



STATEMENT OF PHYSICAL COMPETENCE

Candidates who have signed an application form for a course leading to a BCU qualification have agreed to the following:

" I understand that in law I have a 'Duty of Care' to others, and this Duty of Care is enhanced with regard to my responsibilities to those whom I teach because of the training and any qualifications which I may receive"

"I declare that to the best of my knowledge and belief I am physically fit, and do not have any *condition which may impair my ability to be responsible for the overall safety of canoeists in my charge"

"I do not have *diabetes or *epilepsy, and understand that in the event of any change to my fitness to be responsible for the safety of others, I must declare the fact to the BCU UK Director Of Coaching"

*** The declaring of an impairment does not necessarily debar a person from holding a coaching award or qualification. The BCU does its utmost to ensure that only common sense conditions are placed on those who may not be able to fulfill all the requirements, both stated and implicit, for the holding of a coaching qualification. Please send a SAE to the BCU coaching office for a copy of the policy statement giving terms of reference under which qualifications may be awarded or continue to be held.**

EQUAL OPPORTUNITIES POLICY

1 The policy

- 1.1 It is the aim of BCU policy to ensure that people from all sections of the community have genuinely equal opportunities to participate in canoeing at all levels. The BCU will take all appropriate and reasonable steps to remove barriers and obstacles to such equal opportunities.
- 1.2 The BCU is committed to the provisions of high quality services and activities in a way, which is fair for everyone. The BCU will continue to play an active role in canoeing and sport generally in the promotion of equal opportunities policies and practices.
- 1.3 The BCU will ensure that all present and potential members/employees receive equally favourable treatment on their merits, irrespective of their age, colour, disability, ethnic origin, race, sexual orientation or gender.
- 1.4 In terms of activities, employment and service delivery, the BCU will not disadvantage any person by conditions or requirements, which can not be justified.

2 Implementation

- 2.1 In pursuance of its Equal Opportunities Policy, the BCU will continue to support positive action schemes for those sections of the community and its workforce, where groups are under represented in aspects of the sport of canoeing or its organisational levels.
- 2.2 The BCU Council will monitor the policy to ensure it is implemented and meets the needs of all sections of the community.

3 Issuing of the Statement

- 3.1 This statement is being issued to ensure that all members are aware of the BCU's Equal Opportunities Policy and the steps being taken by the BCU to monitor and review it. It is vital that all members/employees have a responsibility and a role to play in the promotion of equal opportunities.

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 owe 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.



6. **WILL ACCEPTING OFFICE IN A CLUB AFFECT MY DUTY OF CARE?**

- 6.1 Yes it may well do so. If you accept a position you are likely to agree to carry out certain functions which may affect the safety of others both inside and outside the club. You are accepting responsibility and you must fulfil those duties to the best of your ability without negligence. That is, you must not create a foreseeable risk of injury and you must take reasonable steps to deal with any foreseeable risk of injury which exists or arises.

For example: If you agree to be the equipment officer you must make reasonable inspections of the equipment to see that it is reasonably safe.

7. **CONCLUSION**

- 7.1 The law of negligence seeks to ensure that as individuals we are responsible for our actions and inactions and that we consider those who might be injured by those acts and omissions.
- 7.2 The actual standard varies according to an individual's skill and experience and requires us all to behave reasonably.
- 7.3 It is not possible to lay down golden rules which if followed will preclude the possibility of a successful civil claim. However, behaving responsibly and considerately is likely to mean that no injury will be occasioned in the first place.
- 7.4 The safety net that we all hope we will never need is third party liability insurance. If a compensation claim is successfully brought then this insurance should pay out. All current members of the BCU automatically have such cover. Members of certain clubs may have additional cover where affiliated to NGB's with that facility.

c P.J. Debney, Partner, Cartwright and Lewis, Solicitors 1998

Sponsored by The Student Activities Safety Association

BCU POLICY STATEMENT / CODE OF ETHICS.

The BCU want to ensure that children and adults are protected and kept safe from harm while they are with staff, Coaches and/or volunteers. We do this by requiring all to operate under this general Sport and Recreation Code of Ethics.

Coaching

Even though these standards focus on and describe work functions, they are based on a number of accepted assumptions and values that underpin good practice in coaching. These have been articulated into a Code of Ethics, developed by the British Institute of Sports Coaches and it is incorporated in its entirety into this guide.

