

Portfolio

Risk Management Policy

Adelaide RSCDS Branch

2015

**Adelaide RSCDS Branch
Risk Management Policy**

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INTRODUCTION

The Royal Scottish Country Dance Society, Adelaide and Districts Branch's (Incorporated) Constitution states that the Objects of the Branch shall be:

- (a) to preserve and further the practice of traditional Scottish Country Dancing.
- (b) to provide, or assist in providing, education or instruction in the practice of Scottish Country Dancing.
- (c) to promote the enjoyment and appreciation of Scottish Country Dancing and Music by any suitable means.
- (d) to collect books, manuscripts, illustrations and other memorabilia relating to Scottish Country Dancing and to the Society.
- (e) generally to do such other things as are or may be considered by the Branch to be incidental or conducive to the attainment of the Objects stated.

While the Objects do not specifically address matters of safety or injury avoidance, dancers do not expect or accept injuries as part of their activity, therefore the Branch in providing dancing opportunities must take action to prevent things from going wrong.

The Branch recognizes that there is a duty of care that is continuous from RSCDS Headquarters in Edinburgh, through the RSCDS, Adelaide Branch to teachers and then individual dancers.

A separate document entitled Duty of Care has been prepared and is available through the Branch Secretary. A copy is held in the Risk Management Portfolio.

The Branch Management Committee recognizes that there is a risk of injury inherent in any dance occasion and that it arises primarily from environmental factors but also from the variable susceptibility of each individual dancer.

To properly address the risk to dancers the Branch Management Committee has developed a Risk Management policy that provides a framework for managing risk.

The framework;

- Identifies risk
- Ranks risk and establishes what level is and is not acceptable
- Records the risk on a Risk Register.
-

The Risk Management Policy complies with national and state standards and legislation.

COMPLIANCE

To ensure that the risk management program is useful and successful;

The Branch Management Committee endorses the Risk Management Policy, accepts responsibility for risk management and provides guidance to the membership.

The Branch Management Committee requires a commitment to Risk Management from teachers and dancers.

It accepts that it will be necessary to allocate some resources, financial and others, to the Risk Management Process and will ensure adequate documentation of the Risk management processes are available to teachers and dancers.

The Branch Committee will appoint a Risk Management Officer who will oversee the identification, management, review and regular reporting of risks to the Branch Management Committee.

The Branch Management Committee will ensure that necessary education and training opportunities are identified and made available to teachers and other appropriate branch members.

COMMITTMENT OF TEACHERS to RISK MANAGEMENT POLICY

COMMITTMENT OF DANCERS to RISK MANAGEMENT POLICY

The “Dancer information for teachers and Risk management compliance form” will be completed by all dancers, annually and when their situations change.

The Branch Committee considers that all dancers should know Scottish Country Dancing etiquette. The Branch Etiquette statement is available from teachers and can be accessed on the Adelaide Branch web-site.

RISK IDENTIFICATION AND CATEGORISATION

The risk assessment pro-forma document, including assessed level of risk and actions to control, minimize or resolve the risk follows and has been endorsed by the teachers panel and the Branch Committee.

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Duty of Care

The legal obligation of a person to exercise reasonable care in the conduct of an activity. Breach of a duty of care, which causes damage or loss to another, may give rise to an action in tort (a civil wrong; an act which causes harm, intentionally or otherwise, for which the remedy is an action for damages).

There must be a sufficient relationship of closeness (sometimes referred to as 'proximity') between the two people in order for a duty of care to exist. An example of such a relationship would be a doctor and patient relationship or the relationship between drivers and other road users, or Branch –teacher – dancer/s.

When is a duty of care breached?

In order to establish whether a duty of care has been breached a court will look first of all at the standard of care that is expected in the circumstances.

The standard of care is determined by looking at what a reasonable person would have done (or not done) in the same circumstances. Where a defendant has acted in an unreasonable way or their actions fell well below the standard expected they will be found to have breached their duty of care.

