

# Duty of Care & Guidance for Sport During Covid-19



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**Ensure you are reading the latest version**

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## Current Law & Guidance

There is a lot of official guidance from Welsh Government that needs to be interpreted. In addition to the guidance, there are several laws that come in to play, one of which is specifically about the current Coronavirus situation.

### Principal Guidance

#### Welsh Government

Sport, recreation and leisure: guidance for a phased return

<https://gov.wales/sport-recreation-and-leisure-guidance-phased-return>

Test, Trace, Protect Policy & Strategy

<https://gov.wales/test-trace-protect>

Apply for a coronavirus test: guidance

<https://gov.wales/apply-coronavirus-test>

Workplace guidance for employers and employees: COVID19

<https://gov.wales/workplace-guidance-employers-and-employees-covid19>

#### Public Health Wales

Test, trace, protect: coronavirus

<https://phw.nhs.wales/topics/latest-information-on-novel-coronavirus-covid-19/guidance-accordion/test-trace-protect-coronavirus/>

### Laws

The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020

<https://gov.wales/health-protection-coronavirus-restrictions-no-2-wales-regulations-2020>

The Management of Health and Safety at Work Regulations 1999

<https://www.legislation.gov.uk/uksi/1999/3242/contents/made>

The Data Protection Act 2018

<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

The General Data Protection Regulation (GDPR)

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1532348683434&uri=CELEX:02016R0679-20160504>

## General Operating Requirements

- The Welsh Government are allowing the gradual resumption of **outdoor** activities in sport in Wales as the Covid-19 (Covid) rates continue to fall.
- There are several requirements that go with allowing activities to resume
- One of the most important requirements is the adherence to the legal requirements that REMAIN in force. Remember these are Laws that must be adhered to:
  - Social distancing in the workplace
  - Workplace hygiene
- Risk assessments for Coronavirus impact and risks are a LEGAL requirement.
- Organisations also have a general duty under health and safety legislation to protect employees from harms.
- There is presently a limit of 30 persons in any activity or space.
- The guidance advises organisations to collect contact details so that the Test, Trace and Protect System (TTPS) will be effective should there be an incidence of Covid-19 exposure at any activity.
- The Welsh Government also require that NGBs provide a plan and oversight for any activities that they would cover, and the guidance must be fully implemented by the NGB. The NGB will then provide leadership and oversee the efforts of its member organisations.
- Welsh Government still advises staff to work from home where practical however this is no longer a legal requirement.

None of this guidance directly applies to professional or elite athletes. The general principles can be adopted but there are some additional measures that need to be considered for elite sports. Please contact us for more information should you need it.

## Health Monitoring

There is a temptation to implement monitoring of staff health as the return to work gathers pace. Organisations need to be very wary of doing this as the data protection implications are far reaching, complex and these activities may also infringe equality law and human rights law.

There are many vendors that are advocating the use of thermal scanning to measure the body temperature of staff and visitors as they arrive at the place of work. There is no clear lawful basis under data protection to gather this kind of information. Just because someone has a higher than 'normal' temperature does not mean that they have Covid-19 or any other infectious disease. Unless you are an experienced medical professional, you cannot make any form of diagnosis from a temperature reading.

What will you do if someone presents with a high temperature? Are you going to refuse to allow them into the building? On what grounds will you do this? If their high temperature is gender or age related, or connected with any form of disability, you have just committed an act of discrimination. What will you do if someone refuses to enter a building because they don't want to be scanned?

We are advising that you do NOT implement ANY measure to monitor health. It is fine to issue common sense advice along the lines of:

"If you are unwell and suspect you may have Covid-19 or have any of the symptoms of Covid-19, please stay at home, contact the Test and Trace service and let us know that you are absent in the usual way. Be sure to advise the tracing service of your place of work and they

will assess whether we need to know your potential Covid status. You may of course tell us if you suspect you have Covid-19 but you are not in any way obliged to.

“Please also inform us if you have been instructed to isolate. Let us know the date that your isolation will end.”

Remember that there is a difference between having Covid-19 and being told to isolate. Someone who is isolating may be able to undertake work remotely but bear in mind that they may be stressed or may become ill.

