

Return to Play – Risk guidance for boards

On Sunday 10 May, the government announced they would be easing restrictions to allow unlimited exercise during lockdown alone or with members of a household. It was also confirmed that a large number of outdoor activity areas would be available to re-open from Wednesday 13 May, if they could do so safely.

Throughout the following weeks restrictions were eased further to allow the reopening of pools, indoor gyms, bowling alleys and ice-skating rinks. Team sports have been allowed to resume and there are plans to reintroduce fans into stadia from October 1.

The Return to Play has been complicated, exhaustive and has required organisations to have plans reviewed and approved by DCMS.

For the latest guidance please visit the [Sport and Recreation Alliance website](#).

In this fast-evolving situation, the board should review their risk management strategy as they consider options for their sport or activity returning and the guidance that is given to their members. It is crucial that the board take an agile approach to business continuity and risk management.

Based on the government's guidance, here are some key questions that the board should be asking:

Question: How can we ensure our risk management policies are fit for purpose?

Key things to consider: The guidance provides clear objectives around carrying out risk assessment of COVID-19, managing and sharing the results with the workforce. Directors have a duty of care for the workforce and therefore it is important to maintain oversight on organisational level risk policies. This means considering the following elements:

- Review of the current risk management process to include all COVID-19 related risks;
- A dedicated executive team member is appointed to oversee the risk process;
- Frequently review the risks and update when necessary;
- Communicate the risk management process with all stakeholders in a timely manner;
- Dedicate a board representative as a point of contact for any escalations.

Question: Does the board need to approve new guidance and measures to be introduced?

Key things to consider: The latest guidance states that all team sports must submit an action plan and any related guidance to the DCMS. This includes assessment of the risk of transmission and the mitigating factors considered.

The approval of the action plan and guidance have greater implication on the sport and therefore the board should ensure the guidance and plans are given approval before submitting to the government. It is important that non-team sports and other recreational providers have an action plan and guidance in place for safe participation but these do not require approval from DCMS.

When the scrutiny is intense, the board has a unique role to play. During these volatile times, the boards should consider providing direction and support to the CEO and executive team to ensure any steps taken are in line with the government guidance and take into account their impact on the wider audience.

We recommend that the board consider a three-step plan:

- Introduce guidance and risk plans before facilities open or activity restarts;
- Review risks and risk reports regularly when the facilities are open or activity restarted;
- Include a check-in point to identify and monitor the current guidance and plans.

Question: What if we fail to comply with the new regulations?

Key things to consider: The board should make all reasonable efforts to comply with the latest guidance. However, if there are issues of non-compliance, the enforcing authority such as the Health and Safety Executive or local authority will consider taking a range of actions to improve control of risks.

The board should carefully consider the following steps to mitigate such circumstances:

- Include a plan in the risk assessment for when things go wrong;
- Ensure there is an escalation process in place and staff and/or volunteers are aware of who to contact when things go wrong;
- If the risks cannot be mitigated and/or non-compliance is noted, it is advisable to notify the relevant authority of the situation;
- Review the processes and apply learnings to ensure compliance is maintained at all times.

Question: Is the board responsible for volunteers and employees safety?

Key things to consider: Yes. The board has a fiduciary duty and responsibility towards its stakeholders and that means a duty of care towards its employees and volunteers. The board should consider the government guidance and its implications on existing staff, especially towards clinically vulnerable, BAME and other groups.

The new guidance includes details on workforce management and therefore the board should carefully consider these guidelines and apply accordingly. The risk register should consider these guidelines before finalising new guidance and action plans for staff and/or volunteers.

There is also merit in creating a crisis activity plan should things go wrong.

A crisis management plan should include five key steps to pre-empt any potential issues. They are: **Preparation** of a crisis plan and what it means to the organisation, **Prevention** methods, **Identification** of the source of the issue, **Recovery** methods and finally, **Monitoring** the existing plan.

Question: Not all of the clubs and facilities that our sport/activity uses are owned by us. How can the board determine if hygiene and social distancing measures are applied?

Key things to consider: The latest government guidance sets an overarching framework from which sport and recreation needs to work. Once the guidance and action plans are approved (by DCMS where applicable), the board must ensure that facility management are made aware of the new guidance and action plans to ensure they follow the latest guidance.

Ultimately, the board is accountable for ensuring that the activity adheres to the government guidance and therefore it should aim to scrutinise the plans agreed with the facilities managers.

The board should seek assurance that every party involved is familiar and comfortable using the plans. Where possible, the board should attend the individual facilities either as a participant or an observer. This can provide the board with first-hand visibility into the preparedness.

Question: Do we need to communicate with our members?

Key things to consider: Yes. The guidance states that clear communication, either written or spoken, should be provided to participants, volunteers and workers. It is critical to ensure they take all reasonable measures to comply with social distancing and hygiene measures at all times. As a board, it is therefore necessary to include a communication plan to its members on all new matters.

The board has a responsibility to keep its members informed of its actions and plans. It is important to know what messages to communicate and ensure the management team communicates that message clearly and consistently. The board should consider key steps so that members are kept updated on the latest information by:

- Including a short to medium term communications plan;
- Ensuring a key point of contact exists for member queries;
- Communications channels which allow members to direct their comments or concerns; and
- A process which allows for concerns to be raised and dealt with in a timely manner.

Question: Will there be any legal implications to consider when re-opening our grassroots facilities or accessing those of others?

Key things to consider: Serious breaches and failure to comply with enforcement notices can constitute a criminal offence, with serious fines and even imprisonment for up to two years. There is also a wider system of enforcement, which includes specific obligations and conditions for licensed premises.

The guidance further states that inspectors will carry out compliance checks to ensure that organisations are taking necessary steps. It is, therefore, the overarching responsibility of the board to ensure management of risks, action plans and new guidance are properly adhered to.

Should there be any non-compliance, the board should increase their tempo and enhance their scrutiny of such matters.

Question: Whose responsibility is it to manage capacity and overcrowding?

Key things to consider: The management team, or a dedicated person within the management team, should be responsible to manage capacity and overcrowding. The new guidance provides clear details on how to manage capacity and overcrowding.

Sport organisations should consider maximum capacity based on social distancing rules and the nature of the sporting activity to ensure sufficient ventilation and circulation space exists between groups/classes or instructors.

Although the board are not directly responsible, it is good practice to have an overview of their sports capacity and capability issues. The board's role, in this instance, is to stay abreast of the issues and offer management team its judgment and perspective while empowering them to take the necessary short-term actions.

Most importantly, while the management team's focus is on the ground, the board needs to be looking at the road ahead to anticipate the next risks and opportunities that will need to be tackled.

Question: What insurance implications should the board take into consideration?

Key things to consider: The board should ensure that there is suitable insurance cover in place for the activities to be undertaken. Advice should be sought from the insurance company or the insurance broker to ascertain if any further action is required or additional cover needed to be put in place to allow for return to play.