

North West Chinese Kickboxing Association

Avoiding Accidents

1. Evaluate the safety of your training area:
 - a) Torn mats
 - b) Uneven floors
 - c) Protruding objects (nails, splinters etc)
 - d) Improperly stored equipment
 - e) Faulty training equipment
 - f) Dangerous or sharp weapons
 - g) Sticky or slippery areas on floor
 - h) Poorly lit areas

2. Look for dangers in your training procedures:
 - a) Do not allow students to practice weapons close to other students or near traffic areas
 - b) Do not permit students to wander through an area where another student is practising
 - c) Weaker students holding kicking backs for stronger students are a risk
 - d) Students training with sharp weapons
 - e) Excessive contact among sparring students
 - f) Throws, Take downs, Break Falls and Sweeps on hard floors. Only after being trained how to do so on floor mats should these techniques be attempted
 - g) Wrist locks, Throws, Take Downs, Break Falls and Sweeps. All safety aspects should be adhered to. Students of equal skills and strengths should be grouped together

3. Sparring – The use of **protective** gear is a must
 - a) Headgear
 - b) Mouth piece
 - c) Groin protection for males
 - d) Hand protection – covering all fingers
 - e) Feet protection – covering all toes
 - f) Shin pads
 - g) Chest protectors for females
 - h) Rib guards if deemed necessary

Owner Liability and Instructor Conduct

4. The head instructor is responsible for anything that happens at his/her club whether or not he/she is present at the time of the occurrence.

5. It is imperative that all assisting instructors, as well as substitutes, follow the rules and regulations set down.

6. Whether you are training personally, a paid employee, a sub-contractor or any person you may authorise to teach and be in charge, the instructor is legally responsible for anything that happens in class. If someone is acting as your “stand-in”, it means that

they are acting on your behalf. If an instructor makes a mistake in class, then you are responsible.

- a) The Instructor should make certain the people in charge are capable and responsible
- b) The people left in charge should know how to conduct a safe class
- c) Watch out for “old school” black belts who may push students beyond their limits
- d) Any student who requests to withdraw from any exercise or activity must be allowed to do so
- e) No instructor should be allowed to badger or belittle any student who cannot keep up or who does not understand, or who has difficulty in learning. Especially under 18's as this is in breach of Child Protection as well

7. Do not leave minors in charge of class. They lack the skills and wisdom to assume high levels of responsibility that most adults have.

Protect the students

8. The martial arts are a physical contact program involving combat skills and people will get hurt from time to time. We cannot totally eliminate the risk of injury. However, all head instructors must take all reasonable measures to keep their students safe. This is a must.

Using Student Instructors

9. It is easy for young student instructors to play around with their friends. There is no room for horseplay. Student Instructors can be a great asset to the martial arts school. However, they should be supervised at all times and only the most mature students should be given any responsibility.

Waiver and Risk Forms

10. These forms generally do not hold up in the case of accidents because no one can sign their rights away not to sue in case of serious injury. To address this problem complete a membership application form.

The use of these forms follows the pattern “*If you knew the danger and you did it anyway and you got hurt because of the danger you knew about, then technically you cannot sue*”

11. Doctors have patients sign documents after they have informed them of the danger of surgery. It's called “informed consent”, an assumption of the risk. For this reason, all new members and renewing members should first fill in a Membership application form and after 4 training sessions apply for a Licence.

Mitigating Damages

12. This principal involves making certain that you take steps to reduce the level of harm. This is also the Plaintiff's responsibility. A student must take the responsibility to limit the severity of his own harm.

a) Students should:

- Stop training when injured
- Never expose themselves to greater risk of harm
- Never execute kicks full speed if a bad knee or any other leg injury is present
- Never throw or allow themselves to be thrown if a bad back or neck injury is present

b) Instructors should:

- Have a first aid kit available at all times
- Refrain from pushing/encouraging injured students which could cause more harm
- Be certified in Basic First Aid to enable them to treat minor injuries
- At tournaments, ensure that First Aiders (for example St John Ambulance) or other professional medical personnel are available

Internal Investigations of Accidents

13. Your insurance policy will allow the insurance company to take care of your legal defence. Consider yourself your own private investigator. Take a note of what happens and record:

- Who it happened to
- Who witnessed the incident
- The details of the incident
- The possible contributing causes
- What action was taken

14. Prepare your evidence well. It may be months before your testimony is needed and years before the actual case goes to Court. Your memory will fail under the expert cross-examination of a skilled attorney.

Risk Management

15. Some Martial Arts Instructors have been teaching for years and never encountered a legal problem. Most students and parents realise that martial arts are **combat** and people get hurt. Training students and conducting business as usual without proper control of risk is gambling. Risk management is changing the odds in your favour.

- Protect your students from undue risks
- Get the danger level in your school under control
- Deal with legal trends and all necessary paperwork
- The best solution to litigation is to avoid it.

16. You are a Martial Artist who has mastered your style, now become a Master in risk management in the interest of the safety of your students, your club what and how you teach, your insurance policy and your complete overall programme. Make certain that everyone connected with your club and those who assist your on courses and referee in tournaments, have the exact risk management concerns as you do.

Accident Reporting

17. Whilst every effort can be taken to avoid them, accidents do happen as training in the Martial Arts can be hazardous. In order that all details of any accident are recorded accurately we must use the appropriate form.

18. A copy is included within this section. A copy must be retained by the club for at least 3 years.

Risk Assessments

19. Risk assessments are a way of controlling the circumstances that could lead to an accident as well as finding the cause and helping to prevent the re-occurrence of an accident.

20. The form is included in this section as well as Risk Measurement and Severity Charts.