of parents, pupils and teachers

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The issue of insurance premiums and sums insured have been the subject of considerable discussion

Allianz 

Editorial

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

Many schools are reviewing their overall expenditure to ensure that they continue to operate within the current economic climate and reduced funding. In addition, schools are currently reviewing their sums insured in view of current rebuilding costs. In this edition of



Anthony Shannon
Member of the Board of Management

our Schools Journal we discuss the need to ensure that your sums insured are adequate so that the interests of the Board of Management are fully protected in the event of a total or serious loss.

Other articles featured in this edition include the important factors to consider when developing your school's Computer Policy

and considerations to take into account when work involving construction, alterations or renovation is planned.

We are delighted in this edition to include an article submitted to us by St. John the Apostle National School, Knocknacarra, Galway which outlines what can be achieved through meaningful partnership between parents, pupils and teachers.

thinkandact.ie is a new online teaching resource for primary school children which encourages them to think and talk about the world around us. Allianz are delighted to have funded the development of this website.

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. 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

Anthony Shannon

Anthony Shannon
Member of the Board of Management

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Allianz Pupil Personal Accident Insurance – Protecting your pupils for over 30 years.

In the mid 1980's, we launched the Pupil Personal Accident Insurance Policy. The idea behind this was to help cover both medical and dental expenses incurred by parents as a result of non – culpable accidents which took place during school activities. Shortly afterwards, schools were also given the option to offer their pupils the opportunity to join this scheme on a 24 hour cover basis, covering pupils 365 days a year.

Just over 10 years ago, Allianz created a dedicated website to allow schools to process their Pupil Personal Accident Insurance online – www.allianz.ie/schools. This website was created with the school in mind and over the years has been streamlined to provide a straightforward renewal application process that should only take minutes. Schools that renew their policies online, benefit from a 30% reduction, making this option very popular.

To illustrate the importance of a Pupil Personal Accident Policy we have outlined a number of claims which were submitted in the last year which show the value to the school of the Allianz Pupil Personal Accident Policy:

→ A pupil was running in the yard when he caught his ankle on a fence. The pupil's ankle was swollen and suspected to be broken at the time. The full medical costs including x-ray was covered under the Allianz Pupil Personal Accident Policy meaning neither parent / guardian nor the school were out of pocket for these

medical expenses. This also reduced the possibility of legal action being taken against the school.

- A pupil was coming into school in the morning when she tripped and hit her head against a wall. Her head was bleeding so an ambulance had to be called. The direct medical expenses and associated costs i.e. (cost of ambulance), were covered.
- A pupil was playing in the yard, when she fell and hit her mouth on the ground. She lost one tooth and cracked another tooth. All medical costs in connection with this have been paid in full under the Policy. In addition any further treatment that may be necessary in the future as a result of this accident will be covered under the policy as the Allianz Pupil Personal Accident Policy does not restrict the time in which follow on medical and/or dental costs can be claimed.

Why Allianz Pupil Personal Accident Insurance is still the best fit for your school

No Time Limit

We are the only Pupil Personal Accident Insurer in Ireland who will continue to pay medical and dental expenses for an unlimited time. **Other insurers stop paying insured expenses after a set time period (usually two years).**

Superior Protection

98% of all Pupil Personal Accident Claims are made under the Medical & Dental expense benefit. Our Medical & Dental expense benefits pay up to a limit of €50,000 each.

24/7 Protection

The 24hr option covers pupils 365 days a year.

30% Reduction

30% online reduction available at www.allianz.ie/schools

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, subject to policy limits.

Straightforward Claims Settlement

Providing a straight forward facility for parents to claim medical and dental expenses following an accident to their child.



Competition

We are delighted to announce our Pupil Personal Accident Competition for 2013. Buy or renew your Allianz Pupil Personal Accident policy online before 31st October 2013, to be in with a chance to win one of 3 amazing iPad 4's. There are three chances to win so best of luck to everyone. Terms and conditions apply.



