

RISK AND COMPLIANCE TOOLKIT

**WAYS TO PROVIDE AN ENVIRONMENT
THAT IS SAFE AND HEALTHY**



OVERVIEW

Your club has a duty of care to maintain a safe environment and implement good health and safety practices for all members and guests. If your club does not employ or contract anyone, but relies on a group of volunteers, it is still important that reasonable steps are taken to ensure the health and safety of all your members, participants, volunteers and guests.

All administrators, coaches, athletes, referees, support staff and spectators have a responsibility to ensure that every person who wants to be, or is involved, in your sport club or organisation is treated with respect and dignity; and are safe and protected from harm and abuse.

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THE PURPOSE



Auckland is a complex multi-cultural environment with many challenges and unparalleled opportunities to increase and sustain participation in sport and recreation. This has led to the establishment of The Auckland Approach to Community Sport, a strategic response aiming to create a world-class community sport system in Tāmaki Makaurau, community by community. This toolkit has been developed (and will be updated) based on insights and good practice examples from across Auckland.

The purpose of this generic risk and compliance toolkit is to provide information, insights and ideas on ways to minimise risk to assist leaders of clubs/codes to ensure the safety of all participants. It can be tailored and implemented as each club/code sees relevant.



KEEPING YOUR MEMBERS SAFE

Risk management is a logical method of identifying, analysing, assessing, treating, monitoring and communicating the risks that are associated with various activities, so that negative effects and losses can be minimised and opportunities can be strengthened.

To be most effective, risk management should become part of an organisation's culture. It should be integrated into its philosophy, practices and business plans rather than be viewed or practiced as a separate item. Risk management is the responsibility of everyone in the organisation.



WHAT IS HEALTH AND SAFETY?

Health and Safety is about the hazards that exist in your usual club environment.

- Are there fire exits?
- Are there enough toilets and hand-washing facilities?
- Do you have a first aid kit and people trained in its use?
- What will you do in the event of an accident or civil defense emergency?
- Do you have contact numbers for your members' next-of-kin to ensure they can be contacted in the case of an illness or injury?

It's important to note that the club is not liable for personal injury from accidents for volunteers and members participating in its activities. However, the club could be fined under the Health and Safety Act if it is at fault for not providing a safe working environment.

The club must follow the rules for employers set out in the Health and Safety Act and pay the appropriate ACC levies if they have paid employees.

■ [Access the ACC website >>](#) 



THE HEALTH AND SAFETY ACT

Your club must comply with the Health and Safety Act 2015 which aims to prevent harm to all people. This means that your club has the duty of care to maintain a safe environment and implement sound health and safety practices for all members and guests. If your club does not employ or contract anyone, but relies on a group of volunteers, it is still important that reasonable steps are taken to ensure the health and safety of members, participant, volunteers and guests.

■ [Read the Sport New Zealand – Health and Safety Reform Document >>](#) 

■ [Access the Health and Safety Act >>](#) 

