

## **1. Managing Risk**

Welcome to JLT Sport's Risk Management Module.

JLT Sport has built this training aid to keep football as safe as possible and to assist in demonstrating to insurers the strong commitment community football has to risk management. At the completion of this short training module you can immediately print your clubs Certificate of Currency.

The first consideration of risk management is for the welfare of the people at your club. The second consideration is to protect the club should an incident occur.

Football clubs have a duty of care to provide a safe environment for its members and guests to enjoy. A simple risk management process reduces the chance of somebody being hurt in the first place but also assists to protect the club financially if something does happen.

Completing a Match Day Checklist, for example, may prevent an incident from occurring. If something does happen a completed Checklist will work in favour of the club as the club has shown it took some reasonable measures to reduce the risk.

Managing risk is something that should include all levels of your club. Committee members, coaches, team managers, canteen helpers, umpires, captains and players should all be safety conscious.

## 2. Australian Football National Risk Protection Programme

JLT Sport arranges risk protection scheme for football members and clubs throughout Australia.

### What's covered

Coverage	Examples of Cover
Public Liability*	This covers things such as your club's legal costs or other costs associated with legal action. If your club is sued for breaching your duty of care (negligence) your club can lodge a Public Liability claim through JLT Sport.
Club Management Liability*	This covers a few different areas for your club's directors and officers (committee members) such as costs associated with legal action if sued for: <ul style="list-style-type: none"> <li>• Negligence, libel, slander, defamation etc.</li> <li>• Discrimination</li> <li>• Employment related matters (unfair dismissal)</li> </ul> Club Management Liability can also cover some of the costs associated with an employee / member stealing funds from the club.
Personal Accident*	This is the most used cover by footballers throughout Australia. It covers three key areas including Non-Medicare Medical Benefits, Loss of Income Benefits and Capital Benefits.
	Non-Medicare Medical Benefits – as the name suggests it provides reimbursement for medical treatments that are not listed on the Medicare Benefits Schedule (please refer to Section 5).
	Capital Benefits – provides lump sum payments for permanent injury such as paraplegia, quadriplegia, amputation, etc
	Loss of Income Benefits – provides reimbursement for an individual's income (to the coverage limits). OPTIONAL
Asset Protect**	The club's assets (buildings, contents, canteen / bar stock and equipment, honour boards, cash, TV's, etc.) are covered under this policy and provides protection for fire, theft and other risks to a maximum of \$15,000. Clubs have the option to increase this cover to match their asset value under the Asset Protection section of this website.

*\* Please note: The information provided above must be read in conjunction with the policy wordings, terms and conditions as provided on this web site and subsequent documentation.*

*\*\* Asset Protect is an optional policy for clubs in South Australia and Northern Territory*

### What's NOT covered

There are areas that are not covered by the National Risk Protection Programme. Some of these are not insurable, but JLT Sport can help you to assess your club's exposure.

Not Covered	Details
Medicare Items	By federal law – any medical treatment that is listed on the Medicare Benefits Schedule (MBS) is not insurable and therefore can not be claimed through the Personal Accident cover.
Spectators and Cars	Whilst clubs may lodge a Public Liability claim if a spectator or a car owner sues for compensation, the spectator and car owners are not covered by the National Programme. If a spectator is seeking compensation for injury or damage, they must seek their own individual legal advice. Only the club may discuss insurance related matters with JLT Sport.

### **3. Making Claims**

#### **Making a Personal Injury Claim**

If an injury occurs to one of your players or volunteers, please provide the following instructions:

1. Visit JLT Sport's web site to read the Summary information.
2. Download the Personal Injury Claim Form from the 'Making a Claim' section.
3. Complete the Claim Form and submit it to Echelon Australia within 180 days from the date of injury (sooner rather than later).

#### **Making a Public Liability Claim**

If an incident occurs that may lead to legal action now or in the future, please follow the instructions below:

1. A serious injury or accident occurs, legal action threatened or solicitor's letter is received.
2. Please contact JLT Sport immediately (or within 48 hours).
3. Do not admit any responsibility or fault (liability). Do not discuss the matter with any third party. Await further instructions from JLT Sport claims staff.

The following section will outline details regarding Medicare and the important link to Personal Injury Claims.

## **4. Medicare vs Personal Injury Coverage**

When it comes to reimbursement of Personal Injury claims, some people get confused about Medicare, the Medicare Gap and what is covered through the National Risk Protection Programme.

### **What is Medicare?**

Medicare is a Commonwealth Government programme that provides eligible Australian residents with free or low-cost medical and hospital care.

Medicare provides access to:

- Free treatment as a public (Medicare) patient in a public hospital.
- Free or subsidised treatment by practitioners such as Doctors and Specialists.