Allianz Pupil Personal Accident Competition 2012

Allianz in association with O'Neill's Irish International Sports Co. Ltd. offered one of our schools the chance to win a €2,000 sports voucher by purchasing or renewing their Pupil Personal Accident Policy through our schools website www.allianz.ie/schools. Ursuline College Sligo were the winning school and have received their €2,000 O'Neill sports voucher which can be redeemed against anything from the O'Neill's sports range.

↑ Pictured above, left to right

Sister Mairead O'Regan Principal Ursuline College, Chloe Conlon and Treasa Kilgallon 5th year pupils of Ursuline College and Shane Mooney Allianz.



Think & Act



The contemporary story of an immigrant child's journey to Ireland has been developed as a new online teaching resource for primary children.

thinkandact.ie was launched by Frances Fitzgerald, Minister for Children and Youth Affairs in Dublin Civic Offices at 5pm on Thursday February 7th. Here at Allianz we are always proud to support innovative education projects, and we are delighted to sponsor this initiative which will have a lasting impact on Education for years to come.

thinkandact.ie is a new online resource for primary teachers interested in social justice issues. The result of a unique collaboration using high-quality animations with age appropriate stories and scenarios. thinkandact.ie resources have been developed by teachers for teachers. Lesson ideas, starting with the issue of migration and family reunification, are provided in a range of curriculum areas. With the emphasis on active learning and critical thinking. thinkandact.ie will get your class thinking and talking about the world around us.

The development of the website was funded directly by Allianz, and it tells Abby's story re-creating her experiences in a new country through animation and multi media resources for teachers and students. The animation and learning resources really engage children – getting them to think and talk about the world around us, and hopefully in the future, to act as enlightened and compassionate citizens.

thinkandact.ie is now live and all resources are provided on an open access basis.

↑ Pictured above, left to right

Brian Killoran, Immigrant Council of Ireland; Ciaran Whelan, Allianz; Frances Fitzgerald T.D., Minister for Children & Youth Affairs; Paul Rowe, Educate Together; Áine O'Brien, Pivotal Arts and Brian Kearney-Grieve, Atlantic Philanthropies.

The wearing of mouthguards during football matches



Martin Sinnott
Religious and
Education Team



A number of schools have contacted Allianz in recent weeks requesting clarification as to whether or not pupils must wear mouth guards when participating in Football matches. These questions have generally been prompted as a result of the introduction by the GAA of its new rule which makes it mandatory to use mouth guards in all football games and practice football sessions from January 1st 2013 (for all age grades up to and including Minor) and at Under 21 and Adult Level from January 1st 2014. A number of questions have been posed:

Do pupils have to wear mouth guards when participating in Cumann na mBunscol Competitions?

Yes. As these Competitions are organised and played under the jurisdiction of the GAA they are subject to the normal rules and regulations applying to GAA competitions. This now includes the mandatory wearing of mouth guards for all Cumann na mBunscol football matches and practices sessions.

What is the position in relation to football matches directly organised by and managed by the school under the auspices of a "School Related Activity"?

The Allianz School Protection policy provides an indemnity to the school in respect of legal liability for accidental bodily injury to any person arising out of or in the course of a School Related Activity *including participation in sports activities*. In drawing up the schools Safety Statement the Board of Management is required to identify hazards, assess

the risks involved and then to either eliminate or reduce these risks as far as possible. Therefore in striving to achieve best practice in relation to the elimination/reduction of risks it would be prudent for schools to incorporate as part of their overall school rules, a requirement for pupils to wear gum shields whilst participating in any gaelic football games that arise in the course of a School Related Activity. This would apply equally to the wearing of helmets for hurling matches and shin guards for soccer matches as this would be seen as "best practice".

What type of mouth guards should be used?