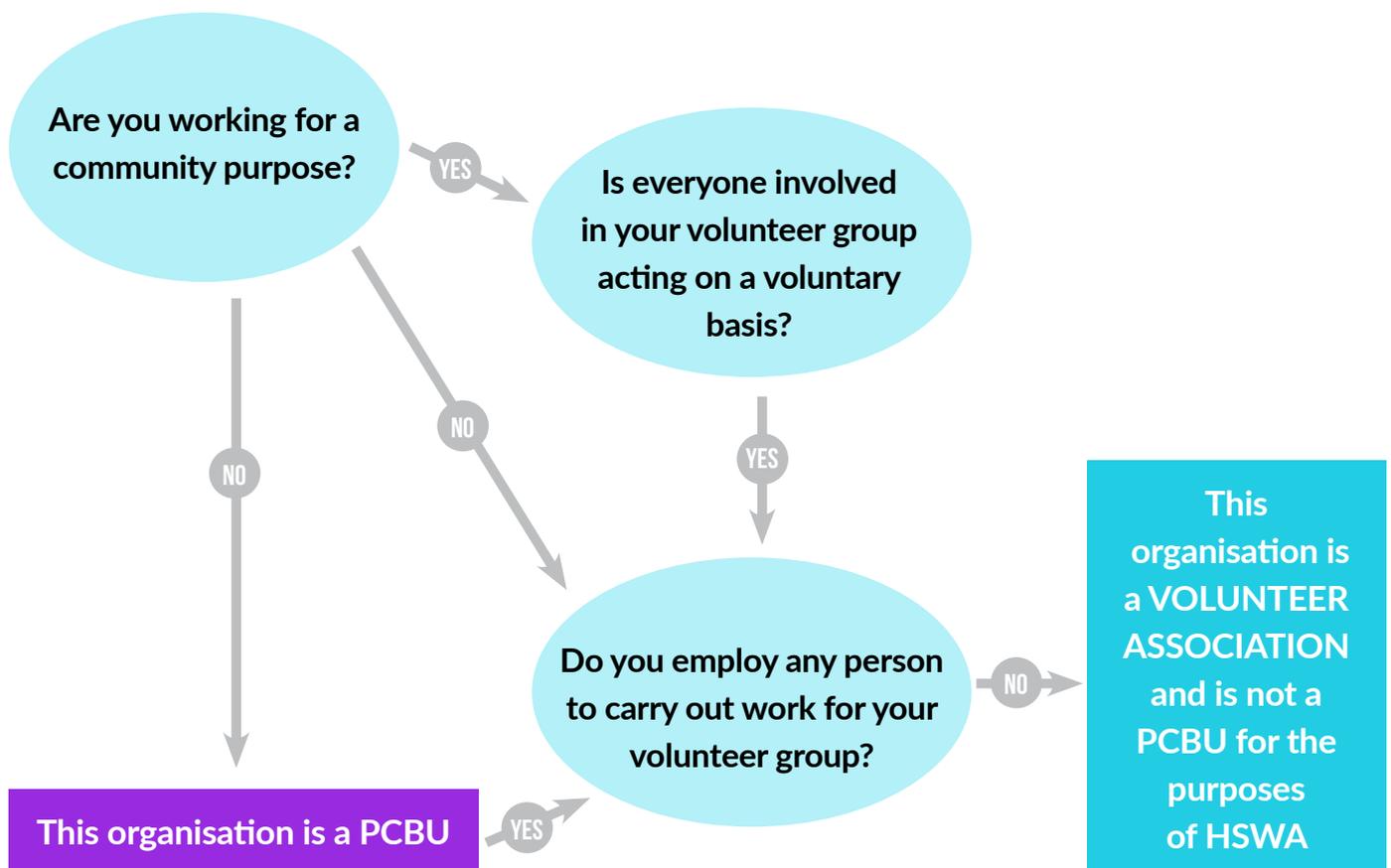


HEALTH AND SAFETY (PCBU OR VOLUNTEER)

A PCBU means a Person Conducting a Business or Undertaking. It is important to establish if your club is a PCBU or volunteer organisation.

A PCBU may be an individual person or an organisation.

A 'business' is a profit-making entity, whereas an 'undertaking' may not be commercial in nature.





WHAT IS THE LIABILITY OF VOLUNTEER OFFICERS?

The obligations, duties and rights contained in the Health and Safety at Work Act 2015 (HSWA) make it clear that everyone has a role to play in ensuring health and safety at work.

While officers who are volunteers have a due diligence duty to ensure the PCBU complies with its duties and obligations, they do not commit an offence if they fail to meet it. This immunity ensures that voluntary participation at a leadership level is not discouraged.

However, volunteer officers may be prosecuted as 'other persons' at the workplace if they fail to take reasonable care of their own, or another person's health and safety while at the workplace or fail to comply with reasonable instructions about health and safety given by the PCBU.

■ **Understand more about the Act in relation to volunteers >>** 

THE NEED TO HAVE A HEALTH & SAFETY OFFICER

Your club should ensure that someone on the committee is given the role of health and safety officer. This does not have to be a separate position. It's the health and safety officer's role to ensure the club's health and safety policies are followed. This includes hazard management, accident reporting, safety checklists and emergency procedures.

■ **Sample job description for a health and safety coordinator >>** 

HEALTH & SAFETY POLICY (WHAT NEEDS TO BE IN THIS)

The purpose of the policy (for example): Club members and officers need to take all practicable steps to ensure the safety of everyone on the premises.

