



# SCHOOLS JOURNAL

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

Issue 02/2019

# EDITORIAL

Dear Friends,

Welcome to the winter 2019 edition of our Schools Journal. As we approach the end of 2019 I would like, on behalf of Allianz, to take this opportunity to wish each and every one of you best wishes over the Christmas period and throughout 2020. Thank you all most sincerely for your continued support over the last year.



**Peter Kilcullen**  
Chief Customer Officer

In this journal we cover some of the most relevant schools insurance related issues which have been developing throughout the past year. These relate to topics that a large number of Schools engaged with us on during the year and certain issues that we feel are very important for Schools to be aware of, such as Contracts and Construction Inflation.

Two of the most common topics we receive queries in relation to are; Special Needs Education and Administration of Medicine. Unlike some topics, where there may be a single question and answer, these topics tend to be multi faceted. To assist with this we have included the most commonly asked questions for each of these important topics and we hope our answers provide some clear guidance and peace of mind regarding the protection your Allianz School Insurance Policy provides.

We are often asked to carry out Risk Assessments of our Schools and we are only too happy to help. Your Local Representative is always on hand to assist you with Risk Assessments, act as your single point of contact for all insurance related issues and provide an array of services free of charge to your School. Within this edition, we outline how your Local Representative can help you and your School and we include practical advice around the typical hazards we find in Primary Schools which will inform your own Risk Assessment.

In the Summer Edition of our School Journal we held a competition for two Secondary Level Students to win an all expenses paid trip of a lifetime to the Allianz Explorer Camp in Munich. Jump to page 15 to see what the winners got up to, as they spent time with similar aged children from 22 other countries around the world in the home of Bayern Munich and the iconic Allianz Arena.

We hope you find this issue of our Schools Journal to be of interest and assistance to you. We value your feedback and if there is any additional information we can provide in relation to any of the articles featured or indeed, if you have any issue you wish to raise, please 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 Schools Support Team at 01 613 3966, your local Allianz Representative or your Insurance Intermediary.

**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.



# CONTRACTS – BE AWARE OF THE RESPONSIBILITY YOU ARE ACCEPTING



Let's be honest - we have likely all been in the unenviable position of having inadvertently signed a contract only to find out at a later date that what we signed up to was not what we had originally intended. These actions, albeit committed in good faith, could have far-reaching implications for your School.

Contracts are wide, varied and generally take the form of a written agreement between two parties or more. They are welcome as they ensure an arrangement is on a solid legal footing, outline what is expected of each party and, if a dispute arises, may prove invaluable.

Contracts are usually drafted by legal experts and often contain confusing legal jargon. In advance of signing any contract, it is prudent that you seek the advice of a solicitor well versed in contract law to ensure your interests are fully protected. Whilst this will entail a cost, it could prove considerably less expensive than legal, property damage or bodily injury costs you may otherwise be contractually obliged to pay.

Your School should only be liable for what you do or control - not for what others do or control. Notwithstanding, "hold

harmless" or "unlimited liability" clauses are increasingly common contract clauses. They are agreements that you will not hold a contracting third party liable, in any way, for risk, danger, injury or damages arising and caused by them irrespective of where fault lies. Provided all parties are aware of and understand their obligations when signing a contract with such clauses, they are usually enforceable having been drafted in a way as to ensure no ambiguities arise.

These clauses go well beyond the scope of cover afforded by your or any insurance policy. By entering into a contract with such a clause you could be exposing your School to significant uninsured losses.

When it comes to signing any contract your guiding principles should always be:

- **Do** seek the advice of a solicitor well versed in contract law before signing any contract
- **Do** only accept liability for what you do or control
- **Do** request a third party to remove any language that increases your liability beyond the scope of your insurance policy

- **Do** request the permission of your Patron or Trustee before signing any contract (unless you have their express prior permission to do so)
- **Do** review existing contracts on a regular basis
- **Do not** sign a contract without reading it first and in full
- **Do not** accept liability for what others do or control
- **Do not** hesitate to request any form of "hold harmless" or "unlimited liability" clause be removed or modified to a more favourable term
- **Do not** sign a contract with such onerous clauses or conditions unless you understand the consequences of your actions and accept your obligations

This article provides general information only and should not be regarded as a substitute for professional advice. Should you have any queries regarding any aspect of this article please do not hesitate to contact our School Support Team on 01 6133966, your local Allianz Representative or your Insurance Intermediary.