This is generally a matter of personal preference but parents should ensure that the type chosen carries the CE Mark (European Conformity). There is generally three types of mouthguard available:

- **Stock Mouthguards** which are available in most sports shops and are preformed and ready to wear. These are the least expensive but little can be done to adjust their fit.
- **Boil and Bite Mouthguards**. Again these are generally available in most sports shops and offer a better fit than stock mouthguards. They are made from Thermoplastic material which when placed in hot water softens. It can then be placed in the mouth and using the wearers bite and pressure from fingers around the teeth can form a more comfortable fit.
- **Custom Fitted Mouthguards**. These are individually fitted by Dentists and provide the best protection against dental and oral injury. These are the most expensive option but provide the best comfort and should not affect performance as much in terms of breathing and speech. However, these may not be suitable for younger children.

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

We wish to acknowledge www.gaa.ie/mouthguards as the source material for this article.

Protecting your School's Computer Equipment



Brian Sheehy
Religious and
Education Team

The vast majority of primary and secondary schools have made a substantial investment in IT equipment and software.

The changing nature of the classroom has meant that schools use computers, laptops and interactive whiteboards on a daily basis to educate pupils. The new digital way of teaching places a substantial cost on schools to implement these IT systems. Each school needs to protect their investment in their IT equipment to avoid any unwelcomed loss or damage. Furthermore, misuse of computer systems by the users can threaten the school's reputation. Therefore, it is recommended that each school put the controls and policies in place to protect their IT assets.

The important factors to consider when developing a School Computer Policy to safeguard the use of IT equipment in the school environment are:

- 1 Use of anti virus software.
- 2 Computer usage in the school.
- 3 IT equipment at home.

Use of anti virus software

One of the most common reasons for failures in computers is the lack of anti virus software or expired anti virus software. The most obvious effects of computer viruses are:

- Making a computer run slowly.
- Freezing your computer.
- Theft of personal details stored on the computer.
- Transmission of unauthorised emails and messages.
- Deletion of files on the computer.

The effects of the computer viruses mentioned above can cause a lot of trouble in a computer system. The internet today has provided many virus attacks and there are numerous threats. It is imperative in a school IT system that there is anti virus software to warn, seek out and destroy any possible threat to the system.

The importance of anti virus software should not be underestimated. A computer virus can cost a school a lot of time and money. It is recommended that the school appoint a member of staff in the school to administer the anti virus software, carry out daily updates to counteract the latest attacks and keep the IT system in the school constantly protected.

Computer usage in the school

Computer rooms and IT resources are provided for educational assistance to pupils and teachers. The use of the internet from these rooms plays an important role in a pupils learning development. However, for every valuable educational website there are many more websites which are unsuitable for a pupils viewing. It is crucial that the internet facility provided by the school is used in an efficient, ethical and appropriate manner.

Also, employees and pupils need to ensure that care and due diligence is being used when around school IT equipment.

It is important in this digital era that each school has the proper controls and policies in place to promote responsible behaviour when employees and pupils are using computers in the school.

A school policy for the use of IT facility should feature the following:

- An overall description of the schools strategy in providing internet access and computer usage in the school.

- Outline the responsibilities of the employees, parents and pupils in using computers.
- Guidelines/rules for pupils when in the computer rooms, such as:
 - ↘ No food or drink in the computer room.
 - ↘ Do not change computer settings.
 - ↘ Only turn on the computer or print when instructed to do so.
- Appropriate Internet usage.
- A guide to what constitutes acceptable and unacceptable websites.
- Consequences of violating the policy.

We recommend that the school policy be put in writing and sent to pupils and parents in the form of a contract with the pupils and parents having to commit to these rules and regulations before being allowed to use the school IT facilities.

In addition, the school's policy should also be clearly printed in each computer room or near any computer in use.

IT Equipment at home.

Employees may have to bring equipment home for work. Whether it be preparing study plans for the next day, correcting pupils' homework or general administrative work it is vital employees have the option to do so.

We at Allianz recognise this and for this reason there is an extension in the Allianz Custodian School Protection Policy which provides cover for the temporary removal of property from the school building. This extension is subject to terms and conditions detailed in your policy document.

