

SCHOOLS

# JOURNAL



Pupil Personal Accident Insurance  
Fire Fighting Equipment  
Legal Review



Dear Friends

As the school year draws to a close Principals and Teachers understandably are looking forward to a well-earned break from the school routine, and “insurance matters” I am sure have a low priority.

However, before you close the school doors we would like to gently remind you of our Pupil Personal Accident insurance. This has proved to be extremely beneficial to schools and parents alike over the years and has now been streamlined to ease the administration burden for our school customers. From September 2003 this policy may be arranged again through our schools website [www.allscoil.com](http://www.allscoil.com). Policies arranged through the website will qualify for a 15% discount.

As an Industry, we are often accused of settling claims too readily. This is not our philosophy in the education area and, therefore, we are pleased to report on a random sample of school claims we have successfully defended in the Courts within the last 12 months.

On the Risk Management front we highlight the need to record all discussions, agreements and approvals in relation to the employment of temporary teachers. We also outline the duties imposed by the Fire Services Act 1981 on Boards of Management to ensure that buildings are safe. Also included is the correct use of fire fighting equipment.

We feature Ryder Cup hero, Paul McGinley, whom we sponsor and who called to our Head Office to launch the Allianz Cumann na mBunscol season. He was very popular with staff as he agreed to pose for personal photos together with the Ryder Cup which he had brought along.

I hope you find our Journal to be of interest and assistance to you.

If there is 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.

If you have a query regarding your school insurance and wish to contact us by e-mail, our address is [education@allianz.ie](mailto:education@allianz.ie). Please quote your policy no in the subject title of the e-mail.

Yours sincerely

Michael Nolan  
Member of the Board of Management

## Contents

- 2 Editorial  
The end of the school year.
- 3 Personal Accident  
Do your pupils have Personal Accident cover?
- 4 Fire Fighting Equipment  
Boards of Management have a legal responsibility under the Fire Services Act 1981 to ensure that their buildings are safe.
- 5 Cumann na mBunscol Launch  
Ryder Cup hero Paul McGinley took time out to help launch the Allianz Cumann na mBunscol sponsorship.
- 6 Legal Review  
We are often advised by Teachers and Schools, that claims made against them are settled too readily.
- 7 Temporary Teachers  
There has been considerable discussion in recent months in relation to the employment of temporary teachers in schools.
- 7 Ride On Lawnmowers  
There has been an increase in the number of schools that have ride on lawnmowers.



Cover Picture: A still from our Pupil Personal Accident advertisement



# Pupil Personal Accident Insurance – 2003/2004

*Do your Pupils have Personal Accident cover with Allianz Church & General?*

Our standard Personal Accident scheme was launched in the mid eighties to cover costly medical/dental expenses, together with other benefits as outlined below, following non-culpable accidents to pupils in schools or in connection with a school related activity. There is compelling evidence to suggest that effecting Personal Accident cover impacts positively on the level of public liability claims made against schools. For schools with Personal Accident cover there is also the "Peace of Mind" factor for parents, Teachers and Principals that the various benefits, in particular medical/dental expenses, resulting from the accident can be recovered under the policy. The standard cover can be extended to cover non-school activities for a modest additional charge as outlined below.

Last year the Personal Accident scheme was introduced through our schools web-site [www.allscoil.com](http://www.allscoil.com). The scheme provides a 15% discount for schools who arrange cover via our site. In order to help you fully understand our new procedure, a newsletter will be issued to each school in August detailing the various changes for arranging cover on-line in September. The system is very user friendly and when you arrange your cover via our web-site the entire procedure should only take 5-10 minutes. In order to avail of the cover on-line, you must print application forms from our website and issue them to parents prior to September 2003.

For schools who do not wish to avail of the 15% discount, you may arrange cover in the normal manner by

returning your application and premium details via the postal system. Should you decide to proceed on this basis you will have to contact us on 01 613 3900 to request application forms, so that you can submit to parents prior to September 2003. **Please note we will not be issuing application forms to schools who wish to avail of the 15% discount.**

Please find below details of 2003 premiums for both options, together with details of benefits which have been increased to provide additional cover for all pupils.

