



TRINITY COLLEGE DUBLIN
SCHOOL OF LAW

**NEW CHALLENGES FOR SCHOOL
PRINCIPALS AND TEACHERS:
SOME PRACTICAL SOLUTIONS**

SATURDAY, 28 APRIL 2007

MACNEILL THEATRE

HAMILTON BUILDING

NEW LEGAL CHALLENGES FOR SCHOOL PRINCIPALS AND TEACHERS: SOME PRACTICAL SOLUTIONS

ABOUT THE CONFERENCE:

The legal challenges facing school principals and teachers in the past few years have expanded radically. The new laws have come in at a time of huge social change in Ireland. The result is that schools have to balance a range of duties which sometimes seem to pull in opposing directions. They owe a duty of care to their pupils; they must respect the constitutional rights of the parents; they have to apply principles of equality and non-discrimination in delicate cases where one student's rights may impact on the rights of other students. Bullying, discipline, exclusion, special needs, disability, religious diversity and social inclusiveness all raise particular issues which need to be resolved by school management on a daily basis.

The conference, to be held by the Law School of Trinity College Dublin, on 28 April from 9:30 am to 3 pm, will address all of these issues and offer practical solutions. All significant recent legal developments, in the Oireachtas, in the courts and in Europe will be considered. There will be plenty of opportunity for questions and discussion.

AMONG THE QUESTIONS TO BE ADDRESSED ARE:

- If the parents of a pupil are separated, is the school obliged to keep in contact with both parents?
- What practical effects on section 29 appeals will follow from the passage of Education (Miscellaneous Provision) Act 2007?
- To whom does the school owe duties under the Health, Safety and Welfare at Work Act 2005? Are these duties wider than the "duty of care" in negligence law?
- At what point can protection of a school's religious ethos justify refusing to take pupils of another religious denomination?
- If the parents of pupils never married, what rights does the father have in relation to the pupil's education?
- How should a school treat a pupil with Asperger's Syndrome?
- If parents divorce and remarry, has the new spouse any say in educational matters affecting children of the first marriage?
- Can schools confiscate mobile phones? If so, what duty falls on them to return the phones?
- If two parents send the school conflicting messages, what is the school to do?
- What are the limits of a pupil's freedom of expression?
- How best should schools seek to protect pupils from bullying?
- What are the most recent developments affecting schools under the freedom of information and data protection legislation?
- Can a school's dress code interfere with religious or cultural norms of pupils and their parents?
- Has a pupil an enforceable legal right to privacy against the school?
- If a pupil emerges from education lacking reading skills or numeracy, what is the likelihood of a successful claim for educational malpractice against the school? Or against the State?
- Is a school liable for misuse by pupils of mobile phones, camera phones or Bebo?
- If a medical emergency arises in the school, what duty does the school have to the parents of the injured or ill child?
- What training, if any, must a person have to take responsibility for sporting activities in schools?

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ABOUT THE SPEAKERS:

William Binchy is Regius Professor of Laws at Trinity College Dublin and a member of the Irish Human Rights Commission. He is co-author of *The Law of Torts*, and *A Casebook on the Irish Law of Torts* and co-editor, with Dr. Ciarán Craven, of *The Civil Liability and Courts Act 2004: Implications for Personal Injuries Litigation* and the Quarterly Review of Tort Law. He is co-editor (with Dr. Dympna Glendenning) of *Litigation Against Schools: Implications for School Management*, published by FirstLaw in Spring 2006.

Dr. Neville Cox is a practising barrister and is a lecturer in law at Trinity College Dublin. He is the author of *Blasphemy and the Law* in Ireland and co-author of *Sport and the Law*, published in December 2004 by FirstLaw. He lectures in, amongst other subjects, Sports Law and Defamation Law.

Dr Ciarán Craven is a practising barrister. He lectures on medical law in the LL.M Degree Programme at Trinity College, Dublin. He is co-author of a textbook on *Psychiatry and the Law* and co-editor (with William Binchy) of *The Civil Liability and Courts Act 2004: Implications for Personal Injuries Litigation* and the Quarterly Review of Tort Law.

Estelle Feldman is a Research Associate of the Law School, Trinity College Dublin and Lecturer in Constitutional Law at Portobello College Dublin. She was formerly MBA Programme Director of the Trinity School of Business Studies and has extensive experience in general management and consultancy. She is the editor of *Freedom of Information: Law and Practice*, published by FirstLaw in 2006. She writes on Information Law and the Ombudsman for the *Annual Review of Irish Law*. She is co-author, with Robert Martin, of *Access to Information in Developing Countries*, published by Transparency International.

Dr. Dympna Glendenning B.A., M.Ed., Ph.D. is a practising barrister. In an earlier career, she was a primary school teacher and school principal. She is author of *Education and the Law*, published by Butterworths in 1999 and co-editor of *Litigation Against Schools: Implications for School Management* published by FirstLaw in January 2006.

Dr. Conor O'Mahony is a graduate of UCC (B.C.L. 2001, LL.M. 2002) and the University of Wales, Aberystwyth (Ph.D., 2005). He has lectured in UCC since 2005. His research interests lie broadly in the areas of constitutional law and fundamental rights with a particular focus on educational rights and special educational needs. He is the author of *Educational Rights in Irish Law* (Thomson Round Hall, 2006) and has published numerous articles in such journals as the *Irish Jurist*, the *Dublin University Law Journal*, the *Irish Journal of Family Law* and the *Irish Law Times*.

Gerry Whyte is Associate Professor of Law and Head of the Law School of Trinity College Dublin. He is author of *Social Inclusion and the Legal System: Public Interest Law in Ireland*, published by the Institute of Public Administration in 2002, co-author of *Irish Trade Union Law* and co-editor of the fourth edition of John Kelly's *The Irish Constitution* published in 2003. He is also actively involved with various NGOs targeting social exclusion.

INFORMATION:

Venue: The MacNeill Theatre, Hamilton Building, Trinity College Dublin

Date: Saturday, 28 April 2007

Fees*: € 200 for 1; €360 for 2; €510 for 3; €640 for 4 and €750 for 5.

Reservations: Please complete and return the booking form on the back page to the address below:

Early booking is advisable as places are limited.

Details of the conference can also be found on <http://www.tcd.ie/Law/Events>

*Fees are inclusive of lecture materials, tea/coffee and lunch breaks.
All cheques should be made payable to TCD No. 1 account.

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PROGRAMME:

9:30	Dr. Ciarán Craven:	Mobile/Camera Phones, and Bebo: New Issues for School Management
10:00	Neville Cox:	Health, Safety and Sport: How Schools Can Best Deal with their Legal Responsibilities
10:30		Tea / Coffee Break
10:50	Gerry Whyte:	New Issues of Equality and Non-Discrimination in Schools: Recent Developments Relating to Disability, Religion and Immigration
11:20	Conor O'Mahony	Educational Malpractice Claims: Implications for Schools and Teachers
11:50	Dympna Glendenning:	Section 29 Appeals: Will the Education (Miscellaneous Provisions) Act 2007 Make a Difference?
12:20		Questions and Discussion
12:50		Lunch Break
1:40	William Binchy:	New Family Structures: the School's Relations with Unmarried, Separated or Divorced Parents of Pupils
2:10	Estelle Feldman:	How Can Schools Most Effectively Cope with the Demands for Confidentiality, Freedom of Information and Data Protection?
2:40		Questions and Discussion
3:00		Conference Ends

The right to substitute and rearrange lectures is reserved

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