

Summer provides a great opportunity to conduct a safety inspection of your school property, giving you the time to be thorough and to document, plan and execute repairs where needed.

Safety Inspections of School Property

Claims against school districts can allege that a dangerous or defective property condition existed which led to an injury. Inspections and related corrective actions are critical in preventing injuries before they occur as well as mitigating severity after an injury has been sustained.

Identification

Staff should be vigilant and report potentially dangerous conditions they notice. Note that once a school district is on notice of a potentially dangerous condition, and the district fails to correct the problem, the defense of any claim arising from the condition will be problematic. In other words, if the problem is not corrected and a loss occurs, defense of the claim is more difficult. It is also important to acknowledge reports made by the public at large. In these cases, an inspection should be commenced as soon as possible to determine the condition of the district property. Lastly, empowering staff to identify and report problems will help correct conditions before a loss.

Documentation

An often missed component to inspection and repair of a potentially dangerous condition is documentation. When a report of a dangerous condition is received, it should be documented and maintenance staff should assess the reported (written/photo) condition, also documenting their findings.

Mitigation

While the hazard may not be easily or quickly repaired due to costs or delays in equipment purchase, demonstrating that efforts are being made to correct the hazard do strengthen defense should a loss arise. In addition to this point, demarcating or creating notice to the public that a hazard is present helps the public avoid the hazard and also helps defend against a loss, as the public was made aware of the hazard yet chose to disregard the warning. Although there may be budgetary constraints in regard to certain types of repairs and corrective measures, it is important that the district takes reasonable steps to mitigate the risk of injury. Failure to mitigate these hazardous conditions will inevitably result in cost to the district and/or its insurer.

Playground Inspections

In addition to the steps outlined above, added precaution should be taken when inspecting playground facilities and their hazards. Some states have playground laws; regardless of the law in your state, the minimum standard of care obligates you to be in compliance with the CPSC Handbook and American Society for Testing and Materials (ASTM F 1487-11). Due to the minimum standard of care, every school property that has a playground must place a greater emphasis on daily self-inspections. Once hazards are identified during the self-inspection, you must take a proactive approach to immediately correct those hazards before an accident occurs.

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This information is brought to you by one of the WASB Insurance Plan's Endorsed Agencies: Arthur J. Gallagher & Co. For more information, contact Tom McGreevey at 920-380-2223 or tom_mcgreevey@ajg.com.

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