## Dos and Don'ts

- **DO NOT** take people's temperatures!
- **DO NOT** ask intrusive health questions
- **DO NOT** 'diagnose' people's 'symptoms'
- **DO** have plenty of signage at your locations about social distancing, educating on the symptoms of Covid-19 and advising on how people can get a test organised or what to do if they think they may have been infected. Don't assume everyone will have seen this information elsewhere. It never hurts to remind everyone.
- **DO** ask staff to stay at home if they think there is a reasonable risk that they have been infected or been in contact with someone who has been infected. Tell them to report their absence in the usual way and seek help about a Covid test from the online service of NHS 111.
- **DO** provide signs that ask people not to enter the premises if they think they may be infectious or have had contact with someone who has got Covid-19. Again, provide help information on your signs so they can get help.

## Guidance Specific to National Governing Bodies

NGBs need to follow all the guidance that we have set out but additionally have some specific roles that they need to fulfil. Part of the Welsh Government advice requires NGBs to provide oversight and leadership for their member organisations. This requires NGBs to set a standard of excellence for mandatory risk assessments, processes & policies, and to provide advice and training specific to their sport sector.

NGBs will also have additional responsibilities and duties in regard to professional sports and elite athletes. This guidance will not cover these categories specifically and NGBs that have elite athletes should seek further information from the WSA.

When NGBs organise activities, they must be a 'showcase' for clubs and organisations to aspire to in the level of organisation and implementation of current guidance, risk assessment and management of information and documentation. It is very important for NGBs to get it right.

They must also remind clubs that the day-to-day duties of running a club must not become second to Covid-19 efforts. Areas such as safeguarding, and Health and Safety must have standards maintained. Clubs must be advised by their NGB to only return to as much activity as they can cope with given the unusual staffing arrangements at present. NGBs must ensure that the eagerness to return to activities, which is something we all want, does not overtake common sense and due diligence.

## General Guidance for NGBs Clubs & Organisations

We will now go through some guidance that is applicable to all NGBs and organisations. It will cover requirements for staffing, specific roles connected with the Covid-19 situation and some advice on employee health.

If you are at all unsure about any of the information within this guidance, you should approach us for clarification. It is important that the guidance is applied correctly to minimise risks as the Coronavirus lockdown is eased, to ensure a safe return to activities and to ensure your staff are protected and looked after. The advice will point out certain requirements that are legally mandated to be done.

Clubs should always be able to approach their NGB if they have one so NGBs must pay particular attention to the guidance and the specific officer at the NGB should be able and ready to guide their membership through the process and support the efforts at grass roots level.

## Appointing Responsible Officers

### Coronavirus Officer

This role is strategic in the phased return to sport activities. It is not a role to be feared though, it is in no way a medical or healthcare position. The Coronavirus Officer will simply manage and ensure that the required processes and information are put in place and monitor compliance with the guidance and legal requirements.

- An existing member of the organisation must be appointed as Coronavirus officer
- They will be responsible for oversight of the Coronavirus risk assessments
- They will be responsible for ensuring the necessary level of risk assessment and mitigations are in place
- They will be responsible for ensuring that the organisation can adhere to its guidance responsibilities within local constraints.
- Club Coronavirus Officers should liaise with their NGB equivalents for reassurance and guidance.
- There is nothing in this role that will in any way 'medical' or require specialist knowledge of the virus or health protection.
- The role will be no more onerous than being a safeguarding officer – probably less so.

### Activity Session Responsible Person

All sessions must have an individual responsible person. It is the duty of this person to ensure that the rules and requirements set out by the NGB, the Coronavirus Officer and Welsh Government are adhered to. This role can be carried out by the Coronavirus Officer or another suitably instructed person. The responsible person's duties shall include:

- Taking of a register of attendees and other persons as described in this guidance.
- Ensuring all attendees understand the Covid-19 measure and rules that are in place.
- To ensure that Covid-19 self-declarations are provided where required.
- To monitor the session for compliance with the Covid-19 rules both general and specific to the activity.
- To ensure a timely and safe dispersal at the end of any session.
- The warning of or ejection from the session of persons that do not follow the rules or reasonable instructions thereby causing a nuisance or a risk to health of other participants, attendees or staff.

## Considering Employees

Organisations have a Duty of Care in regard to the health and safety of their employees. This is a duty that is enshrined in law. It is well accepted that Covid prevention measures, such as social distancing, are a mandatory requirement in the workplace.

### What must you do?

- Ensure that staff contact details are up to date. This is good practice anyway.
- Ensure employees are aware of social distancing and hygiene requirements in the workplace – both indoor and outdoor spaces are covered by these requirements.
- Keep a record of dates and times of staff attendance at your site. This will prevent confusion where many staff may still be working from home.
- You do NOT need to get consent to pass staff details to the TTPS. Covid-19 is a notifiable disease and you are able to pass this information without breaking the GDPR or any other data protection law. This is allowed under the Data Protection Act 2018 (DPA18) under Schedule 2 paragraph 7 and function 4.
- Appoint someone in your organisation to be the 'Coronavirus Officer'. They will coordinate your protection and data collection efforts along with ensuring that information and training is made available to staff, coaches and volunteers as required.

