



**Irish National Teachers' Organisation**  
*Cumann Múinteoirí Éireann*

# **INTO FOR STUDENTS**

**STUDENT TEACHERS AND  
THE LAW**

## **DISCIPLINE**

The family and home environment play a fundamental role in the moral, behavioural and social development of children. The establishment of good discipline in schools is not effective without the co-operation of parents.

Discipline policy in any school should be derived from the code of discipline, approved by the Board of Management following consultation with parents. Under the terms of Circular 20/90, Boards of Management and Principal Teachers are requested to draw up a Code of Behaviour and Discipline for schools.

While children both at home and at school learn socially appropriate behaviour in terms of what is right or wrong, appropriate or inappropriate, this socialisation process, if it is to be fully effective should take place in an atmosphere, which promotes their sense of self-confidence, self-esteem and independence.

## **COMPLAINTS/ALLEGATIONS AGAINST TEACHERS**

There are currently various mechanisms by which complaints/allegations against teachers can be processed. In certain circumstances, depending on the details of the case, these may overlap. The operation of these procedures is under ongoing review by the CEC and INTO Officials in conjunction with our demand for a leading council.

## **SANCTIONS**

Teachers should avoid any sanction, which deliberately humiliates a child and/or places a teacher at risk of parental action. Questions have been raised by various non-teaching groups about sanctions such as, making a child kneel, stand out facing a wall for prolonged periods, tearing pages out of copies or throwing copies back at pupils. Such sanctions are usually considered to be inappropriate. It is particularly unwise to put a child unsupervised outside a door if this leaves the child at risk. If a child is being sent to the Principal or another teacher, another child should accompany him/her. Where possible any interview with a child that necessitates privacy, should take place with the door open or with a closed door with a glass panel or in the presence of another adult.

Pupils should be addressed by their first names. Care should be taken not to expose a child intentionally to embarrassment or disparagement by the use of sarcastic or flippant remarks about the child or his/her family.

Teachers should use discretion when free books or lunches are being distributed. No child should be asked about their parent welfare entitlement in front of the class. Teachers are advised not to use any degree of physical force on a child, except where it is necessary to restrain or separate children who are fighting where verbal instruction has failed or where such force protects a child or adult from injury. This would also apply in cases where a child is carrying out an assault.

As a general rule, teachers should be wary of using detention as a punishment where an individual teacher is supervising an individual child.

Depriving a child too frequently of subjects such as art or physical education because of misbehaviour could be interpreted as depriving a child of his/her constitutional right to a full education.

### **PHYSICAL CONTACT WITH PUPILS**

It is evident an increasing number of allegations of child abuse are being made. As a protective measure it is therefore, regrettably necessary to take particular care to minimise situations where a teacher and child are alone together and to take steps to avoid inappropriate physical contact with pupils.

It is advisable for teachers not to make inappropriate physical contact with the children in their class.

Any physical contact, which may be misinterpreted by a child, parent, or any other observer should be avoided. Informal, well-intentioned gestures, could, if continually repeated with an individual child, be misconstrued.

There may be times when an obviously upset child needs comfort and reassurance, which may include physical comforting similar to that which a caring parent would offer. In such cases, teachers should use their discretion to ensure that what is observed by others present to be normal and natural does not lead to unnecessary and unjustified contact, especially with a particular

child over a period of time. Teachers should endeavour to develop in their pupils a sense of independence and self-reliance, while still ensuring that there is a warm, caring atmosphere in the classroom.

### **PRIVATE MEETINGS WITH PUPILS**

Individual private meetings with pupils may be regarded as essential in cases of serious misbehaviour by pupil or indeed where a child has a particular problem. However, while there might be exceptional cases where it is necessary to conduct confidential interviews with pupils, if at all possible, meetings with individual children should be conducted in the presence of another person or with the door open or with a closed door with a glass panel. Another member of staff should be told about the meeting and the reason for it. A record should be kept of dates and times of such meetings and the content of the meeting.

### **CHILDREN GOING TO THE TOILET**

Within the classroom situation, it is advisable that children should be assured of privacy when going to the toilet. As far as it is practicable or possible the Board of Management have a responsibility to facilitate this. If at all possible, children should not be forced to line up and go to the toilet at specific times of the day. Where possible, children should be facilitated to go to the toilet when the need arises. If it is noticed that a child is going to the toilet too frequently, his/her parents should be informed, in order that they can have the child checked out medically, so that the teacher will know whether it is reasonable to limit the number of times such a child goes out. Toilet practices may be outlined in the schools' code of behaviour.

The Board of Management should consult with parents with regard to drafting a policy on procedures to be followed in the event of a child wetting or soiling himself/herself.

