



# SCHOOLS JOURNAL

**04 Protecting your School Property during holidays**

Some simple and cost effective tips

**09 Win the trip of a lifetime**

Allianz are offering 2 Secondary School Pupils between the ages of 14-16 years old a chance to attend the Allianz Explorer Camp: Football Edition in Munich and train with Bayern Munich.

**10 Legal Review**

We review some schools cases that have recently been finalised in the courts

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

Issue 01/2019

# EDITORIAL

Dear Friends,

Welcome to the summer edition of our Schools Journal. We have outlined a number of seasonal topics which we hope will be of some assistance and guidance prior to your summer holidays.



**Peter Kilcullen**  
Chief Customer Officer

Firstly, we have outlined some tips to protect your School Property during the school holidays. All of our tips can be carried out quite quickly and easily and are cost effective.

Secondly, we have included guidance and insurance considerations for Summer Camps, Summer Works Scheme & Tus employees who may be employed over the summer.

In addition to the seasonal articles, we have outlined some guidance on a number of other topical issues such as the insurance and legal liability considerations in connection with Grant Aid for sporting and play areas. While these can be extremely beneficial for your School community, it is important your Board of Management is fully aware of their legal obligations in such arrangements and are armed with information to assess their exposure and make an informed decision.

Data access requests are a growing trend following the recent publication of GDPR legislation and we provide an overview and guidance for your School in the event of such a request.

Allianz are very proud of our Partnership with Cumann na mBunscol and feature the recent Cumann na mBunscol awards and the winners of the Allianz PR award.

In this issue we outline the details of four cases recently finalised in the courts and some simple checks to be made when hiring a bus for a school activity.

Finally, we have a number of competitions with some exciting prizes. Your School could win an **iPad or €1,500 sports kit voucher** with our Pupil Personal Accident Competitions and we have a **once in a lifetime trip for two lucky teenagers to attend the Allianz Explorer Camp: Football Edition** in Munich. The lucky winners will experience a week long (all expenses paid) trip to Munich with teenagers from all over the world and get to meet and train with the Bayern Munich Team. Details of our competitions can be found inside.

We hope you enjoy our Journal. If you have any questions or would like to provide some feedback on our Journal please feel free to contact your Local Allianz Schools Representative or send an email to [education@allianz.ie](mailto:education@allianz.ie)

**Peter Kilcullen**  
Chief Customer Officer

Calls may be recorded.



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This publication is for general information and guidance purposes only and should not be regarded as a substitute for professional advice. Such advice should always be taken before acting on any of the matters discussed. Unless otherwise noted, all articles have been written by Allianz Underwriting, Customer Relationship and Claims Staff.

# CONSIDERATIONS FOR SCHOOLS WHEN HIRING A BUS

THERE HAVE BEEN SEVERAL HIGH PROFILE INCIDENTS ON SCHOOL BUSES OVER THE LAST NUMBER OF YEARS AND THE CONSEQUENCES OF THESE CAN BE TRAGIC. THEREFORE IT IS IMPORTANT TO CONSIDER WHAT STEPS YOUR BOARD OF MANAGEMENT CAN TAKE WHEN HIRING A BUS, FOR A SCHOOL ACTIVITY, TO LIMIT THE POSSIBILITY OF AN INCIDENT OCCURRING.

To download this declaration or for more information on bus safety please visit [www.rsa.gov.uk](http://www.rsa.gov.uk)

I \_\_\_\_\_ declare that the following conditions are met for all buses and drivers to be used for the transport of passengers.

- Bus holds a current Certificate of Roadworthiness
- Bus is tested annually and on time
- A daily walk-around check is conducted each day before bus is driven on the public road
- Any defects are reported, repaired and checked by a suitably qualified person prior to being used on the public road
- A routine and adequate preventative maintenance system is in place
- Bus is self-declared to the Road Safety Authority
- Bus is listed on a Road Passenger Operator's licence
- Driver holds a valid driver's CPC

Company Name: \_\_\_\_\_

Position in Company: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

- A regular preventative maintenance program must be in place on the vehicle
- The driver must hold the appropriate licence and CPC (Certificate of Professional Competence)
- The bus must have valid insurance in place.

To assist School Management with ensuring the bus provider takes all the necessary steps, there is a checklist for school principals that can be downloaded from the RSA website. This includes a flier for both Primary Schools and Secondary Schools. This checklist should be given to the bus provider for completion when they are contracted (ideally before they arrive at the school for the outing).

Vehicles used for school transport - including taking a group of 3 or more children on an outing, sporting events, or other activities - must be fitted with appropriate safety belts or restraints for the number of children being transported. Bus providers must present certification as to the roadworthiness of their vehicle including safety belt/restraint systems.

It is not the bus drivers' responsibility to ensure all passengers are wearing their seatbelts but the driver must announce/ have signage that seatbelts must be worn at all times when the vehicle is in motion. Passengers over the age of 14 can be prosecuted if found not to be wearing a seatbelt on a bus.

