



Duty of Care & Guidance for Sport During Covid-19

Clubs & Organisations

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What We Will Cover

- Current Law & Guidance
- General Requirements and Roles
- Employees
- Coaches and Non-Employed Staff
- Participants
- Spectators, Guardians and Observers
- Visitors to Site
- How the Contact Tracing System Works
- Legality and Liability

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Current Law & Guidance

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Current Law & Guidance

- Principal Welsh Government Guidance:
 - Sport, recreation and leisure: guidance for a phased return
 - Test Trace Protect – Policy & Strategy
 - Apply for a coronavirus test: guide
 - Keeping records of staff, customers, and visitors: test, trace, protect
- Public Health Wales Guidance:
 - Test, trace, protect: coronavirus guide

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Current Law & Guidance

- Laws
 - The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020
 - The Management of Health and Safety at Work Regulations 1999
 - The Data Protection Act 2018
 - The GDPR

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Useful Information

- Useful Information on gov.wales:
 - Test, trace, protect: your questions
 - Test, trace, protect: posters and information in English and Welsh
- Health & Safety Executive:
 - Working safely during the coronavirus (COVID-19) outbreak

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General Requirements

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General Requirements

- Workplace Rules (these are Law)
 - Social Distancing
 - Hygiene
- Staff Contact Information
- NGBs Must Lead and Oversee
- Collecting data for the Test, Trace & Protect System (TTPS) – now a legal requirement
- All activities must be **organised**
- Maximum of 30 participants

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General Requirements

- DO NOT take people's temperatures!
- DO NOT ask intrusive health questions
- DO NOT 'diagnose' peoples 'symptoms'

- DO place plenty of signage about social distancing and hygiene rules etc.
- DO ask people to stay away if *they* suspect they may be infectious

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National Governing Bodies

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Coronavirus Specific Duties

- NGBs will appoint a 'Coronavirus Officer'
- The NGB Coronavirus Officer will help member clubs with advice, information and leadership
- NGBs will oversee member organisations' Coronavirus preparations and give feedback and advice where needed
- NGBs will set standards and guidance for Risk Assessments

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Coronavirus Specific Roles

- Clubs and organisations need to appoint a 'Coronavirus Officer'
 - Provide leadership for Coronavirus measures
 - Ensure NGB guidance is implemented within local constraints
 - Liaise with NGB Coronavirus Officer
 - Should be supported by the NGB when required
 - This is no more onerous than being a Safeguarding Lead – it is not in any way 'medical' in nature!

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Coronavirus Specific Roles

- Each activity session must have a 'Responsible Person' present
 - This can be the Coronavirus Officer
 - Take a register of attendees
 - Ensure Covid Self Declarations are made
 - Ensure guidance is communicated to participants
 - Monitor for compliance with measures
 - Ensure safe dispersal at end of session

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Employees

- Ensure contact details are up to date
- Log attendance at site. This will help where staff are working at home or remotely
- Don't ask for consent for TTPS purposes – you don't need consent
- Ensure staff know who the Coronavirus Officer is so they can get help and advice
- Provide information and use signage

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Non-Employed Staff

- E.g. Coaches, volunteers, stewards
- Ensure contact details are up to date
- Log attendance at site and activities
- Make sure they have had Coronavirus training as appropriate for their role
- Prepare them to act as a Responsible Person for any activity they are involved in
- Make it easy for them to hand in registers and report concerns effectively

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Activities

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Participants at Activities

- Getting contact details of participants is now a legal requirement. Not doing so may cause liability issues should someone get infected
- Make Informed and Considered judgements on the guidance
- You need contact details to properly organise an activity
- Be guided by Good Risk Assessment
- Be prepared to say NO!

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Participants at Activities

- Attendees under the age of 18 will need the permission of a guardian
- Make sure you have the guardians contact details
- Take a register of actual attendees including non-participants
- Keep the session register secure and hand it in as soon as possible
- Eating and Drinking should be discouraged but if required should be socially distanced

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Participants at Activities

Individuals should self-declare that:

- I do not currently have symptoms of COVID-19 (new persistent dry cough, fever, loss of taste or smell)
- I have not had a positive test for COVID-19 or onset of symptoms of COVID-19 in the last 10 days. (Individuals who have completed their period of isolation (10 days) and have no remaining symptoms (other than a dry cough or loss of taste or smell which can last for some time) may return to normal activities)
- No member of my household has had symptoms of COVID-19 or has tested positive for COVID-19 in the last 14 days
- I have not been contacted by a contact tracer from the Test, Trace and Protect Programme and told to isolate in the last 14 days as a contact of someone with confirmed COVID-19
- I have not returned from a country outside of the UK in the last 14 days, other than those on the exempt list (<https://gov.wales/exemptions-self-isolation-coronavirus-covid-19-html>)

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Participants at Activities

Should 'Self-Assess' or declare

- They Have NOT HAD in the last 2 weeks:
 - A continuous high temperature
 - A loss of taste or smell
 - A new continuous cough
 - Contact with anyone who has had these symptoms or who has tested positive for Covid-19
- Have not been told to isolate
- Are not subject to any requirement to quarantine e.g. returned from abroad

