

## **The Law and UKA Race Licence Standards**

### **Some advice to Race Directors and organisers of events.**

In the last few months BARR has received feedback from its Race Scrutineers which would suggest that a number of race and event organisers are finding it difficult to understand some aspects of the UKA Race Licence Standards requirements in relation to.....

- 1. GENERAL RISK ASSESSMENT**
- 2. CHILDREN'S ACT**
- 3. DISABILITY ACT**
- 4. THE FOOD HYGIENE ACT**
- 5. THE GOOD PRACTICE SAFETY GUIDE FOR SPORTING EVENTS ON THE HIGHWAY**

The purpose of these notes is to offer some comment, clarification and explanation regarding aspects and issues most frequently raised in these discussions. We hope that you find them useful but if there are issues that are not covered (below) then please do not hesitate to contact BARR. We are always available to help.

### **1. General Risk Assessment**

Whilst many Race Directors and Event Organizers are very good at doing a Risk Assessment of their course, not all appreciate that they are required by both UKA and the Law to do a Risk Assessment of "The whole event". For example;

- a) Are you aware that if you are using a park or school grounds then as soon as you take over that area you become responsible for everything that happens within them - from accidents to lost children, etc?
- b) If you are using a sports centre you will be responsible for everything that happens within that building unless you have made specific and written arrangements with the centre for certain areas and aspects to be excluded from your responsibility

**When negotiating a contract to hire a building or area, always clarify, in writing, what are YOUR areas of responsibility and then ensure that all are fully covered in your Risk Assessment.**

## 2. Children's Act

- a) If you have a race for children as part of your event, you must ensure that the person/s responsible for the race have been CRB checked – and you have a copy of that document in your Risk Assessment file.
- b) Lost children -1 You must have a policy and procedure in place that ensures that they are supervised by at least two adults - at least one of whom is CRB checked.
- c) Lost children -2 Your policy must cover **ALL** lost children... even if they have not come with a runner or their family!  
As mentioned in sub-section 1, above, as soon as you take over a Park, School Grounds or a Sports Centre **you become responsible for all lost children.**
- d) The Children's Act applies up to the age of 18 years. Technically this means that in many open road races you will have "children" competing in an adult race!  
Do you at least attempt to get parental consent for such competitors? You can ask for a signature of consent from the parent or guardian on the entry form.

## 3. Disability Act

- a) The Disability Act covers **ALL** people that are disabled - not just athletes in wheelchairs. It relates to a whole range of disabilities e.g. ***Blind, Deaf, Dyslexia, Autism (Autistic Spectrum Disorder) Down's Syndrome, Epilepsy, Tourette's Syndrome, Asperger's Syndrome, etc.)***  
Banning a certain group/s of people **is acceptable** as long as you can justify that your action had valid reasons. Your decision could be challenged in a court of law.
- b) Have you considered if your course is unsuitable for the disabled athletes?  
Have the police said it's not suitable for certain disabled athletes?  
You should always undertake a disability risk assessment; include that in your main risk assessment file and have that available on race day in case you were challenged by a competitor. Remember, if challenged this could be tested in court!
- c) If you have a partially sighted athlete you may need to arrange for a large print copy of both the entry form and all documents issued to other entrants.
- d) If you have wheelchair athletes have you arranged for suitable toilets for both the disabled athlete and/or any disabled spectators?
- e) What constitutes "reasonable"? Many potential issues and problems can be avoided if both the event organiser and the would-be entrant act reasonably beforehand.  
The organiser would be advised to ensure that their entry form clearly and specifically invites any competitor with a disability to contact the event, in writing and well beforehand, indicating the nature of their disability and any special requirements or needs they may have on the day of the event.

The organiser can then outline what the event can/ cannot reasonably offer and how they will try to accommodate them. It is then up to the entrant to accept or decline. By pre-empting the situation both parties can avoid unnecessary problems.

- f) Disabled spectators. Again it would be reasonable for the competitor, via the race entry form, to advise the event well in advance that they will have a disabled spectator with them and would like details of accessible
  - parking near the Start/Finish area,
  - toilets for the disabled.

All parks, schools or a sports centre have to have, by law, parking for the disabled but if the event is held elsewhere it would be good practice to find out where the nearest parking and toilets are located - just in case you or your marshals are asked.

