

Memorandum

TO: STATE MANAGERS & COORDINATORS
FROM: MARIANNE MAGUIRE – SPORTS OPERATIONS MANAGER
SUBJECT: INSURANCE RISK RELATED TO SCHOOLS
DATE: 6 MAY 2010
CC: GARRY FORAN – COMMERCIAL OPERATIONS MANAGER

Touch Football Australia (TFA) hereby inform all key stakeholders and state operational offices of a potential risk to our organisations when there is interaction with schools and school related entities.

Previous perception amongst the general Touch Football community is that school based activities such as promotional clinics, supporting schools with expertise like referees to referee one off games and finally event related activities both arranged by schools and or by a Touch Association are covered by school based insurance.

Through recent research TFA has discovered that in the vast majority of cases, schools do not have such insurance and as students are not 'members' of the relevant Touch Associations they are therefore not covered under the TFA's National Insurance Scheme while participating in the previous examples.

It is clear that a deeper analysis and further questioning is required of all state educational departments and school sports organisations, however in the immediate future TFA would like to inform all stakeholders of this fact so that risk mitigation strategies can be implemented effective from the date of this communication.

On advice from our insurers, the following advice has been offered:

Clinics in Schools

In most cases these should be able to occur without too many problems; however there are some minimal standards or practices that need to be implemented.

1. Public Liability - as a matter of practice, and where practical the use of public liability policies both for the school and the entity conducting the clinic needs to occur. Therefore for each booking, a Coach or Game Development Officer (GDO) needs to provide the organisation's Certificate of Currency (government schools possibly have a variation in this area) and collect a copy of the school's coverage. Public Liability coverage for either party - if either is negligent - then each party involved has at least the knowledge that such insurances exist.
2. Persons conducting the clinics need to have current coaching accreditation to a minimum Level 1 standard as required to be recognised as a TFA Level 1 Coach. This education ensures risk management and safety education has occurred and the Coach has the technical expertise required. If they are a current accredited Coach, then they have access to the security of the TFA's Professional Indemnity insurance.

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3. Either volunteering or paid through a hobby payment, these processes equally apply. In the case of hobby payments, ensure appropriate statement by suppliers and related documentation are collected and filed.
4. Supervision of children needs to be considered. A teacher or school allocated resource should be present as an adult witness and confirmation that first aid and emergency procedures are the responsibility of the teacher or school. In any booking processes, this information or understanding needs to be accepted and acknowledged by the school.
5. Furthermore there needs to be an understanding that the environment is safe and protected. Again this should be something in the case of booking processes that is confirmed in writing again with the school.
6. Finally while there is an insurance avenue through TFA for public liability and/or professional indemnity, there is no Personal Accident Insurance. Therefore any injuries are not covered through the TFA National Insurance Scheme.

Technical Assistance in Refereeing

In most cases these should be able to occur. However there are some minimal standards or practices that need to be implemented, particularly where an affiliate or state office has made the arrangements for a volunteer referee.

1. Public Liability would need to be the responsibility of the school or ground holders and this should be confirmed in writing as a matter of the booking process. Therefore for each booking, a Referee or Game Development Officer (GDO) needs to provide the organisation's Certificate of Currency (government schools possibly have a variation in this area) and collect a copy of the school's coverage. Public Liability coverage for either party - if either is negligent - then each party involved has at least the knowledge that such insurances exist.
2. Persons conducting the games need to have current refereeing accreditation to a minimum Level 1 standard as required to be recognised as a TFA Level 1 Referee. This education ensures risk management and safety education has occurred and the referee has the technical expertise required. If they are a current accredited referee, then they have the security of TFA's Professional Indemnity Insurance.
3. Either volunteering or paid through a hobby payment, these processes equally apply. In the case of hobby payments, ensure appropriate statement by suppliers and related documentation is collected and filed.
4. Furthermore there needs to be an understanding that the environment is safe and protected. This should be something in the case of booking processes that is confirmed in writing again with the school so they take responsibility for these aspects.