# INTERNET OF THINGS (IoT) – HOW TECHNOLOGY CAN HELP PROTECT YOUR SCHOOL FROM PROPERTY DAMAGE

WINTER IS COMING WHICH TRADITIONALLY MEANS A SPIKE IN WEATHER RELATED PROPERTY DAMAGE CLAIMS FOR SCHOOLS. ADVERSE WEATHER CONDITIONS AT THIS TIME OF YEAR RESULT IN MORE FREQUENT LOSSES SUCH AS STORM AND FLOOD DAMAGE, BURST WATER PIPES DUE TO FREEZING AND ESCAPE OF OIL CLAIMS.



As our climate changes, weather events are becoming more severe and unpredictable meaning schools are at risk of a financial loss or disruption. However, with advancements in technology, there are now innovative ways which can help prevent or reduce the likelihood of loss or damage to your School property.

The Internet of Things (IoT) is one such advancement and works where devices

share data via a wireless internet connection. These devices can perform tasks without the need for human interaction.

## Water Pipe Sensor

- One of the most frequent property damage claims is a burst water pipe, especially during a period of freezing weather. By using IoT technology, water pipe sensors can be installed to monitor

water pipes for any leaks, blockages or potential frozen pipes. A sensor can be integrated within the pipelines, or in any area that is at a risk of flooding. This can then inform you if a pipe has burst, or is beginning to freeze and can identify area's at risk.

## Temperature Tracker

- A temperature tracker works in the same way and can assist a school by





notifying them via a smartphone app when the temperature reaches a certain level. The user can then make a decision to remotely turn on the heat in a bid to avoid pipes from bursting due to freezing.

**Oil Tank Sensor**

- Theft of oil is one of the more common types of claims we see for schools. Oil tanks can now be fitted with sensor detectors as a means to track oil levels. The sensors allow users to view their

current level of oil and receive alerts after any sudden drop in oil levels. It works by fitting a sensor to your oil tank which subsequently sends data wirelessly to an indoor modem, which then sends the alerts to your phone. There are several smartphone apps developed that can do this.

**Wireless Intrusion Detector**

- Whilst not related to weather events, theft claims can occur at any time of the year. By using IoT technology, schools

can be fitted with wireless intrusion detectors, which can pick up motion in a building and send notification alerts to your smartphone or any other number.

**Smart Devices / Apps**

- IoT technology can also be used as a cost saving mechanism by schools. There are devices available which can help schools save money on their electricity and heating bills by fitting heat usage devices, light sensors or Smart Plugs.







# special education

## SPECIAL NEEDS EDUCATION – FREQUENTLY ASKED INSURANCE RELATED QUESTIONS

**IN THIS ARTICLE WE REVIEW QUERIES THAT ARE FREQUENTLY RAISED WITH US WITH REGARDS TO MANAGING PUPILS WITH SPECIAL NEEDS IN THE SCHOOL SETTING.**

While we are not in a position to advise your School on how to deliver the education needs of special needs children, or on the training that staff may need to provide for that child's needs in school. We do hope that the following example's give your Board of Management and staff peace of mind that in the event of a legal challenge on care delivered, your Allianz Custodian School Protection Policy will indemnify your Board of Management (subject to Terms & Conditions of your Policy).

The Employers Liability and Public Liability sections of your Allianz Custodian School Protection Policy provide indemnity for legal liability arising out of bodily injury, illness or disease to employees, and accidental bodily injury to pupils, visitors and third parties. In addition, your legal liability due to negligent advice, or breach of duty owed in a professional capacity is provided for under the Indemnity to

Management section. The protection provided by the policy applies to the members of the Board of Management, Patron, Trustees and at the Insured's request, employees and volunteers.

***“What happens if a child who is a flight risk manages to leave the school yard and ends up out on the public road? We are not recommended to give chase, and our training says we are not to try physically restrain that child even in the face of serious and imminent physical danger to the child.”***

There is no doubting that this is a very difficult situation to bring under control and to exercise upon it all one's training and expertise when the frightening real-life scenario does occur. Under your Allianz Custodian School Protection Policy cover is afforded to the Board of Management

should there be an allegation of negligence/failure to deliver appropriate care that might have been expected in this scenario. It is the Courts who will determine if the care given at the time in question was reasonable and appropriate and if there was a breach of that duty.

***“We simply do not have the adequate equipment or training in place for this child's needs. We are terrified that as a result the child may be adversely affected here and our SNA and teaching staff are putting themselves at risk of physical injury lifting and manoeuvring because of the lack of appropriate resources.”***

Boards of Management are required to do all that is reasonably practicable to control risks in the workplace for staff and also fulfil their responsibility toward the special needs child. Each Education Plan

makes provision for the assessment of the child's needs and this should anticipate the measures/resources that may be necessary for any given situation. It is incumbent upon your Board of Management to ensure adequate resources are in place before responsibility is accepted for the child with Special Needs.