## Considering Coaches and non-employed staff

Organisations should already have the contact details of coaches and non-employee staff (e.g. volunteer stewards etc.), if they don't then this needs to be a remedial step to acquire such details as this should be in place on the grounds of health and safety and safeguarding where appropriate.

### What must you do?

- Ensure that coaches and non-employed staff contact details are up to date.
- Ensure coaches and non-employed staff are aware of social distancing and hygiene requirements in the workplace – both indoor and outdoor spaces are covered by these requirements.
- Keep a record of dates, times and locations of activities that you are providing and who is attending from your employees, coaches or non-employed staff.
- Appoint ONE member of your activity staff as the responsible person to collect a register of attendees – this should be an employee where possible.
- Check and update all coach and volunteer agreements to ensure that the individual agrees to keep personal information confidential and secure,
- Train your coaches and staff on the need keep a register of participants and to ensure that the participants contact details are available. You will also need to train your staff to keep any register or attendance list secure and confidential.
- You need to provide a method or procedure for the coaches and staff to hand over the session register to a central point so that the data can be secured and destroyed when it is deemed no longer needed – you should retain the information for at least 21 days for it to be useful. This needs to happen at the earliest opportunity.

## Visitors to site

During the restrictions to the workplace of employees, visitors coming to your site should be avoided where possible. It is important though to ensure that repairs and maintenance are carried out and this is a typical unavoidable case where you will have a visitor.

### What must you do?

- Get contact details for visitors and keep them secure but not in a visitor's book.
- Record who they are visiting, the reason for the visit and where they are going.
- Be sure to log when they leave site as well as when they arrive.
- Handle the data in the same way you will for other attendance records.

## Deliveries

You do not need to keep records of deliveries to your site. You must ensure that deliveries are socially distanced and without any contact. Most couriers and delivery services are well practiced and have alternate procedures in place that have dispensed with the need for signatures (e.g. they may photograph the package at your location etc.).

## Activity Sessions

### Participants

The collection of contact details of participants at an activity is not an absolute legal requirement. However, failure to do this may pose issues for the organisation. Organisations have a common duty of care for all users of their facilities. You will hear a lot of talk regarding 'Consent' for the use of contact information for Covid contact tracing. It is important to understand that this is not required. The terms upon which any individual can participate in an activity can be defined by the organisation. If you ask for consent for contact details to be passed to the Test, Trace and Protect Service (TTPS) and this consent is refused, you will not be able to refuse entry to an activity without breaching data protection law. This is because you have made the consent conditional and not a free choice. We recommend that you avoid using consent.

On the basis that the Welsh Government advice requires activities and events to be organised, it is therefore reasonable for you to insist on have a telephone number and a name so that changes to any event can be communicated quickly to avoid any unnecessary gathering or travel.

**NOTE: the TTPS RELIES on having ACCURATE telephone contact numbers, ALWAYS get a telephone number and record it carefully**

### What must you do?

- Ensure that regular participants' (club members etc.) contact details are up to date and that they include a current telephone number.
- Permitted events must be **organised**, so get bookings for the session. This will mean you can get contact details for the booking and will help ensure that sessions are not oversubscribed by limiting available slots. Remember to take the number of staff away from the session limit (currently 30).
- Don't mention consent to pass details to the TTPS.
- It is a decision of the NGB or club if they wish to advise participants that their details will be passed to the TTPS in the event of a Covid incident. You will need to balance whether this will cause fear and put people off or instil confidence. You do not need to advise participants under the data protection law that allows you to pass their details without consent.
- Be sure that guardians have permitted their charges to attend any session where this is appropriate and that you have the guardians contact information. You will not need the child's contact details if you have the guardian's.
- Ensure that a register of who attends is kept by staff in attendance, ideally those who have booked.
- Ensure the register is retained and kept secure for as long as you deem necessary – this must be at least 21 days to be of use. We would recommend that you keep this data for no less than 6 months. You should seek guidance from your insurers on this.

Should a participant (or guardian) refuse to provide contact information, then the organisation needs to determine if the participant should be refused entry but not citing Covid contact tracing as the reason. This can be avoided by collecting the details at booking time. Document your approach and be sure to train your Coronavirus Officer and Responsible Persons on what to do should this arise.