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5. Supervision of children needs to be considered. A teacher or like should be present as an adult witness and confirmation that first aid and emergency procedures are the responsibility of the teacher or school. In any booking processes this information or understanding needs to be accepted and acknowledged by the school.
6. Finally while there is an insurance avenue through TFA for public liability and or professional indemnity, there is no Personal Accident Insurance. Therefore any injuries are not covered through the TFA National Insurance Scheme.

Technical Support of School Organised Events

This is an area of risk, particularly as some of these events are run almost exclusively by a school sport unit or related bodies with only technical assistance offered or supported. As these vary so much from state to state and even region to region, this is a significant area of risk for our organisation.

It is **encouraged** that each of these events at this stage are examined and assumptions on insurances and organisational responsibilities should be formalised and documented. To protect future litigation, a copy of correspondence and information should be provided to TFA as a further step.

As above in the cases of arranging coaches or referees, the above processes apply.

In the case of organisational support such as allocating referees, fixturing, running venues, hiring facilities and/or taking such roles as coordinators or event directors, there are **significant risks** associated.

In these cases, clarification around responsibilities and accountabilities needs to happen where a great number of the above circumstances occur so that these events are insured though the process outlined below for organisationally run events through the TFA National Insurance Scheme.

There are some minimal standards or practices that need to be implemented particularly where an affiliate or state office has made the arrangements with a school body to offer this assistance.

1. Public Liability - as a matter of practice the use of public liability policies both for the school and the organising entity needs to occur. Therefore for each event a state/regional office needs to provide the organisation's Certificate of Currency (government schools possibly have a variation in this area) and collect a copy of the school's coverage. Public Liability coverage for either party - if either is negligent - then each party involved has at least the knowledge that such insurances exist.

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2. Risk Management processes for any affiliates hosting such events needs to occur and it is strongly suggested that risk assessments and procedures (templates available from TFA) are used and distributed to schools and teachers involved with clarifications provided at venues. All associated affiliate related staff or volunteers should be briefed and formally acknowledge that they have been provided these and will abide by them.
3. Supervision of children needs to be considered. A teacher or like should be present as an adult witness and confirmation that first aid and emergency procedures are the responsibility of the teacher or school. In any booking processes, this information or understanding needs to be accepted and acknowledged by the schools.
4. Finally while there is an insurance avenue through TFA for public liability and or professional indemnity, there is no Personal Accident Insurance. Therefore any injuries are not covered through the TFA National Insurance Scheme.

Organisationally based School Events

This is the major area of risk to our organisation.

These events are exclusively promoted, planned and conducted under an affiliate, regional or state based banner. It is encouraged that all of these events (at this stage) are insured via the TFA Event Membership Regulations. Meeting all administrative and financial responsibilities as required in the regulations.

There can no longer be an assumption on insurances existing with schools and when the level of event organisational responsibilities exist to a high level or sole reliance, the risks without collecting and acknowledging insurances can no longer occur.

Waivers and signing over responsibility is no longer a suitable process to overcome these insurance issues, while it can still occur there is little to no protection.

Finally, this ensures that all of the TFA National Insurance Scheme is accessible, therefore information on claims process and a summary of the coverage should be provided as a matter of process.

This information will make changes to costs associated and processes will become more complex. It is important that the risks identified are addressed as soon as possible. It is too late when a major incident or issue occurs.

These guidelines and recommendations will be included and outlined in the release of the updated Risk Management Policy for TFA in the coming months.

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TFA understand the significant impact such determinations will have on all organisations however it is imperative that you are aware of this information.

Attached is a copy of the TFA Event Regulations and as stated we recommend compliance for all major school based junior initiatives. TFA will assist all parties through this process.

If you have any questions or require further clarification, please contact me on 02 6212 2800.

Kind Regards,

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