

### COACHES PROFESSIONAL INDEMNITY AND LEGAL LIABILITY

Last updated: June 2020

***It is essential that coaches are aware of their roles and responsibilities in relation to their activity, the risks associated with their activity and ways of managing or minimising the effects of those risks.***

Coaches in sport are under a legal duty to exercise reasonable care to avoid injuring participants under their control. A breach of this legal duty is called negligence. *Negligence is unintentional harm caused to others as a result of some degree of carelessness.*

The following are some useful safety principles and procedures identified to reduce coaches' exposure to negligence suits. (Note: some of these procedures should already be implemented by your club.)

- Plan all training sessions
- Provide a safe environment including safe and proper equipment.
- Exercise efficient supervision to protect the young or inexperienced.
- Distribute the club's code of conduct for players for training and general play.
- Limit the numbers to prevent over-crowding.
- Maintain good control of the group by use of signals or by other communications.
- Match participants fairly (in a physical sense, eg. Strength).
- Know and apply appropriate policy, programs, and rules.
- Give instructions and warnings about ordinary and unexpected dangers.
- Take reasonable steps to ensure that medical care is present or accessible and be prepared to remove injured players from participation.
- Ensure that athletes returning from injury provide a letter from parents or medical personnel certifying that they are fit to participate.
- Conduct regular safety inspections and review of equipment, facilities, and operating procedures.
- Take reasonable steps to ensure that the skills and qualifications of personnel are current.
- Record accidents and injuries and review safety procedures and if necessary, modify the rules of the activity.

*(Australian Coaching Council and adapted from "Coaching and the Law" Canada, Sports Coach 1993)*

While these steps are not exhaustive, implementing them will substantially reduce the chances of a successful claim of negligence against a coach.

There are a number of good reasons for coaches to develop a good understanding of their legal responsibility or have risk management procedures in place. The main three are:

1. To reduce the risk of litigation;
2. To become better coaches by being more aware of appropriate activities, programs, and rules as well as safety issues; and
3. To protect the athletes and yourself by continually upgrading the risk management procedures.

**Coaches at ALL levels have a duty to ensure that athletes and others under their control are not injured. This duty exists whether a coach is a professional, amateur or volunteer because they have placed themselves in a position which suggests a level of competency.**

### **PROFESSIONAL LIABILITY INSURANCE FOR COACHES**

All Netball Victoria **accredited** coaches, course presenters and instructors are required to:

- Maintain current accreditation (ie: update every 4 years).
- Be current members of Netball Victoria.

Membership ensures that coaches are covered for liabilities while acting as a professional person. Coaches' risk of litigation may arise from athlete injury, inappropriate training program, libel and slander, assault, and athlete selection.

Membership entitles you to 'benefits' such as access to our services and personnel, information about safe practice and appropriate training activities.

Whilst non-accredited coaches are not required to be registered with Netball Victoria, it is strongly recommended that coaches who are in a position of responsibility assuming the role of a coach on a regular and consistent basis do so, no matter what age group you coach.

### **What does the Insurance include?**

- Coverage for
- Public Liability
  - Product Liability
  - Professional Liability

It covers Netball Victoria's registered coaches (and members) for all amounts which the "insured" may become legally liable to pay as a result of: Statute – Legislation appropriate to the environs of the sport; Contract – Failure to perform or provide and Common Law – Law of the Land.

The insurance also provides cover for compensation as a result of bodily injury, property damage and financial loss, caused by an occurrence and arising out of the activities of Netball.

### **PROFESSIONAL INDEMNITY**

Covers coaches whilst acting as a "professional" person against a claim for a mistake that has caused a financial loss to a Third Party without property damage or personal injury occurring. A professional person is one who offers services or advice in a specialised field, for fee or reward.

**Defence Costs** - Whether or not you are legally liable, your policy will provide legal costs incurred with the Insurer's consent, in defending an action. This amount will be independent of the sum insured and limited to the indemnity limit of the policy.

### **HOW MUCH ARE YOU COVERED FOR?**

For more information please refer to: **V-Insurance Group Pty Ltd**

Level 25, Angel Place 123 Pitt Street Sydney NSW 2000

Phone (02) 8599 8660 or local call cost only 1300 945 547

Fax (02) 8599 8661

Email [netball@vinsurancegroup.com](mailto:netball@vinsurancegroup.com)

If an incident occurs where you are being held liable by a third party, you should contact V-Insurance Group as soon as possible on (02) 8599 8660 or local call cost only 1300 945 547. Do not admit liability under any circumstances.

For all policy coverage queries or details on how to make a claim, please contact V-Insurance Group: Insurance broker for Netball Australia. (<https://netball.vinsurance.com.au/16/How-to-Make-a-Claim>)