

INDEMNIFICATION FOR TEACHERS

As a result of negotiations on teachers' conditions of service the employing authorities agreed to provide indemnification, by way of insurance cover, for teachers. The extent of this indemnification is set out in DENI Circular 1985/15 and 1990/57.

THE SCHEME

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 dependents 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 in the course of, or as an immediate and direct consequence, 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 on or more dependents, the equivalent of five years' gross remuneration at the rate applying at the date of assault or £35,000, whichever is the greater. Where the employee has left no dependents, the sum of £950 shall be payable.
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 £35,000, 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 awarded under the Criminal Injuries (compensation) (Northern Ireland) Order 1977.

Note: "Dependents" 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 provision relating to family allowances.

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 £35.00 on each and every claim and to a maximum payment of £350.00 on any one claim.

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 professional 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 cm	15%	
(h) Loss by amputation or complete loss of:		
	Right	Left
	(to be reversed if insured person is left-handed)	
(i) one thumb	20%	17.5%
(ii) one index finger	15%	12.5%
(iii) any other finger	10%	7.5%
(iv) one big toe	10%	10%
(v) any other toe	3%	3%
(vi) complete loss of use of shoulder or elbow	20%	15%
(vii) complete loss of use of wrist	20%	15%
4. The employer shall not normally make an ex-gratia payment in any of the following circumstances:-
 - (a) where the property should not reasonably have been taken into account the employer's premises, e.g. 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.
5. Under 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.

Teachers on Out of School/College Activities

6. Provided the prior approval of the employing authority has been obtained the teacher or his/her dependents 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.

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