This extension protects the school against loss or damage to expensive IT equipment when being used at home. Notwithstanding this, we recommend the school authorities put further procedures and policies in place to safeguard the temporary removal of equipment outside the school building.

A school policy for the removal of IT equipment from the school should feature the following:



- An overall description of the schools strategy in providing the facility for employees to take IT equipment home.
- Each time a laptop or any other device is brought home by an employee a log book should be used. This log book should be under the control of someone in charge of the distribution of the equipment, such as the Principal and should record:
 - ↘ The name of the employee taking the device home.
 - ↘ The time, date and likely return date for the equipment.
 - ↘ The make, model and serial number of the device being taken.
 - ↘ The condition of the equipment.
 - ↘ The signature of the employee.
- Responsibilities of the employee taking home the equipment.
 - ↘ Ensure the equipment is kept safe and secure.
 - ↘ Don't adjust any software or data on the equipment.
 - ↘ Make sure the equipment is locked in the boot of employee's car while in transit.
 - ↘ Make sure that the equipment is password protected and any sensitive data encrypted.
- The need to have procedures in place in the event equipment is damaged, stolen or sensitive information is compromised.
 - ↘ Contact the Principal or School Management immediately in any of the above cases.
 - ↘ Contact An Garda Siochana if the equipment is stolen.
 - ↘ Keep a detailed report of what happened in the log book.
 - ↘ Principal or School Management to contact Allianz if need to claim arises.

In this digital era it is important that schools are as protected as possible. The first step in the schools defence consists of the policies and procedures they put in place. We have identified 3 key areas – anti virus software, computer usage in the school and IT equipment at home. Any school policy being developed should contemplate building the policy around these features.

This article addresses the issue of protecting your school computer equipment and is the second of a two part piece on digital usage in the school.

In the previous edition of our Schools Journal we discussed the issue of Cyber Bullying. A PDF version of our previous Schools Journal in addition to all past issues are available in the Resources Section of our Schools website www.allianz.ie/schools

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.



The Beehive Project

'The Bees Big Day Out!'

This is the title given to a project created by a collaboration of parents, pupils and teachers at St. John the Apostle National School, Knocknacarra, Galway.

This is a new developing school, with a current enrolment of 370 children. The school opened on 30th August 2007 in a small building in Knocknacarra and the new school building was completed in 2009. Since then, the school community have come together to work on an art project inspired by the Per Cent for Art Scheme, which commissions an art project from one per cent of the cost of the new school building.

The school's Wish-List was for a work of art which would be meaningful now and into the future, one which would involve the children themselves and also reflect the atmosphere of respect for each other and

the environment, which is embedded in the ethos of the school.

The Bee Hive project, proposed by Mark Rode, an Australian sculptor, based in Co. Mayo, was selected as the ideal project for this school community.

Mark's Bee Hive sculptures were inspired by the story of St. Modomnoc O'Neill, who legend tells us introduced the Honey Bee to Ireland. Mark worked alongside the children in designing the Bee Hive sculptures through workshops in Clay and plaster.



↑ Pictured from left to right

Frank Laffey Chairman Board of Management, Cllr Terry O'Flaherty Mayor of Galway, and Cllr Donal Lyons Board of Management Member

Alongside this project, a group of artistically talented parents compiled the story of the 'Bees Big Day Out', in the school's library. Each child in the school was involved through the creation of their own unique bee, using a myriad of recycled materials. Parents helped create an exciting collaborative art instalment using lighting, special sound recordings, composing music and conducting participative drama workshops with the children.

The 'Bees Big Day Out' was launched for Culture Night in September 2012. Members of the community were invited to:

- An exciting journey through a magical world of installation and soundscape for the young at heart, at Knocknacarra National School,
- To come and join the bees as they search for the greatest flowers on planet earth,
- To follow their voyage through the exciting soundscape path,
- To locate the nectar and pollen paradise,
- To party among the pollen with the bees from all over the world,
- At dusk to return once more to the hive with treasures and allsorts for the queen.