The purpose of this Code of Ethics is to establish and maintain standards for sports coaches and to inform and protect members of the public using their services.

Ethical standards comprise such values as integrity, responsibility, competence and confidentiality. Members of the BCU, in assenting to this Code, accept their responsibility to performers, colleagues, the BCU, and to society. In pursuit of these principles, sports coaches subscribe to standards in the following areas:

- 1 Issues of Responsibility
- 2 Issues of Competence

This Code of Ethics is a framework within which to work. It is a series of guidelines rather than a set of instructions.

1 Issues of Responsibility

Sports coaching is a deliberately undertaken responsibility, and sports coaches are responsible for the observation of the principles embodied in this Code of Ethics.

Humanity

- 1.1 Coaches must respect the rights, dignity and worth of every human being and their ultimate right to self-determination. Specifically, coaches must treat everyone equally, within the context of their activity, regardless of sex, ethnic origin, religion or political persuasion.





Relationships

- 1.2 The good BCU Coach will be concerned primarily with the well being, health and future of the individual participant and only secondarily with the optimisation of performance.
- 1.3 A key element in a coaching relationship is the development of independence. Participants must be encouraged to accept responsibility for their own behaviour and performance in training/ participation, in competition, and in their social life.
- 1.4 BCU Coaches are responsible for setting and monitoring the boundaries between a working relationship and friendship with their participants. This is particularly important when the coach and participant are of the opposite sex and/or when a participant is a young person. The coach must realise that certain situations or friendly actions could be misinterpreted, not only by the participant, but also by outsiders motivated by jealousy, dislike or mistrust, and could lead to allegations of sexual misconduct or impropriety.
- 1.5 The relationship between BCU coach and participant relies heavily on mutual trust and respect. In detail this means that the participant should be made aware of the coach's qualifications and experience and must be given the opportunity to consent to or decline proposals for training and performance.

Commitment

- 1.6 BCU Coaches should clarify in advance with participants and/or employers the number of sessions, fees (if any) and method of payment. They should also explore with participants and/ or employers the expectation of the outcome(s) of coaching.
- 1.7 BCU Coaches have a responsibility to declare to their participants and/or employers any other current coaching commitments. BCU Coaches should also find out if any prospective client is currently receiving guidance from another coach. If so, that teacher/coach should be contacted to discuss the situation.
- 1.8 BCU Coaches who become aware of a conflict between their obligation to their participants and their obligation to the BCU or other organisation employing them must make explicit the nature of the conflict, and the loyalties and responsibilities involved, to all parties concerned.

Co-operation

- 1.9 BCU Coaches should communicate and co-operate with other sports and allied professions in the best interests of their participants. An example of such contact would be the seeking of educational and career advice/counselling for young paddlers whose training impinges or is likely to impinge, upon the performance of their studies.
- 1.10 BCU coaches must communicate and co-operate with registered medical and ancillary practitioners in the diagnosis, treatment and management of their participant's medical and psychological problems.

Advertising

- 1.11 Advertising by BCU Coaches in respect of qualifications and or services shall be accurate and professionally restrained.
- 1.12 BCU Coaches shall not display any affiliation with an organisation in a manner that falsely implies sponsorship or accreditation by that organisation.

Integrity

- 1.13 BCU Coaches should refrain from public criticism of fellow coaches. Differences of opinion should be dealt with on a personal basis and more serious disputes should be referred to the BCU.
- 1.14 BCU Coaches must not encourage participants to violate the rules of their sport and should actively seek to discourage such action. Furthermore coaches should encourage participants to obey the spirit of such rules.
- 1.15 BCU Coaches must not compromise their performers by advocating measures, which could be deemed to constitute seeking to gain an unfair advantage. Above all, coaches must never advocate the use of prescribed drugs or other banned performance enhancing substances.
- 1.16 BCU Coaches must treat opponents and officials with due respect both in victory and defeat and should encourage their participants to act in a similar manner.
- 1.17 BCU Coaches must accept responsibility for the conduct of their participants insofar as they will undertake to discourage inappropriate behaviour.

