

### Duty of Care – Guidance for Teachers of Yoga

**As a teacher of yoga you have a responsibility to take all reasonable steps to ensure the safety and wellbeing of those you teach, according to the standards of a reasonably competent Yoga Teacher. This BWY document is for guidance purposes. It provides a basic explanation of the Duty of Care and some suggestions of useful steps that teachers of yoga can take to evidence that they have attempted to comply with that duty. It is not intended to be an exhaustive statement of the law in this area.**

**As a self-employed teacher of yoga you are personally responsible for complying with the Duty of Care to your students and you will be personally liable in the event of a breach of that duty.**

If your training is the BWYQ Diploma in Teaching Yoga or other BWY recognised teacher training course through the accreditation programme, the standard applied is that of the reasonably competent Diploma holder. If however you hold yourself out as having specialist expertise, for instance teaching classes specifically for pregnant women, children, or as yoga therapy, the standard is respectively that of the reasonably competent pregnancy yoga teacher, children's yoga teacher or yoga therapy teacher.

#### **Your duty of care includes:**

- Teaching to the level of experience and physical capacity of your students.
- Offering modified practice appropriate to individual students and explaining areas for caution relevant to individual medical conditions.
- Teaching within your training and experience and where a student attending your class is suffering from a medical condition outside your knowledge, seeking further training or expert advice and referring your student to their doctor or other health professional.
- Recognising that where you do not have the knowledge to safely teach a student you should not do so.
- Ensuring your students can progressively take responsibility for their own safety by giving them the information they need to do so. This does not absolve you from your own responsibility but it acknowledges that adults also take responsibility for themselves.
- If you teach groups of students with specific needs, for instance pregnancy classes, children's classes, or classes for special needs students you must have the training/experience to do so safely.

#### **Risk Assessment:**

Your duty of care extends to:

- Seeking the information you need to teach your students in an informed way. This includes asking for information about the level of students' experience, physical capacity and health.

It also includes observing students as you teach and adjusting your teaching according to your observations.

- Taking all reasonable steps to ensure a safe practice environment.

These together form the basis of 'risk assessment' in yoga, namely the factors specific to individual students that may create a risk of injury to them and the factors in the external environment that could do so. Risk assessment is an ongoing responsibility. Students' personal circumstances change, as do environmental factors and you need to be aware of these changes. However, you are not responsible for risks you could not have reasonably foreseen in accordance with your professional knowledge and training.

Where you identify a risk to your students it is your responsibility to take steps to remove it. This may be as simple as re-stacking furniture in your practice venue or ensuring that the heating is turned on early enough to ensure the room is adequately heated. Where you identify a serious risk that cannot be removed, you should not continue to teach in that environment. Your responsibility is the same whether you are employed or self-employed. If you are employed and there are environmental risks that you cannot address, you should report them to your employing organisation and if they do not take steps to remove the risk you should cease to teach in the venue provided.

A simple checklist compiled for yourself provides evidence of the factors you have considered. Where a risk is identified a note of steps taken to reduce it should be kept as evidence.

### Health questionnaires:

- Are a source of information enabling you to adjust your teaching to meet the needs of individual students.
- Give students the opportunity to inform you of medical conditions, injuries or structural problems that may be adversely affected by some aspects of yoga practice.
- Provide evidence that you have sought the information requested in the questionnaire.

It is not the purpose of health questionnaires to list every conceivable medical condition. Asking questions about conditions about which you have no knowledge serves no purpose and gives the impression that you have knowledge that you do not. You should seek information about the conditions covered in your yoga training, or that are within your own expertise if you have other training. You should also include an open question asking students whether they are receiving treatment or are suffering from any condition or injury that could be adversely affected by yoga practice. Health questionnaires should also include a clause stating that where students are receiving medical treatment, or suffer from serious illness or injury, or are in any doubt as to their state of health, they should seek the advice of their doctor or other health professional before practicing yoga.