If, despite the best efforts of your Board of Management an allegation of loss/damage/injury is brought by a staff member, parent/guardian of the special needs child or their fellow class members, your Allianz Custodian School Protection Policy is there to provide indemnity to your Board of Management and your staff.

***“We have a child displaying particularly difficult and challenging behaviours causing enormous disruption to class and school at this point; we feel this school is probably no longer a suitable environment for this child. What can we do to address this issue?”***

The education and management of this child is a collaborative process, involving the school, the child's parents/guardians and other relevant personnel or agencies. If your School believes that the School is not adequately resourced to cater for the child's needs, it is important to engage with the various stakeholders in order to find a solution for the future care needs of the child. If your School feels they need to take steps to remove the child from the School and the parents / guardians of the child are not in agreement, it is very important to get independent advice on the matter. This may be from your Management Body, NABMSE or independent legal advice from a solicitor well versed in Education Law. If you feel this may lead to a claim, it is important to consult Allianz or your Insurance Intermediary to signal such an issue. Despite the best efforts of all involved there may be a legal challenge to your

Board of Management for breach of professional duty and failure to deliver appropriate care. Where a legal challenge is faced by your Board of Management it is important to inform Allianz as soon as possible. The earlier we are notified of such a situation, the earlier we can provide appropriate guidance on the matter.

***“What levels of supervision are required in the school yard and on school trips especially where a Special Needs child has to be considered? Can we include SNAs in yard supervision?”***

There is no simple answer as to what constitutes the 'correct' level of supervision in the school setting. However, it is advisable to be cognisant of the following influencing factors – age, maturity, and number of pupils as well as the topography of the area that requires supervision.

The degree of supervision by a teacher should be that of 'reasonable care' i.e. equate to the supervision levels of a careful parent. This is supported in Rules 121 (4) and 124 (1) of Rules for National Schools and Section 23(2) of the Education Act 1998 which oblige teachers to take all reasonable precautions to ensure the safety of pupils and to participate in supervising pupils when the pupils are on school premises, during school time and/or on school activities. Teachers are trained in supervision of large numbers, and an SNA can assist teaching staff with yard supervision being conscious of course of priority for their own special needs pupil(s).

If you have any queries in relation to the contents of this article, please contact our School Support Team at 01 6133966 / education@allianz.ie, Your Local Allianz Schools Representative or your Insurance Intermediary.



# PRIMARY SCHOOL RISK ASSESSMENT

**IT IS IMPORTANT THAT SCHOOLS IDENTIFY THE RISKS AND HAZARDS PRESENT IN THEIR SCHOOL. THIS IS A LEGAL REQUIREMENT UNDER THE HEALTH, SAFETY & WELFARE AT WORK ACT 2005 AND IT IS INCUMBENT ON YOUR BOARD OF MANAGEMENT TO ENSURE A SAFE ENVIRONMENT FOR ALL SCHOOL USERS.**

To assist you with the completion of such an assessment we have outlined some of the areas of concerns and the typical advice we would provide.

Internal	Risk Review Comments
Working at Height:	A procedure for working at height within classrooms should be established and communicated to all relevant staff. The use of a suitable step ladder(s) should be available and use of same compulsory. Examples of such would be hanging posters or accessing high shelving
Shelving/Storage:	Teachers/Employees should be advised not to store heavy items on or near the top of storage shelves. These should be stored from the bottom up. Shelving needs to be kept tidy to prevent items falling. Free standing shelving in hallways/classrooms should be reviewed & secured where possible to prevent it capsizing onto a pupil.
Cleaning Supplies Room:	The cleaning supplies room should be locked at all times when not in use.
Mats:	Mats in the school should be regularly checked to ensure they are not becoming unravelled or upturned and therefore a trip hazard. Furthermore, embedded mats need to be monitored to ensure a "lip" does not develop between the mat & floor, again becoming a trip hazard.
Clear Corridors:	The corridors should be free from tables, chairs and other such objects that could impede safe exit from the building in an emergency.
Fire Extinguishers:	An annual service contract on your fire extinguishers is required. You should request training from the company who service the fire extinguishers which should be provided at little or no cost when they are carrying out the regular service.
Toilet Floors:	It is important that toilet floors are checked at least once a day for surface water and the checks are recorded. We see a lot of claims for slips on wet bathroom floors and in order to defend them adequately the school needs to be able to prove they are taking reasonable precautions in this regard.
Hot Drinks from Staff room:	The first aid kit should be close to the staffroom and each member of staff should know where it is. Staff should not take hot drinks outside of the staff room unless they are in suitable containers with secured lids
PE Hall:	The PE Hall should be cleared of objects such as benches, tables, etc. in advance of use.
Floor Condition:	The floor in the school should be checked to ensure there are no uneven areas/broken tiles/cracked vinyl etc. that may cause a trip and fall.
Classroom Tidiness:	Floor area of classrooms should be kept free of clutter including school bags, PE bags etc.
Manual Handling Courses:	You should ensure that employees that are required to perform tasks that require lifting/moving objects have completed a manual handling course.
Fire Doors:	Fire Doors should not be held open as it renders them useless in the event of a fire. Modern fire alarms systems are linked to doors by magnets and these are ideal and facilitate doors remaining open during the day.
Electrical Inspection::	It is recommended that a full inspection of the electrical installations be carried out by a qualified electrician (a member of RECI or ECSSA) and an appropriate certificate issued once every five years. Any defects in the installation found by the electrician and/or any recommendations made by the electrical contractor must be rectified and/or implemented immediately.