### **PHYSICAL EDUCATION/GAMES**

When children are changing for Physical Education/Games, teachers where possible should take care to ensure privacy. Either children should come to school in appropriate clothing or they should be facilitated to change in privacy, never having too many children together to avoid bullying etc.

## **SWIMMING POOLS AND PUBLIC FACILITIES**

Teachers should be aware of the extra vulnerability of children in public places, such as swimming pools. It is advisable that teachers remain in a supervisory role outside the pool and in the changing area.

Children who are brought to swimming pools should be able to dress/undress, shower and dry themselves. Children should be encouraged to come to swimming with togs already on under their clothes. The practice of bringing children to swimming pools who are unable to dress/undress or shower independently should be seriously examined. An obvious exception to this is children with special needs.

## **SCREENING SCHOOL EMPLOYEES**

Members should be aware that guidelines on this matter are currently being drawn up by the Department of Education and will be available for Boards of Management if required when employing new personnel in schools.

## **EXTRA CURRICULAR ACTIVITIES**

For out of school activities, such as language classes, music, art etc., which take place on the school premises/grounds, by private arrangement, the Board of Management should try to ensure that individuals providing such classes are responsible persons.

## **SCHOOL TOURS**

In order to lessen the vulnerability of children during events such as school tours it is important that they learn and acquire personal safety skills before they embark on such events.

It is important that if other adults are being brought other than teachers, that they be responsible adults invited by the teachers and that they are fully aware and appreciative of the fact that the teacher/s is /are in full charge.

## **PARENTAL ACCESS**

Where there is custody/barring order the Board of Management would be advised to obtain a copy of this order. Where there is no such order both parents must have access to the child/children regardless of the expressed wishes of either parent.

As part of a school's policy Boards of Management may wish to state that only in exceptional circumstances, i.e. a dental

appointment, which cannot be made for another time, may children be taken out of class once they have come to school.

### **CONFIDENTIALITY OF INFORMATION**

Children should not be discussed in front of non-professionals in the staff room.

Where a teacher has been informed with regard to a child's health/home background etc. he/she should clarify with the parent(s) whether this is confidential.

Information with regard to children is privileged information.

### **JOBS/TASKS THAT CHILDREN ARE ASKED TO DO AT SCHOOL**

Where children are asked to do various tasks, care should be taken that it is on a rota or voluntary basis thus avoiding labelling children who might be doing menial jobs.

Where children are asked to clean/tidy the classroom/yard they should be given the necessary protection such as disposable gloves.

It is important that children are encouraged to be responsible and that they are given tasks at school to help them to become more independent and responsible. In assigning such tasks to children it is important however, that teachers are aware that it is inadvisable to take anymore risk that the child's own parents would take in giving such a task to the child. The concern for safety should at all times be paramount in teachers' minds. The following is a list of tasks which children should never be asked to do. For instance if a child were to hurt or injure himself/herself or put him/herself at risk while carrying out any of these tasks, a legal case could be brought against the teacher concerned.

1. Cleaning up after a child who has been sick in school.
2. Plugging in the kettle or other electrical equipment.
3. Going to the shop for errands.
4. Staying back after school hours to tidy up, without their parent's permission.
5. Cleaning up after a child who is wet or soiled.
6. Carrying hot drinks.

7. Being sent on messages on their own. There should always be two children sent on messages.
8. Carrying heavy equipment.
9. Administering first aid.
10. Being requested to take a tablet for a headache etc. or to bring tablets from one teacher to another.
11. Being asked to make tea.
12. Carrying sensitive notes.
13. Collecting money on their own for teachers/unsupervised collection of money from other teachers/pupils.
14. Any other such activities, which place children at risk.

### **FIRST AID**

The Board of Management when enrolling a child, should ask parents for a letter of permission to bring their child to hospital/doctor at the teacher's/principal's discretion.

This letter should be kept permanently on file during the child's time in the school.

The treatment of injuries should always be undertaken by a responsible adult.

If it is necessary to bring a child to a doctor or a hospital every effort should be made to make contact first with a parent or guardian.

It is advisable that each teacher has a record of telephone numbers where parents can be contacted both at work and at home. In the case of an emergency, teachers should use their best judgement in the particular situation. It is important to note that individuals can also be found liable for failing to treat an injury. In the interests of the safety of staff and children, care should also be taken in administering first aid in order to avoid contact with communicable illness/diseases. This is particularly important in the case of blood spillage or body fluid contact i.e. vomit. The Board of Management should decide on guidelines to be followed, on the application of first aid in the school.

### **HEALTH AND SAFETY**

The Board of Management of the school is obliged by law to have a Safety Statement for its school, which is its policy, for the protection of employees and those using the school. They are



obliged to ensure that the school meets with proper health and safety standards.

