

Duty of Care (Managing Risk)

Every person must take reasonable care to avoid acts or omissions which he or she can reasonably foresee would injure his or her neighbour (Lord Atkin, House of Lords, 1932).

Your 'neighbour' is a person who is clearly & directly affected by what you do, or fail to do.

The Standard of Care

When deciding on the standard of care required, three factors need to be considered:

1. The type of activity

The more hazardous the activity the greater the standard of care expected (cross country jumping can be high risk, dressage competition less so)

2. The characteristics of the participant

a) Age

The younger the participant, the greater the duty of care (Child Care Centres must show a high standard of care). Adults – 18 years and over - are owed a lesser duty of care than children and other minors

b) Ability

Duty of care is greater -

- With **beginners** than with skilled & experienced competitors
- With those with **disabilities** than it is with able-bodied riders

3. The EA Official's training & experience

The more trained & experienced the official, the higher the standard of care required

Suggestion – sometimes you may refer queries you want an experienced opinion about to a more senior official at the event

The 'reasonable person' test

The standard of care must reflect the 'reasonable person' test (or 'reasonable official' test)

If a reasonable official would have seen the danger, and would have acted to try prevent it, then an EA (EFA) official has a duty to try to provide a comparable 'reasonable standard of care'