Your Board of Management must be satisfied that there will be adequate supervision on the bus and there must be a plan in place as to who provides this supervision.

If you have concerns about the road worthiness of the vehicle do not use it; such concerns can be reported under "Complaints" page on the RSA website.

If you wish to discuss any aspect of this article or obtain further information, please contact our School Support Team at 01 613 3966, your local Allianz Representative or your Insurance Intermediary.

If your School are organising the activity / outing it is considered a School Related Activity and the normal duty of care applies, i.e. school management must take reasonable precautions to ensure the safety of their pupils.

When engaging bus providers, seek assurance that they can comply with all relevant legal obligations. Obligations include:

- The bus must hold a Certificate of Road Worthiness and be tested annually
- The bus must be self declared to the RSA (Road Safety Authority)
- A daily walk around check of the vehicle should be completed
- Any defects must be repaired immediately by a suitably qualified person



# PROTECTING YOUR SCHOOL PROPERTY DURING THE HOLIDAYS

**THE REDUCED PRESENCE OF STAFF ON THE SCHOOL PREMISES OVER HOLIDAY PERIODS CAN INCREASE THE LIKELIHOOD OF DAMAGE TO PROPERTY. EVERY YEAR WE RECEIVE A SIGNIFICANT NUMBER OF MALICIOUS PROPERTY DAMAGE NOTIFICATIONS FOLLOWING THE RE-OPENING OF SCHOOLS AFTER HOLIDAY PERIODS.**

It is therefore important that during the holiday periods, and in particular during the long summer holidays, to pay attention to both internal and external security to ensure that your school property and grounds are adequately protected.

A review of the school's security arrangements, both physical & electronic, should be carried out in the lead up to the summer break.

**Physical security** refers to fencing /gates/ walls around the schools perimeter, locks, safes, doors and strong rooms and windows.

**Electronic security** refers to alarms, sensors, security lighting and CCTV.

The implementation of a security assessment or checklist will bring focus to the important issues coming up to school holiday periods and give greater peace of mind when your school is closed.

As part of your security assessment for the upcoming summer holidays you should bear in mind factors such as:

- Are key/alarm code holders limited to appropriate personnel?
- Do you have a system in place to ensure all external doors, windows and skylights are securely locked? Skylights can have their fixings strengthened by non return screws.
- Are the intruder alarm, fire alarm and CCTV cameras (if you have any) in working order?
- Is your intruder alarm system connected to a central monitoring station that will provide a response in the event of an alarm activation?
- Has all stray rubbish or waste material been cleared from the yard/ground?

(Premises which appear untidy often attract unwanted attention due to a perception of lax maintenance and stray items such as building materials can be used to cause property damage).

- Has all valuable equipment such as laptops, projectors and tablets, been securely stored out of sight and where possible, locked in a strong room?
- Have all potential climbing aids such as bins been safely stored away so that they cannot be used to help scale walls/fences or provide access to your schools roof?
- Perhaps the most important step of all is arranging regular walk-round inspections of the premises during the holiday period – we recommend at a minimum once every two weeks. Early detection of an issue can prevent a more significant problem later on. This goes not only for security issues but also for issues like flooding, water leaks and so on.
- Has consideration been given to protecting or eliminating recessed doorways, concealed yards, shrubs, planted areas and similar features which can give cover to intruders?
- During vulnerable times such as school holidays, are neighbours encouraged to keep eyes and ears open for criminal/suspicious behaviour and to report any concerns?
- If there are concerns or a history of unwanted guests, ask Gardai to include your school on their patrol, especially at night time.

If you have taken the above measures and are still concerned about access to your school or roof area, consider applying anti-climb paint to your access points to

inhibit the scaling of walls by intruders. (Note: we recommend this only be applied at heights of 2.4 metres and above and it is important to have clear signs in place to warn that paint has been used).

We are very conscious that financial constraints are putting ever increasing pressure on Schools and while it is completely understandable and appropriate that Schools will give priority to funding the education of the children in their care, it is important that maintenance and security issues are also addressed. A simple security assessment will not cost anything and most issues that need to be addressed can be done so at minimal cost.

For a more detailed guide on the above please see the Allianz "Guide to Insurance Safety and Security in the School" on our website at [www.allianz.ie/schools](http://www.allianz.ie/schools).





# USE OF PUPILS CARS FOR SCHOOL RELATED ACTIVITIES

**THE APPROVAL OF PARENTS, THE TRUST, THE RESPONSIBILITY, THE SENSE OF MATURITY, THE FREEDOM, THE ACCLAIM OF FRIENDS, THE ADVENTURES TO BE HAD, THE ENDLESS POSSIBILITIES. GETTING BEHIND THE WHEEL, IT'S A RITE OF PASSAGE IN ITSELF.**

"We'll make our own way to the game Miss, and I'll bring my gang", "Sir, it's closer for us to go direct, than come into school first", and so on. The chance can be opportunistic, the sentiment may be genuine, but the reality is stark when we look at it from the schools perspective.