Confidentiality

- 1.18 BCU Coaches inevitably gather a great deal of personal information about participants in the course of a working relationship. Coach and participant must reach agreement as to what is to be regarded as confidential information, i.e. not divulged to a third party without the express approval of the participant.

- 1.19 Confidentiality does not preclude the disclosure of information, to persons who can be judged to have a "Right to Know", relating to participants when relevant to the following:
- Evaluation of the participant within the sport for competitive selection purposes.
 - Recommendations concerning participants for professional purposes.
 - Pursuit of disciplinary action involving participants within the sport.
 - Pursuit of disciplinary action by the BCU involving fellow coaches in alleged breaches of this Code of Ethics and Conduct.

Abuse of privilege

- 1.20 The BCU Coach is privileged, on occasion, to have contact with participants and to travel and reside with participants in the course of coaching and competitive practise. A Coach must not attempt to exert undue influence over the participant in order to obtain personal benefit or reward.

Personal Standards

- 1.21 The BCU Coach must consistently display high personal standards and project a favourable image of their sport and of coaching - to participants, other coaches, officials, spectators, the media and the general public.
- 1.22 Personal appearance is a matter of individual taste but the Sports Coach has an obligation to project an image of health, cleanliness, and functional efficiency.
- 1.23 The BCU Coach should never smoke when coaching.
- 1.24. Coaches should not drink alcohol so soon before coaching that the smell will still be on their breath when working.

Safety

- 1.25 BCU Coaches have a responsibility to ensure the safety of the participants with whom they work as far as possible within the limits of their control.
- 1.26 All reasonable steps should be taken to establish a safe working environment.
- 1.27 The work done and the manner in which it is done should be in keeping with regular and approved BCU practices within the sport.
- 1.28 The activity being undertaken should be suitable for the age, experience and ability of the participants.
- 1.29 The participants should have been systematically prepared for the activity being undertaken and made aware of their personal responsibilities in terms of safety.

2 Issues of Competence

- 2..1 BCU Coaches shall confine themselves to practice in those fields of sport in which they have been trained/educated, and which are recognised by the BCU to be valid. Valid areas of expertise are those directly concerned with coaching Paddlesport. Training includes the accumulation of knowledge and skills through both formal coach education courses and by experience at a level of competence acceptable for independent coaching practice.
- 2.2 BCU Coaches must be able to recognise and accept when to refer participants to other agencies. It is their responsibility, as far as possible, to verify the competence and integrity of the person to whom they refer a participant.
- 2.3 BCU Coaches should regularly seek ways of increasing their professional development and self- awareness, particularly with regard to new BCU courses.
- 2.4 BCU coaches should welcome evaluation of their work by colleagues and be able to account to participants, employers, the BCU and other Governing Bodies and colleagues for their actions.
- 2.5 BCU Coaches have a responsibility to themselves and their participants to maintain their own effectiveness, resilience and abilities, and to know when their personal resources are so depleted as to make it necessary for them to seek help and/or to withdraw from coaching, whether temporarily or permanently.





INJURY PREVENTION IN PADDLESport

(Manual / Safe Handling)

THE AIM

The Aim of this leaflet is to provide guidelines for Manual Handling training and Risk Assessment in relation to Canoeing.

INTRODUCTION

All Canoeists need to raise their awareness of Manual Handling and that damage can occur to joints and muscles, particularly when they are moving or lifting people or any equipment that is related to the sport of Canoeing. The principles of Manual Handling within Canoeing should be introduced at all levels. In addition, Risk Assessments of how to prevent harm and injury to paddlers should be undertaken. This could, of course, include a body, especially when performing rescues. The BCU has prepared this information leaflet which gives a brief outline of procedures to assess and evaluate Manual Handling operations. In addition, a one-day Manual Handling Course has been developed which should ensure that information in respect of lifting and carrying and all Manual Handling issues are being disseminated throughout the Coaching Service.

