

Lacuna in the Practice of In-Loco-Parentis in Nigerian Schools: The Pot Calling the Kettle Black

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Abstract

The principle of in-loco-parentis allows the teachers assume the responsibilities of a parent in discharging their duties in school. Based on this same principle, parents also have the right to sue teachers, school management, or the government for negligence, recklessness and other practices which do not depict the proper practice of in-loco-parentis. However, parents seem to also be engaged in certain practices that may not promote the proper practice of in-loco-parentis. This actually depicts a scenario of the pot calling the kettle black as parents accuse teachers for being guilty of unsafe practices they are also guilty of. The aim of this paper was to bring to light unsafe practices parents are engaged in, which do not promote the proper practice of in-loco-parentis in schools.

Keywords: Lacuna; practice of *in-loco-parentis*; pot calling kettle black.

1. Introduction

When a child is born, it is hoped that he has a bright future. From birth, he is nurtured and cared for properly by the parents. When he/she is of school age, the parents choose the 'best' schools for the child to attend. Amongst their considerations, is the ability of the school to nurture and care for the child properly while helping to mould his future. In other words, they choose schools that they feel will impact positively on their child. This is very necessary for the purpose of continuity in the upbringing of the child.

Although there may not be a signed document stipulating the agreement on the type or level of care expected of the school by the parents, there is always an underlining clause of '*in-loco-parentis*' once a child is in custody of the school. Based on this, parents have the right to sue the school's management, teachers, schools board etc when they perceive a breach of contract. The government, school authorities, teachers, school board etc are usually at the mercy of parents and are quickly blamed for incompetencies, negligence, unsafe acts, etc that put their children at risk while at school. Unfortunately, in some cases, law suits are filed against the government authorities or teachers as the case may be.

It is true that as the owners of the public schools, the government has the duty of providing a safe and healthy environment for the school children. At the minimum, the basic school facilities and resources should be adequately provided for. Through proper school administration, it is also expected that these facilities and resources are properly managed for the proper practice of *in-loco-parentis* in schools. On the other hand, the teachers are expected to possess certain qualities and characteristics. Much more is expected of teachers of younger children considering the high level of dependence of these children on their teachers for almost everything.

Teachers are usually the first culprits of parents as they work directly with the children. They are quickly branded as incompetent, negligent, incompassionate etc by parents. This underlying clause of *in-loco-parentis* tends to give the parents an edge over the teachers and school authorities. The question is: Are parents not also involved in certain acts and practices that could jeopardize the practice of *in-loco-parentis* in schools? Are they also to be held responsible for the improper practice of *in-loco-parentis* in schools? How can parents contribute in ensuring the proper practice of *in-loco-parentis* in schools? The aim of this paper is therefore to analyze practices parents could engage in to fill the lacuna in the practice of in-loco-parentis.

2. The concept of *in-loco-parentis*

In-loco-parentis is a Latin expression meaning "in place of a parent". Wikipedia (n.d) defined it as the legal responsibility of a person or organisation to take on some of the functions and responsibilities of a parent, to care for the child as the parent would, without necessarily adopting the child. *In-loco-parentis* is usually commonly tied to teachers and students. The teachers are expected to keep the students as practically safe as their parents would. This agreement is automatically reached, once a school accepts a child in its custody.

According to Hunt (2002) in Mohammed, Gbenu and Lawal (2014), teachers have a role of maintaining a professional standard in the discharge of their duties. In case there is the need to apply a little force in keeping school children in check, teachers are advised to apply 'reasonable force'. However, because there are no laid down rules on 'reasonable force', teachers are advised to tread cautiously, as they could be sued by parents for assaults or inflicting injuries from which a child suffers harm. Aside from suing teachers, parents can also sue their employers for a breach of contract provided the teacher acted within his stipulated job jurisdiction. This is

because it is believed by parents that teachers act professionally on behalf of their employers. Teachers' wrong acts are therefore seen as the wrong acts of their employers. This has a legal backing under the principle of vicarious liability.

3. Key areas for *in-loco-parentis* in schools

Parents entrust their children to school teachers and management because they believe firstly, that they will be in capable hands. Safety and school health are issues that cannot be ignored if this delegated responsibility is to be effectively carried out. School children must be kept away from every form of danger, whether they are in the classroom, the school premises or outside the school premises. The comfortable and safe stay of children in school is of paramount importance.