For six magical weeks the school was transformed by this magical kingdom, in the school's library. The entire experience was evidence of the amazing outcomes that can be achieved through meaningful partnership between parents, teachers and children.



We wish to acknowledge Noreen Healy, Principal, St. John the Apostle, Knocknacarra National School, Galway as the author of this article
www.knocknacarrans.ie

School Sums Insured

At a time when schools find themselves under serious financial constraints, the issue of insurance premiums and sums insured have been the subject of considerable discussion.



Dermot Connor
Underwriting Manager
Religious/Education

Many schools are reviewing their expenditure to ensure that they can continue to operate within a climate of reduced funding. One area where we are seeing an increased focus is in respect of sums insured and whilst reducing same can help reduce your premium it is critically important to ensure that your sum insured is adequate to facilitate the reconstruction of your School in the event of a total loss.

Over recent years we have seen many requests to review Sums Insured in view of current building costs and with the overall aim of reducing premiums. Many building tender prices quoted have proven to be unsustainable and unfortunately there have been some incidents of Builders being unable to complete school projects for a variety of reasons including over optimistic tender pricing.

The reason it is critical to ensure your sum insured is adequate is because if following a loss it is established that your sum insured is inadequate your school may be responsible for any shortfall from its own funds, funds which are unlikely to be adequate to meet the shortfall arising.

The setting of adequate sums insured on your school property is a decision for the Board of Management and whilst Allianz are happy to provide guidance in accordance with Quantity Surveyors guidelines we are not Professional Valuers and any guidance provided is indicative only.

In setting your Sum Insured the following must be factored into your calculations:

- Replacement of the property destroyed or damaged
- Debris removal/site clearance
- Architects/Surveyors fees
- Compliance with current building regulations and requirements
- VAT.

To ensure your Sum Insured is adequate you should every 5 to 7 years obtain a Professional Valuation. The Professional Valuation should be based on the "Reinstatement Value" (incorporating the items listed above) of the property and not the "Market Value". The cost of Professional Valuations can vary considerably however there may be a parent from your School Community who is a Quantity Surveyor or similarly qualified professional who may carry out this task on your behalf at little or no cost.

If following a Professional Valuation you find your sum insured exceeds the valuation we will reduce your sum insured accordingly and allow an appropriate premium reduction. If on the other hand you find your current sum insured is less than the Professional Valuation obtained, we will increase your sum insured without additional charge up to your next renewal date.



If your school property is a Protected/Listed Building, you may be obliged by your Local Authority to reinstate the property in exactly the same manner and using the same materials as the existing buildings and in such circumstances the need for a Professional Valuation cannot be overstated.

Professional Valuations are often said to be only accurate on the day they are completed as inflationary factors will over time increase or reduce the cost of reinstating your school property. To help guard against inflationary factors Allianz School Policies are subject to "indexation" in accordance with the "House Building Cost Index" issued by the Department of the Environment which is the Government's measure of changes in building costs over any given 12 month period. Indexation means that your sums insured are adjusted upwards or downwards in line with changes in this index and whilst this is not an exact science it does ensure that some adjustment in

sums insured takes place in line with perceived changes in building costs.

As we have indicated earlier, Allianz are happy to provide guidance based on our experience in this area, however any such guidance is purely an indication of the likely reinstatement cost in the event of a total or serious loss and the only sure way for a Board of Management to be certain their sums insured are adequate is by having a Professional Valuation carried out. We are happy to reduce your sums Insured where such a reduction is warranted however we must caution against potential underinsurance which could leave the school exposed to an uninsured financial loss.

Should you have any queries in relation to the above article, please contact our Education Team at 01 613 3966, your local Allianz Representative or your Insurance Intermediary.

Considerations when **carrying out work** involving construction, alterations or renovations

We regularly receive queries regarding the provision of cover for work involving construction, structural alterations or renovations in relation to school property.



Noel O'Loughlin
Religious/Education
Business Executive

There are a number of issues which arise in relation to Policy Cover & Health and Safety which are addressed in this article.