### Multiple Groups

You may run multiple groups in your space provided that they are distinctly separate if they were to be viewed from above. Each session must have its own Responsible Person, and staff and participants should not switch between groups. Ideally, groups should arrive and depart at different times or without breaking social distancing.

## Spectators and Guardians

All non-participating attendees must have a compelling reason to be present, such as being a support worker or carer for a disabled person etc. Any non-participants will need to be included in your head count when considering the limit on numbers unless they will be away from the field of play and socially distanced from others. Make allowance on your booking system for carers or support workers.

### What must you do?

- Ensure that non-participants are on the register of attendees even if they are not actively participating.
- Make a note of the reason they are in attendance (e.g. a carer) and note who they have accompanied.
- Do not refuse to admit them with the person they are accompanying – this could be discrimination under the Equality Act 2010.
- Any guardian who is active in the session, for example the session is for very small children, should be treated as a participant.
- Ensure the booking for the session allows a prospective attendee to book on a carer/support worker.

## Parental Assistance with equipment in some sectors

There are occasions when a parent or guardian will assist the participant with preparation for the activity. This is allowed as long as they stay socially distanced during this part of the activity. For example, parents often assist with dinghy preparation and launching from a beach prior to sailing activities. They will then often leave the site and return some hours later to assist with craft retrieval and packing away.

You do need to ensure that the assistants are on the register, but you do NOT need to include them in your activity headcount as long as they maintain social distancing from other participants. You must ensure that they only assist members of their own family group and DO NOT help other participants.

## Observers & Officials

Some activities will require official observers. If the observer will not normally, in the course of their official duties, come onto the field of play and otherwise maintain the correct social distance from all other people present, they do not need to be included in your activity headcount.

At present, you **MUST** include any referee or linesmen in your headcount. We understand that at present this will mean that rugby matches will not be allowed because the current headcount limit is 30. Welsh Government have been advised of this and are looking at the matter. Until the limit is increased, teams may choose to agree to play 13 a side with a referee and two linesmen.

## Self-Assessment Statements

Guidance suggests that all participants and other attendees need to self-certify their Covid-19 status. We advise that you do NOT ask specific questions about their having had symptoms or a positives test or such like as this will amount to processing health information that is not allowed under data protection laws.

Instead we suggest that the potential participant is asked to either agree or disagree with a prepared statement that covers all the required aspects of the self-assessment in line with the advice. It should read like this or similar:

“I have NOT HAD in the last 2 weeks any of the following Covid-19 symptoms: A continuous high temperature; A loss of taste or smell; A new continuous cough. I also confirm that I have not to the best of my knowledge had contact with anyone else who has had these symptoms or tested positive for Covid-19.

“I also confirm that I nor any other person in my household or extended household have NOT been told to self-isolate and are not currently subject to Covid-19 quarantine after travel or illness.”

## When booking

You should display this statement on any booking form and the participant must agree to the statement to be able to book. You may use a checkbox on a web form to indicate the participant has read and can agree to the statement. The statement can be agreed to verbally if booking by telephone after having it read out to them. In the case of a minor, the guardian will be required to indicate the truth of the statement on the child’s behalf.

## At the event

It is VERY IMPORTANT that upon arrival, all participants (or guardians as appropriate) are shown the statement and can still agree with it. If they cannot agree, they must leave immediately. Remember that some time may have elapsed between booking and the event and their circumstances may have changed.

You should place the statement clearly on signage and the Responsible Person should ensure that everyone looks at it and can agree to it.

## Returning to activity after illness

The government advice also requires any participant to be judged as fit to participate in an activity after a period of illness, especially if it has been Covid-19 related. This will apply if the club is aware of the participants period of illness. It is acceptable for the participant to confirm that they have consulted a medical professional such as their GP practice, and they have been told it is OK for them to return to activities.

## Handling of Attendance Registers

This will apply to all attendance registers: staff; visitors and session participants and others.

### What must you do?

The format you decide the registers should take and how the information should be gathered will vary some of the steps we are about to go through, but the principle ideas will be the same. We will look at the simplest form of collecting and handling this data that would be possible for all organisations without any additional outlay on software or hardware.

