

## **DUTY OF CARE**

**Guidelines for safe operating procedures and things to consider when running a sailing session.**

### **Rule no. 1**

If you are going to mess about in boats, make it fun, challenging and, above all, safe.

### **The Duty of Care**

By law, we all have a duty of care toward people for whom we assume a responsibility. If we lead people into a dangerous situation, either by irresponsible leadership or by neglect, then we are culpable in law.

### **The role of the RYA**

The RYA is the national advisory body for sailing and powerboating. They offer a set of Safe Operating Guidelines which more or less ensure that a session will be run safely. They can only insist that these guidelines be followed exactly if the activity leads to the issuing of RYA certificates.

### **The problem with disabilities**

Many disabled people are very experienced sailors and are perfectly capable of making safe decisions for themselves. Many, however, have learning difficulties and therefore need the help of someone who both knows them personally and who knows the conditions to guide them. Sometimes, in these circumstances, the RYA guidelines are inadequate.

### **What are Safe Operating Procedures?**

SOPs (as we call them) are a set of rules by which sailing is run and which ensure that everybody who is sailing is doing so under relative safety. SOPs will vary enormously from one place to another. What follows is a set of suggestions, which might help Access Dinghy groups to formulate their own SOPs. It is important to have your own written SOPs and, if possible, to have outside experts to check and advise on them.

### **Risk**

It must be made perfectly clear (in writing) that each person sails at their own risk and that is their decision (or that of the parent or carer) to go sailing in the prevailing conditions.

Sailors and their parents/carers are responsible for the condition of their own boats.

The group must have adequate insurance to cover all eventualities.

The group should take advice from a suitable person or body on Duty of Care in the prevailing conditions.

Someone responsible should conduct a risk assessment and plan accordingly.

## **Leadership**

There should always be a Session Leader who has the following attributes:

- Considerable knowledge of the craft being used and their capabilities.
- Knowledge of the local water and weather conditions.
- The power to decide whether it is safe to sail at all – for the whole group or for individuals.
- The responsibility of ensuring that safety cover is adequate at any given time.
- The experience to decide whether there are enough carers, able-bodied sailors and helpers to run the session safely and to consider their experience and qualifications in making this decision.
- The responsibility to define a safe sailing area.
- The responsibility of ensuring that all boats used by the group are in a safe condition.
- The role of deciding or suggesting any activities like games etc.
- The knowledge to guide individual people according to their abilities and to provide extra safety or tutorial help for them.

## **The responsibility of individual sailors**

The leader must be sure that individuals are aware of any potential dangers and that they can be adequately protected from them. These dangers might include:

- Water (fear of, actual drowning, temperature)
- Weather (cold, wet, heat, sun, wind etc.)
- The general dangers of boats (booms, ropes etc.)
- Other dangers identified in the risk assessment (maybe bits of equipment, condition of slipways and pontoons etc.)
- Other dangers associated with their own condition (potential medical situations or restrictive disabilities)

It should be the individual's (or parent or carer) responsibility to protect themselves against these dangers.

## **Safety cover**

It is essential to have adequate safety backup in case people get into danger or distress. This is normally provided from RIBs or small dories. These boats must be regularly maintained and should be properly equipped with anchors, ropes, first aid equipment etc. to meet the conditions. It is essential that a safety boat can reach any sailor within three minutes of the alarm being raised. Have a system of communications; viz. Flags to wave, walkie talkie radios etc. Safety boat drivers carry a high level of responsibility and must be adequately experienced or qualified. (The RYA powerboat level 2 certificate is a basic boat-handling qualification and is not adequate for safety work.) Safety boats should always carry a fit crew member as well as the driver.

## **Children**

It is essential that children enjoy themselves and develop their skills. However, there is legislation intended to protect children from danger and from adults with malevolent intent. Be aware of the legislation and comply with it. The two main Acts of Parliament

are the Adventurous Activities Licensing Act and the Child Protection Act. If you are acting as a constituted group, have a written Child Protection Policy in the light of advice from your county education or social services department.

### **Injury and illness**

Have an emergency procedure. Everybody should know how to call for help quickly. Keep suitable first aid equipment available at all times, which should be used by trained first-aiders. Be aware of the problems of individual people. Under no circumstances administer any drugs without proper medical supervision.

### **Useful Qualifications**

Qualifications are proof of experience and assessment. They do not prove that things are being done responsibly or safely at any given moment. Good ones to consider when looking for helpers and leaders are:

- Youth leadership
- Adventure and leadership training particularly in military, expeditionary, service and similar fields
- First Aid and further medical qualifications
- Sailing, instructional and leadership qualifications issued by the RYA and other bodies
- Powerboat qualifications, especially Safety Boat Driver
- Teaching

### **Useful Organisations**

Most things start small – and many wish to remain that way. But even a single family in a boat is not absolved from informal Safe Operating Procedures like wearing buoyancy aids and being aware of the weather. There are organisations which can help you develop – and they are always worth checking out because their cumulative experience is extremely helpful. These may include:

- Existing sailing and yacht clubs.
- County and statutory facilities.
- Class Associations
- The RYA (there is also a “disabled” branch of the RYA called Sailabilty, which may have useful information)
- The British Canoe Union
- Specific disability groups.

**THESE SOPs ARE INTENDED AS A GUIDE ONLY. YOU MUST MAKE A RISK ASSESSMENT OF YOUR OWN OPERATION AND THEN CREATE YOUR OWN SAFE OPERATING PROCEDURES IN VIEW OF THEM. IF NECESSARY SEEK LEGAL ADVICE.**