



TYNE VALLEY CANOE CLUB

DUTY OF CARE

POLICY STATEMENT

Tyne Valley Canoe Club wishes to ensure that all members taking part in paddlesport activity and events are protected and kept safe from harm while they are with coaches, leaders and volunteers. This is especially relevant in respect of children and vulnerable adults.

With this in mind Tyne Valley Canoe Club recognises that they have a duty towards all those taking part in paddlesport activity and so accesses the guidelines and recommendations made by both the British Canoe Union and Sport UK to ensure the highest possible standards of care to all of its members.

In so doing the Club has a range of policies in place, which sets out guidelines for coaches, club officials, event leaders and volunteers to work to in recognition of its 'duty of care' obligations'. They include the:

- Risk Assessment Policy.
- Equity and Ethics Policy.
- Harassment Policy.
- Child Protection and Harassment Policy.
- Club Code of Conduct.
- Coaches Code of Practice.

All club coaches, officials, event leaders and volunteers should be familiar with the contents of these documents.

Definition

A definition of 'duty of care' is:

"The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of any person involved in any activity for which that individual or organisation is responsible".

General Responsibilities

The following points are to be considered in respect of the clubs responsibility for the 'duty of care':

- Coaches should have a clear understanding of operating within the club code of ethics.
- Coaches should be aware of their 'duty of care' and how it relates to their position in providing paddlesport activity and being responsible for others.

- That risk assessment procedures are followed in order to minimise the risks involved at all levels of participation.
- Those coaches and individual members have a 'duty of care' to their neighbours and must practice their sport in a manner which does not endanger or threaten the well being of fellow participants.
- Participants and individual members should develop an awareness of the principal risks apparent to the sport and take some responsibility for protecting themselves from harm whilst adhering to the guidance of the coaches.
- Coaches, leaders and officials must ensure reasonable steps to safeguard all who are taking part in organised club activities- in vehicles, during journeys to and from the activity, during events and when on residential and camps.

The following section of the club policy is taken from the British Canoe Union document 'DUTY OF CARE'. It explains the general points around the duty of care and how it affects coaches, officials and volunteers who are carrying out the business and duties of the Club.

DUTY OF CARE: COMMON LAW NEGLIGENCE

This document contains a very general and basic view of negligence. It sets out and hopefully answers the questions that you ought to be asking. The term 'injury' used herein means primarily physical injury and consequential financial losses.

1. WHERE DOES NEGLIGENCE FIT INTO OUR SOCIAL FABRIC?

- 1.1** All of us understand that deliberately causing injury to others is a criminal offence ordinarily resulting in punishment of the perpetrator.
- 1.2** All of us understand that some injuries are accidental, i.e. the circumstances giving rise to them are wholly unforeseeable. No one is responsible. No compensation is payable.
- 1.3** In between those two ends of the spectrum are 'negligent acts', i.e. they are not deliberate, but the injury is foreseeable. The negligent person will not be punished; however, the injured party may seek financial compensation as a result. The compensation is paid by the individual who has caused the loss and could amount to millions of pounds.

2. WHAT DOES IT DO?

- 2.1** The system of rules is designed to determine in any incident or injury whether the negligent act actually caused injury, whether compensation should be paid, and if so, how much.

3. HOW DOES IT AFFECT ME?

- 3.1** Each of us owes a 'Duty of Care' to our 'neighbours' not to cause them injury by our negligent acts and omissions.
- 3.2** In order to satisfy or discharge that duty of care you must behave as a 'reasonable person' would but taking into account your specific skill, knowledge and experience. For example, a 'reasonable' non-medically qualified 'rescuer' might be forgiven a

medical mistake which a reasonable qualified paramedic would be expected not to make.

3.3 Your neighbours are those people whom, if you thought about it might be injured by your negligent acts and omissions. For example:

a) When driving a motor car your neighbours would include:

- any passengers in your car
- other road users, drivers and their passengers
- pedestrians, cyclists etc
- owners of property adjoining the road.

b) Anyone for whom you have accepted responsibility (see later for the effect of being a group leader/club's officer).

3.4 The Duty of Care requires you to consider the consequences of your acts and omissions and to ensure that those acts and/or omissions do not give rise to a foreseeable risk of injury to any other person. Clearly, one is not expected to guarantee the safety of others, merely to act reasonably.

3.5 In short, all of us owe a duty not to injure other people by our negligent acts and omissions and that is an individual duty which each of us owes all of the time to our 'neighbours'.

4. DOES ORDINARY MEMBERSHIP OF A CLUB OR SOCIETY AFFECT MY ORDINARY DUTY OF CARE?

4.1 Not usually. You still owe the individual duty of care to your neighbours. However, the people who are your 'neighbours' might alter and/or increase to include other club members and others with whom you may now come into contact as a result of membership of that club.

5. WILL BEING A GROUP LEADER OF A CLUB OR OTHER ACTIVITY ALTER MY ORDINARY DUTY OF CARE?

5.1 It may do. As a group leader (or team captain) you have accepted the responsibility of leading others. You owe them a duty to ensure that they are not exposed to a foreseeable risk of injury as far as you reasonably can.

5.2 It should be noted that on any outing where a group leader has not been appointed the most experienced and or qualified person there ought reasonably to intervene and at least advise if a foreseeable risk of injury arises.

It is recommended that all Club Officials, coaches, volunteers and members should read the Duty of Care Policy document and be familiar with its contents.

The Duty of Care Policy may be subject to review and alterations. These may be the result of changes to guidelines and based on the recommendations of the British Canoe Union or Sport England. Any adjustments to the policy document will be subject to the approval of the Club General Committee and members will be informed of the revisions at the Annual General Meeting.

Date of last Review: September 2008.
Dave Gray (Club Chair)