

AI Statement.

There is an AI statement as requested, AI's machine learning capabilities were effective & viewed through data analysis. AI has been an unmissable asset through Apples internet safari & utilised just for those purposes of perusal. AI is at the top of any google search engine when sourcing credible work to cite and reference throughout internet browsing and has proven to be quite helpful although has been used to a minimal extent throughout this assignment paper. AI is possibly the future for everyone world-wide the full breadth of how it works seems to be more challenging to understand than not, due to the strict limitation by the university the usage guidelines have been welcomed, understood and can be developed over time. However, the work within this assignment is of my own and the sources are credible and sourced independently.

Bannister Primary School.

The advice throughout this assessment paper shall provide best practice and follow contemporary legislation set in England & Wales. The assignment will best try resolve both incidents involving 'Bannister Primary Schools' employees, pupils, and prospects whilst under school supervision. For this assignment, the school can be identified as the defendant (D) & other parties as (C). Both incidents can be identified as part(A) & Part(B). This thesis shall describe the legalities in depth concerning 'BPS' & other parties. This assignment is inclusive of the injuries sustained with application of correct tests established through case law & the tort of negligence to determine liability in both parts.

Part(A). The 1st incident involving the burn injuries suffered by (C) can be understood with the fact that there was an injury sustained due to the actions of (D). The incident concerns both parties of (D)&(C) with the question of whom is liable and what are the legal implications that are ahead. Part(A) involves common laws and rulings that are involved in such incidents. 'BPS' is seeking advice regarding the injuries sustained from (C) by the actions of (D). According to (Giliker, 2014, p.28-30) the 1st step in any 'negligence' claim is to determine whether a 'duty of care' is owed to (C)? The courts use the 3-part test inclusive of 'duty, breach, causation'. Lord Atkin's 'neighbour principle' established in the key case of 'Donoghue v Stevenson' (1932) proves this point & the principle to be considered is within the key case of 'Caparo v Dickman' (1990). The 'Caparo' case concluded there had to be a 'foreseeability' of 'damages,' 'relationship' of 'proximity' & the duty was 'fair,' 'just' & 'reasonable' as an imposition by the courts. The above test can be strengthened by the case of 'Anns v Merton LBC' (1978), Chen (2025) with 'Lord Wilberforce' stating that 'negligence' carried a 'prima facie' 'duty of care,' the case was later nullified by 'Murphy v Brentwood DC' (1991) with the idea being rejected later in 'Caparo,' Chen (2025). The standard of care established within the context above should be higher from (D) by summarising the actions of (D) toward (C). It can be identified as a lack of 'duty of care' as examined in the key case of 'Paris v Stepney Borough Council' (1951). The case proves the point and can be further examined in 'Bolam v Friern Hospital Management Committee' (1957), Chen (2025) where the 'Bolam' test was established. The 'Caparo' test links to legislation, the analysis gives structure to the components through common law practice. Within the 'Explanatory Notes,' 'Background' s. (8)(9)(10) of the (*Compensation Act 2006*) the enactment provides the laws involving 'duty of care'. The key case to support a 'standard of care' is 'Nettleship v Weston' (1971). A duty of care can be well examined through the lecture paper of (Sales, 2023, p.1-3). This also supports the decision that the courts decide whether a 'duty of care' is owed and supports whether a 'breach' has been made. The (*CA 2006*) best identifies the laws regarding a breach; The supporting case

