

## Appendix A Insurance

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Most sports carry certain risks and if an athlete chooses to participate, s/he must take on board those risks.

Parents should sign a consent form before they let their children join your vaulting team, and for each show or competition (be it only to prove that the child *did* ask for permission), and a waiver slip, which indicates that the parent or legal guardian of the vaulter agrees that they waive the right to hold the trainer responsible for injuries suffered during the execution of this sport's activity. However you should be aware that these slips do not carry much weight before a court in case of a law suit. They *do* help to make the parents more aware of inherent dangers and the reality that a coach can only really be sued if proven negligent.

Negligence is defined as: the omission to do something which a reasonable man would do, or the doing of something which a reasonable man would not do. This reasonable man (or woman) is assumed to possess normal mental capacities and intelligence, average perception, memory and information.

Even once you are certified as a trainer by your provincial association, this does not imply perfection. But it implies 'state of the art' awareness and knowledge of your 'trade', including safety precautions. It means such a coach must acquire the expertise for the level of training s/he is certified for.

Negligence exists only if all four of the following points are met:

if there is existence of a legal duty on the part of the coach to exercise proper care in protecting the athlete

- if there is failure to perform that duty, the degree of which is in relation to the circumstances involved
- if an injury is suffered by the athlete (his person, property, legal rights or reputation)
- if there is a reasonably close *causal* relationship between the breach of duty and the athlete's injury

I am not in the position to give any legal advice, so please speak to your insurance agent or lawyer. But possible causes for negligence in vaulting could in my opinion be something like this:

- if a vaulter is forced by the trainer to perform an exercise when injured, and this makes the injury worse
- if a vaulter is supplied with drugs or forced to use drugs
- if the exercises imposed are unsuitable to the age or condition of the child or youth
- if a vaulter is forced to perform under unsafe conditions
- if unsafe equipment or horses are used
- if improper supervision can be proven
- if inadequate safety precautions were taken
- if improper or inadequate instructions were given
- if a vaulter is put under strong pressure to perform an exercise that s/he is really afraid of and not ready for.

A coach must have basic First Aid knowledge (and this will be part of any certification program). A coach is obliged, by his/her relationship to the athletes in loco parentis, to do the best s/he can and give immediate first aid where this is necessary. 'Failure to act, as well as acting in an improper manner may lead to a claim for negligence.'

Possible precautions you can take against claims of negligence:

- do not permit participants to attempt exercises which are potentially hazardous, until they have received the proper instruction and had adequate practice (for example on the stationary horse)

- never allow vaulters to train unsupervised
- don't allow riders to use the same part of the ring in which you are training. Provide adequate space for falls (no hard objects in the way, such as jumps)
- procure medical approval (in written form) to participate again in the sport after an injury
- provide adequate spotting where indicated
- administer first aid *only* when necessary. That means when no doctor or nurse or ambulance are to be reached, or to save a life
- never treat serious injuries
- use a public carrier or properly insured people for driving to and from events

Consult an insurance agent as to which insurance would cover your needs best. Your insurance should cover:

The premises where the activity takes place. This means training facility as well as all other locations where your shows and competitions take place.

There are possible blanket insurance policies that cover *all* premises. They must cover bodily injury as well as property damage

If the coach has assumed a contract, he should be covered by the employer's insurance. A blanket contractual liability insurance could be printed on all contracts

A personal injury liability endorsement can be added

Insurance against catastrophic loss can be taken out or an umbrella liability program

Your insurance may only cover you, if the events are sanctioned by the appropriate association, so enquire beforehand.