

## How Well Are Your Classes Supervised?

A female student participating in a motorcycle training program at a local college is injured in 2001 during a training exercise. She becomes startled when her bike takes off faster than she anticipates. The motorcycle jumps the curb and she falls off, injuring her ankle.

A year earlier, a male student in a woodworking class cuts off half of two fingers while using a jointer – a tool with very sharp blades used for smoothing the edges of boards. His fingers are hanging over the edge of the board when they are amputated.

Though both students signed waivers before participation, both sue for negligence. The male student receives \$70,000 in compensation; the female student's claim is rejected. Why? The answer is: supervision.

The Frank Cowan Company investigated both of these claims. In the motorcycle case, we were able to document the client's

procedures and the fact that supervision and training was adequate, and that no liability should have rested with the client. One of the objectives of our claims department is to deny liability when none should rest with the client.

In the second case, our investigation revealed a liability exposure to the client in terms of the level of supervision provided. In these types of liability cases, we aim to settle the claim as soon and as fairly as possible.

### How to Ensure Proper Supervision

These examples are not to say that accidents will never happen if courses are properly supervised. They are also not meant to reduce the importance of waivers, which are an essential tool of risk management – particularly for teacher-led training. What they do illustrate, however, is how the level of supervision and the teacher's expertise can impact the outcome of a claim.

Here are a few recommendations about ensuring proper supervision:

- 1) **Ensure your employees are properly trained** – Before hiring a teacher or trainer, thoroughly review their background and expertise in their chosen field. Do they have the proper educational qualifications and/or experience?
- 2) **Employ a process for ongoing training** – It's important to continually educate teachers. This involves ongoing educational classes related to their specialty, as well as the health and safety aspects of the job. For example, are employees trained on how to use the newly-installed defibrillator?
- 3) **Understanding the risks** – Sometimes it can be hard to determine the risks of a course, particularly if it is new. We recommend calling Cowan so we can conduct a risk management assessment to better understand how to best protect your institution against claims.

**An important note about waivers:** As we mentioned above, waivers can go a long way in helping to protect against claims. They could apply not only in a woodworking course where the danger seems obvious, but also in Phys Ed, chemistry classes or on a field trip.

Proper supervision, paired with waivers and risk management, can go a long way to protecting against a claim.

## Relationship, Readiness and Risk Management – the 3 R's of Insurance for Schools

You know the 3 R's that we used to talk about in school. At Frank Cowan Company, we believe in the 3 "R's" of insurance for schools.

**Relationship** – Frank Cowan Company partners with brokers to ensure that our clients have the right insurance coverage to meet the needs of their school. And with over 80 years of experience dealing with schools, we have established relationships with other professionals who provide valuable assistance when needed.

**Readiness** – We have the expertise to deal with claims as they arise. We like to say that "in 80 years there hasn't been a type of claim we haven't dealt with". That also means we understand the necessary policy coverage schools need in place – including those that are hard to find, and can help establish and implement strategies for your school on a proactive basis.

**Risk Management** – your school is unique. Our value added risk management services help you understand the risks you potentially could face, and how to minimize your exposure. Evaluate, educate and assist – are three more words to describe our risk management services. Learn more on [page 3](#) of this newsletter.

# Do Your Homework – Does Your School Have the Right Insurance Coverage?

Schools today are facing risks they've never had to face before. You only have to read the headlines to see how incidents of bullying and violence are on the rise. Schools are also offering a greater variety of programs involving associated risks. In addition, there is a greater need to protect computers and other technological teaching tools. This new environment has left educational institutions exposed to a variety of risks they may not be aware of – or prepared for.

The chart below provides a quick overview of some of the top exposures currently being faced by schools, and how to best prepare for these challenges. These examples are just a guide, and we always recommend you talk to your broker about your specific requirements, and the coverage limits and options available to you.