You should keep a note (perhaps using a tick box on the questionnaires themselves) that you have considered the responses and make a note of any further action you have taken arising from the responses, for instance in the form of modifications on lesson plans.

### Reporting Incidents and Accidents:

If a student suffers an injury, or symptoms of an illness show themselves during a yoga class, you must make a contemporaneous record of it (at the time or immediately after the class). BWY have an accident report form which indicates the information to be recorded. If you are employed, your employer will have their own procedures for reporting accidents and you should be aware of and comply with these. You should always keep a register of those attending your class. Registers serve several purposes, one of which is to record witnesses of the circumstances of an incident or accident.

**The Health and Safety Executive have also stipulated that some serious injuries must be reported under 'RIDDOR'**

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR), place a legal duty on employers, self-employed people and people in control of premises to report a range of serious injuries, diseases and occurrences by the quickest means possible. Hopefully you will never find yourself in this situation but you should be aware that it is your responsibility to report a death or major injury which leads to a student being taken, from the venue in which you are teaching, to hospital.

You must also keep a record of any reportable injury. This must include the date and method of reporting; the date, time and place of the event; personal details of those involved; and a brief description of the nature of the event. You can keep the record in any form you wish.

Details of reportable major injuries are appended to this guidance with the current contact number for the Incident Contact Centre.

RIDDOR report is required only when:

- the accident is work-related (i.e. in the course of a yoga class, its immediate preparation and dissolution).
- it results in an injury of a type which is reportable. (see end of form for further information)

### Emergency Procedures:

If you are employed your employer should have a procedure in place in the event of an emergency. If you are self-employed you should put in place your own. Students should be

aware of emergency exits from the building and meeting points. Checking the register will ensure that everyone is accounted for. A simple checklist provides evidence of what action you would take in an emergency.

### Keeping Records:

Records are evidence of the steps you have taken to discharge your duty of care. The records you should keep include:

- Registers
- Records of the experience and physical capacity of students/health questionnaires
- Schemes of work for terms of teaching, together with class plans showing the practices taught and modifications offered. If changes are made during teaching these should be noted
- Records of accidents/incidents
- Checklist for emergency procedures
- Checklist for risk assessment

### Duty of Care: Safeguarding Children.

(A child in this context refers to any young person under the age of 18)

As a teacher with the BWY you agree to read the current BWY Safeguarding Children Policy, abide by its principles and obligations, ensure you have appropriate training and undergo the BWY Safeguarding vetting procedures (via the Safeguarding and Diversity Manager).

If you wish to teach yoga classes for children, you need knowledge and training beyond that contained in the BWY Diploma Course. This training includes:

- Safeguarding Children: How to recognise, record and report child abuse and how to support a child who has made a disclosure without interfering with a child protection investigation.
- The steps you need to take in teaching children, to safeguard yourself from criticism or allegations being made against you.
- Stages in children's development and how to teach effectively and safely according to a child's physical and emotional maturity.
- Ethical considerations in teaching children.

BWY gives additional guidance which is published on the BWY website, including advice on what you need to take into account if you are asked to accept a child into an adult class, or if you are asked to teach a 'taster' children's class. The detail of the Safeguarding Children Policy is an area in which you may need further advice and is the responsibility of BWY's Safeguarding and Diversity Manager.

### **Duty of Care: Safeguarding Adults at Risk.**

(An adult at risk in this context is defined as someone who is, or may be, in need of community care services by reason of disability, age or illness; and is or may be unable to take care, or unable to protect him or herself against significant harm or exploitation. This definition of an adult covers all people over 18 years of age.)

As a teacher with the BWY you agree to read the current BWY Safeguarding Adults Policy, abide by its principles and obligations, ensure you have appropriate training and undergo the BWY Safeguarding vetting procedures (via the Safeguarding and Diversity Manager).