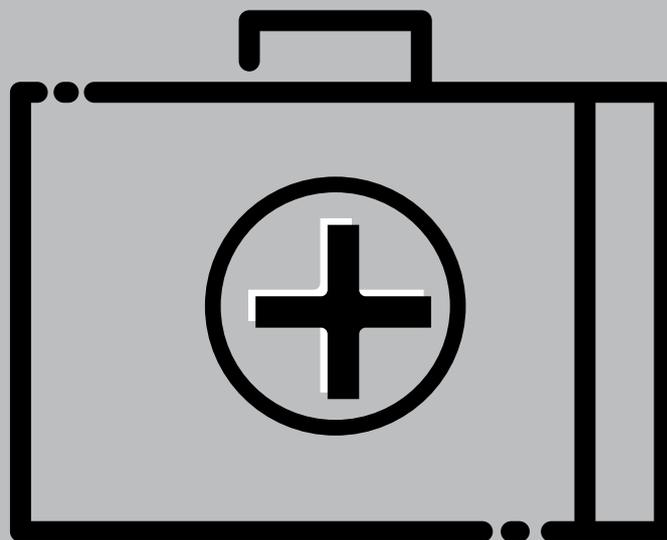
- Procedures required to meet the policy - include a checklist or register for the coordinator to regularly use to check for hazards around the buildings/fields etc.
 - **Example Hazards checklist or register >>** 
- Ensure staff and volunteers know they must notify the coordinator of any hazards, so action can be taken to minimise the risk of an injury occurring.
- Outline ways to deal with hazards that can't be managed immediately, for example, any hazards not dealt with straightaway must be noted and discussed at the next committee meeting.
- Outline emergency evacuation procedures - what people should do in the event of an emergency such as a fire or earthquake (emergency procedures should be displayed prominently).
- Outline an incident management procedure, for example, what to do in the event of an accident.

■ **Access the sample Health and Safety policy template >>** 

RISK ASSESSMENT AND MANAGEMENT

FIRST AID

Having qualified first aiders is a good way to add to the safety of your members, during training, competition and events. There are lots of first aid and safety courses available. Red Cross New Zealand or St John New Zealand both offer a variety of health and safety training courses around the country. It is important to keep a First Aid register so the organization can see who has first aid skills.



NAME	FIRST AID PROVIDER	FIRST AID QUALIFICATION	CPR QUALIFICATION	FIRST AID CERTIFICATE EXPIRY DATE	CONTACT
Bill Smith	St Johns	First Aid level 1	Resuscitation level 3	20.12.2020	bsmith@abcd.co.nz

RISK MANAGEMENT (PREVENT, ISOLATE, MINIMIZE)

Taking the following steps can help you manage risks in your club:

WHO IS RESPONSIBLE FOR RISK AT YOUR CLUB?

It is important that you agree who will take ownership of managing risk at your club. This person should identify potential risks and implement procedures to remove or manage these. They will also be the first point of contact in the event of an incident.

WHAT ARE THE RISKS?

The first step in managing risk at your club is to identify what the risks are by undertaking a Risk Assessment. A risk assessment is a straightforward assessment of the venue and equipment you are using and the activities you are undertaking to check that they are fit for purpose and appropriate. Use a Risk Assessment and Management (RAMS) form to document this.

- [Example of a RAMS form >>](#) 



HOW WILL YOU MANAGE THE RISKS?

Once you have identified risks, the next step is to set out what you are you going to do about them. This may be eliminating the risk (e.g. by fixing / replacing damaged or faulty equipment) or by setting out how you will manage the risk. It's important that you to prioritise the risks and take action, dealing with the most serious issues first.

Your Health and Safety Policy should set out how you propose to manage risks and, what you will do in the event of an incident. Your club may also need Insurance to protect members, volunteers and the club itself.

HOW WILL YOU CONTINUE TO MANAGE THE RISKS?

You should also consider if your Club Structure is appropriate of the level of risk involved in your club and who is responsible i.e. as an unincorporated association, members of the committee, or wider club, could be personally liable in the event of a claim against the club. Ongoing risk assessment will ensure there is minimum chance of things going wrong.

