

Legal Obligations / Duty of Care

1. **What are the legal obligations of outdoor leaders?** Injury to clients. Damage to property. Third parties. Regulations. Licenses (including business licenses). Insurance. Repercussions – if you teach an incorrect technique or fail to teach something and something goes wrong at a later date are you liable? If others see you doing it and get in to trouble trying to copy you are you liable?
2. **What is “duty of care”?** Try and come up with your own definition/explain a definition you find; give examples **How does it relate to the legal obligations of outdoor leaders?** To whom do you owe a duty of care? Do we always owe the same duty of care? What standards will you be held to?
3. **What is negligence?** Acts and Omissions. What are the elements that constitute negligence, explain as well as identify them, give examples? Compare to other things that could cause accidents/incidents, acts of god, other people, equipment failure (if it wasn't caused by negligence) etc.
4. **Waivers.** Are they a get out of jail free card? Hint they are not, just because they signed a waiver doesn't mean they cannot successfully sue you. How do they protect you? What needs to be in place to make them more robust – informed consent etc. How long should you keep them. What about the medical form that often goes with them? Essential Eligibility Criteria – not a direct part of a waiver but can affect it and often dealt with at the same time.
5. **Industry standards, current best practice etc.** What are they and how do they affect the above? Role of NGBs in setting these.
6. **Continuing professional development, education, maintaining qualifications etc.** Is it required? Why is it a good idea even when not required? What counts? Where to get it?
7. **Insurance.** For professionals and for personal trips? How much? What does it need to cover? Where can you get it (I can get insurance for paddlesport through the NGBs)? Should your clients take out their own insurance, if so for what?