There has been a recent increase in the number of Secondary School students who drive to School. This coupled with the unavailability of parents and transport facilities to and from School Related Activities has resulted in occasions when a pupil has been called upon to solve a transport issue. This practice should not be encouraged.

The school is responsible for its pupils and owes a duty of care to them regarding all school related activities. When travelling to and from school related activities the same principle applies as it would to the actual activity itself. Where pupils actively use their vehicles on school related activities with consent of the school, be it implied or otherwise, then this imposes a potential liability on the school in the event of a serious accident or injury.

It may all seem above board where the pupil has the correct licence and insurance. However, this will not necessarily be the defining factor when determining where the liability lies, but rather whether or not it was appropriate to allow such use in connection with a school related activity.

Adequate supervision of pupils on activities is an essential element of the responsibilities and duty of care that a school has for its pupils. Where a group travel together to an event unaccompanied, there is no supervision in place. Relative lack of experience, combined with high spirits and peer pressure can lead to poor judgement on behalf of young drivers. General "horseplay", be it good natured or more sinister can lead to incidents, be it a car accident or an accident/incident within the car or at a stop over, and without school supervision there is an exposure for the School. Such incidents can also lead to accusations of bullying, to which the school have no answer.

Allianz have experienced incidents involving motor vehicles where the motor

insurers refused to deal with what we all believed was a Road Traffic Act exposure but ultimately the Courts deemed to be a supervision issue.

The phenomenon that is "Ghost Drivers", is leading to more and more cases of invalid insurance. A Ghost Driver, is where a young driver is insured on a parents (or more experienced drivers) car and the young driver declared as named driver, to get preferential rates. This invalidates the insurance and this situation can lead to a significant claim that may ultimately fall back on the School.

To ensure the School does not inadvertently pick up unintended liabilities, pupils should never be asked to use their cars to transport other pupils or teachers to a School Related Activity nor should the School ignore such practice if it is currently undertaken.

If you wish to discuss any aspect of this article or obtain further information, please contact our School Support Team at 01 613 3966, your local Allianz Representative or your Insurance Intermediary.

# USE OF SCHOOL PROPERTY BY THIRD PARTIES

**MANY SCHOOLS AROUND THE COUNTRY HAVE ARRANGEMENTS WITH GROUPS (OR INDIVIDUALS) TO USE THEIR SCHOOL PROPERTY. IN MOST CASES THESE GROUPS ARE NOT UNDER THE DIRECTION OR CONTROL OF THEIR BOARD OF MANAGEMENT AND WOULD BE CLASSIFIED AS THIRD PARTY USERS OF THE SCHOOL PROPERTY.**

In October 2017, The Department of Education issued a guidance document to all schools entitled "Guidelines on the use of School Buildings outside of School Hours". These guidelines refer to the role of the Schools Trustees and Patron in determining and approving the use of schools outside school hours but do not outline the approval protocol. Therefore, it is important to consult your Trustees / Patron in respect of the approval process for such groups.

The use of a schools property by individuals or groups not under the control of the schools Board of Management can present an exposure to the school, BoM, Trustees and Patron. It is important the schools Board of Management are aware of the risks that present in such a situation and have a procedure in place to manage the exposure to an acceptable level.

There are a number of issues to consider:

1. Insurance
2. Safeguarding
3. Legal Arrangement

**Insurance** – Schools insured with Allianz have a Custodian School Protection Policy. This provides protection to the Schools Board of Management, Trustees and

Patron in respect of any School Related Activity. Schools need to ensure any third party users have their own adequate insurance arrangement in place that provides an Indemnity to the School.

If a third party group do not have an insurance policy or an adequate insurance arrangement in place, this may present a legal liability exposure for the School, BoM, Trustees and Patron in the event of an incident.

A checklist will assist schools ensuring third party users have adequate insurance in place. (Checklist available to download from [www.allianz.ie.schools](http://www.allianz.ie.schools)). Third party users who do not have an adequate insurance arrangement in place should not be allowed to use the schools property.

**Safeguarding** – Your School has its own safeguarding procedures and any third party groups engaging with children will need their own safeguarding procedures. It is important to obtain written confirmation that the group have adequate safeguarding procedures in place but do not request a copy of their safeguarding policy (this is catered for in the checklist). This is in line with the advice from the National Safeguarding Office and considered best practice.

**Legal position** – Pre-schools and groups using school property regularly should be asked to sign a legal agreement to ensure the arrangement is on a solid legal footing and both parties are aware and agree on their rights prior to occupation. This is invaluable in the event of a dispute and will give the school the legal right to cancel the arrangement and retain the use of their property if required in the future.

