

# RYA Covid-19 Q & A for English clubs restarting boating activity and managing Covid-19 V1.8 (Updated 22nd September 2020)

These Q & A's are designed to be read in conjunction with the following RYA Guidance documents:

- [Guidance for Clubs in England](#)
- [A Guidance on sailing & racing with participants from different households during Covid-19 in England](#)
- [Guidance on Major Events and Covid-19](#)
- [MYA Guidance on Competitive Radio and Free Sailing](#)

They do not take into account the local lockdown measures effective in various parts of England. Clubs are advised to consider whether there are local restrictions in place in the area, if so different guidance and legislation may apply. Contact your Regional Development Officer for more information and advice.

Please visit the [Training Support Site](#) for all the latest guidance for RYA recognised training centres.

## Questions

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## NHS Test and Trace

### What are a club's legal duties in relation to NHS test and trace?

There is now a legal obligation on clubs to ask at least one member of every party of members or visitors (up to 6 people) to provide their name and contact details.

In addition, from the 24th September clubs are also legally required to display an NHS Test and Trace QR code to aid this process. This requirement applies whether individuals will be using indoor or outdoor space. The type of activity that the persons undertake does not affect this requirement nor does the duration of the visit.

### How do clubs collect contact data for test and trace?

Clubs can either request contact data using the NHS Test and Trace QR code or manually collect the data.

Further information on creating and using an NHS Test and Trace QR code is available here – <https://www.gov.uk/create-coronavirus-qr-poster>

### What data should clubs collect?

Clubs must collect

- a name and phone of the customer or visitor. If a phone number is not available, clubs should ask for their email address instead, or if neither are available, then postal address.
- the date of visit, and arrival time
- and, where possible, departure time.

If there is more than one person in a group, then clubs can collect data of the 'lead member' of the group (of up to 6 people) and the number of people in that group.

Clubs must keep these records customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested. Data collection must comply with the General Data Protection Regulations. The Information Commissioner's Office (ICO) has [guidance to help you minimise data protection risks](#).

There are a few exceptions to the requirement to request contact data including persons visiting the site for the sole purpose of making a delivery or collection, or anyone under the

age of 16 and anyone who does not have the mental capacity to provide their contact details. Clubs will not be in breach of the requirements if they have reason to believe someone can't provide the details for disability reasons and don't ask for them as a result.

Should a club refuse entry to people who refuse to supply data for NHS Test and Trace?

Clubs are obliged to *reasonably refuse* entry to individuals/groups who refuse to provide their data when attending the premises to consume food or drink; they are **not** obliged to *reasonably refuse* entry to persons who attend for sporting activities (but should encourage them to supply the data).

What about members of the public who may have access to club grounds?

We are aware that some clubs have public footpaths running through their land. It is our view that clubs would not be required to collect details from members of the public using a right of way over their land.

## Sporting activity

What does the current UK Government guidance and legislation mean for clubs looking to run organised activities?

From the 14<sup>th</sup> September social gatherings of more than six individuals are prohibited by law in a public outdoor place, private dwellings or individual vessels (unless you are meeting as a household and support bubble). However, it is permitted to have gatherings of more than six for organised sport and physical activity, for education and training, or for youth groups and activities. Sporting activity should be conducted in accordance with the relevant RYA Guidance (for participants [mixed households](#); for clubs the [major events](#) and the [Club guidance](#) documents) and the DCMS Guidance on a '[Return to Recreational Team Sport Framework](#)'.

Remember, even when activity is permitted, it is still important to assess and control the risks involved, finding alternatives and mitigating wherever possible.

Examples of what the RYA believes would be considered as linked directly to sporting activity or the work of a sporting organisation includes:

- A briefing for a cruising rally or a race team
- A protest hearing
- An AGM

The following are not considered as examples of sporting activity:

- Parents gathering once sailors have launched
- A social meal at the end of day's activity / racing

Clubs are required to produce and ideally publish written risk assessments and implement suitable mitigations should they be relying on any of the exemptions to permit gatherings of more than six.

Venues which are Covid-secure can host sporting activities subject to their own capacity limits. Social activities must be limited to groups of six although multiple groups of six are

permitted, however individual groups of six should not interact with anyone outside of their own group.

*\*A venue is deemed Covid-secure when the organiser has conducted a risk assessment which would meet the requirements of Regulation 3 of the Management of Health and Safety at Work Regulations 1999(14) and taken all reasonable measures to limit the risk of transmission of coronavirus taking into account that risk assessment and any relevant government advice. A summary of what steps are required to become 'Covid-secure' are detailed within [this notice](#) which should be displayed in your venue once the steps are complete.*

Are clubs allowed to run racing and if so, should it be restricted in any way?

A club is allowed to run racing for an unlimited number of boats. Clubs should carefully consider appropriate limits to maintain Covid security ashore and should plan carefully for social distancing, especially any 'pinch points' such as launching, landing. Clubs must ensure that social gatherings ashore are in groups of six or fewer people unless the gathering is from a household and support bubble.

Is it feasible for clubs to run events?

With no apparent legal limit to the number of boats that can take part in activity on the water it remains permissible to run sailing events. Organisers should consider the likely impact of limitations on their facility provision and consider any potential impact on local communities. All organisers should be ready to strengthen or relax measures at short notice.