## Option A – All Pupils

To avail of this option all pupils must be included and the level of cover must be common to all pupils.

School Activities only	€4 per pupil
24 Hour Cover	€7 per pupil

## Option B – Specified Pupils

School Activities only	€5 per pupil
24 Hour Cover	€8 per pupil

We regard this initiative as a very important development in our long relationship with schools, and we acknowledge and appreciate the work of Principals, School Secretaries and Parents Associations in administrating the scheme.

If you require more details in relation to our scheme, please contact our specialist team on 01 613 3900 or your local Allianz Church & General Business Executive.



Bodily Injury	Benefit (€)
Death	7,500
Total and irrecoverable loss of sight in one eye or use of one limb by physical severance at or above the wrist or ankle	75,000
Total and irrecoverable loss of hearing in one ear	7,500
Total and irrecoverable loss of hearing in both ears	50,000
Total and irrecoverable loss of sight in both eyes or use of both limbs by physical severance at or above the wrist or ankle or permanent total disablement preventing the Pupil from gainful employment of any and every kind	125,000
Medical surgical or dental charges including hospital nursing treatment and ambulance hire not recoverable from any other source	10,000

# Fire Fighting Equipment



*Boards of Management have a legal responsibility under the Fire Services Act 1981 to ensure that their Buildings are safe.*

Section 18 (2) of the Act states “It shall be the duty of every person having control over the premises to take all reasonable measures to guard against the outbreak of fire and to ensure as far as is reasonably practical, the safety of persons on the premises in the event of fire”.

The key objectives of fire safety are:

- To minimise the risk of fire
- To protect the means of escape
- To limit the spread of fire

Members of staff should only consider fighting a fire after they have seen to the evacuation of their pupils and raised the alarm. Other staff members must be advised of their intention to fight the fire and they must be certain that their action will not place themselves or others in danger.

## Key Equipment

### Sand Buckets

Provided they are marked “FIRE” and have lids to prevent contamination, they are useful for containing spillages of flammable or heavy liquids.

### Fire Extinguishers

Extinguishers are provided to deal with three types of fires:

- Fires involving ordinary combustible material such as wood, paper, textiles – water extinguishers are suitable for these fires.
- Fires involving flammable liquids such as oils, solvents – Foam, Dry Powder or Carbon Dioxide can be used on these.
- Electrical Equipment Fires – Dry Powder or Carbon Dioxide can be used on these.

In relation to central heating boilers, a fusible link operated fire valve should be fitted. In addition, a fixed automatic fire extinguisher should be installed over the burner unit in the boiler house.

Up to 1997, each of the four different types of fire extinguishers used to be identified by a distinctive colour – Red for water, Cream for foam, Blue for dry powder and Black for carbon dioxide. Since 1997, all new extinguishers have been coloured red. However the same colour scheme as previous is used on the labels. Pre 1997 fire extinguishers on which the entire body is colour coded remain acceptable until such time as they need to be replaced.

**IMPORTANT:** Weekly checks should be carried out on all equipment, which should include:

- Checking the safety clip and indicating devices to determine whether the extinguisher has been operated
- Check for any external corrosion or other damage.
- Annual maintenance contract should be put in place

### Fire Blankets

Fire Blankets are made of fire resistant material. They are particularly useful for smothering fat pan fires or for wrapping round a person whose clothing is on fire. They normally should be kept in the kitchen area.

### Hose Reels

Normally consist of a maximum of 30m of 19mm internal bore hose connected to mains water supply. Suitable in large and long buildings. These should be checked regularly for wear and tear.

In addition to the annual maintenance by competent service engineers, the type and location of each item of fire fighting equipment should be noted on the fire plan and constitute part of the school safety statement. The local fire brigade or specialist firms will be able to advise on the choice of fire fighting equipment and its subsequent use.

