

SchoolCare – Student Accident Insurance

Introduction

One of the most difficult challenges facing schools and teachers is the safety of children who are in their care. Playground and sporting activity accidents account for up to 70% of accidents in primary and secondary schools.

Catholic Church Insurances introduced SchoolCare, a student's accident and disability policy, in 1998 to provide financial assistance to parents should an accident occur during school activities. This policy often provides sufficient recompense to parents that they do not pursue liability claims.

However, often, simple steps can be taken to avoid accidents and this bulletin is designed to highlight the types of claims we are receiving and to encourage you to take steps to make your school safe.

What is SchoolCare

SchoolCare is a student's accident and disability policy designed to provide financial assistance to parents by way of lump sum benefits for a range of events should an accident occur during school activities. These activities include sport, excursions, camps and work experience and cover extends worldwide.

A SchoolCare claims settlement is a payment irrespective of any liability claim the parent may subsequently make. There is evidence that provision of SchoolCare is likely to result in fewer liability claims.

This policy may be taken out on a school or Diocesan wide basis.

How do student accidents mostly happen?

Children are naturally energetic and active, especially during playtime breaks from schoolwork.

An analysis was recently carried out where data was taken from 1000 school accident reports.

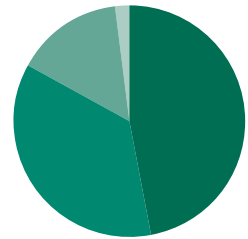
A sample of the findings are as follows:

- 60% of the accidents analysed occurred in Primary schools
- 40% of the accidents occurred in Secondary schools

Primary Schools

62% of the accidents occurred in the combination of playgrounds, equipment & sporting areas.

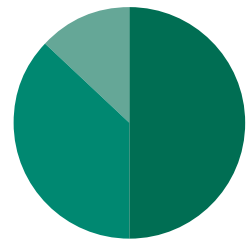
- 47% of these injuries were soft tissue
- 36% of these were other related injuries such as lacerations, muscle/tendon strains, multiple injuries, stings etc
- 15% of these injuries were fractures
- 2% of these injuries related to dental



Secondary Schools

69% of the accidents occurred in the combination of playgrounds, external sports venues, campus sports venue and specialist classrooms eg gym areas.

- 50% of these injuries were soft tissue, bruises and muscle tendon strains
- 37% of these were other related injuries such as burns, lacerations, multiple injuries, concussion, dental etc
- 13% of these injuries were fractures



The most common reasons for the injuries are:

- Falling from playground equipment onto a hard surface
- Falling onto a hard playground border
- Head entrapment
- Pinch and crush points
- Sharp edges
- Overcrowding
- Inadequate guard and hand rails

Duty of Care

The relationship of school and student gives rise to a non-delegable duty of care. Simply put, it means a school owes a duty to ensure reasonable care is taken when the school is caring for the student. This duty is not discharged by appointing competent teachers.

The duty of care owed by a school to a student goes beyond the duty owed by parents to their child. A number of factors need to be considered, including:

- A school authority owes to its pupils a personal duty to ensure that reasonable care is taken for their safety.
- The duty cannot be delegated.
- Where a school authority delegates the performance of the duty to a teacher, the authority is liable if the teacher fails to take reasonable care to prevent harm to the pupil.

- “A school authority is not an insurer. Its duty in relation to students under its control and supervision is to take reasonable care for their safety, that is, it is one of affirmative action to take reasonable steps to protect them against risks of injury which reasonably ought to be foreseen (*Richards v State of Victoria*). That test predicates a risk of some injury, not necessarily the very injury actually sustained by the plaintiff in the way he sustained it, but a risk of injury of some kind to someone as a result of disobedient horseplay or foolhardiness in the absence of adequate supervision (*Bills v State of South Australia*)”: **Commonwealth of Australia v Stokes** per Gallop J.

CCI Schoolcare Claims Lessons

What happened	SchoolCare Covers
12 year old male student playing hockey for school when a high ball bounced and hit his mouth pushing 3 teeth back into his mouth, as well as fracturing his jaw.	\$750 benefit payable for fractured jaw \$300 benefit payable for repair of 3 teeth \$1537.80 dental expenses
6 year old male student received a knock to his shoulder whilst playing in the playground and fractured his collarbone.	\$200 benefit payable for fractured collarbone
14 year old male student was running whilst playing football on the school oval when he slipped on a plastic Fanta bottle and snapped his right thigh bone	\$100 benefit payable for fractured leg \$150 benefit payable for 6 nights in hospital \$24.15 chemist expenses-medication \$20 physiotherapy treatment
12 year old female student twisted her right foot whilst playing netball and sustained a fracture.	\$200 benefit payable for fractured foot \$165.75 orthotic boot \$151 physiotherapy treatment
6 year old male student's father killed in car accident.	Catholic Church Insurances will pay up to \$10,000 for school fees per child, as long as they attend a Catholic school