The following is a suggested process intended as a guide to undertaking a risk assessment. Use this together with the Risk Action Plan to help you carry out risk assessments at your club:

- Make a list of all club activities.
- Identify all possible hazards for each activity and decide if they are minor or major risks.
- Decide whether existing precautions are enough or more needs to be done to make the risk as small as possible.
- Record findings for future reference, it can help if there is an issue. It can also prompt to monitor particular hazards and precautions.
- Identify whether each risk that remains is high, medium or low, depending on the harm and number of people it could affect.
- Carry out any further precautions necessary to reduce risk of injury. If you need to, prioritise based upon the level of risk and consequence.
- Implement agreed measures from the Risk Action Plan to reduce risk.
- Monitor to ensure that standards are maintained.
- Review assessment regularly to ensure precautions are working effectively.

SAFETY IN THE CLUB

SIGNAGE AND EDUCATION

Signs provide clear and concise information and are often the first warnings people will have about your hazards on your premises.

Signs are placed at key points on your site, such as entranceways and on buildings, or in outdoor areas, where hazards are identified. Signs should be clearly visible and let people know that a hazard is present, the general type of the hazard and what to do in an emergency.

Signs need to be placed close to where the hazardous substances are stored, but not too close, because people need to know that the danger is there before it's too late. If hazardous substances are outdoors, a sign must be next to that area.

Don't put signs:

- where they may be hidden
- beside doors or gates that cover the sign when they're open
- above doors, or anywhere smoke may conceal the sign

AEDS

AED stands for Automated External Defibrillator, but it's also commonly referred to as a defib. An (AED) is a safe and easy-to-use machine which is used to treat Sudden Cardiac Arrest (SCA). If an AED is applied within 3 minutes, 75% of SCA patients will survive.

SCA can affect anyone of any age, background and fitness level – it does not discriminate,

and gives no warning as to when it will strike. Owning an AED is a clear display that you are taking due care of your staff and customers, doing what you can to provide a safe environment for them.

Contact your nearest St John or Red Cross office for advice on purchasing a defibrillator.

■ www.stjohn.org.nz/First-Aid/AED/ >> 

■ www.redcross.org.nz/first-aid/automated-external-defibrillators-aeds/powerheart-aeds/ >> 

REPORTING INCIDENTS AND ACCIDENTS

An Accident is defined as an unplanned event that results in personal injury or property damage. An incident is defined as an unplanned event that does not result in personal injury but may result in property damage or is worthy of recording and is usually related to behaviors.

Accidents, whether they result in injury, are warnings that there are uncontrolled hazards. You want these hazards identified and removed from the club. It is critical that all injuries and accidents, including near misses, be reported so that they can be investigated, and the causes determined and eliminated.

■ **ACC can provide more information on reporting incidents and accidents>>** 



- Incident and accidents form template and process >> 

HAZARD MANAGEMENT

One of the most effective ways to reduce accidents at the club is to identify potential hazards and implement a strategy on how to control them. A hazard is any activity, situation or substance that can cause harm. You can't manage hazards at your club if you don't know what they are. Create a hazard identification register.

- Example of a hazard identification register >> 

EMERGENCY PROCEDURE

Establish the safe exit points of the premises in the event of an emergency evacuation and ensure these are well documented and displayed. Notify everyone at the clubrooms or venue of emergency procedures in the event of fire, earthquake or other major incident.

If the club does not own or rent the premises, then these procedures should be readily available from the venue you are using, and you need to make your members aware of these. If the club meets in a private venue such as a home, then it's a good idea to inform everyone of the exits as well as toilets and other general information.

EVENT SAFETY

Event risk management has attracted a lot of interest over the last couple of years following a number of high-profile cases which have raised a lot of issues and increased awareness of the need to have good risk management in place. It is your responsibility as the event organiser to identify and manage risks and can effectively manage risks by anticipating, understanding and making sensible decisions on how to control risk.

Event risk management is a process:

- To identify risks
- Set an acceptable level of risk
- Take steps to keep the risk to that level

Risk management for an event is established and documented through the Risk Assessment and Management Strategy - RAMS process

RAMS (RISK ASSESSMENT AND MANAGEMENT STRATEGY)

A RAMS form is a sheet that is filled out before an event run by the club or organisation. It identifies all the potential risks and what might cause them, establishes strategies to minimise these risks, and gives an emergency management plan.