External	Risk Review Comments
Bins:	Refuse and recycling bins should be kept in a secure compound or alternatively secured by a padlock and chained to a post sited no less than ten metres from the building. This will prevent them being moved against the building and set alight or used as climbing aids.
Step Nosing:	The nosing on steps should be painted using a non-slip coating in order to highlight changing levels. Gloss paint should not be used as it will make the surface slippery under wet conditions.
Gutters/drains:	Ensure the gutters & drains are free from a build up of debris and leaves to ensure they can work to their optimum during periods of heavy rain.
Surface Condition: (Concrete/Tarmac)	Large concrete tiles – These need to be monitored as they are susceptible to breaking up and sinking over time. When they break up around the edges of the tiles or one tile sinks, a trip and fall hazard is created. Tarmac surface – Tarmac surface need to be checked and monitored to ensure they do not break up into loose stone over time causing trip and fall hazards.
Timber Benches & Flowerbeds:	Timber benches & flower beds should be checked regularly to ensure they are not becoming rotted or developing splinters. These checks should be documented yearly also.
Goal Posts & Pitch Condition:	The goal posts should be checked regularly to ensure they are in a good state of repair, adequately anchored into the ground and safe to use. The field should be checked regularly for pot holes, rough areas and large stones to reduce the possibility of injury.
Basketball Poles:	The upright stands for the basketball rings should be padded with rubber or similar type material to soften impact in the event of someone falling against them. These should be checked regularly to ensure they remain at a sufficient height.
Drain/Manhole Coverings:	Drain covers & manhole covers need to be monitored to ensure they do not become a trip hazard when loose, jagged or upturned.
Playground Equipment:	Playground – Your playground should be included in your schools safety statement along with procedures and protocols surrounding its safe operation and supervision. It is essential the playground complies with the relevant safety standards EN1176 & EN1177 for playground equipment and surface. Certification of compliance should be sought from the installers if the school do not currently have these records. If the installer cannot supply certification of same, then the school should strongly consider requesting RoSPA to review, and certify if possible.
Boiler Room:	To reduce the risk of fire in the event of malfunction, combustible items must be removed from the boiler room and if still required stored safely elsewhere or otherwise suitably disposed of.
Step Handrails	Where there are three or more steps, it is a requirement of current building regulations that those which are up to 1m in width, should have a single handrail fitted and that any steps wider than this should have at least two handrails fitted at either side.
Oil Tanks:	Oil tanks should be provided with a bund enclosure capable of containing 110% of the maximum contents of the oil container. The bund base and walls must be impermeable to water and oil and be checked regularly for leaks. There should be no drains or outlets within the bund. Rainwater should be pumped out periodically and contaminated water disposed of safely. Any taps and pipe work should be lockable to prevent tampering and a drip tray container beneath the tap to collect drips is advisable.
Window Openings:	PVC windows which open outwards into the yard should be fitted with locks to prevent them from being opened wider than the recess of the window so that people cannot walk into them when opened.
Gap under Pre-Fab:	The gap between the underside of the pre-fabricated building and the ground beneath should be blocked off to prevent access underneath.

This is not an exhaustive list of all hazards but does encompass the major hazards we generally encounter in Schools. As referenced in our Local Service Article, your Local Allianz School Representative is happy to assist in this process.

If you have any queries in relation to the contents of this article, please contact our School Support Team at 01 6133966 / education@allianz.ie, Your Local Allianz Schools Representative or your Insurance Intermediary.

# ADMINISTRATION OF MEDICINE FAQ'S

SCHOOLS ARE RECEIVING AN INCREASING NUMBER OF REQUESTS FROM PARENTS/GUARDIANS TO ADMINISTER MEDICATION TO THEIR CHILDREN WHILST AT SCHOOL. THESE REQUESTS CAN VARY FROM ORAL MEDICATION TO SENSITIVE CARE. THE VARIANCE AND NATURE OF THESE REQUESTS CAN LEAD TO UNCERTAINTY AND CONCERN. WE ARE OFTEN ASKED QUESTIONS ABOUT THE INSURANCE IMPLICATIONS OF SUCH CARE AND IN THIS ARTICLE WE OUTLINE THE MOST FREQUENTLY ASKED QUESTIONS AND THE COVER PROVIDED BY YOUR ALLIANZ CUSTODIAN SCHOOL PROTECTION POLICY.