If you wish to teach yoga classes for adults at risk, you need knowledge and training beyond that contained in the BWY Diploma Course. This training includes:

- Safeguarding Adults: How to recognise, record and report abuse and how to support an adult who has made a disclosure without interfering with an adult safeguarding investigation.
- The steps you need to take in teaching adults at risk, to safeguard yourself from criticism or allegations being made against you.
- An understanding of any specific needs of the group of adults you are teaching and how to teach effectively and safely according to these specific needs.
- Ethical considerations in teaching adults at risk.

The detail of the Safeguarding Adults Policy is an area in which you may need further advice and is the responsibility of BWY's Safeguarding and Diversity Manager.

### **Insurance**

It is your responsibility to ensure that you are insured at all times when you teach. This means that you must keep your BWY teaching membership up to date as your insurance premium is included in your membership. If you teach uninsured and a student suffers injury as a result of your proven negligence you are personally liable to pay compensation and you could lose your personal assets. If you are unable to pay compensation an injured person will go uncompensated.

You should be aware of the risk for which you are covered under the BWY insurance policy and any specific exclusions from cover. Coverage is subject to change according to the policy of the insurance company but broadly you are insured to teach:

- In accordance with the training you have received and your own expertise. It follows that if you teach outside your training and expertise and a student suffers injury as a result of your negligence the insurance company may refuse to pay out on the claim made against you.
- The insurance company will reach its decision based on an investigation of the circumstances of each individual case, so it cannot be said with certainty when a claim for compensation will be denied, however a non-exhaustive list of factors that will be taken into account are:
  - Whether you have complied with the policy guidance issued by BWY
  - Whether you have taught within your professional Yoga training and other relevant training/experience
  - Whether you have complied with post diploma continuing professional development requirements
  - You should also note that BWY stipulates that all its teachers must hold a current first aid certificate at all times when they teach.

### **Equality and Diversity Policy – Recognising the Equality and Diversity of students in Yoga classes and promoting Inclusion**

- You should have read the BWY Equality and Diversity Policy and Ethical Code of Conduct for Teachers and have regard of the ethical issues and issues of equality you need to be aware of in teaching yoga.

### **Appendix to ‘Duty of Care – guidance for teachers of yoga’ :**

The list of ‘specified injuries’ in RIDDOR 2013 replaces the previous list of ‘major injuries’ in RIDDOR 1995. The list of ‘specified injuries’ in RIDDOR 2013 (regulation 4) includes the following and will need to be applied liberally to a Yoga work environment.

- A fracture, other than to fingers, thumbs and toes
- Amputation of an arm, hand, finger, thumb, leg, foot or toe
- Permanent loss of sight or reduction of sight
- Crush injuries leading to internal organ damage

- Serious burns (covering more than 10% of the body, or damaging the eyes respiratory system or other vital organs);
- Scalpings (separation of skin from the head) which require hospital treatment;
- Unconsciousness caused by head injury or asphyxia
- Any other injury arising from working in an enclosed space, which leads to hypothermia, heat-induced illness or requires resuscitation or admittance to hospital for more than 24 hours.

Further information is available via; <http://www.hse.gov.uk/riddor/reportable-incidents.htm>

***Reporting of Incidents to Health and Safety Executive will be undertaken by the person in control of the premises where the event happens. The teacher will be responsible for being aware of the Health and Safety requirements of the environment in which they are operating and informing the Responsible Person of the event (unless one and the same) with a copy to BWY.***

### ***Online***

Go to [www.hse.gov.uk/riddor](http://www.hse.gov.uk/riddor) and complete the appropriate online report form. The form will then be submitted directly to the RIDDOR database. You will receive a copy for your records.

### ***Telephone***

All incidents can be reported online but a telephone service remains for reporting **fatal and specified injuries only**. Call the Incident Contact Centre on 0845 300 9923 (opening hours Monday to Friday 8.30 am to 5 pm).