PROCESS FOR A RAMS

Identify the hazards.

Decide who might be harmed and how.

Evaluate the risks and decide on precautions.

Record your findings and safety processes and to how implement them.

Review your assessment and update if necessary.

HOW DO I FILL IN A RAMS FORM?

Risks: These are the end result of any mishap, e.g. physical injury (minor/moderate/major), emotional stress.

Ask: What is the worst thing that could happen during this activity?

Causal Factors: These are listed under three categories: people, equipment, environment.

Ask: What factors could cause these incidents?

Risk Management – Normal Operations:

Establish strategies to deal with each of these specific causes.

Ask: What can I reasonably do to stop these incidents from happening?

Risk Management – Emergency: Establish a plan to deal with incidents if they do happen.

Ask: What can I put in place now so that I could deal with an emergency effectively? While filling in the form, be realistic but cover your bases. Think of all possibilities.

WHAT DO I DO WITH THE RAMS FORM ONCE IT'S FILLED OUT?

Prior to the event ensure the RAMS is circulated to the schools or teams attending your event. Keep the RAMS form on hand at the event and brief any volunteers and officials of any potential risks and explain the procedure should an incident occur.

■ [Event RAMS template >>](#) 

MONITORING AND REVIEW

Monitoring that the health and safety policy is still effective is vital. There are many ways that this can be done, including carrying out spot checks or safety inspections using prepared checklists.

More formally, effective monitoring can be achieved through audits and by reviewing management reports and accident investigations. These processes need to be scheduled and included in the planning process.

LEGAL CONSIDERATIONS

The increasing application of the law to sport and recreation, the trend of commercialisation of sport and recreation in general, and the increasing number of people who look to sport and recreation for employment purposes mean administrators, coaches and officials must be able to identify areas of potential legal risk and take appropriate action to manage that risk.

The words 'legal requirements' need not be daunting. The main legal issues a club should consider relate to privacy and the Privacy Act 1993, accident and injury compensation (ACC), liquor licensing, employment and the Health and Safety Act 2015.

The ability to identify legal issues and, if need be, seek expert legal opinion at an early stage can greatly minimise the legal conflict within an organisation and the effect on its employees and members.

Incorporation and legal protection
Incorporation provides a club with a legal identity that has been registered under the Incorporated Societies Act 1908 and, when incorporated, is authorised by law to run its affairs as though it were an individual person. That is distinct from that of the members, therefore relieving the members of the committee and the club from liability for authorised acts of the club. It is a major protection device for clubs regarding legal issues, however it does not prevent actions for negligence against individuals in all circumstances. Likewise, members do not

have any personal interest in any property or assets owned by the society.

While not mandatory, it is recommended that all clubs incorporate, as individual members of an unincorporated club may be held responsible for its liabilities.

It is important for clubs to recognise that while incorporation will protect individual members with regard to their liability for the debts and responsibilities of the club, it provides no protection against those individual members should they be held personally liable as a result of their actions or negligence.

NEGLIGENCE

Carelessness and the ill-will of others in sport can cause injuries to participants, officials, spectators, organisers and the general public.

It is important for administrators to understand that there is no automatic legal protection and that they can be held legally responsible for injuries that occur during activities under their control. Negligence is one area of particular concern. Negligence is part of the law of torts and consists of falling below the standard of care required in the circumstances to protect others from the unreasonable risk of harm. It does not require an intention to actually cause harm or damage, and while sporting injuries generally do not come about as a result of a desire to injure, they can involve a careless disregard for another's safety, so negligence can be an appropriate action for a damage claim.



If the injured party is to be successful with a negligence claim, the following elements must be established:

- **Duty of care:** This is a duty owed by one party (the defendant) to another (the plaintiff). You must take reasonable care to avoid acts or omissions that you can reasonably foresee would be likely to injure.
- **Breach of duty:** The plaintiff has to show that the defendant has breached a duty to him/her by falling below the reasonable standard of care.
- **Causation:** The plaintiff must show that the defendant's breach of duty of care caused the injury that he/she is complaining about.
- **Remoteness of damage:** The plaintiff must show that the injury he/she suffered which was caused by the defendant was reasonably foreseeable.