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Participants at Activities

- Get them to agree to the statement or to not book or attend.
- Don't ask for details, they can either say Yes or No to the statement
- You MUST have a notice up at the site and draw participants attention to it or read it out. Tell them that by participating, they agree to the statement

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Spectators/Guardians

- Must have a compelling reason to be in attendance
- Must be on the register
- Must adhere to Coronavirus measure that are in place e.g. social distancing
- Do NOT refuse entry – you may be discriminating under the Equality Act 2010 if you do

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Spectators/Guardians

- Any guardian who is *active* in the session, for example the session is for very small children, should be treated as a participant
- If non-participants are away from the field of play and maintain social distancing from all others, they do NOT form part of your headcount limit. This includes match officials unless it is likely that they will need to enter the field of play

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Spectators/Guardians

- Parents/guardians will often assist with setting up of equipment (dinghies and beach launching for example). This should be done Socially Distanced and only within household groups. They should be on your register
- They may leave and return at the end to help pack away. They will not count toward the activity numbers
- No assistance should be given to any other person outside a household grouping

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Match Officials & Observers

- Match officials & Observers who will not enter the field of play during the normal course of their duties do not need to be included in your activity headcount
- They must socially distance from participants and others at all times
- Any conferring or consultation must be done within social distancing rules

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Multiple Groups

- Welsh Government is reviewing the guidance on multiple groups in outdoor spaces
- At present, it seems multiple groups will not be permitted

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Other Visitors



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Visitors to Site

- Get contact details for visitors and keep them secure
- Record who they are visiting and where they are going
- You do not need to get contact details from delivery drivers or couriers
- Handle the data in the same way you will for activity session records

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Contact Tracing

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Contact Tracing

- Test, Trace and Protect Service (TTPS)
- Run by NHS Wales
- NGB or organisation officers do NOT need to get involved other than providing information
- The TTPS will contact you if they need information from you
- An attendee may ask what they need to do, so make sure you know how the system works

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Contact Tracing

How it works

- Any person who suspects they may have Covid-19 (or has symptoms) should self-isolate along with other members of their household
- They should apply for a test. This can be done online or by telephoning NHS 111
- If the test is positive, they will be contacted by the TTPS
- The TTPS will get details of contacts the infected person has had since two-days prior to the first symptoms

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Contact Tracing

- The TTPS will contact people that have been in contact with the infected person. This is when your organisation will be contacted
- Give the TTPS the details of those in attendance at the date and time the TTPS tell you
- The TTPS may not tell you who has tested positive. If you are told DON'T make any note of it – it is unimportant and recording it may not be lawful
- Information given to you is CONFIDENTIAL – DON'T GOSSIP!
- DON'T contact anyone yourself, not even staff, it is the job of the TTPS to do this (unless they instruct you to, which is unlikely)

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Legality & Liability

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Legalities

- Some of the guidance involves aspects which are LEGAL REQUIREMENTS:
 - Social Distancing
 - Reasonable measures to maintain hygiene
 - Reasonable measures to minimise exposure
 - Provision of guidance information
 - Have *regard* to Welsh Government guidance
 - Conducting Risk Assessments
 - Activities must be *organised*

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GDPR / Data Protection

- GDPR / Data Protection issues:
 - New purposes for data collection
 - Privacy impact assessments
 - Security of registers
 - Retention of registers
 - Lawful basis for collection
- It is the responsibility of the organisations data controller or DPO
- The individual organisation is responsible for personal data use

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GDPR / Data Protection

- New purposes for data collection
 - Not taken bookings before
 - Not held participant contact details before
 - What is the purpose for this
- Privacy impact assessments
 - You **MUST** do a Data Protection Impact Assessment
 - Document where the data is stored and for how long
 - Balance the rights and risks of the subject

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GDPR / Data Protection

- Security of registers
 - You must keep the session registers secure
 - When in use at an activity, ensure they aren't left lying around
- Retention of registers
 - You need to decide how long to keep each register
 - It should be **AT LEAST 21 days** for it to be of any use. Ask your insurers. We suggest at least 6 months

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GDPR / Data Protection

- Be transparent
 - If someone asks 'will you pass my data to the tracing service' you should answer honestly.
 - Maybe: 'We have a legal duty of care to our staff, members and visitors. We have been told to pass contact details to the NHS tracing service when requested.
- Don't ask for consent for the TTPS

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Liability

- Consult your insurers
- Poor Risk Assessment:
 - You have always been liable for poor risk assessment
 - There may be more focus on Covid risk assessments
 - Be thorough, sensible and transparent
 - NGBs should lead on best practice
 - Clubs should follow NGB advice

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Liability

- Duty of care for employees and staff
- Duty of care for facility users
- Be able to demonstrate the implementation of Welsh Government guidance
- Keep meticulous records
- Follow insurance specific requirements
- Do not neglect areas such as safeguarding
- Keep up to date with changes
- Seek good advice if you are uncertain

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Further Information

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Further Information

- WSA/Vibrant Nation Guidance Documents
 - Currently being developed
 - Stay up to date as these documents will change as the Welsh Government changes their laws and guidance
- Welsh Government guidance
 - Not always clear
 - Sometimes confusing
 - Ask your Coronavirus Officer for clarity

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Further Information

- Access training when it is available
- Discuss requirements with Coronavirus Officers
- Don't be afraid to ask if you don't understand something

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