Administrative Procedure 530

INSURANCE MANAGEMENT

Background
As part of an overall risk management business practice, it is appropriate to ensure adequate insurance coverage for the school district's buildings and grounds, for its employees and students, and for any liabilities that the school district, its employees, or the members of the Board may have under applicable laws.

It is the task of the Secretary-Treasurer or their designate, under the general authority of the Superintendent of Schools and working with other members of the administration to ensure that proper coverage is maintained and that insurance policies are in order at all times.

1. Context

1.1. Merely participating in the everyday activities of life provides a degree of hazard. In the event of a mishap, the loss or injury must be borne by the individual responsible. It is only when the law finds someone else legally liable that a damage action can be successful. The School District, as employer, would also be liable if the individual is acting within the scope of their employment. For all employees, the best protection against such liability is careful planning, the acceptance and use of and compliance with proven procedures and standards, and the presence of well-qualified leaders. When a student is injured while participating in school activities, either inside or outside the school premises, the student has no claim for damages against the Board or the teacher unless negligence on the part of the Board or the teacher is proven to have resulted in the injury.

1.2. Liability for injury resulting from poor supervision can be established when the following conditions exist:

1.2.1. the standard of care that a court of law would likely use as a criterion in negligence action is that exercised by a careful parent of a large family. It is the duty or obligation of a teacher to use a standard of care for the protection of others against unreasonable risk of injury.

1.2.2. failure to conform to the above standard; and

1.2.3. a reasonably close connection between the conduct of the person in charge and the resulting injury; and

1.2.4. actual loss or damage to the injured person.

1.3. Insurance Coverage during Field Studies

1.3.1.1. Teachers, in order to feel comfortable and secure when involved in out-ofclassroom activities, should be aware of their legal rights and protection as a Board employee. The following information outlines the School Districts insurance policy as it relates to field study. Under the terms of the policy, parents are considered as volunteer workers and, as such, the policy protects the School District and the volunteers for liability imposed by law as a result of possible negligence by one of these volunteer workers.

1.3.1.2. If the supervisors of the group are negligent in the care and custody of the students, both the School District and the supervisor are protected.

1.3.1.3. The Board, teachers, and volunteers are protected on a "24-hour basis" during the field study. The coverage is in effect so long as teachers and volunteers are acting within the scope of their employment; for example, a teacher would not be covered if a student was taken on an unauthorized venture for personal reasons during the field study. Similarly, the teacher might also not be covered if a field study was organized without getting the permission of the Principal. If the School District were held liable by the courts as a result of such unauthorized activity, it would be covered under its policy, but the insurers may have the right to recover from the teacher any payment that it is obliged to make on behalf of the School District.

1.4. Indemnification of Trustees and Employees against Claims for Damages

1.4.1. It is in the interest of a responsive and efficient public service that trustees and employees be protected against a claim for damages arising out of the performance of their duties and pay legal costs incurred in a court proceeding arising out of a claim.

1.4.2. Subject to the following procedures, and to the extent authorized by law, the School District shall indemnify every person being an officer and employee of it against any claim for damages arising out of the honest performance of duties assigned by the School District;

1.4.3. It shall be a condition of the School District's obligation to indemnify a trustee or employee that the said officer or employee agree that the Board has the right to conduct the defense of any claim and in its discretion to compromise or settle any claim. It is a further condition of the School Districts obligation to indemnify an officer or employee that the trustee or employee co-operate fully in the defense of the claim and provide statements when requested by the School District.

2. Procedures

2.1. The Secretary-Treasurer or designate is authorized to obtain adequate insurance for School District No. 43 (Coquitlam).

2.1.1. The School District is covered for comprehensive liability by the Schools Protection Program (SPP) maintained by the Ministry of Finance in conjunction with the Ministry of Education. This coverage applies to: (a) the Board as a corporate entity; (b) individual trustees and senior management; and (c) all employees and volunteer workers of the School District while acting within the scope of their authorized duties, including extra- curricular activities. The Administrators' Handbook/Guide to SPP Coverage should be referenced for complete details of coverage and the exceptions relating to provided coverages. www.bcspp.org .