HARASSMENT LEGISLATION

Every person involved in sport has the right to be treated with respect and dignity, and to be safe and protected from abuse. Sport providers have a responsibility to ensure that everyone involved in their activities is aware of his or her legal and ethical rights and responsibilities.

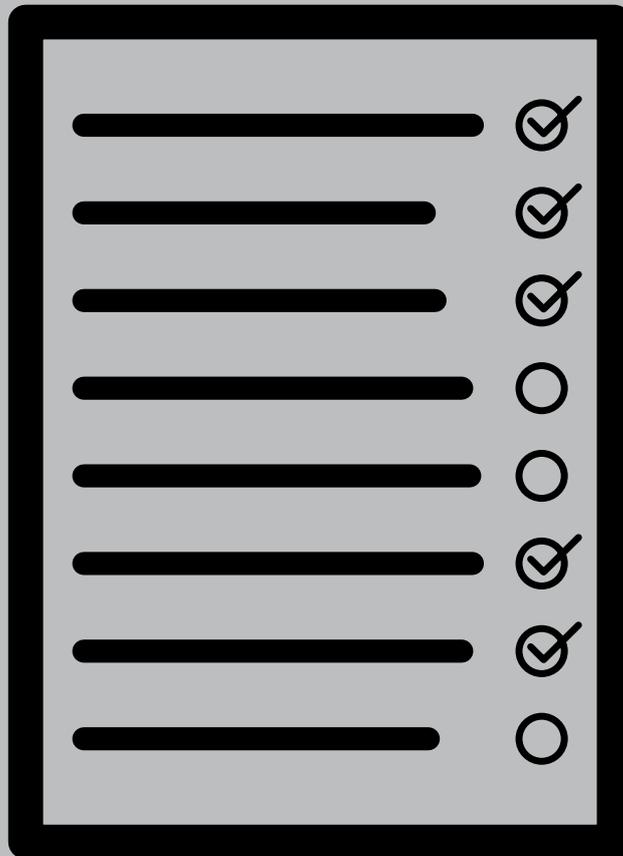
Harassment means unwelcome behavior that is offensive, humiliating or intimidating and is either repeated, or of such significant nature, that it has a detrimental effect on the person, their performance, contribution or their sporting environment.

Unwelcome behavior can be harassment even if the recipient doesn't tell the other party or parties that their behavior is unwelcome - and even if there is no intention to offend, humiliate or intimidate. It could even include gossip, jokes, teasing or the use of inappropriate nicknames.

Sexual harassment and racial harassment are defined in legislation, for example in the Human Rights Act 1993. It is important to note that it is unlawful to sexually harass another person even if harassment wasn't intended. It is also an offence to harass a person under the Harassment Act 1997.

■ **Examples of harassment policies developed by some sports >>**





PRIVACY LEGISLATION

Any group, club, employer or individual that collects private information about people is obliged to meet the rules set out in the Privacy Act 1993. Regardless of the structure of your club (whether an incorporated society or not), it will have club members and you will collect information about them – even if it’s just a list of names with addresses and phone numbers.

That means the club must also have a privacy officer – someone who thinks about how to comply with the Privacy Act. This is often the Club Secretary or equivalent. There’s more information on how to comply from the Privacy Commissioner’s Office.

■ [Privacy Commissioner’s Office for further advise on privacy >>](#) 

SAFE PARTICIPATION

ACC SportSmart

ACC GUIDELINES – PLAY SAFE WITH SPORTSMART

Sport is a huge part of the New Zealand way of life, ACC want to help you to remain on the field instead of sidelined with injuries.

ACC believe in the benefits of physical activity and if you do have an injury, they want you to recover well, avoid re-injury and get back to what you enjoy doing.

From competitive athletes to weekend warriors, ACC SportSmart is there to help everyone get the most out of their game and stay injury free.

Developed by an expert panel of academics, clinicians, sports administrators and subject matter experts, ACC SportSmart is an injury prevention framework. It's based on nine key principles to help you perform well and enjoy an active lifestyle.