The most common examples are those that apply to everyday activities such as driving. All road users (including pedestrians) are expected to behave according to what is reasonable. This also applies to a dance class or social.

Negligence

In situations where one person owes another a duty of care, negligence is doing, or failing to do something that a reasonable person would, or would not do and which causes another person damage, injury or loss as a result.

In South Australia the Civil Liability Act 1936 (SA) is used to assess the negligence of individuals and the liability they face as a result of any negligent acts on their part.

If a person sues another in negligence, the person is seeking financial compensation for damage. They are seeking to be put in the position they would have been in if the negligence had not occurred.

Whether or not negligence has occurred is a matter of satisfying four questions.

- Did the defendant (i.e. the person being sued) owe the plaintiff (i.e. the person injured) a duty of care?
- Did the defendant breach their duty of care?
- Did the plaintiff suffer an injury or other damage?
- Was the injury or damage caused as a result of the breach of the duty of care?

All these factors must be satisfied. If even one is not satisfied then the plaintiff will not be able to establish that the defendant was negligent.

Determining whether a breach of duty of care caused an injury

In some cases it will be obvious what has caused the injury. For example, if a person slips on a wet floor and breaks their arm, then there is a clear connection between the wet floor and the injury suffered (the broken arm).

However, in many cases the cause of an injury may be more complex. There may be more than one event that could have caused the injury. For example, where a person slips on a wet floor and injures their arm, but earlier that morning they had injured the same arm in an earlier fall, there will be questions about whether one event or both caused the injury and to what extent.

Contributory negligence

Contributory negligence occurs when the injured person themselves is found to have contributed to the cause of their loss or injury. If a plaintiff has failed to take reasonable care for their own safety or loss then they will be found to have contributed to the negligence. The amount of damages they can claim will be reduced according to the extent they are found to have contributed to the loss.

Some examples of [*contributory negligence*](#) are: a dancer wearing inappropriate footwear or who dances when injured.

Time limits

When making a claim for damages arising from personal injury there is a time limit of 3 years - documents must be filed at least 90 days before the time limit expires so in practical terms any application must be made within 2 years and 9 months.

When making a claim for damages arising from property damage or economic loss there is a time limit of 6 years - documents must be filed at least 90 days before the time limit expires so in practical terms any application must be made within 5 years and 9 months.

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Action/Assessment Sheets

| A | Environ- ment | Assessment to be undertaken | Risk Analysis | Risk Management | |
|---|-------------------|---|----------------------------|---|----------------------------------|
| | | | | Teacher responsibility | Dancer responsibility |
| a | Dance Space | Adequate size | Yearly inspection | Review suitability of hall | |
| b | Entry/Exit | Any steps, hand rail, width, ease of opening doors. Exit signs | “ | Check so aware to warn dancers | |
| c | Floor | Slippery, sprung, wooden/concrete/other protruding nails rough/smooth | Weekly check when relevant | Anti- slip agent for floors, eg., slipstop Speak to hall management about protruding nails and splintering | Advise teacher of floor problems |
| d | Heating/cooling | Adequacy | “ | Heat policy in place | Self Care in hot weather. |
| e | Drinking water | Availability | “ | | Ensure adequate water intake. |
| f | Toilet facilities | Adequacy | | | |
| g | Parking | Adequacy | | | |
| h | Outside lighting | Adequacy for evening classes | | Teachers to warn dancers of the risk. Teachers speak to hall management | |

If there are any issues identified by the teacher re facilities, these can be communicated to the Risk Management Officer who will take the appropriate action to correct the problem/s. The Risk Management Officer will report issues to the Branch Committee in due course.