There are two types of third party users as follows:

- Groups or individuals who occupy a part of the school building / grounds on a regular basis (e.g. pre-school, local sports clubs etc.)
  - In respect of groups or individuals, a licence should be agreed and signed (provided the school has the permission of their Trustees). The licence should set out clearly the terms of the letting/hire and who is responsible for what (e.g. opening up, maintenance, fees etc.)
- Groups or individuals who use the premises on a "once off" or short-term basis (e.g. once off meetings or concerts etc.)
  - A short form licence agreement may be adequate in these situations (to be decided based on advice obtained from your Patrons/ Trustees office)

In all of the above cases a checklist should be completed and proof of adequate insurance should be requested.

If you wish to discuss any aspect of this article or obtain further information, please contact our School Support Team at 01 613 3966, your local Allianz Representative or your Insurance Intermediary.



# ALLIANZ PUPIL PERSONAL ACCIDENT INSURANCE

**OUR LOCAL REPRESENTATIVES AND SCHOOL SUPPORT TEAM COMMONLY RECEIVE QUERIES REGARDING THE BENEFIT THAT OUR PUPIL PERSONAL ACCIDENT COVER PROVIDES FOR BOARDS OF MANAGEMENT.**

Prior to the launch of our Pupil Personal Accident insurance policy in the mid 1980's, the only route a pupil had to recover medical and/or dental expenses incurred following an accident in school, was to take a legal action against the Schools Board of Management for negligence, and this could only succeed if there was any negligence on the Board of Managements behalf. This process was adversarial and created tensions between school and pupils guardians while also being quite costly due to the legal fees incurred whilst taking such a legal action.

Given Allianz's commitment to providing superior customer service and policy covers to schools, we set about offering, what was in the mid 1980's, a revolutionary product to schools - Pupil

Personal Accident Insurance Cover. The basic Pupil Personal Accident insurance provides cover for medical and dental expenses (up to €50,000 for each) incurred by a pupil, following an accident in the school from only €4 per pupil for Primary Schools and €7.20 per pupil for Secondary Schools when arranged online. There is also a 24hour option which provides this protection 24hours a day / 365 days a year from only €6.40 per pupil for primary schools and €9.60 per pupil for Secondary Schools when arranged online. Pupil Personal Accident Insurance therefore reduces the number of legal actions being taken against schools following an accident, as parents no longer need to pursue the legal route to recover expenses incurred for medical and / or dental treatment. This in turn provides

greater protection, from potential liability claims and resultant premium fluctuations, for school Boards of Management.

The cover reduces the possibility of legal action being taken against your school.

## Pupil Personal Accident 2019 Renewal

We are delighted to announce that premiums for the coming year (commencing September 2019) will remain unchanged (as outlined above). The Allianz Policy does not have an excess and unlike some of our competitors, will continue to pay insured expenses until the need for care has ceased.

## COMPETITION

**WE ARE RUNNING A NUMBER OF COMPETITIONS THIS YEAR AS FOLLOWS:**

### **Early Bird Competition for Primary & Secondary Schools**

Schools who arrange their cover online at [www.allianz.ie/schools](http://www.allianz.ie/schools) before 30th June 2019 will be entered into a draw for a 64GB iPad. We have one each for Primary schools and Secondary schools.

### **Win a €1,500 O'Neill's Sports Voucher for your school**

Win a €1,500 O'Neill's sports voucher for your school. We have a sports voucher to be won for Primary schools and one for Secondary schools. To be in with a chance to win simply arrange your cover online at [www.allianz.ie/schools](http://www.allianz.ie/schools) by the 31st October 2019.

Competition terms and conditions apply and can be found at [www.allianz.ie/schools](http://www.allianz.ie/schools)



# ALLIANZ CUMANN NA MBUNSCOL

THE ANNUAL CUMANN NA MBUNSCOLS AWARD CEREMONY WAS HELD IN THE SLIGO PARK HOTEL ON THE 9TH MARCH. THE AWARDS ARE A FANTASTIC OPPORTUNITY TO RECOGNISE THE MANY VOLUNTEERS INVOLVED IN CUMANN NA MBUNSCOL AND THE SCHOOLS AND COUNTIES WHO WORK SO HARD TO PROMOTE THE CULTURE & ETHOS OF GAELIC GAMES WITHIN PRIMARY SCHOOLS IN IRELAND.

The evening was a great success and provided the opportunity for much celebrations and reunions of old colleagues and classmates.

There were a number of special guests and honourees who spoke very positively about their involvement in Cumann na mBunscol throughout the years and a very special mention must go to the following people. Tomas O hAinifein played the role of Master of Ceremonies to a tee and kept the expectant and excited crowd entertained whilst Bernie Ryan opened and closed the show with equal parts of grace, charm and wit.

Bernie stepped down as Allianz Cumann na mBunscol chair after 5 years (10 years on the National Executive) and we would like to offer our warmest congratulations on a job very well done. Liam Magee will step in as chair and Mairead O'Callaghan as President and we have no doubt they will continue to drive the games, activities and promotion of gaelic games strongly forward for the next 5 years.