found is 'Blythe v Birmingham Waterworks Co' (1856) this case proves the point when a 'breach' is in question. The case links to the 'reasonable person' terminology taken from (Giliker, 2014, p.166-167). 'Giliker' has also identified the 'RP' in terms through academic and statute analysis, 'R v Adomako' (1994) is a severe case to examine, the case is identified with common law & not civil law, providing the complete depth of negligence. Although two completely different cases, 'The test for gross negligence manslaughter is the same as the test for negligence in tort' Chen (2025). The case of 'Adomako' and summary proves the severity of 'negligence.' According to the Crown Prosecution Service [hereafter CPS], (2022) gross negligence manslaughter was linked to the case of 'Adomako' and can be assessed and utilised as a pivotal case as to whether the actions of (D) can be seen as 'negligent' with the facts provided involving a gravy spill on Bodhi's hand from the actions of (D) in their line of duty. The 'CPS' has also found that 'Causation' must result from a 'breach of duty of care' from (D) causing injuries to be suffered by (C) which again is tested through 'Caparo. The terminology can be strengthened through the findings related that 'Negligence' is established through a breach of duty of care and whether (D) is liable due to the 'factual cause' of the injuries suffered by (C) (Hamer, 2014). This can introduce 'factual causation' and further strengthen the above summary of the 'CPS' leading through to what has actually caused the injuries to be sustained in this incident. According to (Cooke, 2019, p.215) 'factual causation' is the starting point for determining whether there has been a breach of duty suffered by (C). According to the (Law Academy, 2024) the 'but-for test' provides the correct legal methodology when determining causation. The test asks the question 'but for the actions of the defendant, would the damages have occurred'? If no, then this would satisfy the test. Yes, would then involve other factors resulting in an unsatisfied test for causation. 'Negligence' is established through a breach of duty of care and whether (D) is liable due to the factual cause of the injuries suffered by (C) (Hamer, 2014). Summarising the events, injuries sustained including the 'factual causation' of the action of (D), 'BPS' could potentially be held liable regarding the conduct of (D). The case of 'Barnett v Chelsea Hospital' (1969), identifies the 'but-for test' and proves this point. The above analysis provides the answer that (D) may face a potential 'negligence' claim. through s.1 (1) of the (*Law Reform (Contributory Negligence) Act 1945*). Furthermore, the courts will decide whether there has been a 'breach of duty' by (D) with another question asking whether (D) should be held legally responsible for the actions toward (C) as examined in the case of 'Khan v Meadows' (2021), Piao (2025). Furthermore, are the injuries suffered by (C) too 'remote' in any sense of the danger sustained and the answer would be no, the injuries sustained were 1st hand and due to the lack of 'care' provided & can rule out any possible defences in this incident. The advice would be that 'BPS' will need the expertise of a solicitor to move forward with a possible negligence claim as it will be the courts decision to give final judgement as to whether there has been a 'breach' made in the line of duty of (D).

Part(B) involves the incident of both (D) & (C) with injuries suffered by (C) whilst attending the premises of (D) as a visitor. The possibility of a vindication of rights adding a remedy for such damages to both person & item of clothing can be a possibility with corrective justice for (C). Case law does prove otherwise in this analysis and can determine liability.

In s.1(1) (*Occupiers Liability Act 1957*) the law enacts that an occupier of a premises owes a duty of care toward all visitors within the occupiers' premises. This includes the conditions of the premises being of a safe standard and also the dangers foreseen & 'things done or omitted.' A Key case in 'Wheat v Lacon' (1966) as examined by (Brennan, 2022, p. 158) can provide guidance toward the standard of care (D) owes to (C). s.2(1)(2) (*OLA 1957*) also enacts for all visitors attending the premises to be reasonably safe 'in using' the premises when invited within as permitted by the occupier. The duty of care to all visitors is with the exception of 'in so far as he is free to and does extend, restrict, modify or exclude his duty to any visitor or visitors by agreement or otherwise.' This enactment can highlight the fact of an agreement between (D)&(C) has been made where (C) has asked (D) with the possibility for herself & son Elijah to go into the garden. There is consent from (D) providing a possible defence from (C). A case to relate is 'Ryland v Fletcher' (1868) where strict liability can be established. Shifting responsibility back on to (D).

