

Risk management for Tasmanian sport and recreation organisations

3. Applying risk management



This Sport and Recreation Tasmanian (SRT) information sheet is one of 10 that when combined provide a resource designed to assist sport and recreation organisations (SROs) to improve their understanding and application of risk management. The information sheets included in the resource are as follows:

1. Overview and introduction to risk management
2. Developing a risk management culture
3. Applying risk management
4. Compliance and risk management
5. Insurance and risk management
6. Risk management in practice
7. Risk management policy template
8. Risk management plan template
9. Risk management audits
10. Risk management resources.

Information sheets one to five provide background information and theory and information sheets six to ten provide practical tools and templates. All sheets discuss risk management in accordance with the Australian Standard on Risk Management AS/NZS ISO 31000:2010 and the International Standard on Risk Management – Principles and Guidelines ISO/FDIS 31000:2009.

Applying risk management

This information sheet promotes the application of risk management to key operational areas of SROs. These include common areas of responsibility, such as the activities and competitions SROs offer and the management of their employees and volunteers, including their administrators, officials, coaches and referees. It also covers SRO's ownership or use of facilities, sports ground, equipment and playing surfaces and the processes associated with ensuring that they are safe for participants, employees, volunteers and spectators.

Introduction

For a risk management plan to be of value, it must be implemented. One way to do so is to satisfy various legal duties and obligations. Another is to apply risk management strategies to a range of the SRO's operational areas, some of which are listed below, along with some practical suggestions.

The initial step of implementation is usually to produce a risk management plan (see information sheet eight, *Risk management plan template*). This will include a statement of the plan's purpose and procedures to be followed.

A risk management plan must be provided to all relevant personnel in concise, clearly written language. If it is too long or written in complicated language, it is not likely to be read or applied.

Having such a plan is important, but if it is not followed and an accident occurs in a situation that the plan provided a safety recommendation for, then not having followed that plan could be used as the basis for a negligence action.

It is a fine line to tread: failure to take reasonable steps to examine risk situations that could result in injury can be seen as negligent, as can failing to adhere to safety guidelines.

The application of risk management to key operational areas of SROs

The following are general guidelines about some key operational areas of SROs that should be considered when developing a risk management plan. Not all operational areas of SROs are covered and in all cases a risk management plan must be specific to the particular sport, facility or program.

SROs are responsible for their activities. As occupiers and owners of facilities, and users of equipment and playing surfaces, SROs are also responsible for ensuring that these are safe for participants, workers and spectators, appropriate for use, and properly maintained.

In addition, SROs are responsible for the actions of their employees and volunteers, such as their staff and coaches. Many of the recommended actions for coaches involving supervision, warnings, instruction or deterring violence and drug use, also apply more broadly to sporting organisations, their administrators and officials.

Facilities and grounds control

A person or entity with control of premises or grounds is responsible for the safety of these venues. Some safety measures that can be taken include:

- considering safety in the design of sports facilities, where possible
- completing building, facility and equipment inspection plans (such as examining entrance ways to ensure there are no obstacles that a person could trip over, properly inspecting equipment to ensure there are no faults, and

ensuring playing areas are safe by means of padding, correct surfaces or proper lighting)

- repairing roofing if there are leaks onto surfaces where someone could slip
- checking seating arrangements (there have been numerous cases in the US where faulty bleachers, sharp edges and poor maintenance have caused injuries)
- entering into an agreement that imposes safety and insurance obligations on other organisations or people wanting to use the facility or premises an organisation owns or leases (called risk transfer)
- ensuring that there is security preventing entry to a facility that could present a danger to people without supervision, such as a swimming pool
- employing security plans in stadium areas, particularly in sports that attract large numbers of spectators
- improving spectator's safety with the use of protective barriers, as in car racing or ice hockey
- providing visible and specific warnings (perhaps accounting for languages other than English).

Equipment

SROs must ensure the equipment they use is safe and appropriate for use. This can be achieved by:

- checking that equipment is properly assembled
- implementing a regular system for inspection of sports equipment
- keeping records of when equipment was inspected, by whom, and when any maintenance was undertaken to ensure any warranty requirements are satisfied
- ensuring major repairs are carried out by people with the relevant expertise
- carefully considering the layout of equipment in areas such as gymnasiums
- instructing users in the correct way to use equipment.



Playing surfaces

An SRO's responsibilities also extend to the playing surface. Its safety can be confirmed by:

- ensuring playing surfaces are the correct type for the relevant sport and that such surfaces are properly installed
- regularly checking playing surfaces for potential hazards that could cause injury (such as broken glass or sprinkler heads) and removing them before play is permitted (this obligation to remove dangers also applies to other places and spaces managed by the SRO).

Miscellaneous matters

While not an exhaustive list, these are some of the other considerations that should be accounted for in an SRO's risk management plan.

- Design a sport's rules with safety in mind, particularly in regard to safety equipment, and modifying them to accommodate juniors.
- Initiate general supervision, safety and evacuation plans.
- Have medical staff either on hand at events, or available if needed through previous arrangement.
- Have numbers for ambulance, hospital and nearby doctors readily available near both landline and mobile telephones for easy reference.
- Develop transportation plans that focus on proper supervision and safe transport, particularly where young sports teams are involved.
- Document the SRO's infectious diseases policies (for example, the 'blood bin' rule) and ensure that first aid kits always contain surgical gloves for handling people who are bleeding.
- Implement an anti-doping or drugs policy. An insurance policy may contain an exclusion that any claim relating to the use of non-medically prescribed drugs will not be covered,

so if a coach or organisation is sued for providing steroids to an athlete, the coach or organisation must pay for any damaged awarded themselves. Visit the Australian Sports Anti-Doping Authority on www.asada.gov.au for more information.