| E | Dancer | Specific comment | Comment regarding risk | Risk Management – | |
|---|---------------------------------------|---|--|--|---|
| | | | | Teacher responsibility | Dancer responsibility |
| a | Shoes | May contribute to causing injury. Includes slipping, colliding, tripping. Untied laces. Inappropriate shoes may injure other dances. | Risk ranges from low to high. | Advise dancers about appropriate shoes. Advise dancers about untied shoelaces. | Dancers to wear appropriate shoes. Alert teacher and other dancers to untied shoe lace. |
| b | Physical slowness/movement impairment | May contribute to causing injury. Includes colliding, confusing, disrupting. Class changing may be appropriate but high-level impairment will preclude dancing. | . | Teachers assessment of level of experience and either <ul style="list-style-type: none"> - discuss class change - consider modification of dances to accommodate dancer - when necessary ask the dancer to sit out the dance. | |
| c | Hearing loss | May contribute to causing injury. If rely on what others do because can't hear teacher, then may lead to collisions. | Risk ranges from low to high and is related to class standard and level of impairment. | If teacher knows of hearing loss may need to raise voice and check that person has heard. | Hearing impairment will be identified by dancer to teacher, directly and through dancer information sheet |
| d | Memory loss-episodic/constant | May contribute to causing injury. | Risk ranges from low to high and is related to class standard and level of impairment. Significant levels of dementia preclude safe dancing | Teacher may need to identify a memory loss as it may not be recognised and reported by a dancer. | Expectation that memory loss will be identified by dancer to teacher, directly and through dancer information sheet |
| e | Level of experience | May contribute to causing injury. | Risk is greatest when an inexperienced dancer is in a higher impact more advanced class. Risk is lower in a lower impact beginners/ low intermediate class | Teachers assessment of level of experience and either <ul style="list-style-type: none"> - require class change - adjust demands of some dances to suit the less experienced dancer - require the dancer to sit out dances that are inappropriate for experience level. | |
| f | Dancer who is unable to follow music | May contribute to causing injury. | Risk occurs when dancer is in the wrong place from either moving too slow or too fast . | Identification and rectification by correction of mistiming. Alternatively, dancer may be told to sit out some dances. | Dancer needs to comply with teacher's directions. |

Teacher intervention may be necessary with medium to high-risk dancers. When such dancers are not prepared to accept that assessment by their teacher then the Branch will commence the process set out by the Insurance Broker in the correspondence of the 4th March, 2015.

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Legal

Compliance Statement

http://www.ourcommunity.com.au/management/view_help_sheet.do?articleid=757

– “The development of adequate and efficient procedures and monitoring systems will provide evidence of reasonable care both for the purposes of legislative compliance and for the purpose of avoiding civil liability”.

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Etiquette

The Branch Committee commends to each of you the Scottish Country Dancing points of Etiquette listed below.

The 'Risk Management Working Party' of the Branch has compiled the list, the first step in producing the Risk Management Policy.

The list states what most of us know already but may not have seen written down.

It fosters courtesy and friendliness between dancers and dancers and teachers.

For newer dancers the list will be useful and clarify some of the nuances of etiquette, for example asking someone to dance, forming a set and a dancer's responsibilities towards the teacher.

Continued regard to etiquette helps ensure that dancers enjoy the experience in the knowledge that everyone participating is like-minded.

- During classes there is only one teacher
- Refrain from chatting on the side-lines while the teacher is instructing
- If you do not understand any instructions, ask the teacher for clarification, not other dancers
- Always join a set at the bottom
- Never leave a set once you have joined it unless by teacher instruction
- Let the teacher know if you are unable to do a dance
- Respect a person's decision to sit out and refrain from comment
- Arrive on time whenever possible
- An invitation to dance may be extended by either a man or a woman. It should be worded in a clear and friendly way. A friendly hand should be extended to the partner.
- Always join a set at the bottom, but avoid walking through the set to get there or to another set. Also, don't pass a set in need of a couple, or leave a set once you have joined it. (Except under the direction of the MC, in order to allow more people to dance--such as a fourth couple leaving to join two couples, making two 3-couple sets.) Stay in lines and places while sets are forming, as it is hard to count if everyone is moving about. The first couple in a set traditionally counts off the number of couples lined up.
- At the end of every dance, you should thank your partner and clear the floor.
- Do not form new sets until the next dance is announced by the MC. This allows for a better exchange of partners and distribution of ability in sets, which is so important for a sociable evening. Also, it is more flexible and friendly NOT to line up partners for all of the dances ahead of time.
- Be sure to ask a variety of partners to dance. Remember especially:
 - the person you came with
 - dancers frequently sitting out
 - women often dancing as men,
 - or men often dancing as women
 - beginning dancers and visitors
- Notes or "cheat sheets" should be studied off the floor. The dance floor is a place for sociability.
- Friendliness is a part of the good manners which Scottish Country Dancing promotes. A pleasant smile, a friendly word, general mixing, and good spirits are the hallmarks of a successful evening.
- If you find that a dancer in your set is not quite sure of the dance, speak to them ... "over here" or "face me". Never push or pull.