The premises may be seen to be unsafe due to the ongoing building work outside is identified with a supporting case in 'Glasgow Corporation v Taylor' (1922). The case strengthens the incident in Part(B) with an unfulfilling 'duty of care' that is owed by (D) although, injuries sustained by (C) was of the child's own doing, according to (Parliament, 2000) the case of 'Jolley v Sutton' (2000) can reinforce the principle in 'Glasgow'. Furthermore, the standard of care again can be established within (9) of the 'EN 'Background' (CA 2006) as provided in Part(A). The case of 'Maguire v Sefton Metropolitan Borough Council' (2006) proves this point and also highlights the term defective in this incident being a defective of premises.

The argument from (C) could entail 'Culpable Omissions,' from the duty of care owed by (D), according to (Alexander and Ferzan, p. 66-82) a failure to act can help distinguish culpability. This summary can argue the fact that (D) did not fulfil a duty of care to (C) with a lack of supervision when entering the garden. However, this can be counter argued by the case of 'Phipps v Rochester Corporation' (1955). The argument is a solid argument identifying that (D) is not solely responsible for the supervision of (C), This argument can aid the question of culpability & whether (D) is negligent toward the safety of (C). The question to ask again is what would a 'RP' do in the same circumstance? This can be established in the case of 'Dunnage v Randall & UK insurance Ltd' (2015). This case proves negligence and the 'RP' analysis. Legislation enacts within s.2.(3)(a) (*OLA 1957*) that children will be less

Careful than adults. When (C) had asked (D) to venture outside to see the garden, the duty of care and also the responsibility then shifts toward (C) being the mother to Elijah. This can be identified in the case of 'Simonds v Isle of Wight Council' (2003). It can be argued that the school should provide more precautionary levels of safety. However, as displayed there is a warning sign regarding the hazardous area. The case of 'Staples v West Dorset Council' (1995) can prove an argument if there was no signage identifying a hazardous area then this could possibly aid the case of 'negligence' in this particular claim. This can be argued further by (C) through s.1(a) (*Compensation Act 2006*) that if proceeding furthered to the courts, then (D) 'should have taken particular steps to meet a standard of care'. The law again asks question regarding the safety precautions that should have been foreseen by (D). The famous case example provided in 'Donoghue v Stevenson' (1932), Chen (2025) there is also a case prior to this in 'Heaven v Pender' (1883), Chen (2025). The 'Donoghue' case highlights the 'neighbour principle' as identified by (McBride & Bagshaw, 2008, p.72-73).

The case of 'Smith v Littlewoods' (1987), Chen (2025) can be utilised as an argument from (C) as (D) should foresee any potential danger through competence of duty, knowing the building work is ongoing the case of 'Darnley v Croydon Health Services NHS Trust' (2018), He (2025) strengthens the argument further. Again, however, the sign hand painted is a clear indication that there are building works underway and not yet finished. The 'remoteness' of the injury can determine whether the injury sustained was foreseeable with the key case being 'Pilkington v Wood' (1953) the case established whether damages are to 'remote' to 'foresee' & in the 'special' circumstances regarding Elijah's jumper would the jumper have got damaged 'but-for' the building work underway on school premises and 'but-for' Elijah falling into the pond? the answer would be no, this can lead toward monetary damages potentially owed to (C) from the damaged item of clothing. This can be summarised by McBride (2004). There is a 'remedy' of 'compensation' for (C) as established in the case of 'British Coal Corp'n v Gwent County Council' (1995) that could suffice such damages through compensation. The final question to ask would be is (D) legally responsible for the damages to (C) in this case I would advise there is a partial blame from (D) with the final judgement to be made by the courts regarding whether (C) 'breached' a 'duty of care' as a mother toward (C) by leaving him unattended. The answer to this incident is that (D) will require the services of skilled solicitor to move forward with a potential 'negligence' claim ahead with final judgement with the court. According to LexusNavigator (no date) there could be a 'partial' 'defence' for (D) with 'contributory' 'negligence' resulting in 'damages' rewarded to be reduced with burden of proof on (D) with a key case to support in 'Davies v Swan Motor Co.' (1949) the case proves this point & can summarise the facts that there is a partial defence that can be available to assist (D) in the legalities ahead with a 'negligence' claim in question to be decided by the courts.

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