### **USE OF TEACHERS' OWN CARS**

Liability incurred arising from the use of a teacher's own car is a matter for the individual teachers' own motor insurance and is not covered by the Board's school insurance.

*Damage to a teacher's car while parked in the school grounds* is a matter for the teacher's own insurance and is not covered by the board's policy. Teachers who are insured under the Carplan Scheme administered by Adelaide Insurance are automatically covered for malicious damage to an insured car, whilst within the confines of the school premises and grounds.

### **DAMAGE/THEFT OF TEACHERS' PROPERTY**

The property and personal effects of teachers (and pupils) are covered by the Board's policy, where loss or damage occurs to the building as a result of fire or theft involving forcible entry to the building. Theft of property where a break-in does not occur is not covered. Members are advised to consider extending the "all risks" section of their standard household insurance policy, to cover the theft of their personal property from the school. This cover is not automatically included in the standard household policy and members seeking such cover should request their own insurance company to have their policy extended accordingly.

### **INTO TEACHER INDEMNITY POLICY**

It is the duty of Boards of Management to indemnify teachers against any claims made against them arising from any accident or incident that may occur during the course of normal school activities. Claims arising from libel, slander or assault are not covered.

The INTO Teacher Indemnity Policy indemnifies members against liability at law for damages and legal costs and expenses in respect of assault by any member and arising out of and/or directly associated with any school related activity taking place at or away from the school. In addition to excluding claims arising from libel or slander, the policy specifically excludes indemnity for any claims in connection with or arising out of sexual abuse, molestation, harassment or interference.



## **WHAT PROCEDURES SHOULD BE FOLLOWED IN THE EVENT OF AN ACCIDENT TO A PUPIL?**

In the event of an accident or injury to a pupil, a teacher should take action as would be exercised by a careful and solicitous parent placed in similar circumstances. In this regard teachers should be familiar with the school's policies and procedures for dealing with/and reporting accidents.

In particular, all accidents or injuries to pupils should be recorded in a school Incident Book. Accidents should be reported in a common sense and factual manner with particular reference to the supervision being exercised at the relevant time.

The teacher should also fill in an Accident Report Form available from INTO, Northern Office and:

- 1) Forward one copy to the INTO, Northern Office
- 2) Retain one copy for school records; and
- 3) Forward one copy to the Chairperson of the Board of Management.

Members should not accept responsibility for any accident. Any letter, writ, summons claim or other document in connection with the incident should be referred, unacknowledged to the Chairperson of the Board of Management and a copy forwarded to INTO.

Any enquiries by a teacher regarding the welfare of a pupil are not an indication of acceptance of responsibility.

Claims will be handled by a school's Insurers and the Insurance Company's legal advisers will advise the Board of Management and the teachers concerned regarding any problem/query associated with a claim.

## **SUPERVISION OF PUPILS**

The issue of school insurance cannot be considered in isolation from the issue of supervision of pupils.

Department of Education Circular 16/73 states that, subject to the authority of the Board of Management, the overall responsibility for the day to day activities of the school devolves on the principal teacher. Specifically the Circular states that:

“The principal teacher should organise supervision for the order and general behaviour of the pupils during school hours. In particular she/he should organise and participate in the effective supervision of the pupils during breaks, lunch periods, assembly and dismissal. A table of names and times of supervision duties should be on display in the staff room.”

In accordance with the above and as outlined in Chapter 17, the Principal and staff should formulate a school policy on supervision. This policy should be updated from time to time and should be approved by the Board of Management.

It is a matter of judgement for the principal, staff and Board of Management to be satisfied that the number of teachers on duty at any one time is sufficient to provide “adequate supervision”. There is no agreed definition of “adequate supervision” as the degree of supervision required of the teacher will vary with the circumstances. In this regard the following issues should be considered in formulating a school policy on supervision:

- the opening and closing time of the school. (It is recommended that parents should be informed in writing, from time to time, of the opening and closing times of the school. A circular should advise parents of the hours between which the school will accept responsibility for pupils);
- the number, ages and level of maturity of the children;
- the layout of the school, including the layout of school play areas;
- existing supervision practices and experience of accidents or claims;
- arrangements for specific circumstances, such as wet day supervision, absence of teachers, swimming, school tours;
- arrangements for allowing individual children to go home early in the event of illness, visit to a doctor, parental request etc.;
- the supervision of infants allowed to remain on the school premises after the conclusion of classes for infants; and
- the supervision of children arriving via school transport before the formal start of the school day and the supervision of children awaiting collection by school transport after the formal conclusion of the school day.