Manage the risk of Student Accidents in playgrounds

Make sure playground equipment is safe

- Ensure that playground equipment and sports equipment comply with Australian Standards and local council requirements.
- Ensure fall fill materials and depth comply with Australian Standards.
- Ensure installers are qualified and conduct their duties diligently.
- Commission a specialist to conduct a safety audit .
- Establish and implement an inspection and maintenance program recommended by the manufacturer and Australian Standards.
- Raise playground and sport equipment safety awareness amongst staff and children.
- Give special consideration to basketball backboards and rings to avoid collapse during use.
- Allocate different days/breaks to different grade levels to use the equipment (this minimises congestion and rough play).

Make sure floors and surfaces are safe

- Repair rough or uneven surfaces.
- Repair or replace torn or uneven floor coverings, particularly carpet or matting.
- Ensure floor coverings such as rugs have sufficient friction characteristic ie: they do not move when walked upon.
- Cover or remove obstructions such as trailing electrical cables or objects left on floors.
- Repair stairs with uneven 'riser' or 'going' dimensions, and ensure stairs comply with Australian Standards.
- Designate areas of the playground that are blind spots for playground supervisors as out of bounds for students. Ensure all staff, students and parents are aware of the rule.
- Consider policies to eliminate inappropriate footwear – thongs during sport, high heels where mesh is present.
- Ensure floors are clean and free from tripping hazards.
- Ensure any liquid spilt is quickly cleaned up.

What does the CCI SchoolCare policy cover?

Lump Sum Benefits

Under this policy, CCI provides a lump sum benefit when a student sustains a fracture to any particular bone, teeth damage & total & permanent loss of use to any part of their body.

Non Medicare Benefits

Parents are also reimbursed for any dentist, nurse, chemist, hospital, chiropractor, osteopath or physiotherapy expenses they may incur as a result of this accident. These expenses also include hire of surgical aids and replacement of glasses/contact lenses after the injury, The limit is \$5,000.00 for these particular expenses.

Emergency Transport

There is also a \$5,000.00 limit for emergency transport following an accident but this cost must relate only for the trip from the scene of the accident to the first place of treatment.

Tuition Fees

When due to an accident a student must be away from school for 5 days and they have a medical certificate to support this, Catholic Church Insurances will pay a limit of \$1,000.00 for tuition fees

Hospital Inconvenience Allowance

Catholic Church Insurances will pay a \$25.00 per day allowance for any hospital stay due to an accident as long as more than 3 consecutive days. There is a \$500.00 limit and this must be supported by a medical certificate.

Nursing Allowance

An allowance of \$25.00 per day as long as more than 3 consecutive days and a medical certificate must be provided to support the claim. The limit is \$500.00

Professional Counselling Costs

When a student is injured in an accident or witnesses an accident there is a \$1,000.00 limit per person or \$50,000.00 limit per accident allowance for professional counselling.

School Fee Relief

If the person who pays the students school fees is accidentally killed Catholic Church Insurances will pay up to \$10,000.00 for school fees per student. A copy of the death certificate must be supplied.

All limit amounts relate to per accident

What doesn't the CCI SchoolCare policy cover

SchoolCare cannot cover any Medicare service including the Medicare gap.

Policy Exclusions

Suicide, War, Terrorism, Nuclear, Alcohol, Drugs, Riot & Civil Commotion, Malicious Acts, Non-Scheduled Flights, Motor Cycling

How to Make a Claim

When an accident occurs the parents of the injured student should obtain a claim form from the school or from the CCI website www.ccinsurances.com.au. The claim form is to be completed by the parents and endorsed by the school and then returned to Catholic

Church Insurances with a Doctor's Certificate or Dentist Statement as well as accounts or invoices for any claimable expenses. Once the claim is lodged and accepted by Catholic Church Insurances a cheque will be sent directly to the parents.

SchoolCare Accident Helpline 1300 138 498

SchoolCare cannot cover any Medical service including the Medicare Gap.

Catholic Church Insurances will be happy to assist you with advice relating to any Student Accidents.

Please call CCI and speak to Melanesia McCallum or Peter Alford, or email as follows:

mmccullum@ccinsurances.com.au

palford@ccinsurances.com.au

Acknowledgments

Catholic Church Insurances acknowledges the assistance of Joanna Devrome, Wisewoulds, Solicitors in developing this bulletin.

Please note that CCI Claims Lessons should not be used or relied upon as a substitute for detailed professional advice or as a basis for formulating decisions.

This publication should be read in conjunction with the policies and procedures of your organisation.

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