Through extra-curricular activities in school, children learn lifelong skills. For example, in a team game like football, a player has to decide quickly on his next move, if he is to pass the ball to another player or go for the net himself. Under split seconds, he has to analyze the different options available to him and go for the best option. Such analytical skills developed through extra-curricular activities in the school, can be applied in other areas of life. It is also important to note that safety applies in extra-curricular activities. Involving school children in extra-curricular activities is one way of incorporating fun into learning. At such times, school children are expected to play, not to sustain injuries or be the cause of accidents on play grounds. They are expected to play fairly and enjoy the fun at play. This is easily achieved when they have a proper understanding of the spirit of sportsmanship, co-existence, have good moral upbringing etc. (Onyieke, 2014).

Teaching and learning take place in the classroom. Children learn to develop themselves intellectually, emotionally, socially and physically. According to the American Academy of Family Physicians (AAFP) (2010), parents and care givers should help children feel good about themselves. As such, constant criticisms, ridicule, rejections, scolding, setting of unrealistic goals etc should be avoided. Learning takes place faster when a child feels happy, loved, accepted and valued. This helps build his level of self confidence. The child's ability to learn is greatly affected by his present state. If he is in a depressed state or emotionally unstable, effective teaching and learning may not take place. The teacher of such a child will need to put in much more effort in caring for him/her. In as much as teachers have a duty to ensure that effective teaching and learning takes place, parents also have a duty to ensure that their children are sent to school in the right mood.

The school management is also saddled with the responsibility of ensuring the environment is healthy for school children. However, a healthy school environment can easily be transformed into an unhealthy environment when certain practices permeate the school environment. The Nigerian experience with the ebola virus has shown that observing proper hygiene helps prevent infections and spread of diseases.

4. Practices jeopardizing the practice of *in-loco-parentis*

There is so much cry about transforming schools into safer zones through the installation of facilities and safety gadgets. When these requisite conditions are not available, it is very easy for parents especially, to blame the government. It is usually the case of looking outwards, searching for reasons to point accusing fingers, when it is much easier to first look inwards. Heinrich (1939) postulated in his "Domino theory of accident causation", that if unsafe acts and conditions are eliminated, accidents and injuries can be averted. Parents on a daily basis are engaged in certain acts which could jeopardize the proper practice of *in-loco-parentis*.

It is easy to forget that as little as a child's clothing can cause accidents much faster than the uninstalled facilities and safety gadgets in schools. It is not uncommon to see parents buying oversized clothing and shoes as a solution to the fast growing rate of children. Heffner (2004) opined that oversized clothing have the tendency of trapping a child's hand, fingers, legs etc. This could be a possible cause of trips, falls and slips in the classroom or playground while running, playing or simply walking. Undersized clothing can also cause as much discomfort to the children as oversized clothing. It is also easy to overlook loose buttons on school uniforms, which can be a possible cause of accident as they can be swallowed by any of the school children.

Parents generally want their children to look good. Some go as far as buying big, fancy bag packs, boot shoes etc for their little children. These may be termed fashion statements but how comfortable are those children carrying such bag packs and wearing such heavy shoes to school? Other fashion statements made by mothers are overwhelming hairstyles with hair extensions covering the face of the child, at times accompanied by decorative beads. It is claimed that hair extensions make the hair last longer, but what is the benefit of hair styles covering the face of the child? This contributes greatly to making the child uncomfortable as she is more concerned with her obstructed vision. This obstructed vision can also be the possible cause of accidents in the classroom or playground as the child will be practically forced to walk almost blind.

Asodike and Abdulrahman (2013) clearly advised that children be only allowed to play with large pieces of colourful objects. Beads on the other hand are usually small pieces that could be easily swallowed by little children. These children can easily be attracted to these beads because of their colourful and dangling nature. Sending children to school improperly dressed can be a cause of accident to the child or other children at

school. For the proper practice of *in-loco-parentis*, the parents have the duty of ensuring that the child is properly set out for school. The fashion statements made by parents, improper dressing of children, etc are possible causes of accidents and discomfort in school.

Moloi (2002) reports behavioural problems as a serious issue that could disrupt a conducive school environment. According to Heffner (2004), many children have difficulties in solving their problems which often lead to aggressive behaviours. They result to the use of verbal abuse or fighting in place of coping skills. Such misdirected behaviours could be the cause of an accident on play grounds or the classroom when these children settle for the use of violence to express their frustrations for whatever reason. Parents contribute to these aggressive behaviours when they fail to direct their children's behaviours. Proper parenting skills are important in directing children's behaviours. Parents act as role models to children. Children see on a continuous basis how they respond to their problems. From these observations, they also pattern their behaviours. Role playing proper behaviour, is a way of role modelling. When parents play proper behaviours to their children, they help pattern how their children think and behave towards others when faced with situations. In other words, when parents succeed in properly directing their children's behaviour, violent behaviours can be averted even at school thus promoting the practice of *in-loco-parentis*.