Policy Cover

It is important for all Insured's to realise that the Allianz Custodian School Protection Policy **specifically excludes** liability arising from or in connection with such activities, and consequently separate insurance cover is required in respect of work of this nature.

In view of the significant increase in exposure presented by such activities, we always recommend that all such work should be carried out by "bona fide" Contractors experienced in the type of work to be carried out and who carry their own separate Public Liability and Employers' Liability insurances. Taking this approach ensures that claims arising in connection with the work are dealt with under the Contractor's insurances and do not therefore impact on school premiums.

Confirmation that the Contractor does carry such insurance should be obtained prior to commencement of the work, including the following:

- that cover is provided for the contract
- such insurances are operative and will remain so during the currency of the contract
- the limit of indemnity provided by such insurances is not less than **€2,600,000 for Public liability and €13,000,000 for Employers Liability**
- such insurances provide an indemnity to the Insured.

Health & Safety

All work of this nature is subject to the requirements of current Health & Safety legislation. The principal duties arise under the Safety, Health & Welfare at Work (Construction) Regulations 2006-2012 (the Construction Regulation) or any subsequent legislation.

The Construction Regulations apply to;

- All building, civil engineering or engineering work,
 - Maintenance work on buildings or services,
 - Conversion, renovation or decoration,
 - High pressure cleaning,
- and all work of a similar nature. The Regulations do not apply to routine maintenance, cleaning, decoration or repair of an existing structure unless the activity involves some particular risk or there is more than one Contractor involved.

The Regulations impose the following duties on "the person or organisation who commissions the work" – ie School Management

- appoint in writing a "competent" person (or Company) to act as **Project Supervisor** for the design stage known as **PSDP**
- appoint in writing a "competent" person (or Company) to act as **Project Supervisor** for the construction stage – known as **PSCS**
- Keep and maintain a **Safety File** as defined in the Regulations and where necessary make it available for the future maintenance, alteration, renovation or other work on the structure. Where a property or structure is disposed of, the safety file must be passed to the new owner.



The duties of the PSDP and the PSCS are defined in detail in the Regulations. The Regulations do not, unfortunately, define the term “competent”. However, in practice a qualified architect would be “competent” to carry out the duties of the PSDP and a “bone fide” Contractor experienced in the type of work to be carried out should be “competent” to carry out the duties of the PSCS.

In circumstances where the works are scheduled to last longer than 30 working days or the volume of work will exceed 500 person days, the School Management must notify the Health & Safety Authority in writing of the identity of the PSDP and the PSCP before the work begins.

It is important to be fully aware however that the onus is on School Management to be satisfied that both the PSDP & PSCS are “competent”. Additionally, it must be appreciated that compliance with the Regulations is not optional – it is a Statutory obligation.

Where you are planning to carry out any work of this nature, it is important that you advise us well in advance of the proposed commencement date so that all issues in relation to insuring the risk can be appropriately addressed.



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

Stay one step ahead of the weather with Allianz WeatherSafe.



With you from A-Z



www.allianz.ie/WeatherSafe-FastRegister

Calls may be recorded. Allianz p.l.c. is regulated by the Central Bank of Ireland.

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Legal Review

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 alleges she slipped on wet floor

This case arises out of a fall in the toilet during lunch break in the school. The pupil stated that when she came out of the cubicle she fell on the ground which was close to where she was going to wash her hands. A fellow student assisted her and then ran for help. The children were not out in the yard on the day as it was raining and had stayed in their classroom for lunch. The injured pupil confirmed that she did not see any water on the ground as she went into the cubicle but did allege that she slipped on water when she left the cubicle. The teacher who attended her after the accident did not see any water on the ground. On cross examination, the injured pupil when advised that she had said to the teacher that she had gone over on her ankle (rather than slipped) did not respond. She remained adamant through the rest of her evidence that she had slipped and fallen on a wet floor. The injured pupil's Engineer gave evidence that water could drip between the basin and the hand dryer but admitted that this was some distance away from where the injured pupil fell. The teacher who assisted the injured pupil after the fall gave evidence that she did not see any water on the floor and that it was clean and dry. The procedure in relation to the cleaning system in the school was gone through in detail and evidence in relation to same was given by the former Principal. The Judge in his findings advised that supervision was not an issue. He stated that where the injured pupil fell was a considerable distance from the hand dryer. He also made a finding that the system of cleaning was not an issue and he was accepting the evidence given by the teacher who assisted the injured pupil on the day. He went on to say that he was of the opinion that the injured pupil was an honest child but simply mistaken in her recollection of what occurred on the day. He dismissed the claim with no order as to costs.