**Q1. If our school has an Allianz Custodian School Protection Policy, are we covered in respect of Administration of Medicine?**

- Yes, there is cover provided for Administration of Medicine under your Allianz Custodian School Protection Policy. The relevant cover for teachers and SNA's is provided arising out of or in connection with the:
  - a) supply and / or administration by qualified nursing staff of drugs injections or medicines as prescribed by a qualified medical practitioner

- (b) supply and / or administration by a responsible adult of drugs or medicines as prescribed by a qualified medical practitioner\*
- (c) supply and / or administration of drugs or medicines which are available without prescription
- (d) taking of blood samples by qualified nursing staff as prescribed by a qualified medical practitioner

**\*Note** – The cover provided under (b) above includes diabetes-related injections

administered by teachers and SNA's. Employees should not be asked to administer other types of injections as part of an Administration of Medicine policy or procedure.

All schools should have a clear Administration of Medicine policy.

**Q2. Are SNA's and Teachers covered under the Allianz Custodian School Protection Policy for Administration of Medicine?**

- Yes, your Allianz Custodian School Protection Policy provides an indemnity to Employees in respect of



Administration of Medicine (as outlined above), acting in connection with a School Related Activity.

**Q3. Is it a requirement of our insurance, that parents sign an indemnity form in respect of Administration of Medicine?**

- No, this is not a requirement of your Allianz Custodian School Protection Policy. However, we strongly recommend that an individual Administration of Medicine procedure is agreed with parents of pupils who may require medicine to be administered during school activities. As per the brief guidelines below, written instruction and consent should be received from the parents and training provided to relevant staff.

**Q4. Who is responsible for our Schools Administration of Medicine Policy and what should it include?**

The Board of Management is responsible for devising and implementing the Schools Medicine policy. It is up to each school to set out their own Administration of Medicine procedures, some of which include:

- The Administration of Medicine procedure should be agreed with parents of pupils who may require medicine to be administered during schools hours. Written instruction and consent should be received from the parents.
- The Board of Management should be satisfied that appropriate training has been provided and all parties should be aware of what is expected of them.

- A second staff member should also be trained as back-up in case the original staff member is out sick or unavailable.
- The medicines should be clearly labelled and safely stored (or refrigerated if necessary) in their original container.
- Security and accessibility are equally important when medicines are taken on school trips.
- A written record should be kept of the dates and times of administration and a note of any side effects.

**Q5. What about Emergency First Aid treatment?**

Emergency First Aid treatment is entirely different than Administration of Medicine as it is by definition a “once off” event. It may be triggered by an underlying condition but it is not something that is seen as the norm but rather a response to a sudden and unexpected deterioration in the child’s medical condition as a result of an accident or a reaction to some

other factor that triggers the underlying medical condition. In an emergency situation, teachers must act as a reasonable person would in the best interests of the child. This could include the administering of drugs, injections or rectal diazepam. If the School is aware that a child has an underlying condition which could lead to an emergency situation they should ensure policies and procedures (including training) are put in place to deal with it along the lines we have outlined in Q4.

School staff are indemnified under the Allianz Custodian School Protection Policy in respect of Emergency First Aid treatment as outlined above.

The above is subject to terms Definitions Exclusions and Conditions of the Policy.

If you have any queries in relation to the contents of this article, please contact our School Support Team at 01 6133966 / education@allianz.ie, Your Local Allianz Representative or your Insurance Intermediary.



# YOUR LOCAL ALLIANZ SERVICE

**AT ALLIANZ, WE PRIDE OURSELVES ON THE LOCAL SERVICE WE PROVIDE TO OUR SCHOOLS THROUGH OUR LOCAL ALLIANZ REPRESENTATIVES. WE FEEL IT IS IMPORTANT THAT YOU HAVE A LOCAL SOURCE OF SUPPORT AND GUIDANCE WITH WHOM YOU CAN BUILD A RELATIONSHIP WITH AND THAT CAN DEAL WITH ANY QUERIES OR ISSUES YOU MAY HAVE. AS YOU CAN SEE FROM OUR MAP, OUR TEAM ARE SPREAD AROUND THE COUNTRY TO MAXIMIZE OUR PRESENCE AND SUPPORT FOR OUR SCHOOLS. SO HOW CAN YOUR SCHOOL BENEFIT BY ENGAGING WITH YOUR LOCAL ALLIANZ SCHOOL REPRESENTATIVE?**

## Single Point of Contact:

The main focus of your Local Allianz Representative is to be a single point of contact for schools and support you through any issues you have. Backed up by a dedicated School Support Team in our head office, your Local Allianz Representative has the added benefit of knowing you and your School. Unfortunately not everything can always be sorted out in one phone call, but by using your Local Allianz Representative, you have a direct line to the person handling your issue. With an experienced team, you can rest assured that we have dealt with something similar previously.