### **What's covered by Medicare?**

The Medicare Benefits Schedule (MBS) lists all treatments and associated rebates relating to Medicare. You can access the MBS at any time via Medicare's web site. Items commonly used by sports participants that are Medicare listed include general practitioners, surgeons and anaesthetists.

### **What is the Medicare Gap?**

The MBS lists a rebate amount for each Medicare Item.

Example: A short consultation with a Doctor = Medicare rebate of \$15.35

However, doctors or specialists may charge more than the listed MBS amount.

The difference between what is charged and the MBS rebate is called the "Medicare Gap".

- The Doctor charges \$45.00.
- Medicare provides a rebate of \$15.35.
- Medicare Gap = \$29.65 (out of pocket expense).

### **What's the difference between Medicare and your National Risk Protection Programme?**

The Health Insurance Act 1973 (Cth) strictly prohibits any general insurer (and the JLT Trustee) from insuring any item that is listed on the Medicare Benefits Schedule.

This also means that regardless of your out of pocket expenses, it is against the law for the Insurer or Trustee to cover the Medicare Gap.

### **So what does that mean?**

If your medical treatment has a Medicare Item Number it is uninsurable and you may not claim for reimbursement through JLT Sport.

If your medical treatment does not have a Medicare Item Number, you may claim for reimbursement through JLT Sport.

For specific Insurance and Risk Protection information please visit the Making a Claim section of this web site.

## 5. Checklists & Other Methods

Some methods to identify risk at your club might include:

Common sense	Gut feelings, life experience
Past experience	Previous incidents and near misses
Tools and aids	Game Day Checklist
Independent assessors	Accountants & auditors, council staff

Recording any risk management discussions and actions in your committee meeting minutes will act as a proven demonstration of the clubs commitment to its duty of care in providing a safe environment for members and guests

### Match Day Checklists

#### Who can use them?

JLT Sport's Match Day Checklists are designed specifically for use by club volunteers with no training required.

What purpose do they serve?

1. Helps to create a safe environment at your club for members and guests.
2. Identifies potential hazards that you can rectify
3. Is a formal document that the club can use to prove its commitment to its duty of care

#### When do you use them?

Before the first match of the day and again if the conditions change e.g. a lightning storm hits and the ground floods.

#### Signing the Checklist

Some people view the formal nature of signing a document relating to risk and insurance as formidable. This is simply not the case and if a reasonable attempt to identify risks has been made then no concern is warranted. It may be easier to understand using the example of broken glass on the ground.

Scenario 1:	The ground is not checked, the checklist is not completed and somebody gets hurt The club may be found to have breached its duty of care and will be in a poor position to defend any litigation
Scenario 2:	The ground is checked and the checklist is completed and signed but the glass is not found and somebody gets hurt The club can show that reasonable care was taken to reduce risk but locating some shards of glass on a full football ground was beyond what was reasonably expected. The club is in a good position to show it has not breached its duty of care
Scenario 3:	The ground is checked, the glass is found but there is too much glass (e.g. 200 smashed bottles) to remove safely and is in a position that can't be roped off. It is then decided that playing football is too dangerous and the Checklist is completed but not signed. Play can commence on an alternate ground and nobody gets hurt
Scenario 4:	The ground is checked, the glass removed but the Checklist is not completed or signed The club has no record of what measures it took to uphold its duty of care. If a piece of glass is left on the ground and somebody gets hurt, the club may be found to have breached its duty of care.
Scenario 5:	The ground is checked, the glass found and removed and the Checklist is completed and signed Nobody gets hurt

### **Who signs the Checklist?**

The home club is responsible for ensuring the venue is safe for members and guests. This responsibility isn't just confined to the playing surface of the oval. As such, an authorised member (18+ years old) of the home club needs to sign the Checklist.

The visiting clubs players and entourage participate in the day's activities under the same conditions, therefore an authorised member of the visiting club needs to countersign the form as a sign that they are content with the standard of safety at the venue.

You have now finished reading the text for the Risk Management module – please proceed to the Questionnaire

## **JLT Sport's Online Risk Management Questionnaire**

Please read each of the paragraphs below and answer the related questions. You need to pass each question before being able to access your club's Certificate of Currency.

All clubs are required to complete this Questionnaire at least once per season

The following scenarios are based on the Torpy Football Club – an average community football club with a volunteer committee and a loyal bunch of people that come together through football and have a good time

### **General Risk Management**

What should the Torpy Football Club committee do during the pre-season?

- a. They don't really have to do anything. As far back as anybody can remember, nothing has happened at Torpy Football Club and everybody is like family anyway.
- b. Get the members of the committee to find out about risk management from the JLT Sport website and then communicate this knowledge to other stakeholders at the club
- c. Get the secretary to find out about the JLT Sport Match Day Checklists – as long as one person knows what they are then that's OK.