Case2 — Pupil injured by closing door

This case involves a very unfortunate accident in which a 9 year old child received a very nasty injury when the door of a toilet cubicle was closed accidentally on her finger crushing it and causing a nasty laceration with resulting scarring. The injured pupil together with three of her classmates sought permission to go to the toilet. Whilst in the toilet, she placed her fingers in the hinge area of a door to one of the cubicles and one of the other children entering one of the cubicles closed the door so as to catch the pupil's finger. The pupil suffered a crush injury to the ring and little finger of her hand and is left with some deformity of the nail on her little finger. The case pleaded was there was inadequate supervision or the provision of insufficient staff together with a general plea that the premises were unsafe. A subsequent plea was added that the children should not have been allowed go to the bathroom together but rather should have been allowed go individually. The plea in respect of unsafe premises does not have any merit in so far that the cubicle door was a standard cubicle door. The suggestion that the injured pupil should have been supervised would also have been out of the question for the male teacher to supervise the girls and equally, a proposition that some other member of staff should have been available to provide such supervision would just not be feasible and would border on nonsense. The final proposition that the girls should have attended the toilet individually would also be without merit in that the toilet facility has four cubicles and there is simply not any reason why the four children could not have attended at the one time. The case went all the way to the steps of the Court but was withdrawn at the last moment on the basis that the Board of Management would bear its own costs.



Case 3 — Pupil injured by impact with open window

Having reviewed the facts of this case, the Judge decided in favour of the Injured Pupil. This was a very disappointing outcome from both the school's and our point of view, as we had felt that the school should not have been liable in this instance. The pupil was transferring from one class to the other. To do so, he had to walk along a path adjacent to the school building. He advised that as he approached a window, it was opened suddenly and struck him on the forehead. The window was in the wall of a classroom and the teacher who was present in the class at the time said it had been open for some time prior to the accident and the incident could only have happened as a result of the pupil not looking where he was going. He was one of an entire class which had passed the window. There was some concern in relation to the engineering evidence and the potential hazard of a window opening outwards directly onto a path. There was however a conflict regarding the circumstances of the accident itself. There was no independent evidence available to be offered to the court. The case ran and as expected there was a complete conflict in the versions given. The Judge accepted the injured pupils' version of events. In addition, the Judge accepted the engineering evidence that while the type of window and its opening is commonplace, it opened directly into a path and was therefore a potential

hazard for passers-by without a margin or a kerb to keep pedestrians out from the windows path. While clearly a disappointing result from the schools perspective, the award granted was small.

Case 4 — Pupil injured whilst on school tour day

This last case involves issues of supervision again. In this instance a group of sixth class pupils attended an activities centre on a day tour. They were fully supervised during the course of the morning activities at the centre and following lunch went out into a play area attached to the centre. The teachers supervising the pupils also went to the play area and were present when the accident occurred. The pupil in this case was adjacent to a see saw when he was accidentally struck in the mouth by one end of the see saw. There was no defect in the see saw which was in perfect working order and no criticism was levied against it. It was difficult to see how the school could have any responsibility in this matter. These were sixth class pupils and more than capable of looking after themselves. More than adequate supervision was in place at the time of the accident and it was clear that any amount of supervision would not have been enough to prevent this unfortunate accident. The case was listed for hearing in the Circuit Court and in the end, for a very small offer to include the injured pupil's costs, this case was settled for a nuisance payment.

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