**Action:** Put the name, number and email address of your Local Allianz Representative into your phone now. Contact numbers outlined on page 16.

## Indicative Reinstatement Valuations:

The initial instinct of insurance customers is to look at the bottom line. Once that is paid, you rest assured that cover is in place. However, how do you know that the building sums insured you have in place are adequate to rebuild your School in the event of a serious loss? Ultimately, the responsibility falls on the Principal and Board of Management but your Local Allianz Representative can help! They can visit your School and provide you with an Indicative Reinstatement Valuation free of charge. While not a professional valuation, it will give your School a much better indication of whether or not the current sums insured are adequate, and your School can make an informed decision thereafter.

**Action:** Review your renewal schedule and discuss the sums insured with your Board of Management.

## Risk Reviews:

Under section 19 of the Health, Safety and Welfare at Work Act 2005 "Every employer shall identify the hazards in the place of work under his or her control, assess the risks

presented by those hazards and be in possession of a written assessment" i.e. a "Risk Assessment". This is a very clear and obvious legal requirement placed on all places of work, schools included. From an insurance perspective, compliance with this legal requirement is essential when it comes to defending claims on behalf of the school. Your Local Allianz School Representative will be on hand to assist again and has vast amounts of experience in completing risk reviews for every school type imaginable. Armed with this experience, along with an array of specifically designed school templates, Allianz can provide invaluable advice on the risks present in your School. This can be used to inform your Risk Assessments and Safety Statement. Once again, this service is free of charge.

**Action:** Put Health, Safety and Welfare as an agenda item for every BOM and staff meeting.

## Funding Application Support:

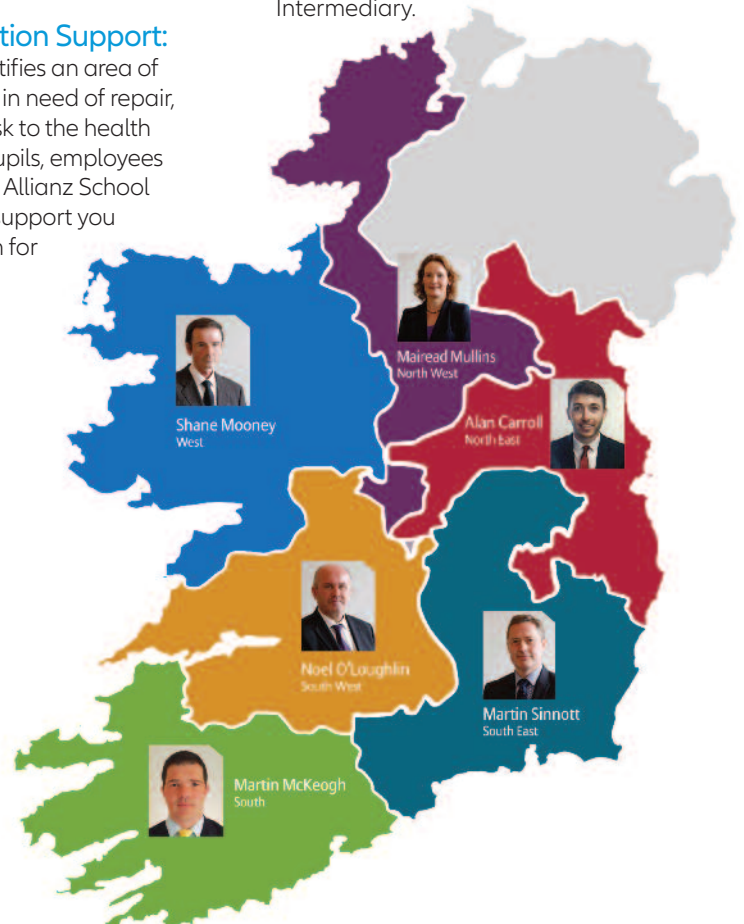
Where a school identifies an area of their premises that is in need of repair, and if it presents a risk to the health and safety of their pupils, employees or visitors, your Local Allianz School Representative can support you with your application for

department funding. These issues can vary from dangerous yard/playing surfaces, rising damp issues, dangerous vehicle access practices and many more. We are here to support schools in making their property as safe as possible.