The main sources for this document were the Nova Scotia Branch and the Madison Scottish Dancers.

You may find the following websites are worth reviewing:

[Beginner's Guide - So it's your first Dance?](#)

<http://www.scottishdance.net/scd/tips/Etiquette.html>

<http://rscdswindsor.org/hints-and-tips/>

http://newscotland.org.uk/faq-2/dance_guide/

<http://sprott.physics.wisc.edu/mscd/eti.html>

<http://rscds-twincities.org/etiquette.html>

<http://www.richmondscottishcountrydancers.org/dance-etiquette.html>

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Dancer Information for teachers

Dancers are required to complete this form annually and to update it if their circumstances change.

Signing this form also indicates dancer commitment to the Branch Risk Management Policy (available on the Adelaide Branch website).

Any changes in a dancer's emergency contact details or their capacity to dance must be reported to their teacher(s).

NAME OF DANCER:

ADDRESS:

EMERGENCY CONTACT DETAILS:

Name of Emergency Contact:

Relationship to dancer:

Phone number(s):

Dancers are required to record, for the information of the teacher, any impairment/limitation/disability they believe does/could affect their dancing capacity.

- 1.
- 2.
- 3.

Signed,

Date:

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**Letter 1 from AON
Aon Risk Solutions**

4 March 2015
Rev Dr Anna Grant-Henderson
23. Linfield Ave
BELAIR SA 5052

Dear Anna,

Last week, we discussed some of your concerns regarding the insurance policy you hold with us for Royal Scottish Country Dance Society and you sought some advice about risk management with respect to the dance classes/performances.

I am writing to confirm that all employees and volunteers (both teachers who are certified under the RSCDS as well as non-certified teachers under supervision) of Royal Scottish Country Dance Society are covered by the public liability policy you hold with us, should a claim arise out of accidental injury or property damage to a third party in the course of your dance classes/performances. If the accidental injury is sustained as a result of a student to student incident, this is also covered by the liability policy. A third party includes, but is not limited to, participants in dance classes, audience, or the general public. The policy does not cover injury to employees or volunteers in the course of their work. If you require cover for this, a personal accident cover can be obtained to cover injuries to employees/volunteers.

We do not limit the type of dance which can be covered by the policy.

With respect to your query about managing the risks associated with having someone with restricted physical capabilities participating in the dance classes/performances, we advise the following as risk management measures that can be taken to reduce the risk or injury or claims occurring following an injury:

In the case that it has been brought to your attention that a participant in your dance activities is unwell, or suffering from a physical impairment/injury, it is important to engage the participant in a conversation to discuss:

- The extent by which they perceive that their injuries/impairment/illness may restrict their ability to participate in the class physically

- The potential that an injury could occur to themselves and/or others if they are unwell/injured/impaired if they are not listening to their bodies and withdrawing from participation where required (taking rests etc)

- Advise the participant that the best course of action would be for them to speak with their medical practitioner prior to participating in the class and ensure that they follow the medical practitioner's advice regarding participation in the class. If that advice allows them to participate but with restrictions, then a letter can be requested from the doctor to advise potential ways that the person can participate safely without exacerbating their injury/illness/impairment

- Advise the participant that they should let the dance instructor know if the injury/illness/impairment changes in order to revisit the ways in which they participate and potentially seek medical assistance if required.

