

# THE RUTLAND LEARNING TRUST

## MINUTES OF THE EXTRAORDINARY RESOURCES COMMITTEE MEETING OF WHISSENDINE COFE PRIMARY SCHOOL HELD ON 11 OCTOBER 2016 FROM 3.30PM AT WHISSENDINE

Present: John Rawlings, Colin Miles, Meg Lucas, Nicola Topham, Alex Martin (Chair) and Kate Bates,

In attendance: Nicola Tyers (Clerk) & Rob Gooding (Executive Principal)

Apologies: None

### 1. **\*\*CONFIDENTIAL\*\***

This meeting was convened to discuss the personal injury claim being brought against the school.

Mrs Topham outlined the details of the claim. It was noted that the letter of claim was received on 26<sup>th</sup> September 2016, on behalf of the Claimant, which had been sent off to Gallagher Bassett (GB), who confirmed receipt of the same. Mrs Bates/Mrs Lucas were asked to chase for an update from GB, to ensure that timescales relating to the school's response to the letter of claim was not missed. **ACTION KB**.

It was noted that Mrs Topham had visited the school and met with Mrs Lucas and Mr Gooding to offer advice relating to the preparatory steps which should be taken prior to their initial meeting with the solicitor from GB. Mrs Topham was thanked for her time and guidance which they found invaluable.

Mrs Topham gave governors a brief explanation of the allegations being brought by the Claimant on the grounds of (1) common law negligence and (2) breach of statutory duty.

It was noted that as an employer and occupier, the school owed the Claimant a duty of care. The Claimant is alleging the school breached the duty of care as an employer and as a result of that breach, the Claimant suffered the personal injury she is complaining of, which was foreseeable by the school. It was noted that in legal terms the Claimant would have to satisfy different tests to prove common law negligence and/or a breach of statutory duty.

Governors were made aware that the value of the claim being brought could be significant, having regard to the contents of the letter of claim, it is likely to include a loss of future earnings aspect.

### ACTION

It was also noted that a breach of statutory duty is a crime, however a Claimant could seek damages in certain circumstances in a civil court.

It was noted that in terms of a proven breach of HSE legislation, there is a potential that the school could be fined by the HSE.

Mr Gooding having reviewed the relevant policies and met with relevant individuals, was able to say that our policies and procedures were up to date and a proper account could be given of the relevant circumstances at the time.

Mrs Bates confirmed that the Claimant's GP has signed her off as fit to do her job. It was suggested that the school should consider involving Occupational Health to carry out an assessment on the employee.

A governor questioned what the potential extent of financial exposure was in relation to this claim. It was noted that it is too soon to comment on the Claimant's prospects of success; we will have to wait to hear our solicitor's views, after they have had an opportunity to assess the circumstances and evidence, as well as waiting for the Claimant to particularise her claim.

It was also noted that insurance coverage was in place, but there were limitations dependant upon the type of injury suffered. Mrs Bates agreed to look into our insurance cover and confirm the position. **ACTION KB**

#### Next Steps

1. Mrs Lucas and Mr Gooding will investigate the allegations made by the Claimant (as far as is reasonably appropriate in these circumstances).
2. Mrs Lucas, Mr Gooding and Mrs Bates will gather and catalogue the documents we have, which the Claimant's solicitor requested are disclosed to them. The bundle will be given to the solicitor acting on the school's behalf, for their consideration.
3. It was noted that no original of requested documents should be sent out to the Claimant's or our own solicitor, only copies.
4. Mrs Lucas will continue to meet with the Claimant regularly to make reasonable enquiries into her well-being and take note and reasonable steps in relation to any medical/fit notes offered up by the Claimant. A note will be made of any reasonable adjustments/directions made/given by Mrs Lucas to the Claimant, in relation to the duties the Claimant undertakes during the course of her employment.