**Action:** Identify any application your School is making due to concerns over the current condition of the application subject matter.

We would encourage you to engage with your Local Allianz School Representative so you know who to call when you need support. Contact details can be found at [allianz.ie/schools-insurance/local-representatives/](http://allianz.ie/schools-insurance/local-representatives/)

If you have any queries in relation to the contents of this article, please contact our School Support Team at 01 6133966 / [education@allianz.ie](mailto:education@allianz.ie), 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 involved a slip and fall by a pupil in the school yard during an organised PE Class. It had been decided to play five-a-side football outdoors on the day and the nets had been set up at appropriate locations to allow the games proceed. This claim was brought some two years after the event and an incident report form had been completed. Under the statute of limitations, a minor has two years after they reach their age of majority (18) in which to bring a claim where in an adults case, they have two years from the date of the actual incident.

During the course of the game, a pupil slipped on grit on the tarmac surface and suffered a laceration to his leg. The school was going through a program of resurfacing the yard and this particular area was due to be completed during the summer holidays of that year. On examination of photographs taken at the time, it was clear that there was some significant amounts of loose grit on the surface. As it was some time from the incident, witnesses did not have a very clear recollection of the accident. One witness did advise that they had a recollection that the yard was in poor condition at the time. The decision to use the yard rather than the school hall was open to criticism in the investigators view. In addition, while this grit might be present in many yards and in many areas where there is tarmac laid around the country, and football is played on it, a strict application of the Occupiers Liability Act 1995 by a Judge could be critical of the surface. That coupled with the decision to hold the games outside in the knowledge that the yard was not in the best order was sufficient for a finding to be made against the school for defective premises which resulted in this case being settled on a 100% basis in favour of the Claimant.

## Case 2

This next case involved another fall in a school yard this time on a ramp. The claim was brought two years after it occurred

and took a further eight years before it was brought to a conclusion after a hearing in the Circuit Court and an appeal to the High Court. A six year old child fell on a ramp in the school. The ramp in question was examined by an Engineer who expressed the opinion that while the ramp was not quite compliant with the Building Regulations, she was of the view that the ramp was well constructed and had no obvious defects or hazards on the surface. A full defence was filed and the case ran to a full hearing in the Circuit Court. The Plaintiff gave evidence that he/she was not really able to say how his/her injuries took place. The Plaintiff also admitted that pupils at the school ran around the school yard regularly and that it was not uncommon for a child to have a fall. Medical evidence also confirmed the child had another fall in school and had two falls at home. After all the evidence being given, the Judge dismissed the Plaintiff's claim but made no order as to costs.

An appeal was lodged on behalf of the Plaintiff and the case went to a full hearing in the High Court. The Plaintiff's case was again dismissed by the High Court Judge who again did not make any order as to costs. This was a very good outcome for the school but unfortunately still resulted in a significant cost to their policy as the costs incurred by the defence legal team had to be paid under the policy as both Courts made no order as to costs despite ruling in favour of the school on both occasions.

## Case 3

This case again involves an accident in the school yard. On this occasion a game of football at "big break" was taking place and a number of pupils were participating. There were three teachers and one SNA on supervision duty and it was a regular and popular game played at lunch time. The pupils had asked permission to get the football which was allowed and the game proceeded and was in play for approximately five minutes when one of the pupils in an attempt to

kick the ball stumbled and fell.

The pupil suffered an injury and a claim was pursued on his behalf. The claim submitted made the case that the ball was partially deflated and was the cause of his fall. Evidence was given that the ball was in continuous use for the rest of the break and indeed was used the following day, there being no problem with it.

Engineering evidence was also called to give evidence and he confirmed that he had carried out a number of experiments on the inflation of the ball. He had used a valve to release air from the football and had to stand on it to get it completely flat. A number of other examples were given and the Engineer felt it was impossible for your foot to become embedded in the football (as was being alleged) as there was still air in there and it does not compress more than one to two inches.

The Judge proceeded to give his judgement and said the circumstances giving rise to this claim were most unusual and he was trying to figure out exactly how one could kick the ball if it was deflated to the extent that the Plaintiff says it was and how therefore it was ever used for a game of football in that state. He said the day where somebody kicking a ball with a level of deflation leads to a claim means that one would have to stop playing football in the school yard at all. He said that was far from the reality of the case and he felt there were no grounds for holding the school responsible on the Plaintiff's version of events. He noted the witness evidence on behalf of the school that the Plaintiff never came in contact with the ball, what happened was an accident and that these things happen, people trip and fall. He went on to say that the claim against the school for providing a defective football could not succeed and he could not see how the Plaintiff could blame the deflated football for losing his balance. The claim was dismissed with an order for costs.