BACKGROUND

The Health and Safety at Work Act 1974 places general duties on both employers and their employees to maintain the safety and well being of everyone at work. To reinforce the Health and Safety at Work Act, a set of European based Regulations came into force on 1 January 1993. As part of these Regulations, guidelines for conducting Manual Handling Operations were developed. Whilst it is recognised that the Regulations are intended to apply to employees in the workplace, the term employee need not apply only to those persons actually paid for providing work. There are occasions where individuals acting on a voluntary basis may also be considered to be in employment although no money actually changes hand. From a Canoeing perspective, Coaches and paddlers need to take reasonable care to avoid injury, harm or damage to either themselves or to others while taking part in any Canoeing related activity. In Civil Law there is a Duty of Care towards your students and others who paddle. This includes loss, harm, damage and injury. Coaches are charged with the care of paddlers, and as such, Coaches need to identify where there is a risk of the 'duty' being neglected or abused.

RISK ASSESSMENT

Risk assessments of how to prevent harm and injury to paddlers must start from the individual - Is the body prepared for the stresses that will be placed on it as they move, lift and carry the equipment? Is the body prepared for the stresses of the activity, the paddling techniques and rescues? Has the environment been considered - is it cold, wet, windy, fast-moving etc? Risk Assessments need not be a laborious, paperwork generating exercise; indeed, they should be undertaken on a regular basis as part of the activity.

RISK ASSESSMENT MODULE

In order to cover effectively the issues raised by Manual Handling, a Risk Assessment module must underpin all aspects of canoeing activity. This Module should include the following:

- * A basic approach to assessing risk.
- * Acceptable Risk - Legal Situation.
- * **SAFE Model** - Stop, Assess, Formulate, Execute.
- * **LITE Model** - Load, Individual, Task, Environment.

SPECIFIC RISKS IN CANOEING

- * Lifting and carrying canoes and kayaks.
- * Trailers, Loading and Securing.
- * Rescues, Pins and Wraps, use of throwbag.

It is essential that coaches and students on courses have a good working knowledge of the following:

- * The Spinal Column and injury due to disc displacement.
- * The repetitive and cumulative nature of back injury.
- * Safe Lifting, weight relative to posture.
- * Use of major muscle groups.
- * **Spine in Line.**
- * Injury prevention through warm up and warm down.
- * Reducing the load and distance of carry.
- * The ability to identify risks and formulate plans for lifting and carrying in the following situations:
 - * Loading and unloading cars and trailers.
 - * Carrying boats and equipment.
 - * Dealing with swamped boats.
 - * Rescue, use of strops and alternative strategies.

PRINCIPLES OF SAFE MANUAL HANDLING

To Protect the Body

- * Adopt a **Balanced Stance**, i.e. one foot at a slight angle to the other and just over shoulder width apart. Get close to the load and if possible stand so that your centre of gravity is right over the load.
- * Bend your knees so that you can lift with your **Thigh Muscles**.
- * Get a **good grip** of the load and, if lifting from ground level, keep your arms straight and between your legs.
- * **Orientate** yourself to face the direction you intend to move in as this avoids twisting.
- * Before you lift or lower a load, look straight ahead as this will help you develop **good posture**.
- * Keep the load **close to the body**.

To Make the Task Easier

- * **Raise the Centre of Gravity** of the Load before lifting.
- * **Get under the load**, e.g. like a weight lifter.
- * **Use Gravity** when lowering, e.g. allow the load to slide to the floor.
- * **Avoid Asymmetric Loads**, carry loads centrally or if they have handles carry one in each hand.
- * **Communicate** when working in pairs, plan what you intend to do and get the timing right when lifting.

Other Points to Remember

- * Use body weight and leg muscles when pushing and pulling.
- * Lift and lower with smooth actions.
- * When lifting heavy weights:
 - Know your limitation
 - If in doubt seek help.





REVALIDATION

Why do we need to Re-validate.

- The requirement

'A coach is expected to provide a standard of care worthy of a reasonable, prudent, professional, regardless of whether they are paid or voluntary coaches'.

'It is important to realise that a duty of care does not only arise through contractual agreement, accepting responsibilities may also give rise to a duty of care'.

Mandatory requirements for revalidation and keeping coaching awards valid...

- * **Current Membership**
- * **Current First Aid Certificate as appropriate**
- * **Attendance at one regional or Local Coach Update and Development Forum in every three years.**
- * **Remain active as a coach**
- * **Remain upto date with current best practice.**

All coaches will be required to have updated for the first time by April 2002.

The Costs of meeting the requirement of revalidation will be minimal.

Any regional forum / coaching upgrade or workshop / seminar courses taken during 1998 will count towards the requirement.