Alas the focus of the night was rightfully on the contributions of the many schools involved in Allianz Cumann na mBunscol, and we are delighted to shine a light on some of this years deserving winners.

Alan Black, Allianz Customer Relationship Manager presented the Allianz PR Award which was won by Cork. Dublin were first runners up and Kerry and Armagh in joint third place.

Full results as follows:

- 1st Cork
- 2nd Dublin
- 3rd Armagh (joint)
- 3rd Kerry (joint)
- Merits went to Fermanagh & Waterford

A great night was had by all and we look forward to another exciting year of Allianz Cumann na mBunscol games.



A selection of pictures from the winners

# TRIP OF A LIFETIME! ONE OF YOUR STUDENTS COULD ATTEND THE ALLIANZ EXPLORER CAMP – FOOTBALL EDITION



Now in its 11th year, the Allianz Explorer Camp – Football Edition truly is a once in a lifetime experience.

This year, Allianz are offering two schools the opportunity to send one student from each school to the Allianz Explorer Camp – Football Edition which runs from the 22nd – 27th August in Munich. The pupil you nominate must be between 14 - 16 years old as of the 30th June 2019 and have a strong interest in soccer. The camp is open to both boys and girls. During the camp, participants will;

- ✓ Meet some of the stars of FC Bayern Munich

- ✓ Train daily at the official training ground of FC Bayern Munich with the clubs Youth Coaches
- ✓ Mix with like minded teenagers from more than 20 countries
- ✓ Engage in Intercultural Activities designed to help participants understand each others culture
- ✓ Experience innovative and technological activities in addition to core football activities

For a chance to win this once in a lifetime trip to the Allianz Explorer Camp – Football Edition, simply send an email expressing your interest in the trip to [alan.black@allianz.ie](mailto:alan.black@allianz.ie) by the 31st May 2019.

Allianz will select two schools at random from the expressions of interest and it will be up to the winning School to select a lucky pupil to go on the trip.

See [Allianz.ie/schools](http://Allianz.ie/schools) for Terms & Conditions and a video from last year's camp.

## SUMMER WORKS SCHEMES

If your school is engaging a building contractor as part of a Summer Works Scheme there are a number of considerations that your Board of Management must make:

1. You should notify Allianz that the building work is taking place. This enables us to note your School Insurance Policy and provide any assistance that may be required.
2. You should ensure the building contractor has adequate insurance in place.

To ensure the building contractor's insurance is adequate:

- You can ask the architect or project manager in charge (if the work is of a scale to engage these professionals) to confirm the building contractor's insurance is adequate and confirm same to you in writing.
- You can forward a copy of the building contractor's insurance to Allianz or your insurance intermediary.

If you wish to discuss any aspect of this article or obtain further information, please contact our School Support Team at 01 613 3966, your local Allianz Representative or your Insurance Intermediary.





# LEGAL REVIEW

**WE CONTINUE OUR REVIEW OF SOME SCHOOL ACCIDENTS WHICH HAVE BEEN FINALISED IN THE COURTS OVER THE LAST FEW MONTHS.**

## CASE 1

This first case involves a situation at lunchtime under normal supervision. A first year student was in the School playing fields and his friend asked him to punch his older brother in the arm and run off instigating a chase. He did so and while being chased, he slipped and fell to the ground and was caught by his friends brother and another boy. They lifted him up and swung him from side to side but was dropped in the process and suffered an injury to his shoulder. The incident was seen by the supervising teacher who was on the scene in seconds. The case proceeded to a full hearing in the Circuit Court. It was suggested that the teacher was talking to another supervisor at the time but this was denied. More so, the teacher he was supposed to be talking to was not in the school at the time. In

addition, it was alleged that the incident took place over a much longer time than it had, but again this was denied in evidence by the teacher who confirmed that he had seen the boys gathering and was on the scene in seconds. In his judgement, the Judge made reference to the fact that it was an unfortunate accident, but that there were two teachers on supervisory duty. The chase was unpredictable and he accepted the teachers evidence that he was not chatting to anybody and the level of supervision was adequate. The Plaintiff had not established any breach of duty of care and therefore his case must fail, he dismissed the claim with no order as to costs.

## CASE 2

This next case involved an accident during a woodwork class. A student was working

with a sander and a piece of wood he was working on, when his thumb got caught between the wood and the sander causing a very nasty injury to his thumb nail. The big toe nail was grafted on to his thumb during surgery and took some considerable time for both to heal. Initially, it looked as if we had a very solid case but following our pre trial consultation, our Counsel was not as confident on the liability front as he might have been as witness recollection was hazy and evidence on training was going to create a problem for us on cross examination. Also precise location of supervision on the day was not clear and signage had been introduced since the incident stressing caution and reminding students how to use the machines. The Plaintiff was of age and the proceedings were moved into his own name. We were able to argue a case

of contributory negligence and achieve a significant reduction on the settlement achieved. There was no requirement to rule the case as the Plaintiff had reached his/her age of majority.

