
Subject: Procedure for Reporting Accidents on Public School Premises (Accident Report Form)
Effective: June 30, 2007
Revised:

1.0 PURPOSE

This policy outlines the process to be followed by schools when an accident occurs on school property.

This policy replaces Policy 129 – *Legal Services – Small Claims*.

2.0 APPLICATION

- 2.1** This policy applies to public schools when an accident occurs on school property involving students or the general public.
- 2.2** This policy does not apply to accidents involving employees. In those instances, employees must complete [Form 67 – Workplace Health, Safety and Compensation – Report of Accident or Industrial Disease](#).
- 2.3** This policy does not apply to accidents involving a school vehicle. In those instances, [Policy 510 – Procedures for Accidents Involving a School Vehicle](#) is applicable.

3.0 DEFINITIONS

Accident refers to an unplanned event which results in injury to an individual(s).

Employee refers to employees of government included in Part II of the public service (i.e. school districts), as defined in the First Schedule of the [Public Service Labour Relations Act](#).

Injury refers to physical harm or damage to the body that restricts activity and/or causes hurt as a result of action or inaction.

School property includes all school buildings and property leased by, or otherwise furnished to, the Minister and used for school purposes.

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4.0 LEGAL AUTHORITY

[Education Act](#)

Section 36.11 – Legal Status of District Education Councils

36.11(1) A District Education Council is a body corporate and shall hold those rights and obligations as are provided to the District Education Council under this Act.

36.11(2) A District Education Council, in its name, may sue and be sued.

36.11(3) Where a District Education Council sues or is sued, or is named in a complaint under the *Human Rights Act* and is alleged to have violated that Act, and the Minister is not a party to the action or named in the complaint, the District Education Council shall immediately notify the Minister of the action or the complaint.

36.11(4) Where the Minister is notified of an action or complaint under subsection (3), the Minister may intervene in the action or complaint if, in the opinion of the Minister, the action or complaint

(a) might affect the Minister or the Province, or

(b) might have implications that would extend beyond the school district concerned.

Section 52 – Authority to indemnify and defend

52 On such terms and conditions as the Minister considers appropriate, the Minister may indemnify and defend

(a) members of the Parent School Support Committees and the District Education Councils and student teachers, in respect of any claim for damages or otherwise arising from any act done or omitted in good faith in the execution or intended execution of any duty or authority under this Act or the regulations, and

(b) volunteers, in respect of any claim for damages or otherwise arising from any act done or omitted in good faith in the execution or intended execution of any instruction on behalf and with the knowledge and consent of the superintendent concerned.

5.0 GOALS / PRINCIPLES

5.1 Every reasonable effort is taken to ensure the safety of individuals on school property.

5.2 [Policy 126 – Provision of Legal Advice to District Education Councils](#) states that the Department of the Attorney General provides legal counsel for the Province of New Brunswick. Legal proceedings and decisions taken in one New Brunswick school district have the capacity to set precedent for the handling of similar matters across the Province. As such, it is important that legal matters be approached in a consistent manner with a view to the impact on the public education system as a whole.

- 5.3 The prompt and accurate recording of information relating to accidents on school property facilitates any legal proceedings that may result.

6.0 REQUIREMENTS/STANDARDS

- 6.1 Schools must use the standardized Accident Report Form, provided in [Appendix A](#), to ensure the accurate and thorough recording of information following an accident on school property.
- 6.2 The Accident Report Form must be completed as soon as school personnel become aware of an accident on school property involving persons other than employees.
- 6.3 All fields in the Accident Report Form must be completed, where possible. School personnel can include additional relevant information, if it is not already reflected in the standardized reporting form.
- 6.4 If the accident involves a student, the Accident Report Form must be retained in the student's record.
- 6.5 If the accident involves a member of the public, the Accident Report Form must be retained for a minimum period of six years by the school, as per the [Limitation of Actions Act](#).
- 6.6 When an accident occurs during an event or activity arranged under [Policy 407 – Community Use of Schools](#), the Accident Report Form must be completed for use in the event of a civil action.

7.0 GUIDELINES / RECOMMENDATIONS

- 7.1 It is recommended that the Accident Report Form be used when an accident occurs during a school-sponsored activity off school property, such as a school trip.
- 7.2 Schools should ensure that all consent forms are accurately completed and retained as required for programs such as co-op work terms and Take Our Kids to Work day.

8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING

- 8.1 District Education Councils (DEC) may make policies that facilitate the collection and maintenance of accurate information in the case of an accident on school property that are not inconsistent with this policy.
- 8.2 The safety of playground equipment is the responsibility of the DEC as per [Policy 406 – Outdoor School Play Areas](#).

9.0 REFERENCES

Department of Education Policies:

[Policy 126](#) – *Provision of Legal Advice to District Education Councils*

[Policy 214](#) – *Indemnification of Employees, District Education Council Members, Parent School Support Committee members, Volunteers and Student Teachers*

[Policy 406](#) – *Outdoor School Play Areas*

[Policy 407](#) – *Community Use of Schools*

[Policy 510](#) – *Procedures for Accidents Involving a School Vehicle*

Provincial Administration Manual Policies:

[AD-1503](#) – *Legal Services*

[AD-3108](#) – *Personal Liability Protection*

Related Legislation:

[Limitations of Actions Act](#)

10.0 CONTACTS FOR ADDITIONAL INFORMATION

Department of Education – Human Resources Branch
(506) 444-4914

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