You will find code specific Cycling, Rugby, League, Netball, Football and Touch specific resources as well as generic warm up and concussion resources

■ **ACC SportSmart >>** 

PARTICIPATION WAIVERS

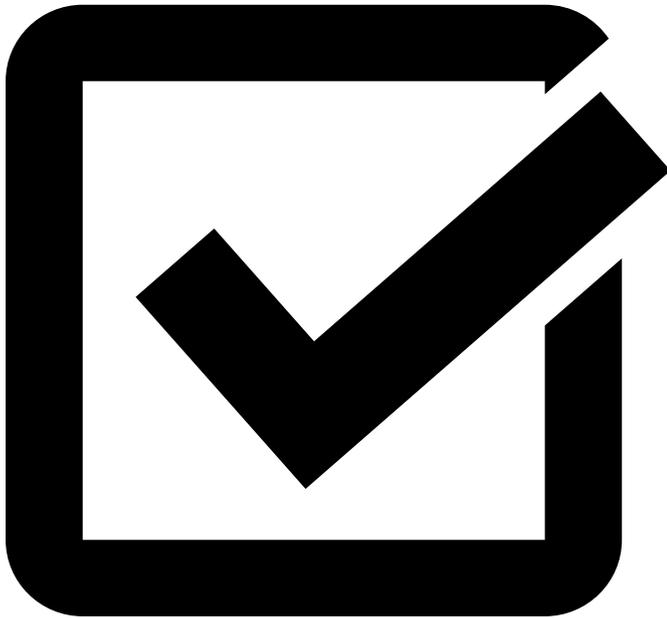
A waiver or release is the intentional and voluntary act of relinquishing something, such as a known right to sue an organisation for an injury. Waivers are commonly used by the sponsor of an event (e.g., a marathon) when competitors, participate in a private or institution-sponsored activity. The term waiver is sometimes used to refer a document that is signed before any damages actually occur. A waiver can be an effective way for a an organisation to inform participants of the risks involved in various activities and to protect the organisation from liability. The best waivers explain the risks of a particular activity or program in detail. So, even if all aspects of a waiver are not upheld in court, you can show that the party was informed about the specific risks and should be responsible for his or her own conduct.

Points to be included in a waiver:

- Describes the activity in full
- States that the signer has full understanding of the nature of the document
- Knows of the specified risks
- Voluntarily chooses to assume the risk
- Agrees not to hold the institution liable for the consequences of his or her participation in the described activity
- If the participant later is injured, this waiver permits an organisation to maintain that the participant's signature shows he or she voluntarily took part in an activity with known risks and, therefore, should not receive damages.

■ **Example of an event waiver >>** 

PROTECTION FOR YOUR MEMBERS



POLICE VETTING PROCESS

The New Zealand Police Vetting Service provides criminal history checks and other relevant information on potential and current employees, volunteers and vocational trainees to Approved Agencies that provide care to children and vulnerable members of society.

Your agency (Club) will need to be registered with NZ Police as an Approved Agency before you can submit vetting requests. Your National or Regional Sport body may be an approved agency already and have a vetting process in place. So, check in with them first before applying to become an agent.

Once your agency is registered, you can submit vetting requests, after obtaining the applicant's consent, via the vetting website. Any vetting requests that are not submitted via the website (e.g. sent via email or post) will not be completed.

Your agency will have to pay for your New Zealand vetting requests however there are exemptions and an organisation can apply for these. The current NZ vetting request fee is \$8.50 + GST.

This fee allows NZ Police to recover the actual and reasonable costs (including direct and indirect costs) associated with a vetting request. If you do fewer than 20 vetting requests a year and or are a registered charity or can prove financial hardship. Agencies that meet the criteria can apply for a relevant waiver at any stage.

■ **For more information and to register for Police vetting >>**



LOOKING FOR FURTHER INFORMATION?

There is a range of resources available to assist with the running of your club/code.

HERE TO HELP

Your Regional Sports Trust/Organisations are also here to help – please don't hesitate to contact us if you would like to talk through any of this material and/or assistance for your club and/or code.

MORE INFORMATION CAN BE FOUND AT THE FOLLOWING:

aktive.org.nz >>

harboursport.co.nz >>

sportwaitakere.co.nz >>

sportauckland.co.nz >>

clmnz.co.nz/counties >> 

Information in this toolkit is for guidance only and does not constitute formal professional advice. Where specific issues arise in your club/code, advice should be sought from the relevant expert(s) as necessary.

NGĀ MIHI.