Risk management is the responsibility of the whole club. It's a good idea, for example, to hold pre-season discussions with players, coaches, team managers, social committee, etc. to explain risk management, including the Checklists.

### **Club Management Liability**

Jimmy has been the Treasurer at the Torpy Football Club for years and knows exactly what he's doing with the money side of things. As such nobody bothers to take much interest and Jimmy is the only signatory to the Club's account. By chance it is discovered that Jimmy has been stealing from the accounts dating back 3 years.

Which of the following is correct?

- a. It's OK – the Club Management Liability insurance policy will cover the loss.
- b. Poor risk management including only one signatory on accounts may void the Club Management Liability policy, leaving the club to take the loss.
- c. The committee decides to sit on the issue and wait until the end of the season to sort it out.

Having two account signatories and notifying JLT Sport immediately following discovery are two conditions of the CML policy

### **Public Liability (Checklist)**

The secretary forgets the Match Day Checklist, leaving it at home. A quick scan around doesn't reveal anything out of the ordinary. Play commences and Johnno badly cuts his leg on some broken glass on the far side of the ground.

Which of the following is correct?

- a. As the checklist wasn't completed properly and signed by both teams, the clubs are placed in a very poor position to demonstrate they took any duty of care
- b. As there didn't appear to be anything out of the ordinary the Checklist didn't really need to be completed.
- c. The secretary was content that if something happened it was OK because his signature wasn't on the Checklist.

The secretary took a large risk by not properly inspecting the venue, completing and signing the checklist. As a result Johnno is now badly injured and the secretary has placed the Club in a position of possible negligence.

### **Personal Injury**

Jack lines up at full forward and rolls his ankle in his first contest. A doctor informs him he needs an operation. The club can help Jack by:

- a. Advising him that he's totally covered through the clubs' insurance.
- b. Advising him that he will be able to claim non-medicare medical expenses, explaining what this means and directing him to the claim form located on the JLT Sport website.
- c. Advising him there is nothing the club can do.

The club can assist Jack through the process of rehabilitation by providing accurate information on the claims process and directing him to the JLT Sport website

### **Assets**

In the clubrooms after a match Gary leans back on his stool and falls, knocking over and smashing the brand new \$4,000 plasma TV. What can the club do?

- a. Put in a claim to the local council.
- b. Claim the damages under the public liability policy and get a new TV.
- c. Submit a claim through the Clubs new JLT Sport Asset Protect policy.

JLT Sport Asset Protect has now been added to the Australian Football National Risk Protection Programme, allowing clubs to submit claims for property damage. Note: Coverage for Asset Protect is optional in SA & NT, please view the Asset Protect section of this website.

### **Public Liability**

The dance floor is packed for the Torpy Football Club annual dinner dance. Nicky is having a great time dancing until she slips on a spilt drink and crashes to the floor breaking her leg. What could the club have done to try and prevent the injury and to ensure it displayed a duty of care to members and guests?

- a. When a lot of people attend a function, there's not much the committee can do.
- b. The club committee can sit down prior to the function and make a simple risk management checklist that they carry out on the night. This includes basic things like ensuring the responsible serving of alcohol, having the DJ make regular announcements to keep drinks off

the dance floor and inspecting the flooring to make sure no cracks, holes or tripping points are present

- c. Banning anybody from dancing

If simple common sense measures are put in place and recorded then a vast majority of injuries can be avoided and the club can demonstrate it displayed an adequate duty of care

### **Club Management Liability**

In the weekly club newsletter, Alf (the President of the Torpy Football Club) innocently mentions a funny incident that happened during the week. Unfortunately his words deeply embarrass the person involved who is now considering legal action for defamation.

Which of the following is correct?

- a. Alf wrote the article so he is out on his own and must try and defend himself. The Club is best to distance themselves from Alf as much as possible.
- b. It is best to act dumb and pretend nothing happened as insurance won't cover the expenses.
- c. The Club Management Liability (CML) policy covering the club is designed to assist Alf and the club

Club Management Liability insurance covers members of the committee in this situation subject to the policy wording. Contact JLT Sport as soon as possible

### **Club Management Liability**

After following the correct process Alf has come to the conclusion that they must terminate the services of the senior coach. Alf and the committee communicate the news to the coach and his reaction is to claim unfair dismissal and he seeks legal action.

Which of the following is correct?

- a. The club should contact JLT Sport as soon they get an indication that the coach could seek legal action. JLT Sport will support the club with the Club Management Liability policy used to cover expenses
- b. The club should reinstate the coach because they can't afford to cover the legal costs involved in an unfair dismissal claim
- c. The club should notify JLT Sport a week before they go to court to get some advice

The Club Management Liability policy is designed to support the club in such a circumstance. However, JLT Sport need to be notified as soon as the Club becomes aware that legal action may occur.