

**ENGLISH BOWLING FEDERATION/ENGLISH WOMENS  
BOWLING FEDERATION**

**DUTY OF CARE**

## DUTY OF CARE

It is widely accepted within Sport that organisations have a Duty of Care towards all who take part, especially Children and the Vulnerable. In essence, Duty of Care means that any Club, County or the English Bowling Federation/English Women's Bowling Federation (EBF/EWBF) takes such reasonable measures to ensure that individuals will be safe to play Crown Green Bowls.

Duty of Care can be imposed by common law or statute, contract or acceptance of an individual. There is no general duty of care upon members of the public towards the public at large. However, there is a legal Duty of Care between a Club and a Club member, a Coach and a trainee, a Referee and players and spectators under his control at a competition.

There are two ways in which the duty occurs.

The Legal Duty of Care and the Moral Duty of Care

**The Legal Duty of Care** is most obvious in The Health and Safety Laws and Procedures where guidance is given as to what reasonable steps should be taken to minimise any dangers with respect to our sport.

In Crown Green Bowling, given Health and Safety considerations it is incumbent that Clubs, coaches and referees have a Duty of Care to members, trainees and players. However it is recognised that accidents can and do happen, and that it is not possible to predict every incident. Liability for the legal duty of care would only arise if an incident occurred and it was found that the risk was foreseeable and no action had been taken to correct it.

It is recognised that there is a higher Duty of Care when working with children and the vulnerable. Those working with children and the vulnerable must be aware of this.

The expected standard of care required when working with children or the vulnerable is that of a reasonably prudent parent or carer.

In order to demonstrate a reasonable standard of care for these categories, each Club should:

- Keep an up to date register of attendance
- Keep up to date records of contact details
- Maintain appropriate supervision ratios
- Maintain up to date records of medical conditions
- Ensure that first aid provision is available at venue
- Ensure those responsible for supervising children and the vulnerable have had appropriate training.

The management of Health and Safety Regulation 1999 require that the EBF/EWBF, County Bowling Associations and Clubs make risk assessments and specify controls to reduce any risks involved in our activities.

**The Moral Duty of Care** is a responsibility for safety, care and welfare of all. Members of Clubs, coaches and referees have a responsibility to all those under their control.

In Federation Bowling the coach or referee has a duty of care for all those taking part regardless of their age or position. The key point being that the individual administering the activity, whatever their status, should be appropriately trained, licensed and insured.

In addition those in charge of children have an additional charge to act “in loco parentis”.

Within Federation Bowling the duty of care would start by ensuring that the activity is within the rules and regulations laid down by the EBF/EWBF, and that coaches umpires, counties and Clubs have the relevant qualified personnel present at such activities, who would go on to ensure the activity was managed in a safe manner.

### **Reasonable measures**

The Child Protection in Sport Unit (CPSU) has established the Standards for Safeguarding and Protecting Children and Young People in Sport (2003) to identify what an organisation should reasonably undertake in relation to child protection.

The Standards require sports organisations (EBF/EWBF) and County Sports Partnerships (CSPs) to have in place:

- Child protection Policy (Standard 1)
- Procedures and Systems (Standard 2)
- Prevention (Standard 3)
- Codes of Practice and behaviour (Standard 4)
- Equity (Standard 5)
- Communication (Standard 6)
- Education and Training (Standard 7)
- Access to Advice and Support (Standard 8)
- Implementation and monitoring (Standard 9)

For affiliated Clubs it is expected and required that the EBF/EWBF policy and procedures are incorporated into Club constitutions and rules and are adhered to.

## **RISK ASSESSMENT**

Risk assessment is individual to each Club although leagues, counties and the EBF/EWBF can be ultimately held responsible if anything goes wrong.

Risk assessment for the playing of Bowls is covered within our rules (striking etc.)

However we have to consider all aspects of risk. Is the green safe? Have we removed anything that can be considered a risk (i.e. stones before we mow the green, dog fouling before we play the game)? Unfortunately if something goes wrong and we don't have risk assessment in place the Club, League, county and the EBF/EWBF could be at risk under Duty of Care, Health and Safety. Records must be kept that a club is complying with Risk Assessment i.e. greenkeeper's log.

Is there a First Aid Kit where is it and is it clearly marked so that everyone can find it in an emergency? Is there a first aider available? Is there telephone access if the emergency services are required?

In conclusion if there is a risk we must identify it write it down and write down the solution and adhere to it!

In conclusion on risk assessment there is obviously more that can be and must be done. However it must be done in situ at individual Clubs. The EBF/EWBF should produce guidelines for clubs to follow.

# TRAINING

What training is required? In the 'Guidance Document, Roles, Skills, Knowledge & Competencies for Safeguarding and Protecting Children in the Sports Sector' it has laid down the minimum training required. It also puts Jobs and Roles into categories.

## **Category One**

All volunteers and staff working in a sports role or setting where they may have contact with children directly or indirectly must have some knowledge of keeping children safe

## **Category Two**

All volunteers and staff working with children, young people, parents and the vulnerable (including those who have irregular contact, but whose role requires them to fulfil their Duty of Care)

Example roles, Coach (Level 2+) where the qualification enables them to take sole charge or overall responsibility for the children they are working with. Referees, Junior League Administrators, Managers, Development Officers concerned with junior development, Child Protection or Welfare Officers, First Aiders, etc

In this category all must have attended a Sports Coach UK Safeguarding and Protecting Children workshop or a nationally recognised NGB equivalent (FA Swim 21 etc).

In this category a CRB check is mandatory.

It is also recommended in Sports Coach UK, Clubmark, Running Sports and other Bodies that the following workshops should be attended.

Coach Level 2 + :

'Equity in your Coaching'

'Coaching the Disabled' (compulsory when coaching within Local Government environment).

# **IMPLEMENTATION, COMMUNICATION AND MONITORING**

## **Implementation**

It is imperative that Implementation should take place without delay for the EBF/EWBF to comply with the Law

## **Communication**

This document should be published immediately. It should be placed on our Web Site and each County will receive a hard copy. Each County will have to publicise it through its affiliated Leagues who must use their League meetings to push the contents of this document to our Clubs. By doing this amendments can be suggested before the EBF/EWBF adopt these principles at the Annual General Meeting (AGM). This will give Counties, Leagues and Clubs time to review these policies.

## **Monitoring**

By publicising these principles to all Clubs any feedback or amendments would be the first step of monitoring if the policies are starting to work. Surveys of the effects of the policy could be included with the annual return form all clubs have to complete. A method of communication of feedback needs to be set up for complete monitoring of these policies. This way, not only can amendments in accordance with legal requirements be made, but also members can feel they have some input and influence of the structures of governance to our child protection policies.

**EVERY CHILD  
AND  
EVERY VULNERABLE PERSON  
MATTERS**

Finally whilst the requirements of the law in this document may not sit well with some people in Federation Bowling, we cannot ignore this, it is what the Law requires. It is therefore imperative that we change our attitudes to the Protection of Children and the Vulnerable and follow the guidelines so as to comply with the Law. In that way the EBF/EWBF cannot be accused of paying lip service to our responsibilities.