Cultism and violence are no longer a new phenomena in the school system. Cultism and violence have the adverse effect of transforming a peaceful school environment into a chaotic one thus, endangering students as well. Killings, maiming, intimidation, violence etc in campuses make school unsafe for students. The important role of parents has been stressed in Proverbs 22:6 where parents are admonished to train up their children in the right way so that they do not depart from it when they are old. Today, the economic situation in the country has seemingly drawn the attention of parents away from training their children. Children are left in the hands of maids and other caregivers who do little or nothing in training these children. It is common to see parents spend lesser time with their children, only ensuring the provision of their 'basic needs' like food, shelter, clothing, good schools etc without properly monitoring their children's progress in moral upbringing and school work.

Several studies have shown that the earlier in a child's educational process parents get involved, the more powerful effects they have in shaping behaviour. Hill and Tyson (2009) concluded in their study on parental involvement that students with parents who are involved in their school tend to have fewer behavioural problems and better academic performance. Parental involvement allows parents to monitor school and classroom activities and to coordinate their efforts to encourage acceptable classroom behaviours. The resultant effect of this involvement, is fewer violent behaviours in school, thus promoting the practice of *in-loco-parentis*.

Consequences of improper training of children are indisciplined children, violent children, misdirected children etc. Sending these types of children to school only exposes other children to all sorts of violence, indiscipline and misdirected behaviours. Onyeike (2014) is of the opinion that mothers are the first and most important teachers and disciplinarians, children are exposed to early in life. Children, who are properly nurtured and trained by their mothers are better disposed, better behaved, more hygienic and associate better in the school environment. Toynebee in Onyeike (2014) also asserts that parents have an irreplaceable role as the first educators of the children in the early years of life during which a child's intellect, character and temperament are better formed for later life in school. Philips (2013) also is of the opinion that parents have the primary responsibility for educating their children. The school is just a provider of professional services that educates their children. In providing these services, there needs to be a partnership with parents.

Abraham (2013) gave some symptoms of indiscipline in schools as general unrest, truancy, bullying, wilful destruction of school properties, demonstrations etc. All these acts have the potential of turning a school environment into chaos, thus hindering the proper practice of *in-loco-parentis*. He also asserts that most acts of indiscipline exhibited by students at school emanates from the home. This is so because parents do not monitor their children's progress and general conduct.

Nigerian Educational Research and Development Council, (NERDC) (2004), recommends an interactive session between the school and parents. Through these sessions, ideas are to be exchanged on how to provide a more comfortable school environment for the children. These sessions are mainly in the form of P.T.A. meetings, emergency meetings, safety meetings for safety drills and updates etc. It is unfortunate to mention at this point that there are still some parents who will not get involved in these sessions that provides them the platform to contribute or be kept abreast of school developments. While some are absent for genuine reasons, others just opt out because they do not see the need to. Unfortunately, such parents accuse the school of not being safety conscious. This raises the question: who is to be blamed? The school or the parents? This was clearly expressed by Mohammed (1999) who states that management commitment is not enough in promoting school safety as there are bound to be some staff engaging in unsafe acts, in this case the parents who do not want to be involved in school activities.

Parents can also contribute in making the school unsafe, unhealthy or uncomfortable for school children when they do not handle their children's health issues properly. When they send their sick children to school rather than the hospital, they might put other children at risk. As common as a flu is, it spreads easily. A sick

child with flu sent to school puts other children at risk of catching the flu through a simple sneeze. Immunization helps protect children from diseases. Immunization programs are usually funded by the government to provide vaccines for children at no cost. While some parents ensure that their children are vaccinated and even go beyond the recommended vaccines, some others do not ensure that even the recommended free vaccines are administered on their children. Some do this on religious ground while some others are simply ignorant. Whichever the case, the child is deprived the right to good health. This puts such a child at risk of contracting diseases, even the preventable ones, when he mingles in school. This is because his body defence system has not been fortified.