- Create a main Excel spreadsheet to store visitor and participant contact information along with the staff and coaches that were involved in each session. Password protect this spreadsheet and store it securely on a computer in a locked office.
- To collect information at the point of use, create and print a suitable form. If the sessions are pre-booked, print a list of attendees and allow the list to be ticked off. If your booking system has details of the contact numbers, then you do NOT need to put these on the form. This is more secure. However, it is important that you collect the information if you do not have this from a booking system.
- If you usually need parental consent for attendance, provide space for the guardian's contact details – remember to add this to your main spreadsheet as well.
- Get the paper registers handed in as soon as possible and transfer the information to the spreadsheet. Make sure that the spreadsheet is being backed up every day. KEEP the paper sheets – store them in a locked filing cabinet and bundle them in date order.
- Decide how long you need to hold on to the information. This MUST be at least 21 days for it to be useful. You may decide to keep it for much longer, but you must be able to justify doing this in the usual way under the GDPR. Delete the information that is no longer required from the spreadsheet and remember to get the bundle of paper sheets and SHRED them securely. You should seek advice from your insurers as to how long they feel you should hold this information. We suggest a minimum of 6 months.

## Managing a Covid-19 Incident

It is important for any organisation to know what to do in the event that they are informed of a potential infection risk by the TTPS or by an individual. It is also important that staff of the organisation know how to recognise symptoms of Covid-19 so that they themselves can follow the recommended actions in the TTPS should they become unwell.

### General Advice from Welsh Government:

The main symptoms of Covid-19 are:

- a high temperature: this means you feel hot to touch on your chest or back (you do not need to measure your temperature)
- a new, continuous cough: this means coughing a lot for more than an hour, or 3 or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual)
- a loss or change to your sense of smell or taste: this means you've noticed you cannot smell or taste anything, or things smell or taste different to normal

Most people with coronavirus have at least one of these symptoms.

### Medical advice

COVID-19 symptoms are usually mild, but some people can become very unwell. If you feel you cannot cope with your symptoms at home or if your condition gets worse, or your symptoms do not get better after seven days, use the online coronavirus service. You should book a test as soon as you have symptoms

<https://gov.wales/apply-coronavirus-test>

If you do not have internet access, call 111. In a medical emergency, dial 999. Do not delay getting help if you're worried. Trust your instincts.

## Someone Advises that they have Covid-19

If someone who has been at your site calls to inform you that they think they have Covid-19 or have symptoms, urge **them** to contact the Coronavirus 111 services using the link above or by calling 111. Do not express any opinion on the matter other than you think they should access the NHS services.

### What should you do?

- Don't panic. It may not be Covid-19.
- Tell them to contact the Coronavirus NHS service for help and advice.
- Do not record any details about them as this may be unlawful. Do not spread any gossip. You should inform your organisation's Coronavirus Officer.
- Coronavirus Officers should contact the Coronavirus 111 service for advice if they are unsure.
- Notify the NGB Coronavirus Officer of the situation but do not disclose any known details of any individual.
- **DO NOT** contact other people who may have been at the session. You are not allowed to do this lawfully. Let the TTPS do their job.
- Seek advice from your Coronavirus Officer about extra cleaning that may be required.

## How the Test, Trace and Protect Service (TTPS) Works

It is important to understand how the TTPS operates to ensure that it is effective without causing fear or unnecessary work. Much of the advice of Welsh Government is confusing when it discusses isolation and testing of persons suspected of being infected. It is NOT the role of any club or NGB officer to instruct anyone to isolate or book a test.

### How it works

- The 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
- The TTPS will contact each person that has been in close proximity to the infected person. This is when your organisation will be contacted
  - You need to give the TTPS all the details of those in attendance at the date and time the TTPS tell you
  - The TTPS will NOT tell who has tested positive unless the individual has given permission. If you are told DON'T make any note of it – it is unimportant and recording it may be unlawful.
  - 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.
- The process is outlined here: <https://gov.wales/test-trace-protect-guidance-employers>

## GDPR and Data Protection

The personal information involved in the TTPS system is personal information like any other that your organisation handles. Hopefully, you already collect contact details when organising activities so this is not an area that will cause you much extra work or anxiety.

If you don't already collect this information you will need to conduct a Data Protection Impact Assessment (DPIA) prior to doing so. It is a fairly straight forward thing to do and if you need assistance with this contact the WSA. You will also need to define the purpose for collecting the data. This must not be for the TTPS as this will cause things to get complicated for no reason. It should simply be that the sessions need to be organised and to properly inform attendees of changes etc. you need their contact details.

You need to add all this to your GDPR documentation and don't forget to include any paper forms in your descriptions and data inventory.

You need to describe how data will be given to the TTPS and what checks will be in place to ensure that any contact is genuine.