- Respond promptly to the cause of the accident if one occurs. Accident reports should be made, including details of the people involved, any witnesses and what action was taken afterwards to correct the situation, if this was possible. Whenever an accident occurs, inform your insurance company or broker. This may be required by your policy.
- Educate and train staff to perform their roles effectively and safely. This may involve having personnel stay up to date with industry advances by attending seminars or training, or having relevant personnel undertake resuscitation and general first aid courses.

Checklists

When implementing many of the maintenance routines for equipment, grounds, facilities and some of the miscellaneous items mentioned above, the SRO can ensure that a daily routine is followed by using a checklist.

Remember, it is not enough just to set up a checklist and give it to all existing and new staff. Good risk management plans rely on educating people on why the plan is important, as well as ongoing good communication.

Administrators

Risk management also applies to the way an organisation conducts its business activities. Ensuring that business arrangements such as sponsorships, employment and event management are in writing in a legally binding document is a way to minimise potential financial loss. Even in the areas of sponsorship and advertising, compliance with laws such as those imposed by the *Competition and Consumer Act 2010* (such as avoiding false or misleading advertising) is necessary.



In terms of their management of an organisation, administrators should ensure that:

- either their organisation is incorporated under the *Associations Incorporation Act 1964 (Tas)* if an association, or the *Corporations Act* if a company
- their organisation, including the board or committee of management, complies with all legislative requirements, including reporting, lodging and accounting requirements
- their constitution is clearly drafted and has clear purposes (if safety of activities is an organisation's purpose, this should be expressly stated in the constitution)
- the constitution is regularly reviewed, communicated to the membership, and amended to ensure it evolves with the organisation's activities or any external developments which may affect it
- the constitution, by-laws, practices of and services provided by the organisation are non-discriminatory
- staff (including administrators) are appropriately trained on an ongoing basis
- the board or committee of management is fully and regularly informed, by written report if necessary, of the organisation's activities
- regular reviews are conducted of the organisation's operations and activities, including the processes associated with the management and audits of its finances and any potential taxation obligations
- the working environment for employees is safe and that all requirements under occupational health and safety legislation are met (visit *Work Cover Tasmania* on www.workcover.tas.gov.au)
- a management system is developed that can adapt to changing trends in sports management and administration
- they recognise and respond to concerns about the impact of the organisation's activities on

participants, members, the organisation itself, the public and the sport

- the organisation's insurance is appropriate to its activities and current, and that the insurer's requirements regarding notification of potential claims are met.

Coaches

Coaches are in a position of expertise and knowledge, and so duties to properly instruct, supervise and warn are placed on them. In implementing risk management, coaches should:

- properly supervise activities and provide additional care where a participant is young, inexperienced, or known to be awkward, aggressive or easily fatigued
- properly instruct on techniques of the sport and rectify incorrect technique
- demonstrate a technique as a preferred method of teaching rather than just talking about it
- attempt to closely match opponents in sports which involve direct physical contact, such as judo or boxing
- teach the rules of a sport or game, and stress those which are necessary for the participant's safety
- give appropriate warnings on the risk of particular activities, especially where young or inexperienced people are involved
- progressively teach any activity which requires an increase in skill levels, strength, or conditioning
- never encourage a participant who is displaying an injury to continue playing, particularly in cases of neck or back injuries
- advise injured athletes to get medical treatment as soon as possible (this may tie in with an organisation's obligation to have medical personnel on hand at certain events and games)
- discourage violent actions and inform participants that their actions on-field can lead to prosecution or civil action off the field



- ensure that counselling and information is available on the dangers of drug use (see the Australian Sports Anti-Doping Authority website on www.asada.gov.au)
- keep themselves up to date with current safe practices in their particular sport
- keep records of their instruction and training techniques, as part of their own risk management program, in case there is ever a need to show at a later date that they were taking steps to ensure safety.

Referees

An area of potential legal liability relates to referees' performance of their functions.

There has been a number of cases overseas where referees have been sued for failing to properly control and uphold the rules of a game, or 'send off' violent players who subsequently injure someone.

In implementing risk management, referees and umpires should:

- uphold the rules of the game
- remove violent players from participating
- enforce rules that require safety equipment such as mouth guards or head gear
- enforce rules designed to stop infectious diseases, such as the blood bin rule in rugby league (for additional information on infectious diseases visit Sports Medicine Australia on www.sma.org.au).

This list is not exhaustive and is intended only to provide examples.

Copyright

The Tasmanian Government encourages public access to government information. However, this publication is protected so far as is allowed by the provisions of the *Copyright Act 1968 (C'th)* ('the Act'). Apart from any use permitted by the Act, the State of Tasmania grants users of this publication a licence (within the meaning of the Act) to reproduce the information for non-commercial purposes only.

Disclaimer

This information sheet has been prepared for the Crown in Right of Tasmania represented by Sport and Recreation Tasmania (SRT), by Lander and Rogers Lawyers' Sport Business Group (authors). Whilst all care has been taken in the preparation of this publication, no responsibility is accepted by SRT or the authors, for any errors, omissions or inaccuracies. Information in it is current as at 31 December, 2012. This publication is of a general nature only and is not intended to be relied upon, nor as a substitute for, professional advice. No responsibility can or will be accepted by SRT or the authors for loss occasioned to any person doing anything as a result of any material in this publication or any person relying on any material in this publication.



Sport and Recreation Tasmania

phone: 1 800 252 476

email: sportrec@dpac.tas.gov.au

web: www.sportandrecreation.tas.gov.au