*This brochure is intended to provide general information only. Please refer to the policy document for complete details. The policy terms, conditions and limitations shall apply in all instances.*

| School Exposure   | Cowan Solutions  |
|---|--|
| <p><b>1) Abuse</b></p> <p>School interaction with students occurs in a variety of ways including: teaching, tutoring, coaching, counseling, overnight trips and camps. These interactions take place in the classroom, on school grounds, in residences, or away from the school.</p> <p>Interaction with students has the potential for allegations of abuse against the school. Lawsuits arising out of these allegations are often presented many years after the incidents are alleged to have occurred, and can take many years to resolve.</p> <p>Professional and sensitive handling of these claims is necessary to find a successful resolution, and minimizing damage to the school's reputation.</p> | <ul style="list-style-type: none"><li>• The Frank Cowan Company School Liability policy protects your School on an occurrence basis, with no aggregate, with limits available up to \$15 million. The policy wordings were developed specifically to meet the needs of schools, and differ from Commercial General Liability policies standard in the marketplace.</li><li>• An occurrence-based policy responds to incidents that occurred during the policy period. It is therefore important to know that your insurer is stable and committed to insuring school risks, so if a claim is brought forward years later, they will be there for you. Cowan has been, and will continue to be, there when our clients need us.</li><li>• Our claims department understands the unique nature of abuse claims. We have experience working with other professionals to not only resolve the claim, but also to provide advice and guidance to your school to help you deal with media relations and best practices.</li><li>• Our Risk Management department can review and make recommendations about your abuse policy and procedures, surrounding documentation, record-keeping, and risk mitigation.</li></ul> |
| <p><b>2) Bodily Injury</b></p> <p>Bodily Injury to students can occur during a variety of activities, such as: school excursions, sports, gymnasium activities, slips and falls and playground injuries.</p> <p>Allegations could be made against your school for lack of supervision, inadequate staffing, lack of maintenance, lack of training, etc.</p> <p>In such a situation, the school policies, practices and procedures would be called into question, and your school could potentially be compared to your peers.</p>   | <ul style="list-style-type: none"><li>• The Frank Cowan Company School Liability policy has been structured to assist schools in defending Bodily Injury claims against the school and other Insureds (such as: trustees, board members, employees, volunteer workers and statutory officers).</li><li>• Students are also provided coverage in certain situations such as: extended instructional programs, auto shop and when acting as safety or bus patrollers.</li><li>• Our Risk Management department can assist with benchmarking, policy and procedural audits, and claims history analysis &amp; review to identify and manage risk exposures.</li></ul>   |
| <p><b>3) School Property</b></p> <p>School buildings and contents can be destroyed or damaged by fire and other perils, and operations displaced.</p> <p>Schools need to be confident that they will have insurance protection to enable them to resume normal operations as soon as possible.</p> <p>School premises must be safe for students, or bodily injury can occur as outlined above.</p>  | <ul style="list-style-type: none"><li>• The Frank Cowan Company Property policy provides "All Risk" coverage, on a Blanket Replacement Cost basis, with no co-insurance clause or margin clause (a margin clause, like a co-insurance clause, restricts or imposes a cap on the amount recoverable in the event of a loss).</li><li>• Under our blanket property insurance, buildings and contents values for multiple locations are combined into a single blanket amount of coverage that is available on any one location in the event of a loss.</li><li>• Frank Cowan offers Business Interruption – Tuition Fee Insurance coverage to protect your school's business continuity plans.</li><li>• Our Risk Management department can inspect your buildings and determine the replacement values for insurance purposes. In addition, they will perform Hazard Inspections and provide Hazard reports to assist in identifying and prioritizing property and liability exposures and maintenance issues.</li></ul>  |

# Cowan's Risk Management Services at a Glance

At Frank Cowan Company, we understand that your environment is not only challenging but also constantly changing. We have experience dealing with insurance issues specific to educational institutions. That's why we not only focus on identifying and mitigating traditional risk issues but also on identifying new and emerging risk trends.

Did you know we have a Risk Management department of 11 staff dedicated to risk management? Utilizing their skills and in-depth knowledge, we are able to assist you by quickly identifying emerging risks that may need to be incorporated into your existing risk management program.

## No Additional Cost

Cowan's risk management services are offered at **no additional cost** to our clients. This is a value added service we provide to our clients because we believe it is a critical component of any risk management and insurance program.

## Services Offered to our Clients

### **Legislative Reviews**

We have a dedicated Risk Analyst that monitors provincial legislatures and the House of Commons for new legislation and amendments to existing legislation that may impact operations. By doing so, we can identify new regulatory changes on a timely basis and then work with you to modify your current risk management program to incorporate these changes if applicable.

### **Benchmarking**

Our extensive database of clients and claims information can help you get a clearer understanding of your risk performance by benchmarking your results against those of your peers. This information can help you take action where necessary to improve your policies and procedures and further protect your school.