### CASE 3

This next case is an unusual one. During the course of a game of football on an astro turf surface which was being supervised by a teacher, the teacher called for the ball and as it arrived at his feet, the pupil slide tackled him and the teacher inadvertently stood on his finger. The pupil got up and the teacher enquired if he was all right, to which he confirmed he was and continued on his way. He later attended at first aid where it was

confirmed his finger was fractured. A claim was pursued and our investigation reported that they could see no negligence where the teacher was concerned and the proceedings brought were fully defended. The case proceeded to a full hearing in the Circuit Court and the Judge confirmed there was no negligence on behalf of the school and the case was dismissed again with no order as to costs provided that no appeal was submitted.

### CASE 4

This last case involves a trip and fall on school grounds and serves as a reminder that the risk is always present. Schools should always be vigilant and proactive in

respect of the maintenance of surfaces in the school premises. In this case after a period of bad weather and vehicle traffic, pot holes had developed. The potholes were in an area not normally traversed by parents or visitors of the school and had not been repaired or cordoned off. A parent was walking up the drive of the school and tripped and fell in one of the potholes causing a nasty injury. We had no answer on liability and the case was allowed proceed for assessment by the Injuries Board. The award was rejected by the claimant through her solicitors and eventually settled after proceedings were served.

# SUMMER / EASTER CAMPS

**SUMMER AND EASTER CAMPS ARE GENERALLY ONE OR TWO WEEK COURSES CENTRED ON A SPECIFIC ACTIVITY. ACTIVITIES USUALLY RANGE FROM ACADEMIC CLASSROOM BASED ONES, TO ARTS AND CRAFTS, FIELD SPORTS OR A COMBINATION OF THESE.**

Summer / Easter Camps are not automatically covered by the Allianz Custodian School Protection Policy. Where such camps are 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 camps are under the control of the schools Board of Management, your School Insurance policy can be extended to provide cover.

In practice most camps are not organised by the school. In this case 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 organise the Summer / Easter Camp themselves for their own financial benefit, they are

viewed as a separate legal entity to the school and therefore require their own independent insurance cover. These groups can avail of preferential rates under the Summer Schools and Camps Insurance Scheme which is underwritten by Allianz.

Irrespective of who is running the camp, the Board of Management's legal liability as property owner is covered under the Custodian School Protection Policy as this risk remains the Boards responsibility.

If you would like any additional information, please contact our School Support Team at 01 6133966, your local Allianz Representative or your Insurance Intermediary.



# TÚS COMMUNITY WORK PLACEMENT INITIATIVE

**MANY SCHOOLS NATIONWIDE ARE TAKING PART IN THE TÚS COMMUNITY WORK PLACEMENT INITIATIVE. THE INITIATIVE AIMS TO PROVIDE SHORT-TERM QUALITY AND SUITABLE WORKING OPPORTUNITIES FOR PEOPLE WHO ARE UNEMPLOYED WHILE AT THE SAME TIME CARRYING OUT BENEFICIAL WORK WITHIN COMMUNITIES.**

This worthwhile initiative provides credible opportunities for members of communities seeking to re-enter employment, however it does impose additional liabilities on the School that are not immediately obvious. Schools should be aware that although persons on placement are employed by the Tús

Community Employment Scheme, the onus is on the school's Board of Management, as placement provider, to ensure that all relevant legislation and statutory duties are adhered to, with regards to the person(s) on placement. The School should treat the person on placement in the same manner as any

other Employee in terms of the provision of training, Garda vetting and Health & Safety. Furthermore the conditions of the placement usually specify that the schools Board of Management must indemnify the relevant Ministers and Tús Community Employment Scheme, in relation to third party property damage and/or third party bodily injury caused by the person(s) on placement in the school. The indemnity sought by Tús, the Minister or Local Authorities/Funding Agencies such as Pobal generally take the form of a "hold harmless" agreement. It should be noted that such indemnity goes far beyond the scope of the Allianz School Protection Policy and indeed any insurance Policy available in the market and therefore you should seek legal advice before signing such agreements.

It is therefore extremely important for schools to engage with Allianz through their Local Schools Representative or the Allianz School Support Team if they have a person(s) on placement from the Tús Community Employment Scheme or if they are considering taking a person(s) on placement. We can then provide advice and guidance specific to your situation which will inform you of the risks and assist you to reduce the legal liability exposure to your Board of Management.

Should you wish to discuss further, please contact our School Support Team on 01 613 3966, your Local Allianz Schools Representative or your insurance intermediary.