Dates and details of regional forums and other update information is published in CoDe Magazine and / or available in regional newsletters or direct from your RCO.

It is clear that from a Health and Safety point of view we need to support both coaches, clubs and employers by setting up a framework by which coaches, either voluntary or employees can be updated to 'best practice' standards. As a Governing Body we have to consider how best we can support our coaches.

Re-validation whereby a coaches skillbase is re-examined is fraught with problems. Realistically we can only look at updating best practices and current techniques.

1. Failing to update, following investigation by RCO / CDO, may result in the coach being downgraded one level.
2. To be reinstated following downgrading will require logged evidence of attendance at the required workshops.
3. Re-entry to the coaching service by lapsed members would require, a fee plus logged evidence of attendance at the required workshops.

Regional Coach Update and Development Programmes

- The supporting mechanism to assist coaches meet the requirement

Practically we can take the opportunity to support coaches as never before and create a range of opportunities aimed at providing ongoing personal development for coaches at all levels and of all interest so as to provide best practice and best training for paddlers.



Over the coming months and years Regional Coach Update and Development packages will evolve that will provide cost effective and easily accessible opportunities for coaches to keep upto date and develop their coaching experience.

Make sure you access the opportunities available by keeping in touch with your Local Coaching Organiser / Regional Coaching Organiser gatherings and newsletters.

Coaches should endeavour to keep their log books up to date, entering details of coaching activity/ courses taken / courses worked on and contributions made towards Regional / Local coaching activity, as this will act as ongoing proof of coaching currency.

Three areas of Coaching importance that Coaches should consider as being important in terms of keeping upto date and being aware of 'Current Best Practice' along with specific ideas, sessions / workshops to help coaches evaluate areas of the own performance, understanding and awareness that perhaps needing updating.

1. Safety

e.g.

- Level 1 / 2 current best practice in Canoe / Kayak.
- Level 3 current best practice in water safety (pertinent to each discipline)

2. Current H.S.E. and legislative guidelines

e.g.

- Child Protection Workshop
- Disability Awareness Workshop
- Injury Prevention Course
- NCF Courses
- Insurance and Liability
- Risk Assessment Workshop

2. Coaching and Assessing

e.g.

- Obtaining the next level of coaching award or a coaching award in an alternative discipline.
- Participation in a coaching workshop / seminar day
- Assisting in the running of a coaching workshop day
- Attendance at a Coaching Processes Course
- Production of resource material.
- Attendance at an Assessors training day (Level 1 –3)
- Attendance at an Approved Providers training day.



Revalidation



INSURANCE

Insurance Arrangement for Members and Affiliated Clubs

Cover is arranged through the Union's Brokers. The cover provided, falls under two main headings: Third Party Liability through Perkins Slade, and Boat Insurance through N. W. Brown.

1. THIRD PARTY LIABILITY

This type of insurance (sometimes called Public Liability Insurance) is involved when negligence has occurred causing the injury or death or damage to the property of a third party. It provides worldwide cover to a maximum of £5,000,000 for any one incident. This applies in connection with a) canoeing privately b) any BCU activity c) canoeing on social activities of a BCU affiliated club. The cover includes all legal costs and damages awarded if negligence is proven or accepted by the insurance company. Member to member liability is included, which means that the third party can be another BCU member.

Negligence sometimes resulting in six figure damages or more may occur through sheer carelessness or irresponsibility, but it can happen through unforeseen circumstances. The BCU takes the view that all who canoe must be covered by Third Party Insurance, and therefore the following are covered:-

- a) All current individual BCU members resident in the United Kingdom (includes members of Her Majesty's armed forces whilst serving overseas).
- b) Current registered members of currently affiliated clubs who pay the capitation fee for each member who is not an individual BCU member. The capitation fee is only waived if the club's members are covered by Third Party insurance already, probably through a parent body, and a club officer has signed a declaration to this effect.
- c) Members and voluntary helpers of currently affiliated BCU Senior or Junior clubs (whether or not they are covered by a, b or c above) acting officially on behalf of their clubs.

To **MAINTAIN INSURANCE COVER** renewal, membership subscription and affiliation fees **MUST BE PAID BEFORE THE EXPIRY** of the previous membership or affiliation. There is no period of grace.

