

Accidents at school

Thomson Snell and Passmore acted in a well known and well reported case which helped to set the guidelines for supervision in school playgrounds.

Master A

Master A, who was aged 14 at the time of his accident was waiting in the school playground to enter the school when he was struck in the face by a leather football causing a serious injury to his eye. Despite extensive medical treatment he lost all useful vision in the left eye and remains at risk of very serious complications.

A claim was brought against the defendant school alleging that:

- they had failed to provide a safe area where Master A and other pupils could wait before entering the school building
- that they failed to properly supervise pupils in the playground
- they failed to take any or any significant steps to enforce a ban on the use of full sized leather footballs in the playground - a rule that had been in place for some time
- they denied entry into the school building putting Master A in harms way amongst games of football
- they failed to acknowledge the danger, despite several previous incidents
- they failed to take reasonable care for Master A's safety.

The case was set down for a liability only trial in the first instance at which judgment was given for Master A and the defendant ordered to make an interim payment. The defendant appealed the Judge's decision but their appeal was refused.

Thereafter issues of quantum were addressed. Being a school boy, there was no working history to draw on to calculate future loss of earnings. Master A's intention had been, after leaving full time education, to go on to an ambitious career which would be hindered by his injury. We set up a round table meeting with the defendant's representatives and terms of settlement were negotiated.

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These cases were handled by Jonathan Clement, Partner and Personal Injury Team Leader

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Accidents at school Continued...

Master B

We have recently settled a claim for Master B, who was a pupil at a well known private school.

Master B entered the prep room and was attacked by some of the other boys who pinned his arms to his side and forced him to the floor. He managed to struggle free but another boy was standing above Master B swinging a hockey stick in the air and whilst Master B was getting to his feet he was struck on the top of the head by the hockey stick.

He was knocked unconscious. When he came round he was lying on the floor with blurry vision, unable to hear and with blood running down his face. He suffered a two inch cut to his head requiring stitches and as a result of the head injury suffered from headaches, dizziness, loss of balance, tiredness, concentration difficulties and difficulty word-finding.

He was diagnosed with post-concussional syndrome and damage to his vestibular functioning.

A claim was brought against the defendant school on the basis that the school had failed to provide adequate supervision, had allowed hockey sticks to be played with indoors and allowed Master B to be assaulted. The defendant school initially denied liability but after two years of fighting the claim, finally admitted responsibility.

Negotiations subsequently took place and we were able to reach an out of court settlement for Master B which not only compensated him for his serious injuries but also made provision for an uncertain future when he eventually entered the labour market.

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