In addition you can contact your local Allianz Church & General office for advice on all such matters.

# Ryder Cup Hero Launches Allianz Cumann na mBunscol

*Recently, Ryder Cup hero Paul McGinley took time out to help launch the Allianz Cumann na mBunscol sponsorship.*

Allianz has been associated with Cumann na mBunscol since 1994 through its Church & General brand. Over this period Allianz has played a major part in helping Cumann na mBunscol promote Gaelic games among primary school children throughout Ireland.

This development underlines Allianz's commitment to Cumann Luthchleas Gael activities, and complements its 10 year sponsorship of the Allianz Hurling and Football Leagues.

At the launch, Brendan Murphy, Chief Executive Allianz Ireland said, "Allianz is proud of its long association with Cumann na mBunscol. We are delighted to support the very worthwhile activities of this organisation as it mirrors the company's strong commitment to the community and the family, in addition to reinforcing our continuing support of Gaelic games through our Allianz Leagues. We are especially pleased that Paul McGinley, who was himself a very active Cumann na mBunscol competitor while attending national school in Rathfarnham, could be with us to give his support to this worthwhile initiative."



As Ireland's pre-eminent Insurer of schools, Allianz's involvement with Cumann na mBunscol helps to provide support to the 6000 strong teachers whose commitment and dedication forms the basis of the success of Cumann na mBunscol and our games.

Over the years Cumann na mBunscol has had a major influence in the sporting development and education of our school children, giving them a knowledge and love of their national games, which they carry with them throughout their lives.

Over its period of association with the organisation, Allianz has helped to bring the activities of Cumann Na mBunscol to the attention of the widest audience possible. This has been achieved each year, through media exposure in both

Above:  
Paul McGinley with Shane McFadden  
and the Ryder Cup

national and provincial newspapers and on national television. A number of new initiatives have been pioneered alongside the group's association such as the highly successful Young Whistlers and the Wheelchair Hurling League.

# Legal Review

*We are often advised by Teachers and Schools that claims made against them are settled too readily by us resulting in schools being considered a “soft touch” thereby encouraging others to make similar claims.*

While many claims are decided or settled out of court the Company does defend many cases every year and the following are a random sample of successfully defended Court actions within the last 12 months.



## **Case 1:**

This case involved a 13-year-old girl, undertaking class-cleaning duties at lunchtime. This was a standard operation carried out by the school pupils on a rota basis. She was sweeping while walking backwards and tripped backwards over the rostrum in the schoolroom. It was alleged that the plaintiff should not have been asked to sweep the floor, was not instructed on how to carry out the task and that the rostrum was a hazard.

Judge Esmonde Smyth in his ruling stated that sweeping of the classroom was an

ordinary occupation that was carried out in the home as well as the school. It was done in the school by the pupils to foster a sense of pride in the classroom and develop responsibility. Judge Smyth saw nothing wrong with this. He further stated that the plaintiff was distracted when she fell and that this was an accident such was inseparable from life. He dismissed the case.

## **Case 2:**

An 11-year-old boy who left the schoolyard without permission was knocked down by a passing car as he attempted to cross a road in a town. A full defence was filed in the Circuit Court, the view being that a school can give no guarantee that a determined child will not leave the school premises if he makes his mind up to do so. The case was withdrawn against the school before trial and the motor insurers settled the Plaintiff's claim and his costs.

## **Case 3:**

A ten-year-old pupil was accidentally knocked over by a classmate in some friendly jostling in the schoolyard. The incident occurred early in the morning prior to the official start time of yard supervision. Both were in their designated line-up area.

The case was initially brought in Cork Circuit Court and it was dismissed. The plaintiff appealed to the High Court and the appeal was also dismissed. On both occasions it was held that, notwithstanding the supervision aspect of the

case, the accident was an unfortunate result of boyish behaviour, which can happen at any time with or without supervision.