2.2. The SPP program insures against liabilities arising out of personal injury, sickness or disease (including death at any time resulting therefrom) and applies to:

2.3.1. all persons insured (see above) but only in respect to liability arising within the scope of their authorized duties for the School District, and

2.3.2. all students but only in respect to liability arising **out of their activities on behalf of** the School District.

2.3.2.1 The School District will facilitate the offering of optional student accident insurance through a third-party provider should parents or guardians wish to obtain this coverage at their expense.

2.3. SPP provides excess third-party liability coverage for employees or other authorized persons transporting students to curricular or extra-curricular activities in private automobiles, provided that the owners underlying automobile liability coverage is at least $1 million.

2.3.1. School authorization is required before any students may be transported by private vehicle.

2.4. SPP provides for further coverage for Property (Building and Equipment) that is owned, leased, rented, or borrowed by the School District.

2.5. SPP coverage is not provided for;

2.5.1 Criminal or Illegal acts
2.5.2 Job related injuries
2.5.3 Errors or omissions arising out of professional services contracts

2.6 Additional property coverage is to be obtained for closed schools in which there is limited or no school district-based activity.

2.7 The School District will also obtain supplement personal accident insurance to provide additional coverage for its employees, trustees, and volunteers.

2.8 Insurance coverage for capital construction projects shall be obtained as part of the construction tendering process.

2.9 SPP does not provide any insurance coverage for physical damage to personal automobiles used by employees or authorized volunteer drivers in the performance of their duties.

2.10 Employees using their personal vehicle for school business are to comply with *Administrative Procedure 407 Cartage Allowance – Teaching and Support Staff and 454 – Transportation Arrangements for Excluded Staff*

2.11 In the event an employee's vehicle is damaged the School District has established that they will pay the deductible amount up to $300 in certain circumstances. Please refer to *Administrative Procedure 528 - Private Vehicle Damage.*

2.12 Corporate and Financial Services, on behalf of the School District will obtain third party liability coverage through ICBC for its fleet of maintenance vehicles and maintenance trailers, school owned buses and trailers.

2.12.1 For those Schools with automotive programs a Comprehensive Garage Automobile Policy (APV) is also obtained through ICBC.

2.13 The SPP provides Collision, Comprehensive, and Hit & Run coverage for all SD owned or licensed vehicles, subject to a $1,000 deductible.

2.13.1 Situations may arise where drivers share fault for an accident. In those circumstances, ICBC and SPP will share the loss.

3. Incident Reporting

3.1. Prompt notice must be given to the SPP of any event/incident likely to give rise to a claim. Serious incidents should be reported by telephone immediately to the SPP.

3.1.1. The SPP Incident Report Form is to be completed to report incidents including accidents / injuries to a student, parent, volunteer, or visitor and for damages / loss to school property crime, theft or burglary losses estimated to be greater than $10,000. Staff injuries are covered through WorkSafe BC and are to be reported internally.

3.1.2. The Incident Report Form shall be completed electronically through the SPP website.

3.1.3. Guidelines regarding the completion of incident reports may be found in the SPP Administrators' *Handbook/Guide to SPP Coverage.*

3.2. In the event of a school district vehicle being involved in an accident; it is the obligation of the driver to immediately report the incident to SPP and/or ICBC per the SPP Automobile Claims Reporting Guidelines and to provide details of the accident to their immediate supervisor with a copy of the report to the Assistant Manager of Finance.

4. Memorandum of Coverage

4.1 The SPP issues a blanket memorandum of Coverage to the School District annually as evidence of coverage. Consent and Waiver forms, which include indemnity and hold harmless clauses and require the School District to be responsible for the negligence of others should be avoided, or entered into with great care. A copy of the consent and or waiver form can be sent to Assistant Manager of Finance for review to determine if the form is acceptable or requires amendments.

4.2 The Memorandum of Coverage is made available on the Finance Page of My43 and can be accessed as needed. Requests for a copy of Memorandum of Coverage can also be emailed to the Assistant Manager of Financial Services – Accounting.

Reference: Section 65, 84, 85, 175(2)(d), School Act; School Regulation 265/89, Section 9;
Order in Council 1390/87
AP 562 - Community Use of School Facilities

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