In addition clubs must maintain accurate and up-to-date membership records so that a club member claimant's membership on the date of an incident can be verified and cover confirmed. The insurers or their agents reserve the right to scrutinise any such records at any time. It is no longer necessary to submit membership lists to the BCU office but the correct number of members, as in the accounts for the financial year most recent to their BCU affiliation or renewal date, must be declared. Those joining the club since their last financial year end ARE covered, provided they are entered correctly on the club membership records and have paid their club subscription in full before the incident.

2. Advice on the responsibility of club officials:

It is presumed by the Council of the BCU, and the Insurers, that elected officials of BCU clubs, or members acting officially on their behalf, are responsible persons acting in a responsible manner. It is also accepted that canoeing is an activity which involves certain inherent risks.

It is known that good initial training, a gradual building up of experience, the wearing and use of recognised safety gear, allied to the knowledge of its use and of the canoeing environment, have provided a good track record of safety. It is not expected, in other words, that activity should be restricted to very "safe" canoeing. But it is expected that when others are let into more dangerous ventures, this will be done in accordance with accepted precepts. There is clearly both a legal and a moral responsibility to do so.

Irresponsible or careless leadership however, will not invalidate the Third Party insurance. In fact, it is only when negligence is involved, that the policy is likely to be invoked! There are no grounds for compensation to be paid if those authorising the activity are not considered by a Court to have been guilty of negligence.

Sports Personal Accident Cover

Clubs are advised that it is possible, for an additional capitation fee, to offer members a level of Sports Personal Accident cover.



training of a satisfactory nature is provided, both for the participant, and in the wider interests of the sport. The system is strongly recommended, and also enables clubs to confidently run a programme of open courses for the general public, which can be fund-raisers.

It is not necessary, however, for Third Party Liability insurance purposes, for club journeys, activities or events always to be covered by Coaching Scheme qualified members. The holding or not of a Coaching Qualification by the appointed, or presumed leaders, of a canoeing venture, though is a factor which would be taken into account by a Court in determining whether or not negligence was involved.

In the event of an accident, should the appointed leader be held to have been inadequate in experience or competence for the venture, then clearly grounds for a claim could exist. The Officers of the club or members of currently affiliated clubs acting officially on behalf of their club, would be covered should they be successfully sued. So too, would an individual member of the BCU or Registered Club member of a currently affiliated club, if the prosecution was taken out against him or her personally. ***Carrying, as it does, a Duty of Care to its members, club committees should, however, ensure that trip leaders are considered by them as being sufficiently experienced to cover the specific role / duty being asked of them and that they have been duly appointed to the role within committee minutes and or club operating and safety procedures.***

4.. Advice on the implications for individuals holding coaching qualifications:

A person holding a coaching qualification, who happens to be present at an authorised club activity but has not been specifically appointed by the club officials to run the activity may not have an automatic legal responsibility in the case of an accident occurring. He or she may well feel that they have a moral responsibility, but that is not the same thing. Should the qualified member express doubts about the safety provision at a given activity, this should be taken into account by club officials, however, as the opinion would obviously carry some weight in the mind of a court seeking to determine whether or not negligence was involved, in the event of a claim for damages arising.

5. Advice for those receiving fees for coaching:

The Public Liability insurance does not exclude advice provided for a fee, nor is it limited to accident or occurrence. Consequently, when coaching is provided within the BCU, to members or clubs, liability is insured including liability arising out of errors or omissions in such instruction. With effect from the renewal date of 1st November 1998 all registered BCU/SCA/CANI Coaches are insured, through their subscription to the BCU/SCA/CANI, for Civil Liability to a limit of indemnity of £5,000,000.

The cover includes all advice and instruction given for a fee or not to any person. The cover excludes North America unless Perkins Slade are informed. The cover also excludes the use of a trading name or the option of taking out Employers Liability insurance - these would require an Activity Business insurance. This extension to the insurance was to benefit the "core" of BCU membership and to erase any grey areas that might exist on voluntary help.

Civil Liability is a very wide wording that includes Public Liability (damage to third party property or persons), Product Liability (goods supplied), Errors & Omissions (advice given or not given), Member to Member Liability, Trespass, Libel, Slander and all other matters under Civil Law. Voluntary Helpers and the Interest of Principals are also included within the insurance.