## 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

## New purposes for data collection

- Not taken bookings before
- Not held participant contact details before
- What is the purpose for this data collection?
- 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 along with the liabilities and duties of your organisation

## 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

## 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. We need to collect contact details as we are obliged to have events properly organised and we need this information in case we need to change anything at the last minute. We need this to keep our members safe'.

Don't ask for consent for the TTPS

## Business as Usual

### Safeguarding

During the phased return to sport, all other requirements should be addressed. This is especially important in regard to safeguarding processes. Do not allow additional workload to cause shortcuts in safeguarding.

### Injuries and Medical Emergencies

All injuries at work, during training or play should be dealt with as before. There are a few additional considerations that must be taken into account:

- Don't allow others to 'crowd' the scene. Make sure social distancing is maintained where possible.
- Person administering first aid should always use PPE. They will necessarily need to be in close proximity with the casualty and so should wear gloves, a 3-layer (preferably medical quality) mask and a clear visor. This is as much for the protection of the first aider as well as the casualty.
- First aiders must follow meticulous hygiene e.g. washing of hands where possible and the use of hand sanitiser both before and after treatment.
- Sufficient PPE must be at hand in the event of multiple casualties or for several incidents in any session.
- First aiders should be careful if there are multiple casualties to ensure that gloves are changed, and hands sanitised between casualties.
- Detail of any incident should be recorded along with details of close contact between people.

## Legality & Liability

### Legality

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

These legal requirements can be found in the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020, specifically in section 15. You will see that you also need to conduct risk assessments under the Management of Health and Safety at Work Regulations 1999 as set out in section 3, regardless of whether the regulation would normally apply to your organisation.

It is important that you can demonstrate having had regard to Welsh Government's guidance – even if you have adapted it to suit your circumstances and activities. It is also important that all your activities are properly organised. This is best accomplished by implementing some form of booking, even if it is only a spreadsheet or paper form. This will also help you stay within the allowed headcount for any activity and provide an opportunity to collect contact details.

### Liability

There is a lot of concern regarding the liability of NGBs, clubs and individuals when it comes to the implementation of the Covid-19 measures that we have looked at in this document. Inevitably, the NGB and the club will be liable for what it does, but that is not any different to other liabilities in day-to-day sports activities. Much of the reduction in liability will come through good risk assessments and again, this is no different in the case of a Covid-19 risk assessment than any of the other risk assessments that you have been undertaking. If you don't do a risk assessment properly, then you may be liable for any outcome that arises from it.

It is best to be guided by your insurers as it is generally an insurable risk. NGBs must take a leading role in this area and should advise on best practices for Covid-19 risk assessments. Clubs should follow the advice of the NGBs but should not be afraid to challenge where they feel something is not correct or is incomplete.

Organisations must be wary of undertaking aspects that they are not qualified for. For example, there is Welsh Government guidance about appointing a 'Medical Officer'. This guidance is under review by Welsh Government at present and will only apply in the circumstances of an NGB having elite athletes to consider. Clubs and organisations do not need to worry about this role in any way.

All organisations should keep thorough and meticulous records so that preparations, activities and actions can all be accounted for.

## Staying Informed

The advice, regulations and detail of Covid-19 measures are constantly being reviewed and are subject to change. Often changes to Government guidance are not easy to understand. We will keep our advice under review, and we will issue updates as they are required.

We will have a Frequently Asked Questions area on the website along with the latest rules and limits on session numbers etc. It is a good idea to check these resources regularly. We will make updates clear and easy to find as well as informing you via email.

## Useful links

Social and physical distancing

<https://gov.wales/coronavirus-social-distancing-guidance>

Self-isolation

<https://gov.wales/self-isolation-stay-home-guidance-households-possible-coronavirus>

Symptoms

<https://gov.wales/self-isolation-stay-home-guidance-households-possible-coronavirus#section-38123>

Test, Trace, Protect

<https://gov.wales/test-trace-protect-coronavirus>

Apply for a test

<https://gov.wales/apply-coronavirus-test>

Shielding

<https://gov.wales/guidance-shielding-and-protecting-people-defined-medical-grounds-extremely-vulnerable-coronavirus-0>

## At risk people

<https://gov.wales/people-increased-risk-coronavirus>

## Extended households

<https://gov.wales/guidance-extended-households-coronavirus>

## Cleaning

<https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings>

## HSE guidance (including cleaning, risk assessment etc.)

<https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

## Reasonable measures

<https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open>

## Masks

<https://gov.wales/face-coverings-frequently-asked-questions>