It is not uncommon to see very unkempt children in school, especially in the public schools. School children could be trained by their parents to be clean. Being clean, helps maintain a healthy skin. Being clean requires daily wash of the body and hair especially for the girls, brushing of the teeth, cutting of the nails etc. Sending dirty children to school is synonymous to placing dirt in the classrooms and school. At times, this could be inconveniencing to other school children. On the other hand, such children with probably skin infections, like ring worm or eczemas, can easily infect other children at play. Ring worms are contagious and can be easily passed from one person to another simply by touching the surface with the fungus on it. (AAFP, 2010)

Teachers as professionals are expected to provide adequate care for school children under their care. When teachers are armed with the necessary information from parents about the children, they are better positioned to provide adequate care. Parents need to provide adequate information about their children, specifying their health conditions, if any, and necessary precautions to be taken. For example, an asthmatic child cannot be comfortable in a cold or dusty classroom. When a class teacher has this information, the necessary precautions will be taken to ensure such a child is not exposed to unnecessary risk at school.

However, some parents choose not to provide adequate and correct information to the school. For example, it is common practice for parents to fill a data form for their children on enrolment. Important questions are asked to illicit information from parents. To a simple question of “What is your child’s blood group?”, some parents out of ignorance or negligence still engage in the supply of ‘fake’ answers rather than conducting a proper test to ascertain the right blood group. Such acts can have very unpleasant consequences and place such a child at serious risk when this information is needed in an emergency situation, thus jeopardizing the practice of *in-loco-parentis*.

For a comfortable and convenient stay at school, children are expected to come to school with their bag packs containing food, water, a change of clothing, napkins/diapers etc depending on their needs. Parents especially mothers, are to ensure these bags are properly packed especially for younger children. However, for some reasons, these bags are usually packed by house helps who may not take extra care in packing these bags. There are several incidences of children coming to school with leftover snacks, dirty water bottles, unwashed lunch bags etc. In some cases, food flasks are left unwashed overnight, only to be washed when they are needed without being sterilized. Using such unsterilized packs/flasks can possibly cause diarrhoea.

One cause of diarrhoea is food poisoning which according to the (AAFP, 2010) can be caused by dirty bottles or plates as in this case. Researches have also shown that diarrhoea can be life threatening. Diarrhoea is potentially infectious to others as it can be easily spread through contact with contaminated objects or surfaces. Such unhygienic practices put school children at risk, without parents knowing that they are jeopardizing school safety and health and the proper practice of *in-loco-parentis*.

Effective schools strive to provide a safe and conducive school environment for their students. They strive continually to have safe school environment and seek ways of bridging gaps between the school and the home, thereby actively involving parents in school activities. Recommendations by Nigerian Educational Research and Development council (NERDC, 2004) stipulate the regular interactive involvement of parents as a prerequisite to providing safe early childhood centres. The active involvement of parents is believed to be vital for the provision of school environments that are safe and responsive to the children’s needs. Parents need to work with the school to complement efforts in providing safe school environments for school children instead of blaming teachers for what they did not do.

5. Conclusion

Parents usually point accusing fingers at the government, the school management, the class teachers etc for unsafe acts and conditions that put school children at risk. Ironically, they are also very guilty of exposing school children to the same risk when they engage in acts that are capable of transforming a healthy school to an unhealthy school or place school children consciously or unconsciously in unsafe conditions. The safety of the school and school children can as well be compromised by parents thereby disrupting the effectiveness of teachers in caring for school children when they:

- Send their children to school wrongly dressed or looking unkempt or are even sent to school with unhygienic or improperly packed lunch bags.
- fail to direct their children’s behaviour which could lead to indiscipline and violent behaviours in the

classroom or even on the field during extra-curricular activities or when they are not fully involved in their children's upbringing and education.

- provide inadequate or incorrect information about their children to the school authority.
- In the same vein, the school health can be affected when parents send their sick children to school rather than the hospital, very unkempt and fail to train their children on their personal hygiene.

6. Recommendations

Based on the above analysis, it is recommended that parents engage in activities that would promote school safety and health thereby assisting teachers care properly for their children at school. This can be achieved when they:

- ensure their children are sent to school properly dressed with food packs hygienically packed. When this duty is delegated to house helps, they should be properly supervised.
- improve on their parenting skills, to be able to properly direct their children's behaviour even at school.
- Inculcate the habit of providing adequate and correct information about their children as this enhances the practice of *in-loco-parentis*.
- are actively involved in partnering with the school to complement efforts in providing a safe school environment.
- train their children on proper personal hygiene practices.

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