- What risk management measures you have on hand to assist if they do get into trouble, i.e. First Aid person, etc.

It is important that you try to engage the individual in such a way that is not exclusive or judgmental of their abilities especially in the case of physical or mental impairment. The

conversation should be two way with the participant being advised of the facts and left to make the decision regarding their participation.

Following this conversation, it would be advisable to draw up a letter containing a summary of the conversation which should be signed by both parties for future reference, which would act as a way to evidence that measures were taken to manage the circumstances around that individual's participation in the event that an injury occurs.

If you have sincere concerns that they are putting themselves and others at risk of an injury by participating, then you may need to consider getting independent legal advice about your rights to ask for a letter from their medical practitioner stating that they are fit to participate.

Please note: The above advice regarding risk management for injuries/illness/impairments is a recommendation only, and does not form an obligation of your policy. It is simply a recommendation of a way that you can mitigate your risk of a claim occurring or of injuries occurring within your workplace.

I hope that the information contained herein provides you with enough information to make an informed decision about how to move forward.

Kind Regards,

Giselle Levens – Client Manager

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Letter 2 - Information from AON re non-RSCDS teachers



20 April 2015

Ms Caroline Donald
RSCDA Adelaide and Districts Branch
PO Box 508
NORTH ADELAIDE SA 5006

Dear Caroline,

Thank you for your letter dated 12 April 2015. Please find my answers to your queries below.

What does supervised mean in the context of non-certified teachers?

If the non-certified teachers are in the process of becoming qualified dance instructors, then the supervision by a certified instructor can be less hands on and may be more occasional in nature. The supervision provided in this instance is more to check in with the student dance instructor to ensure that they are teaching the dance safely and adequately.

If the non-certified teacher is normally a student who is stepping in for a dance instructor on leave etc, and holds no qualification/training in instructing dance, they would not be covered under the policy for any advice they give during the class which may lead to injury to any other student as they are not qualified to offer that advice. I.e. in the event that a student discloses that they have an injury at the commencement of class and the supervising dancer advises to continue dancing without any modifications etc this would not be covered. This is because the delivery of dance instruction without any qualification increases the likelihood of a claim arising due to insufficient training.

Are dancers covered where there is no certified teacher present?

If the dancers are utilizing your studio for practice without a certified teacher present and someone injured themselves, you would be covered by the policy.

Just to clarify, the Royal Scottish Country Dance Society is the insured under this policy, not the students. The way that the policy works (in the event of injury) is that it protects you in the event that a student injures themselves and attributes the injury to fault on the behalf of the dance instructors/dance society as an organization. The student would need to prove that the society/instructor was at fault and this led to the injury being sustained and the claim would be lodged upon receipt of a letter of demand by the society/instructor.

At this time, I should advise you that your new policy servicer will be Veronika Karatovic. She can be reached on the details below should you have any further queries.

Veronika Karatovic | Client Executive
Aon Australia/Pacific | Affinity | Entertainment & Events
Level 1, 130 George Street Parramatta NSW 2124
t: +61 2 8623 4220 f: +61 2 9633 3557
e: veronika.karatovic@aon.com

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AON Certificate of Currency

Ref. AON RAE R8395 9200967/018

Insurance Information as at 29 June 2015

| | |
|-------------------------|---|
| Class of Insurance: | Ausdance Liability |
| Insurer (Lead): | ACE Insurance Limited ABN: 23 001 642 020 |
| Policy Number: | 02 CL013242 |
| Insured: | Royal Scottish Country Dance Society Adelaide & Districts Branch Inc |
| Interest Insured: | Legal liability to third parties as a dance studio including associated activities of the business |
| Situation of Risk: | Worldwide excluding USA and Canada |
| Period: | 30th June 2015 to 30th June 2016 |
| Sums Insured: | |
| Public Liability: | \$10,000,000 |
| Products Liability: | \$10,000,000 |
| Professional Indemnity: | \$ 1,000,000 any one claim and in the aggregate per principal/teacher during the period of insurance |