

AFCA Information

COACHING: A LEGAL RESPONSIBILITY

By accepting a coaching position, you have made a legal commitment to your athletes.

You have:

- Indicated you possess coaching and other related skills.
- Indicated you will maintain your skills at a level equal to the skills of other competent coaches in your field.

Some injury in sport is inevitable, and although coaches have a legal responsibility for the safety of their athletes, it should not assume such intimidating proportions that they give coaching away, or unduly restrict programs to the point where athletes' needs are not being met.

COACHING AND THE LEGAL TERMS

Negligence

Negligence is the failure to take reasonable precautions to avoid injury to persons or property. In the coaching environment negligence can be defined as a coach's breach of a legal duty or care owed to an athlete and where the breach results in actual damage to that athlete which should have been foreseen by a reasonable and prudent coach.

The court, in determining whether a coach is negligent or not, will ask:

Has the coach failed to provide the standard of care owed to an athlete by a reasonable and prudent coach?

The court will look at what a competent coach could be expected to anticipate under the circumstance relevant to the case. If the coach being sued met this standard of care no breach of duty or negligence will be found.

Standard of Care

A coach owes athletes a standard of care. A coach is providing athletes with the standard of care required of a competent, reasonable and prudent coach if they:

- Take all necessary precautions to prevent injuries from occurring
- Treat injuries correctly
- Ensure the treatment provided prevents further injury
- Take no action that could cause injury

A reasonable and prudent coach provides a standard of care based on what should be known about the sport and/or the injury. Ignorance is no excuse.

Most legal cases involving sports injuries arise not because the coaches were careless, but because they failed to act in accordance with what knowledge they had or should have had.

Was the coach directly responsible for the injury?

This protects the coach from being liable for an unlikely chain reaction of events that end in an unforeseeable injury and removes responsibility beyond practice and competition.

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PROVIDING THE REQUIRED STANDARD OF CARE

In addition to applying that careful parent test, (ie. the way you would act with your own child), carrying out the following steps will assist you to be a competent, reasonable and prudent coach and substantially reduce the chances of a successful claim of negligence against you.

Provide a safe environment

Facilities and equipment must be safe for both the users and the others involved in the competition. Adverse weather conditions must also be taken into consideration during competition and practice sessions.

Activities must be adequately planned

Impaired learning ability and injury may be the result of unplanned practice sessions. Using the appropriate progressions in teaching a new skill, especially potentially dangerous skills, is imperative.

Athletes must be evaluated for injury and capacity

Athletes with an injury or incapacity should not be expected to perform any potentially harmful activity. No athletes should ever be forced to take part in any activity that they do not wish to. Individual differences must be taken into account.

Young athletes should not be mismatched

Young athletes should be matched not only according to age, but also height, weight and maturity. Skill levels and experience should also be considered.

Safe and proper equipment should be provided

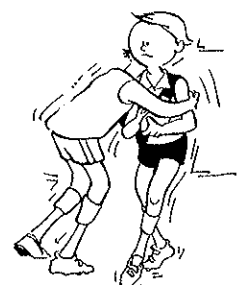
Existing codes and standards for equipment should be met and all equipment should be kept in good order. It should always be adequately repaired so that it is safe to use at all times.

Athletes must be warned of the inherent risks of the sport

The inherent risks of any sport can only be legally accepted by the participants if they know, understand and appreciate those risks. In some situations even such a warning may not be enough: for example, where young people are involved in a school supervised activity.

Activities must be closely supervised

Adequate supervision is necessary to ensure the practice environment is as safe as possible. Each sport will have its own specific requirements in this regard.



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Coaches should know first aid

Coaches should have a knowledge of basic emergency procedures and keep up to date on them. Coaches should know STOP (Stop, Talk, Observe, Prevent further injury) and RICER (Rest, Ice, Compression, Elevation and Referral) procedures for managing injuries. Coaches should have a written emergency plan and ensure that appropriate medical assistance is available. At the very least, coaches should ensure that nothing is done which could aggravate any injury.

Develop clear, written rules for training and general conduct

Many injuries are the result of fooling around in change rooms and training venues. Clear written rules should be developed for general conduct and behaviour in such situations.

Coaches should keep adequate records

Adequate records are useful aids to planning and are essential in all cases of injury. Record cards should be kept on all athletes, including relevant general and medical information and progress reports. Accidents reports (not diagnoses) should be made as soon as possible after each injury occurs.

COACHING ACCREDITATION

The knowledge and skills required of a prudent coach in any sport are available through the Australian Sports Commission National Coaching Accreditation Scheme, of which the AFL coaching courses are a part of.

All practicing coaches in Australia, volunteers or professional, in schools or in clubs, should be accredited.

They should also have access to ongoing education to maintain their knowledge at the level required for a competent, reasonable and prudent coach.

This is particularly so far the coaching of children are concerned.

Children should never be left in the hands of the 'enthusiastic amateur'.

Coaches should become familiar with their responsibilities to players so that they can protect them from unnecessary injury, and protect themselves from potential lawsuits for negligence.