### **Contractual Reviews and Consultation**

We offer valuable feedback and insight on the suitability and effectiveness of liability transfers and insurance clauses in your contracts and agreements.

### **Risk Inspections**

We are available to provide risk inspections of your facilities. Our inspection process determines the construction details, updates the use and occupancy classification, produces a photographic inventory of your building(s) and calculates replacement costs for insurance purposes. The inspection report includes a description of any identified loss hazards with recommended risk control measures. Cowan's risk management inspectors calculate replacement cost based on information gathered from conducting on-site inspections of your school's physical building inventory and a variety of resources to gather additional data.

### **Educational Seminars**

Cowan provides ongoing training seminars for our clients, including those particularly of interest to educational institutions. We have developed sessions that identify and provide risk mitigation strategies for areas including:

- Managing Playgrounds
- Contractual Risk Management
- Volunteers
- Guidelines for Developing an Abuse Policy
- Developing a Risk Management Committee
- Creating a Culture of Security
- Outdoor Winter Recreational Activities

We are always pleased to develop customized risk training seminars on topics requested by our clients.

### **Policy and Procedural Audits**

We help our clients audit systems and processes to reduce potential losses within their operations and specifically focus on documentation, reporting and consistency with accepted standards and practices.

### **Claims History Analysis and Review**

We provide a ten year claims history review with a focus on the predominant sources of claims. After completing the review, we provide you with risk management suggestions to help eliminate many of these sources.

# ABC's of Playground Equipment Maintenance

**A** daily, monthly, and seasonal maintenance schedule should be created and strictly followed to promote a safe play environment for children.

**B**ushes, shrubs, trees, and other foliage should be trimmed or removed from the playground area to eliminate hiding spots for predators, muggers, vandals, etc.

**C**AN/CSA - Z614-07 Children's Playspace and Equipment Standard has been accepted by the Courts as the minimum requirement for playgrounds.

**D**ocument all inspections and maintenance.

**E**xit height of all slides should comply with CSA standards to provide a safe transition from the slide bed to the protective surface.

**F**encing should be inspected for any visible damage, protruding points, and hardware.

**G**rease all moving parts as required. Wipe off excess oil or grease.

**H**orizontal distance between adjacent to-fro swing seats at rest shall be no less than 600 mm (24").

**I**ncidents that occur on the equipment can lead to liability claims. Record all incidents, not just accidents.

**J**oining points at all angles or openings shall be less than 3" or more than 10" to reduce the chance of head entrapment.

**K**ids are "carefree" not "careless" in the eyes of the law.

**L**et manufacturers and installers provide their resources and expertise when making significant repairs or alterations.

**M**ajority of serious playground injuries result from falls onto surfaces that are not resilient enough. Concrete, asphalt, grass, turf and hard-packed dirt are not acceptable.

**N**eck and head entrapment, toggle and string entanglement, and falls to hard surfaces are typical hazards that can be prevented.

**O**ur society is becoming increasingly more litigious and injury awards are escalating.

**P**layground injuries resulting from falls can be prevented by ensuring all equipment has a surface around it in accordance with CSA Standards.

**Q**uickly respond to public complaints.

**R**ecords should be kept on each piece of playground equipment to track maintenance schedules, repairs, costs and injury incidents.

**S**-hooks should be fully closed at all times and should never be re-used. Such a device is considered closed when there is no gap or space greater than 1 mm.

**T**rain your employees in appropriate playground inspection, maintenance, CSA Standards, and incident management.

**U**pgrading existing playground surfaces and equipment can prevent injury to children.

**V**ertical distances between the underside of a swing seat and the protective surfacing shall not be less than 300 mm (12").

**W**ooden, hard plastic, or metal swing seats should not be used. Approved cloth or rubber sling style seating is safer and more forgiving if the seat strikes a child.

**X**'plain your incident reporting system to all employees.

**Y**ou should remove all homemade playground & equipment that is old, worn out, or irreparable according to CSA Standards.

**Z**ero-tolerance policy should be adopted for equipment that doesn't meet standards.

As a service to our clients, our risk management department researches and writes articles on subjects relevant to public sector organizations including education institutions. More articles can be found on our website at [www.frankcowan.com](http://www.frankcowan.com). If you have a topic you would like us to research please contact [barb.szycha@frankcowan.com](mailto:barb.szycha@frankcowan.com).



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