

ABSTRACT OF DISSERTATION

We are living in a litigious society. With the burgeoning litigation and legislation effecting schools, it is imperative that educators have a working knowledge of school. Whether teachers are aware of it or not, they make decisions everyday that have their genesis in law. There is, therefore, some value in knowing how to avoid being a defendant in a court of law.

This dissertation examines the area of school negligence sometimes also referred to as 'school master's negligence'. The work itself has a primary school base within the Republic of Ireland. The dissertation is not a means in itself but is to be viewed as an 'indicator' of the level of awareness that exists in the consciousness of primary school teachers in the Republic of Ireland as to their legal entitlements and obligations in negligence. What has emerged from this venture is the dearth of literature that exists in this entire area of school negligence. Hence, the importance of this work, in highlighting the need to generate a greater awareness in this area.

Chapter one contains an overview of the tort of negligence. It looks at the establishment of the teachers' duty of care. Chapter two examines cases that have been taken against teachers and schools in Ireland and in other jurisdictions. The cases refer to various aspects of the school day. Chapter three outlines the methodology employed in the construction and distribution of a questionnaire. It will be administered to selected primary schools within the three provinces of the Republic of Ireland. Chapter four analyses and interprets the results of the questionnaire. However, because of the constraints of space and the number of figures involved, it was decided not to include a separate table of figures.

Chapter five contains a conclusion and makes recommendations on the evidence received from the questionnaire.