# CONSTRUCTION INFLATION

WITH SUCH ACTIVE GROWTH IN THE CONSTRUCTION INDUSTRY IN IRELAND IN RECENT YEARS, THE COST OF BUILDING HAS CONTINUED TO RISE YEAR ON YEAR. ACCORDING TO THE LATEST FIGURES PRODUCED BY THE SOCIETY OF CHARTERED SURVEYORS IRELAND (SCSI), THE OVERALL CONSTRUCTION TENDER PRICE RISE FOR THE FULL YEAR OF 2018 WAS 7.7%.



Consideration of this increase in the construction tender price is of vital importance and presents an ongoing challenge when considering the adequacy of your properties sum insured. The sum insured is the value placed on buildings and contents to cover the reinstatement cost of these items and it also represents the maximum amount that can be recovered under the property section of your property insurance policy in the event of a claim.

It is critical to ensure that your sum insured is adequate, as following a loss if it is established that your sum insured is inadequate, your school may be

responsible for any shortfall from its own funds.

The adequacy of your sums insured should be reviewed on a regular basis. To ensure that your sum insured is adequate you should obtain a professional reinstatement valuation every 3 to 5 years.

**Your professional reinstatement valuation should include a provision for the following:**

- Replacement of the property destroyed or damaged
- Cost of clearing the site including demolition and debris removal

- Fees of architects, surveyors and other professional advisors
- Costs associated with complying with current building regulations / requirements
- An inflation provision based upon an estimated period between destruction and reconstruction and all figures should be inclusive of VAT

If any portion of 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 building.

If you are engaged in a new building project, it is an opportune time to request a professional reinstatement valuation of the completed building from a Quantity Surveyor, Architect or similarly qualified person in relation to the full cost of reinstatement.

Generally if you are looking for advice and guidance in relation to your sums insured (or any insurance related matter), feel free to contact your local Allianz Representative (details of your local rep can be found on page 16) or your insurance intermediary if you are not insured directly with Allianz. Your local Allianz Representative will be very happy to visit your school and provide guidance based on our experience in this area. If you have any queries in relation to the contents of this article, please contact our School Support Team at 01 6133966 / education@allianz.ie, Your Local Allianz Representative or your Insurance Intermediary.



# ALLIANZ EXPLORER CAMP - FOOTBALL EDITION

THE ALLIANZ EXPLORER CAMP - FOOTBALL EDITION WAS HELD IN MUNICH, GERMANY FROM THE 22ND – 27TH OF AUGUST. ALLIANZ HAVE BEEN A PARTNER OF FC BAYERN MUNICH SINCE 2000, MOST NOTABLY THROUGH THE NAMING OF THE FC BAYERN MUNICH HOME STADIUM, THE ALLIANZ ARENA. BUILDING ON THIS PARTNERSHIP, THE ALLIANZ EXPLORER CAMP FOOTBALL EDITION ENABLED 50 STUDENTS FROM 22 COUNTRIES, AGED 14 TO 16, THE OPPORTUNITY TO EXPERIENCE THIS ONCE IN A LIFETIME TRIP.

Allianz Ireland had the opportunity to send two teenagers to the camp and we selected these from our schools through a competition in our last Schools Journal. The two lucky students chosen to represent Ireland were from St Aloysius College, Cork and Scoil Choist Ri, Portlaoise.

The theme of the camp this year was 'Captains of the future', focusing on

participants sharing and experiencing new skills and cultures with a focus to lead positive change for the future.

The Camp is a unique combination of activities, challenges, learnings, speakers, experiences, and more - celebrating the next generation of leaders and the commitment to our collective future. The six day camp included football

training sessions at the official training ground of FC Bayern Munich, meeting some of the players along with innovation and life skill's activities.

We look forward to offering your School the chance to participate in next years Explorer Camp.





# YOUR LOCAL SERVICE

With Allianz Schools Insurance, you're guaranteed the individual support of a dedicated local representative based in your area. Your local representative is always available to you and your Board of Management, to visit your School and answer any insurance related questions you may have. This local personal service is free\* of charge and our support is only a phone call away.

Find your local rep right here:

<b>North West</b> - Mairead Mullins	087 248 5065
<b>West</b> - Shane Mooney	087 919 0428
<b>North East</b> - Alan Carroll	087 956 6721
<b>South West</b> - Noel O'Loughlin	087 258 8943
<b>South East</b> - Martin Sinnott	087 686 2329
<b>South</b> - Martin McKeogh	087 920 3992

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

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Standard acceptance criteria apply. Calls may be recorded.

\*The services provided are free and the phone call will be charged at your standard local rate.