## **Case 4:**

This claim involved an 11-year-old girl who sued a National School stating she slipped while trying to get possession of the ball during a football game in a games lesson. She alleged that the floor was waxed shortly before the accident. The teacher who witnessed the accident said that she collided with an opponent during a basketball game. The floor is waxed once a year during the summer holidays, in August. The Judge believed our evidence and the case was dismissed with no order for costs.

## **Case 5:**

This case involved an 8-year-old who allegedly, slipped and fell against a radiator while playing “ship to shore” during a PE lesson supervised by her teacher. The allegations contained in the Civil Bill concerned supervision and the positioning of the radiator in question. The plaintiffs case was restricted to her own evidence and the Judge dismissed the case as he could find no evidence of negligence on the part of the school.

# Temporary Teachers

*There has been considerable discussion in recent months in relation to the employment of temporary teachers in Schools. Procedures in relation to such appointments have been established by the Department of Education & Science (D.E.S.), and it is most important for Boards of Management to ensure that these are followed in all cases.*

Appropriate records of all discussions, agreements and approvals should be maintained by Boards of Management, and approvals from the D.E.S. should always be recorded in writing. The implementation of such an approach by Boards of Management will be of considerable benefit in avoiding any subsequent confusion or mis-understanding in relation to what was agreed or approved. Furthermore in the event of any claims occurring under the policy, the availability of such records can be crucial to the success or otherwise of any defence.



Obviously the issue of insurance is of particular interest to Boards of Management in relation to the issue of temporary teachers and we have received a significant number of queries from Boards in this regard.

The Custodian School Protection Policy provides cover for the legal liability of the School and the Board of Management in respect of:

- Bodily Injury to Employees – (Employers Liability Insurance)  
The definition of the term Employee would include temporary teachers.
- Accidental Bodily Injury to third parties and accidental damage to third party property – (Public Liability Insurance).
- Breach of duty arising from any negligent act error or omission, breach of warranty of trust or confidentiality, libel or slander committed in good faith – (Professional Indemnity Insurance).

all arising out of or in connection with a School Related Activity which is defined in the policy as:

**“any activity usual to a school which is carried out with the full knowledge and authority of and under the control of the board of management/governors of the School or of any other person specifically authorised by them”**

The policy cover applies to temporary teachers in the same way as it does to permanent teachers and therefore resulting legal liability attaching to the School and/or the Board of Management is covered, subject as always to the terms, conditions, limitations and exclusions of the Policy.

## ‘Ride On’ Lawnmowers for school grounds

*In recent years there has been a very noticeable increase in the number of Schools that have purchased ‘Ride On’ motor mowers to help maintain lawns, playing fields and large grassed areas.*

As these vehicles are used in areas to which the public has access and at times are used on the public roadway, they are classified as mechanically propelled vehicles and, as such, require motor insurance in accordance with the Road Traffic Act. The fact that they are not licensed is irrelevant to the position under the Act and the owner is bound to cover these vehicles under a commercial motor vehicle policy.

The Custodian School Protection policy specifically excludes any liability arising from the use of mechanically propelled vehicles and we therefore would advise any school or Parish in possession of such mowers to take out the appropriate cover. There is always a risk that somebody will be injured or property damaged as a result of a flying stone or the remote risk of an accident being caused whilst the vehicle is being driven from one area to another.

The necessary cover is available from Allianz Church & General and if you require more information please contact us.





# We've done our home work

When it comes to day-to-day school management, class preparation and extra-curricular activities, allscoil.com is always ready to help out. Created by Church & General, Ireland's leading insurer of schools for over 100 years, allscoil.com is a unique website that provides a wide range of information and assistance for Irish teaching professionals and managers.

Log on and you'll find we've really done our homework, with detailed information on every aspect of school insurance, including teachers liability, personal accident and use of teachers' cars. You can also download the latest seminars as well as proposal and claims forms.

If you're a Principal, school manager or teacher, check out [www.allscoil.com](http://www.allscoil.com) today and see for yourself why it's top of its class.



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