#### 4. Food Hygiene Act

- a) If you are providing food then at least one person in charge of the food must have a food hygiene certificate and this must be displayed clearly by the vendor.
- b) If you are using a school, sports centre or outside caterer it is the responsibility of the event organiser to check if they have a food hygiene certificate. You should always check its currency and take a copy for your risk assessment file.
- c) Have you checked that the water to be used is safe to drink? Also, will the cups and water containers be suitably cleansed?
- d) Will all water station personnel be aware of the basic food hygiene e.g. any cuts must be covered and disposable gloves **MUST** be used at water stations.

#### 5. The Good Practice Safety Guide for Sporting Events on the Highway

- a) With such a long title it may sound a little daunting but is in fact a clearly laid out document which contains many of the requirements you will be familiar with as they appear in the Race Licence Standards. It is however, worth noting the following.
- b) You should consider other events in your area which may affect your event. County Licence Officers know about other races but what about events like carnivals, open days, marches, church services etc.
- c) You should consider producing a Traffic Management Plan for the safe and effective movement of all attendees of your event. Although for most races this will be minimal, if you have not considered the traffic implications your event could pose potentially serious disruption and road safety concerns. **The responsibility for public safety on the highway rests with the race organiser.**

- d) Clearly it is very important for the police and local authorities to be involved at the earliest opportunity, nowadays more often via a Safety Advisory Group\* (SAG). Keep a written record of meetings and less formal meetings as these will form a valuable part of your risk assessment.
- e) On occasions, it may be necessary to obtain a road closure. Advise your SAG\* giving at least 3 months notice and request a 'Temporary Traffic Regulation Order.' You will need to consider traffic diversion routes and have contingency plans to permit passage of emergency vehicles.

*\* Safety Advisory Groups (SAGs) are usually chaired by a local authority and contain representatives of the emergency services and highways plus any other 'experts' at the discretion of the Group (e.g. property owners, voluntary groups, planning officers) Where SAGs are not set up, application should be to your local authority.*

We hope the above will be of help.

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## COMMENT

BARR recently issued a document offering advice to race directors and event organisers regarding

1. **GENERAL RISK ASSESSMENT**
2. **CHILDREN'S ACT**
3. **DISABILITY ACT**
4. **THE FOOD HYGIENE ACT**

and how these could impact upon the UKA Licence Standards which BARR scrutineer.

At one time it was thought that these Licence Standards for 2011 would also have to include reference to aspects regarding the **Safeguarding of Children and Vulnerable Adults**.

Following a change of policy by HM Government this will not now be the case and so in practice this topic has no relevance to UKA Race Licence Standards.

However,

- There is nothing to stop a vulnerable adult entering the main road race and
- many excellent and high standard road races are accompanied by Fun Runs organised by the same race committee and which are the sort of event that can both attract entries, and give much enjoyment to, such entrants.

Over the years BARR is aware of a number of instances where the story of a spectacularly good main event has been completely overshadowed in the local media by an unfortunate incident in the main or associated event.

Whilst reference to the safeguarding of children and vulnerable young adults will not feature in the UKA Race Licence Standards it is worth for the organisers to pause and consider a few facts and principles of good practice. Who wants bad PR!

### **Who are "Vulnerable Adults"?**

The definition of a vulnerable adult is a person aged 18 years or over (*the upper age is not determined*) and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in their own home
- is receiving any form of healthcare
- is under the supervision of the probation services

- Is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so.
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- Is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or requires assistance in the conduct of their own affairs.
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)

If you are aware that one, or more, of your competitors or spectators is a vulnerable adult then BARR would strongly advise you to make sure you have reasonable provision for the support, assistance or advice to those competitors and/or spectators.

To be most effective it is advisable to try and be aware of their presence before the event via either/ both the race entry form and final race details.

*The following is an example of good practice seen by a BARR Race Scrutineer at an event;*

*A group of runners from a Special Needs School had entered a half marathon and a number of the adults had come along for the event to give support.*

*The event organisers made arrangements for the runners to be met on arrival by a marshal and shown to their changing areas and then shown to the start. They also had arranged for a local club to provide some pacers for them to ensure that they were looked after during the race.*

*The event organisers had made arrangements for the supporters to watch their runners come in to the finish.*

*The subsequent PR in the local press was excellent and the event won an award for community service. Pleasingly, a couple of the runners went on to compete in a number of international disabled events.*

In this instance the race organisers made sure that they have done as much as possible to accommodate the needs of others and have offered the best possible service that they could.

Ideally it would be made clear in race entry form race, on the web page and all race information that the event would be pleased to try and accommodate any special needs or requirement - provided it is notified of these well in advance. The caveat that this might not always be possible is worth adding.

Remember you are offering a service and bad PR is never good for your event.