# DATA ACCESS REQUESTS

**THE GENERAL DATA PROTECTION REGULATION (GDPR) CAME INTO EFFECT ON THE 25TH MAY 2018. ONE OF THE MAIN AREAS OF CHANGE UNDER GDPR WAS THAT OF DATA/SUBJECT ACCESS REQUESTS. THIS IS THE MECHANISM BY WHICH A DATA SUBJECT (SUCH AS A PUPIL OR EMPLOYEE OF A SCHOOL) CAN REQUEST ACCESS TO ANY PERSONAL DATA THAT THE ORGANISATION (SCHOOL) HOLDS ABOUT THEM.**

Data Access Requests are common in situations where a dispute or grievance arises between a Board of Management and a parent (on behalf of their child) or employee. Parents may request all private/personal information retained by the school on their child including attendance records, academic reports on their child, accident reports, medical/psychological assessment reports, disciplinary reports etc. Employees may request a copy of their complete staff file.

If you receive a data access request, we would initially advise you to contact us to discuss. If the information retained is general in nature and does not refer or implicate any third party, then it should be in order to release. If the information retained is general in nature but does refer to third parties by name or inference, the information relating to the third party's should be redacted.

In most cases however, data access requests can involve complex issues involving the many varied records which are retained on file including attendance records, academic reports on their child, accident reports, CCTV recording of alleged accidents or incidences (which must be pixilated if it features images of any third parties), medical/psychological

assessment reports, disciplinary reports, behavioural reports, comments by class teacher etc. Many of these reports may contain personal data or reference to other parties and in that situation, Allianz will consider approving legal advice cover subject to the standard policy excess of €300. The reason why Allianz will consider approving legal advice at this stage is to reduce the potential for follow-up litigation arising out of data breaches.

**Please note however that legal advice costs must be prior approved by Allianz as otherwise, cover will not apply.**

Once Allianz has approved payment for legal advice, a Solicitor's name is given who will in turn request a copy of the full file from the school. The Solicitor will review all documentation and information contained in the file, redacting details which should not be disclosed and removing documentation which the Board of Management would be entitled to claim legal privilege. This documentation is then returned to the school with draft response which will be issued on Board of Management headed paper enclosing the appropriate documentation.

A similar situation arises where you receive a request from one of your employees requesting a copy of their file. Following

review by the nominated solicitor, this documentation is then returned to the school with draft response which will be issued on Board of Management headed paper enclosing the appropriate documentation.

Allianz role in this process is purely in respect of the cost of the legal expenses incurred by the school for this legal advice. We have no say in what documentation should or should not be handed over.

It is becoming common place for solicitors to request school records in relation to accidents prior to a formal claim being made or in conjunction with the formal notification of a claim being made by an employee, pupil or visitor to the school. Schools should bear this in mind when completing accident report forms and taking witness statements. These should be completed on the basis that they may well be the subject of a data access request in the future and therefore should be an accurate/factual record of the alleged accident/incident.

If you have any queries regarding any aspect of this article please do not hesitate to contact our School Claims Team at 01 613 3992, your Local Allianz Representative or your Insurance Intermediary.

# GRANT AID FOR SPORTING AND PLAY AREA FACILITIES – WHAT YOUR SCHOOL NEEDS TO BE AWARE OF

THE GOVERNMENT RECENTLY ANNOUNCED THE CONTINUATION OF THE SPORTS CAPITAL PROGRAMME FOR 2019 AND MANY SCHOOLS WILL AVAIL OF THIS FUNDING. THIS GRANT AIMS TO PROVIDE SUITABLE SPORTS FACILITIES AND EQUIPMENT TO ALLOW AS MANY PEOPLE PARTICIPATE IN SPORT AS POSSIBLE, IMPROVING FACILITIES AND EQUIPMENT. IN ADDITION THE CONTINUATION OF THE CLÁR 2019 FUNDING WAS LAUNCHED IN FEBRUARY 2019. THE MEASURES SUPPORTED UNDER THE 2019 CLÁR PROGRAMME INCLUDE SUPPORT FOR SCHOOLS/COMMUNITY SAFETY MEASURES, AND PLAY AREAS INCLUDING MULTI-USE GAMES AREAS.

