

Herald Sun
Edition 1 - FIRSTTUE 21 JUN 2005, Page 001
BULLY BILL
\$5 mil compo for hundreds of students
School violence costs us \$1.5 mil
By PAULA BEAUCHAMP, education reporter

SCHOOLYARD fights and **bullies** have cost taxpayers almost \$1.5 million in compensation over the past two years.

Payouts of up to \$250,000 have gone to 31 **students** or other victims in Victorian government schools. Documents seen by the Herald Sun show almost \$5 million was paid out for all injuries at school, on the sports field, and on excursions and camps.

Slater and Gordon lawyer Rod Matthews said that in his experience, children throwing stones at each other and **bullying** were behind most assault claims.

Mr Matthews said **bullying** was no longer tolerated and people were taking a stand.

"You have kids dropping out of school and refusing to go back," he said.

"For some of them, it is too late. They have no schooling and compensation is all they have left."

Victorian Primary Principals Association president Fred Ackerman said the increasing level of aggression seen in society was being reflected in schools.

"It is not an excuse, but we are dealing with an increasingly aggressive **student** cohort and that provides a challenge for us to manage," he said. "By and large we do well, but sometimes it does boil over and kids sometimes get hurt."

Mr Ackerman said that it was often unsafe for teachers to intervene.

"Our instruction to staff is always that their safety and wellbeing comes first and they are to manage it as best they can without becoming physically involved," he said.

More than 170 compensation payments totalling almost \$5 million were made in the two years to March. Payouts also included more than \$1.2 million for injuries sustained while playing sport, and \$160,000 for accidents that happened on excursions or camps.

Football, netball, basketball and baseball emerged as problem activities.

Six sports-related compensation payments topped \$50,000; one football injury drew a compensation figure of \$155,000.

An Education Department spokesman said it had a budget to cover compensation claims.

CONTINUED page 2

The department is responsible for 500,000 **students** at more than 1600 Victorian schools.

More than \$2 million was paid to **students** injured on play equipment, stairs and classroom furniture, or windows and doors. Others were compensated for injuries from hand tools or machinery.

At least \$1.4 million was paid for injuries sustained as a result of fights or assaults.

The department spokesman said bullying-related incidents represented only a handful of the claims.

"Many of the schoolyard accidents that were settled in the past two years actually occurred several years previously," he said.

He said the number and size of claims decreased following changes to public liability reforms, introduced in 2003.

Lawyer Eugene Arocca, of law firm Maurice Blackman Cashman, yesterday said parents made queries weekly.

"Any given week we would have at least one call from a parent of a child at a state school who wants legal advice regarding **bullying** or an assault," he said.

"We get just as many from parents of children at private schools but they often have a greater sense of outrage because they are paying so much money for their child's education."

Mr Arocca said schools could be held liable for direct injury from a child's assault if the school could

have, and should have, stopped it.

“If a particular **student** has a history then the school is put on notice about him or her and the courts require that the school more diligently supervise the child," he said. “If a school has a culture where a child can be **bullied**, there can be a systemic failure and the school can be held accountable."

Mr Arocca said he'd been involved in 10 **bullying** cases against the department in the past five years. Lawyers said the majority of equipment injury claims, such as children hitting each other with bats, originated in primary schools.

Assault compensation claims were more likely at the secondary level.

Mr Arocca agreed that the drop in claims had been dramatic since “significant injury tests" were introduced.

Plaintiffs must now show physical incapacities of greater than 5 per cent or psychiatric injury of at least 10 per cent.

Slater and Gordon's Rod Matthews said it was still worth seeking legal advice.

Opposition education spokesman Victor Perton called for discipline and standards to be restored in schools. “It is something the Government has shown itself completely disinterested in."

Joining the casualty list

Examples of compensation cases:

* Footy hit: in one case teachers insisted children play with a known school **bully** who had a history of verbally and physically abusing kids.

The **students** had complained to the teacher about his violence, but the school refused to listen. During a footy game, the boy **punched** a fellow **student** and broke his jaw. The child received compensation.

* Jaw break: a child was assaulted by another **student** in a classroom and his jaw was broken.

There had been a history between the pair and a momentum building up. The boy received a payout because the school had not intervened in the case.

* Golf putt: a group of nine-year-olds were on an excursion to a mini golf course. One child took out another's teeth while winding up the golf club in a comic act.

The child received compensation, including for future dental needs, because it was found there was not adequate supervision.

* Pen **attack**: a boy threw a pen at another **student** and hit him in the eye. There had been escalating problems in the classroom. The boy now has a permanent partial loss of vision. The matter is continuing.

Source: Personal injuries lawyers

PLAYGROUND PAYOUTS

Compensation payouts to **students** or their families include:

Date Reason for payout

16/04/05 \$100,000 after striking a stationary object, such as door or window

5/9/03 \$80,000 after a slip on stairs

5/12/03 \$155,000 for a sports injury involving a fall or jump

09/04 \$194,713 after a fall on a path

Unknown Three sports claims worth \$30,000 (struck by a person), \$50,000 (struck by a stationary object)

Unknown and \$15,000 (fall)

03/02/05 Almost \$250,000 for injuries relating to a fight or assault

10/01/05 \$100,000 after being hit by a moving object during sports

TOTAL compensation payouts from 1/01/03 to 17/03/05: At least \$4,891,329.60

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