



SAFE SCHOOL EXCURSIONS

Jeff Wilks

The jury verdict in *Cara Munn v The Hotchkiss School* represents a very important development in travel law, especially in relation to duties of care for children. In the majority of cases plaintiff travel claims are settled outside of court, with a confidentiality clause preventing details of the settlement becoming public. This means emerging areas of risk may not be highlighted at an early stage. Infectious disease is one such area.

According to the Centers for Disease Control and Prevention there were five cases of American travellers contracting a tick-borne disease between 2000 and 2009. Cara Munn was one of these cases. The CDC also notes that approximately 10,000 cases of tick-borne encephalitis (TBE) are reported annually in Europe and Russia, and although TBE is endemic in parts of China, information regarding its incidence there is currently limited.¹

The incidence of other infectious diseases affecting tourists, however, is increasingly well documented. Dengue virus, for example, is at present the most important arboviral cause of illness and death in humans. The principal vector is the *Aedes aegypti* mosquito. Between 2000 and 2007 more than 70 countries were affected by dengue in four continents, with some five million cases reported and about 22,000 deaths.² Recent tourism industry reports note a rise in the number of travellers making insurance claims in relation to contracting dengue.³

Writing about travelling with children, Fischer and Summer note that 'no single intervention is 100% protective, and a multifaceted approach to the prevention of insect-borne disease is needed'.⁴ They argue that avoidance of bites by mosquitoes and other insects should be a primary focus. Personal protective measures, including dressing in comfortable clothes that expose minimal amounts of skin; impregnating clothing with appropriate insecticides; and the use of DEET-containing insect repellents can provide a high level of protection.

1. Tick-Borne Encephalitis among U.S. Travelers to Europe and Asia 2000-2009. *Morbidity and Mortality Weekly Report (MMWR)*, 26 March, 2010; 59(11): 335-338. <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5911a3.htm>

2. Zuckerman, A.J. Virus infections in travellers. In: Zuckerman, J. (ed.), *Principles and Practice of Travel Medicine*, 2nd edition. Oxford: Wiley-Blackwell, 2013, 55-98.

3. Travellers cautioned to be wary of Dengue Fever. e-Travel Blackboard, 26 March, 2013 <http://www.etravelblackboard.com/article/141563>

4. Fischer, P.R. & Summer, A.P. Travelling with children (including international adoption issues). In: Zuckerman, J. (ed.), *Principles and Practice of Travel Medicine*, 2nd edition. Oxford: Wiley-Blackwell, 2013, 447-462.

The law recognises that a higher standard of care is required for a child than for an adult, and that what may be 'obvious' to a local resident may not be obvious to an overseas visitor.⁵ In relation to school excursions, Hunter-Jones and Hunter-Jones acknowledge that "... the particular vulnerability of children means that the international school trip is one of the most demanding activities that teachers will undertake".⁶ They recommend that organisers of school trips undertake detailed risk assessments at the trip planning stage utilising the many information sources available. While these authors recognise the enormous responsibility for schools in providing the standard of care of a parent, *in loco parentis*, within the context of an excited group of children travelling overseas for perhaps their first time away from home, they also highlight the substantial social utility of school travel experiences.

Among the lessons to be learned from the *Munn* case is that detailed risk assessment knowledge at the trip planning stage must be disclosed to the students' families so that informed decisions can be made, and that suitable precautions to prevent health and safety issues are built into the travel itinerary.

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5. McMurdo, M. Legal considerations for beach safety: In defence of the reasonableness of the law. In: Wilks, J. (ed.), *Beach Safety and the Law: Australian Evidence*. Sydney: Surf Life Saving Australia, 2008, 21-30.

6. Hunter-Jones, J. & Hunter-Jones, P. Managing health and safety on international school trips. *Management in Education*, 2007, 21(1): 8-14.

