

Subject:

Circular Number:
1985/15

INDEMNIFICATION OF TEACHERS

Date of Issue:
19 April 1985

Audience:

- Principals, Vice-Principals and Teachers in Grant-aided Schools;
- Boards of Governors of Grant-aided schools;
- Education and Library Boards;
- Council for Catholic Maintained Schools; and
- Teachers' Unions.

Summary of Contents:

Payments to teachers in the event of permanent disablement or injury arising from assault.

Enquiries:

Any enquiries about the contents of this Circular should be addressed to the relevant employing authority.

Governors' Awareness:
Essential

Status of Contents:
Advice
Information for Schools

Related Documents:
None

Superseded Documents:
n/a

Expiry Date:
Not applicable

DENI Website:
<http://www.deni.gov.uk>

To: Education and Library Boards,
Managers, Governing Bodies,
School Committees, Principals of Primary,
Secondary and Special Schools and
Principals of Institutions of Further Education

Correspondence should be addressed to "The Secretary"

19 April 1985

INDEMNIFICATION FOR TEACHERS

Agreement has been reached in the teachers' negotiating machinery on indemnification for teachers in grant-aided schools and institutions of further education. The indemnification is being provided by way of insurance cover which has been effective from 3 September 1984. The extent of the indemnification is set out in the attached document which should be regarded as an addition to the conditions of service of teachers in grant-aided schools and institutions of further education.

The Department would be grateful for the co-operation of employers and principals in ensuring that the contents of this Circular are brought to the attention of all teachers.

R T HOLMES
Assistant Secretary

INDEMNIFICATION FOR TEACHERS

A ASSAULTS ON TEACHERS - PAYMENT TO TEACHERS IN THE EVENT OF DEATH OR PERMANENT DISABLEMENT ARISING FROM ASSAULT

1. Employing authorities shall make payments in accordance with paragraphs 2 and 3 hereof to any employee or, in the event of death, jointly to the dependants of any employee whose contract of service incorporates the Conditions of Service as amended from time to time, in the event of death or permanent disablement of the employee arising from a violent or criminal assault suffered by the employee in the course of or as an immediate and direct consequence of his employment.
2. In the event of death within twelve months from the date of the assault and in the opinion of the employing authority, by reason thereof, where the employee has left one or more dependants, the equivalent of five years gross remuneration at the rate applying at the date of the assault or £15,000.00* whichever is the greater. Where the employee has left no dependants the sum of £500.00* shall be payable.

* These figures are reviewed from time to time.

3. In the event of permanent total or partial disablement as a result of the assault the percentage specified in the scale set out in the Appendix shall refer to five times gross remuneration applying at the date of the assault or £15,000.00 whichever is the greater, provided that such payments shall, at the discretion of the employing authority, be reduced by the amount of any damages or compensation recoverable in respect of the particular injuries, including compensation awarded under the Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

Note: "Dependants" in these paragraphs means (a) a spouse residing with the employee at the date of death, or if not residing, wholly or substantially supported by the employee and (b) a child who has not attained the age of 16 years at the time of the parent's death or who has not attained the age of 19 years and is following a course of full-time education or who is regarded as an apprentice under the statutory provisions relating to family allowances.

B LOSS OR DAMAGE TO PERSONAL PROPERTY

4. The employer may make an ex-gratia payment for loss of, or damage to, personal property which occurs in the course of or as an immediate and direct consequence of his employment subject to an excess of £10.00 on each and every claim and to a maximum payment of £100.00 on any one claim.
5. The employer shall not normally make an ex-gratia payment in any of the following circumstances:
 - (a) where the property involved should not reasonably have been taken into the employer's premises, eg cameras and jewellery;
 - (b) where personal property is left overnight, even if locked away;
 - (c) where personal property is not locked away and left unattended during the working day; and

(d) where loss or damage can be attributed to the owner's negligence or carelessness.

6. In no circumstances will the employer make an ex-gratia payment for loss of personal cash or for loss of or damage to any motor vehicle.

C TEACHERS ON OUT OF SCHOOL/COLLEGE ACTIVITIES

7. Provided the prior approval of the employing authority has been obtained the teacher or his/her dependants shall in certain circumstances be entitled to compensation for death, personal loss or injury sustained during activities voluntarily taken out of school or college but during an activity which is outside the scope of his contract of employment.

The provisions made by the authority for this shall be not less favourable than and otherwise be in accordance with those set out in the Appendix.

APPENDIX

SCALE OF COMPENSATION

PAYMENTS TO STAFF IN THE EVENT OF DEATH OR PERMANENT DISABLEMENT ARISING FROM ASSAULT

1.	Death, total and irrecoverable loss of all sight in one or both eyes, total loss by physical severance or complete loss of use of one or both hands or feet at or above wrist or ankle, occurring within 12 months from the date of the assault	100%																					
2.	Permanent total and absolute disablement (other than as stated at Item 1) from engaging in or giving attention to any profession or occupation of any kind	100%																					
3.	Permanent partial disablement (not otherwise provided for above) the percentage of the capital sum set against the degree of disablement in the following table:																						
(a)	Total loss of hearing in both ears	40%																					
(b)	Total loss of hearing in one ear	10%																					
(c)	Complete loss of use of hip or knee or ankle	20%																					
(d)	Removal of the lower jaw by surgical operation	30%																					
(e)	Fractured leg or foot with established non-union	25%																					
(f)	Fractured knee-cap with established non-union	20%																					
(g)	Shortening of a leg by at least 3 centimetres	15%																					
(h)	Loss by amputation or complete loss of:																						
		<table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Right</th> <th style="text-align: center;">Left</th> </tr> <tr> <th style="text-align: left;"></th> <th colspan="2" style="text-align: center;">(to be reversed if insured person is left-handed)</th> </tr> </thead> <tbody> <tr> <td style="padding-left: 20px;">(i) one thumb</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">17½%</td> </tr> <tr> <td style="padding-left: 20px;">(ii) one index finger</td> <td style="text-align: center;">15%</td> <td style="text-align: center;">12½%</td> </tr> <tr> <td style="padding-left: 20px;">(iii) any other finger</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">7½%</td> </tr> <tr> <td style="padding-left: 20px;">(iv) one big toe</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">10%</td> </tr> <tr> <td style="padding-left: 20px;">(v) any other toe</td> <td style="text-align: center;">3%</td> <td style="text-align: center;">3%</td> </tr> </tbody> </table>		Right	Left		(to be reversed if insured person is left-handed)		(i) one thumb	20%	17½%	(ii) one index finger	15%	12½%	(iii) any other finger	10%	7½%	(iv) one big toe	10%	10%	(v) any other toe	3%	3%
	Right	Left																					
	(to be reversed if insured person is left-handed)																						
(i) one thumb	20%	17½%																					
(ii) one index finger	15%	12½%																					
(iii) any other finger	10%	7½%																					
(iv) one big toe	10%	10%																					
(v) any other toe	3%	3%																					
(i)	Complete loss of use of shoulder or elbow	25% 20%																					
(j)	Complete loss of use of wrist	20% 15%																					

