

Death of a child- Government Settles out of court

*“ I saw her; she was carried
and placed on a desk. She was
very still as she was dead.”*

**Nicole Pierre was just ten years old
when she collapsed and died yards from the
finishing line after running in a three mile
Mongouge Combined School marathon.**

Described by the teachers as an
intelligent, bright, hard working, courteous
student Nicole tragically died on a hot day on
26th March 2004.

Born a healthy infant Nicole from about
the age of four lived happily with her
grandmother. Three years before she died
Nicole was diagnosed with Bronchial asthma
and was prevented according to her
grandmother from taking part in any vigorous
sporting activity.

Nicole’s grandmother had always
maintained that “all of Nicole’s teachers were
aware of her medical condition” and “from as
early as May 2000 the entire school staff knew
that she suffered from asthma.”

Her grandmother went so far as to say
that one particular teacher at the school was in
charge of supervising Nicole in the taking of
her Ventolin medication and that all her
teaching staff were aware of her condition
which on two occasions had necessitated
hospital stays. Further Nicole’s grandmother
“had never and would never give any teacher
the authority to allow Nicole to participate in
vigorous exercise.”

She also remembered that Nicole before
the anticipated marathon had asked her
permission to take part in the run. She told
Nicole a simple “no” and expressed surprise
that the school had not issued consent forms for
the event. However in consolation she told

Nicole that although she could not run in the
event she agreed that she could be a pom pom
girl.

A neighbor who had known Nicole
since she was an infant recalled the day Nicole
died

“There were children participating in
the event,” he said. “ The run started at about
11 am. It was a very hot day. An extra hot
day.”

He observed that there were not many
adults about “nor were there appearing to
supervise the children.”

He had decided to jog with the children
and observed that he was the only one running
alongside them.

Along the route he said he spoke to a
teacher and asked why was there on
ambulance. The teacher’s reply according to
him was less than helpful. He was told quite
bluntly that since he had children enrolled in
the school it was not any of his business to ask
such questions!

The neighbour continued running and at
some point along the route noticed that another
child had fallen. He picked her up he recalled
and told a teacher standing nearby that this was
a sign to stop the event. ”This child was bruised
and badly cut,” He recounted.

Running another two miles he said near
Sab we Sha beach he again observed two other
children. They had fainted. “There were no
teachers around them,” he recalled. “I took
these two children to the side of the road and
left them in the care of an older child.” He
continued running he said and caught up with
Nicole. ”She appeared well and so I kept
running,” said the neighbor.

He recounted how he had become more
and more angry at a series of events he was
witnessing. “I was thirsty. There was no water
provided for the children. They were leaving
the run unsupervised and going into people’s
homes to get water.” About a quarter mile from
the finishing line he observed the schoolmaster
and two teachers in a vehicle.

“At that time I was in the company of
two children,” he said. “They were walking,
too exhausted to run in the sun. The head

teacher asked them why they had stopped running. The children started to but I told them not to do so because they were too tired and weak.”

He recalled how he had walked to the school. “About three minutes later Nicole arrived and fell at the finish line. A lady picked her up and brought her to a class room. I followed. Nicole looked very still as if she was dead. The police arrived five minutes later. Nicole was lying on a desk. She was then taken into a police jeep. I did not see any teacher attempt to revive Nicole from the time she fell at the finish or when she lay on the desk.”

Days after her death Nicole’s family vowed to sue the authorities for negligence. No matter how long it took they wanted answers.

For the next four years lawyer Colin Foster who had launch suits against the principal of the school, the ministry of education and the attorney general battled it out in High Court.

Naturally the other side admitted no negligence at all, their defence being that teachers at the school had never been informed either verbally or in written form about Nicole’s medical condition and further that she had regularly taken part in “all physical education activities of her class” and that “Ms Pierre Appears to be a normal and healthy student.”

However the matter came to a close last week when the Attorney General agreed to pay out \$25,000 to Nicole’s family in an out court settlement.

SOURCE:

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