If there are any queries or if we can be of any further help please do not hesitate to contact us.

6. Insurance and Coaches holding 'Foreign Nationals' Status:

While the BCU Coaching Service will award its qualifications and assessor status to foreign nationals attending an appropriately BCU authorised course, provided the candidate fulfills all the requirements necessary for that award, or status, including continuous BCU membership, in the normal way, the BCU cannot protect them with third party liability and as such they must provide evidence of holding such cover in order to have their status validated.

7. Advice on 'volenti non fit injuria'

The principle in law of *volenti non fit injuria* means that where an adult participates voluntarily in an activity which involves known and obvious hazards, then he or she is unlikely to succeed in a claim for recompense against those leading the activity, if the injury sustained is a result of falling victim to a known and obvious danger, e.g Canoeist pinned against a rock in white water.

This principle may have some bearing when groups of "friends" within the club are participating in canoeing ventures, which might only loosely be defined as "club activities". It is not known how a court might view a given set of circumstances, but in such instances it would seem unlikely that an adult complainant with



Insurance





Insurance

personal experience compatible with the journey or venture being undertaken would succeed in a claim either against the individual presumed to be the leader, or the club's officials, where injury or death results from a "canoeing" cause. There could obviously be a case to answer if the accident arose from some other circumstance. The policy would still protect the club's officers and/or an individual BCU member, or BCU Registered Club Member.

8. Advice on the use of 'approved' equipment:

If the equipment provided for use by a club was clearly sub-standard when compared to that which was commonly accepted within the sport, and if the type or standard of the equipment could be shown to be a contributory cause of the accident, then grounds for a claim of 'negligence' could exist on this score.

The use of properly maintained 'approved' equipment would make the establishment of a claim less likely. It is necessary for equipment to conform to generally accepted standards. It is not necessary for formally approved gear only to be used.

9. Advice on the use of premises: The Third Party Liability Insurance also covers the club for leased, hired, rented or borrowed premises - such as swimming pools.

10. Final word on Third Party insurance:

The law requires us to take reasonable care for the safety of others. The moral code clearly also implies this duty. In practical terms, if a large claim occurred, the renewal premium could be prohibitive. There is therefore a duty on all of us to ensure that it remains at modest cost to the Union for the benefit of the member who may become a genuine victim of circumstance. It is important that the policy is not invoked through irresponsibility.

Boat Insurance (Great Britain and Eire)

Insurance of canoes and kayaks is available to BCU members only to cover accidental damage or loss, or theft, providing the boat was secured. This includes damage to equipment when in use. For premiums, contact *N W Brown. There are a number of package deals available at reduced rates and a discount for individuals or clubs insuring three or more boats. Cover can also be provided on a New for Old basis.

Boat insurance should be taken out with *NW Brown & Partners, Richmond House, 16-20 Regent Street, Cambridge CB2 1DB. Tel: (01223) 357131.

Holiday Insurance: Boat Insurance can be extended to cover short periods abroad, details available from N W Brown. (Address as above)

Ancillary Equipment Insurance: Is available through N W Brown.

Insurance of Clubhouses

For affiliated clubs cover may be arranged for both buildings (if owned) and the entire contents, including canoes. The cover would embrace fire, theft and the normal additional perils of storm, flood, burst pipes, aircraft, explosion, impact, riot and malicious damage. No survey of the premises would normally be required but a general view photograph is needed. Cost would depend on the construction of the premises and the values involved. If the club employs a cleaner or steward, the necessary Employers Liability cover, required by law, can be incorporated, or can be provided as an extension to the clubs' Third Party policy at additional cost. Contact Perkins Slade Ltd, Elizabeth House, 22 Suffolk Street, Queensway, Birmingham, B1 1LS enclosing your club's affiliation number.

Claims Procedure

Boat Insurance, For all claims please contact the relevant insurer: N W Brown & Partners, Richmond House, 16-20 Regent Street, Cambridge, CB2 1DB. Tel: (01223) 357131.

Third Party and Other Insurances: Perkins Slade Ltd, Elizabeth House, 22 Suffolk Street, Queensway, Birmingham, B1 1LS. Tel: (0121) 625 8080.