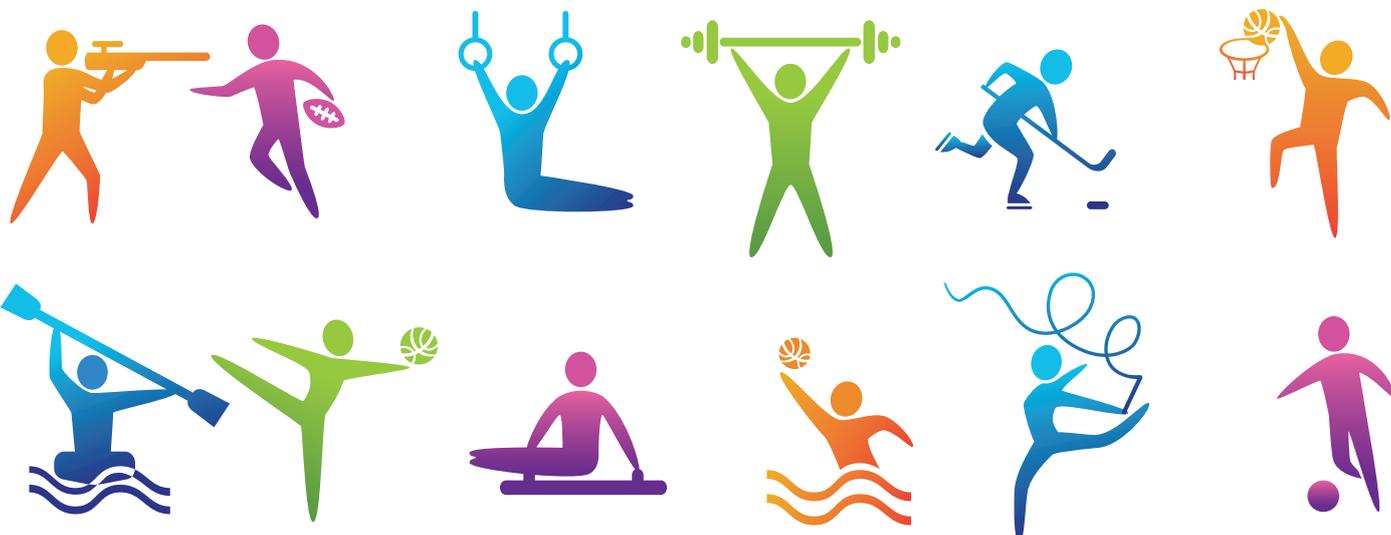
Applications for funding require evidence of ownership/lease of property and often greater chances of success are to joint applicants.

The provision of these grants can provide Schools with a much needed source of income to improve existing facilities or add new facilities and should be welcomed. There are some insurance considerations you should be aware of prior to entering any agreement and we mention same hereunder.

Joint applications with another community organisation(s) generally enhances the prospect of being awarded a grant however this may involve licencing existing grounds or purchase / lease of additional grounds to host the proposed sports/play facility. This should always be discussed with your legal advisors and your Patron to ensure appropriate permissions are sought and granted.

We hope the following checklist is helpful:

1. In case of applying for a grant the Patron of the School will need to be advised of the proposed development and their permission sought as necessary for the facility.
2. It may also be necessary to inform the Department of Education particularly where third party usage is proposed.
3. Further planning permission may be necessary for the proposed development or template signed by



the local authority to show that planning permission is not needed.

4. Seeking legal advice in relation to the application is strongly recommended particularly so where an external group(s) expect to share/access the finished facility.
5. Licence/lease may be required in respect of the facility which should include a clause as to the responsibility for maintenance, upkeep and repair of the facility when finished.
6. In signing agreements with the grant aid provider, schools need to be aware of the often onerous "hold harmless" conditions they are signing up to such as indemnifying grant provider in respect of any or all liability. Insurance Policies can never meet the requirement of "hold harmless" agreements as they cannot for example cover fines or penalties and therefore you should seek legal advice before entering any such agreement. You should also consult Allianz or your insurance intermediary before entering such agreements.
7. Agreements with the grant provider may make it conditional that the developed facility be generally available for public use even where such application was made solely by and for the School.
8. Agreements to fund may not permit your schools right of refusal of use on the grounds of offending ethos of School or Patron.



9. Consideration has to be given to the possible hiring out of the finished facility and the responsibilities attaching.
10. Where play/sports facility is a shared resource/involves public access, your School must give thought to:
  - the management of access time,
  - responsibility for opening/closing the facility,
  - including the facility under your Schools Risk Assessment and Health & Safety Plan,
  - the impact on your child safeguarding policy and practice at your school.

additional exposures they are accepting (potentially beyond the scope of your policy cover) and take precautions to minimise these exposures. There may be premium implications for increased property values and an increase in the liability exposure in the case of jointly used facilities on school grounds.

For recommendations regarding playgrounds and equipment please see chapter 4 of the *Allianz Guide to Insurance Safety and Security in School* (available at [www.allianz.ie/schools](http://www.allianz.ie/schools)).

If your School is considering application for such funding or have indeed already availed of such grant aid please notify our School Support Team, your Local Allianz Schools Representative or your intermediary.

Your Allianz School Custodian Protection Policy will not be a barrier to your application for such funding, however, schools have to be aware of the





# ALLIANZ PUPIL PERSONAL ACCIDENT

## Protection for the pupils of your school

### WHY SHOULD I CHOOSE ALLIANZ FOR MY SCHOOL?

- ✓ Allianz proven and trusted track record in schools insurance
- ✓ 20% online saving for your school
- ✓ No excess
- ✓ No Time Limit\* – We continue to pay insured expenses until the need for care has ceased
- ✓ Reduces the possibility of legal action being taken against your school

*Cover you can rely on from the  
Insurer you know and trust.*

\* Claims must be reported within 2 years of the date of occurrence.

Allianz p.l.c. is regulated by the Central Bank of Ireland.  
Standard acceptance criteria apply.  
Information correct at May 2019.

INSURANCE

Allianz 