Is it appropriate for people from different households to sail together in the same dinghy, keelboat or yacht and is there a limit on the numbers onboard?

Please read the '[RYA Guidance on Sailing and Racing with Participants from Different Households during Covid-19 in England](#)'. This guidance, which has been reviewed by DCMS as part of the '[Return to Recreational Team Sports Framework](#)', provides context and helps you assess whether it is appropriate for you to sail with someone from a different household. The guidance recognises that in some situations whilst afloat it will not be possible to maintain normal social distancing; helps skippers and participants to evaluate the risk and suggests some mitigations which may need to be implemented. It is important that skippers (in particular) determine a suitable number of crew whilst balancing the risk of Covid transmission vs the risks involved whilst carrying out manoeuvres and generally sailing and racing short-handed. The maximum crew number should be decided by the ability for that crew to maintain social distancing afloat and race organisers are encouraged to limit crew numbers to level the playing field for all.

In order for the sporting exemption to apply to the numbers onboard, the activity must be organised by a club or similar organisation.

Can I provide support to another person to help them around the club or on or off boats?

Yes. Recently the Government have produced some guidance that enables those people who need [support when outside their home](#) to get out and enjoy social and leisure opportunities. This has been followed by charities like the RNIB issuing advice for [sighted guiding and social distancing](#).

The people providing support may include family or friends (who may or may not live with or be in a support bubble) or volunteers and voluntary organisations.

It is always best if you give and receive support within a household, support bubble, or from a carer. If this is not possible you may be supported by others if other precautions are taken. Please see the club guidance for further information.

**What responsibilities do clubs have with regards parents or other supporters who may attend the club whilst their children go sailing?**

The regulations make it clear that a spectator or a parent of a child taking part in a sports gathering are not considered to be taking part in the sports gathering themselves and therefore the 'rule of six' applies to those groups. Clubs should ensure that where spectators or parents are likely to attend, this is specifically considered as part of the risk assessment and suitable mitigations put in place. The relevant government guidance suggests that there should be a named person or persons with responsibility for conducting the risk assessment and for ensuring adherence by spectators. Dependent on the number of spectators or parents expected this could be a dedicated role or combined with other duties.

## Facilities and building

**Can a sailing club open its premises yet?**

The current guidance is that indoor facilities which aren't Covid-secure should remain closed apart from through-ways and toilets. Bars, restaurants and catering facilities can open in line with the Government guidance developed for pubs, restaurants and other organisations which offer those services.

**What about changing rooms and showers?**

Clubs can fully open their facilities; this includes changing rooms although their use should be avoided where possible and limited to essential use only. This needs to be done in line with the [Government guidance for providers of grassroots sports and gym/leisure facilities](#) and relevant legislation. It is the view of the RYA that essential use would include making changing facilities available for disabled/vulnerable people and for participants who are cold or have been in contaminated water, for example. Don't forget to check your water supply is safe and ready to use. [Find out more...](#)

**Can a sailing club offer a catering or bar service and what restrictions apply?**

If a club wishes to open its bar and catering service, it can do so in line with the Government guidance developed for pubs, restaurants and other organisations which offer those services. As of Friday 18<sup>th</sup> September, this now includes the mandatory collection of contact details of one member of every party who visits your club to support NHS Test & Trace. Clubs are advised to review the detailed guidance for restaurants, pubs, bars and takeaway services [here](#).

## Liabilities and duty of care

**What responsibilities do we have as a club over members, staff and volunteers?**

Individuals within a club with responsibility for Covid-19 safety measures have a legal duty to carry out Covid secure risk assessments and implement appropriate mitigation measures. To discharge a club's legal duty, the club management should ensure that

reasonable steps are being taken to protect the health and safety of its members and relevant legislation is followed. The starting point should be complying with legislation and implementing guidance issued by relevant authorities: i.e. Government, public health authorities, local authorities and NGB's. However, in the context of Covid-19 and 'return to play', risk assessments are central and whilst a good risk assessment does not eradicate the risk of liability, a good risk assessment which is reasonable, in line with relevant guidance and delivered properly will reduce those risks significantly.

**Does a club increase their own liability / duty of care by providing rescue cover for activity at their club?**

Where a club provides safety boat cover it has a duty to those taking part in the activity and the safety boat crew to take reasonable steps to ensure that the safety boats are suitable and properly maintained and equipped. Safety boat crews themselves owe a duty of care towards those taking part in the activity. We suggest clubs may wish to have safety boat crew sign a risk statement acknowledging that they understand the Covid-19 risks associated with carrying out the role. The issue of PPE must be addressed e.g. is it available, who will provide it, will the club mandate the wearing of it. Covid-19 safety rescue measures should be adopted.

## Useful links

Government Guidance for providers of outdoor facilities on the phased return of sport and recreation in England:

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/providers-of-grassroots-sport-and-gym-leisure-facilities>

Government Guidance for restaurants, pubs, bars, cafes or takeaway services:

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery>

Government Guidance for return to recreational team sports framework:

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-phased-return-of-sport-and-recreation/return-to-recreational-team-sport-framework>

## Further Questions?

We will endeavour to continue to answer the most frequently asked questions as they come in. If you have a question you would like answered, please send it to [sport.development@rya.org.uk](mailto:sport.development@rya.org.uk)