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Dear Headteacher

Health and Safety Update when employing external coaches

The new Safe Practice document 2020 from the association of Physical Education (afPE) has been published and the following is Lancashire's updated guidance for schools when employing external coaches both within and outside the curriculum.

Following a recent audit of schools employing external sports coaches, the County Council found over 75% of the coaches are not qualified to deliver school sport and physical activity in Lancashire schools. This could have serious implications for the safety of children and young people participating and **for schools who fail to follow** Lancashire's guidance on employing external sports coaches (i.e. from School Sport Partnerships, Sport Development, Football Community Trusts, Coaching companies and individual coaches)

Legal Background

Colleagues will be aware that following the decision in the Woodlands case, Local authorities, Governing bodies or Trusts remain liable for any negligent act relating to their services and programmes, including where they are contracted out to a third party to use technical expertise not necessarily available within the direct workforce of the schools staff.

Where the external agency or coach is found to be negligent, it is the school authority that would be in breach of its duty of care to students.

Where **employers**, produce policy, directives and guidance, these **must** be followed and applied by employees (schools), in the same way that the law and statutory guidance must be applied. Ignoring these may, in extreme cases, result in the employee becoming individually liable. The employers guidance always takes precedence over guidance from afPE, National Governing Bodies of Sport and any other external coaching provider.

Head teachers have NOT been delegated the responsibility of deciding on the competency of an external coach as they have with their own school staff and **MUST** follow their employers policy and guidance when employing external coaches.

This also applies to schools, where the employers are governors or a trust, if they buy into Lancashire insurance.

Regardless of any criminal prosecution, in the event that a child is injured there are likely to be civil law claims brought against the employer for negligence. In any such case the Court would look to see that the school has followed the national guidance from the Association for Physical Education Safe Practice document and any Local Authority guidance in order to minimise the risk to the child. As it is the schools responsibility to ensure the coach is qualified it is the County Council's view that schools **MUST** follow the Lancashire guidance around employing third party contractors/sports coaches.

Implications

It is recommended that schools revisit their policy of working with external coaches and ensure that the coaches meet the requirements in the Lancashire Guidance 2021. For any school also buying into County Council insurance, it will be a condition of that cover that the school follow the advice contained in the guidance.

It is also recommended that schools that enter into a contract with an external provider ensure the contract contains a specific term that any coach that is provided will meet Lancashire's guidance on qualifications.

The overall duty of care however remains with the school at all times and there is a requirement to manage and monitor what the external provider is doing and how it is being done, taking responsibility to ensure that: the external agency staff are appropriately qualified and competent; and the activity is being carried out safely.

Schools should also be aware that the costs expended by the County Council in defending legal action that occurs as a result of the schools failure to follow advice could, under the scheme for financing schools, be recouped from the schools delegated budget. Schools are reminded that the costs associated with relatively minor injuries can be considerable.

Frequently Asked Questions

Some organisations state that they can teach the whole PE curriculum. If they state this then the coach must meet the requirements of the Lancashire guidance for each activity they deliver. If they don't meet this requirement then they should NOT be employed to deliver those activities for which they don't meet Lancashire's requirements.

Q1. I have been told by X organisation that because the coaches have an Association for Physical Education (AfPE) Level 2 or 3 PE certificate they can teach the whole PE curriculum.

Answer – No they cannot teach the whole PE curriculum. The AfPE award is a teaching assistant award not a PE certificate. They can only teach the activities they are qualified to teach in relation to the Lancashire guidance.

Q2. – The sports coach has told me they have a sports coaching degree, which is at Level 6 so it is higher than a Level 2 NGB award so he can deliver PE.

Answer – No they cannot teach the PE curriculum they can only deliver activities which they hold a National Governing Body (NGB) qualification in. The degree content varies greatly across higher education institutions. There is no consistency around specific modules on teaching and learning. The National guidance is that coaching degrees are NOT a replacement for QTS, and therefore, these coaches should follow the Lancashire guidance. It would be expected that any coach with a degree would also have coaching qualifications as they can't work without them.

Q3. – The coach has a Level 2 multi skills award what can they teach?

Answer - Qualifications to teach Games at KS1

A current National Governing Body (NGB) Level 2 coaching award is the normal baseline for each activity the coach is expected to teach. The exception is where a coach holds a recognised Multi-Skills/Games qualification and will be teaching generic skills (FMS/Multi skills) to a basic level.

Recognised Multi Skills /Games qualifications for delivery at KS1 only by Lancashire include:

- 1st4 Sport Level 2 Multi Skills Development in Sport Award
- Lancashire Multi Games Award for Coaches working in Lancashire Primary Schools

Qualifications to teach Games at KS2

The aim in KS2 Curriculum PE is for children to develop sports specific games skills. A current National Governing Body (NGB) Level 2 coaching award is the normal baseline for **each** activity the coach is expected to teach. In KS2 PE children should develop sports specific games skills Therefore a Multi skills Level 2, 1st4 Sport Level 2 Multi Skills Development in Sport Award is **NOT recognised** for teaching specific games activities at Key Stage 2.

However, a coach that has a Level 2 in an invasion game (i.e. football or netball) and Level 2 Multi Skills can deliver any invasion game only in curriculum time, with a Level 2 Multi skills award. The same applies for a coach who has a Level 2 in a net/wall (i.e. tennis) or striking and fielding sport (i.e. cricket) can teach any sport within that category only if they also have a Level 2 Multi Skills award.

Q4. There are some sports and activities that don't have a UKCC Level 2 qualification. How do I evidence competence?

Answer – If you are not sure on ANY qualification then please contact Lancashire PE team or Legal services. They will offer guidance on sports qualifications to ensure that any coach in front of Lancashire school children is appropriately qualified. This will ensure the school is compliant as the employer has made the decision.

Q5 – The coaching company has said that they have their own insurance and so it doesn't matter and the coach can deliver any activity in school.

Answer – Coaching companies must have public liability insurance for their coaches. However, if an accident occurs it would be the school and their employer that a claim for negligence would be made against (see above). To safeguard schools against a claim schools must follow their employers guidance when employing external coaches and NOT take a commercial provider's view on insurance.

Q6 – An external organisation (coaching company franchise, sport development, SSP, Community football trust) have offered a coach for a day a week to cover all of the PE curriculum, they state this is ok. Is this right?

Answer – No, a school must follow its employer's guidance when employing external sports coaches **not** any other organisations guidance.

Q7 – What qualifications do coaches need to teach dance?

Answer – The Lancashire guidance addresses the qualifications for dance in the appendix based on National advice.

Q8 – Does a HLTA employed directly by the school need coaching qualifications?

Answer - If a Head Teacher makes this decision, they must be satisfied that the HLTA is competent to do so. A competency assessment needs to be undertaken to ascertain whether the HLTA is sufficiently competent to teach the **specific PESSPA activity** required. The assessment will consider aspects such as qualifications, experience, reputation, knowledge of the children, and should include observing this member of staff.

A headteacher can NOT make this decision about an external coach, the school MUST follow the Lancashire guidance.

If you have any questions or queries regarding an external coaches qualification then please contact Lancashire PE team or Legal Services..

Yours sincerely

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Lancashire Best Practice Guidance Using External Coaches in Physical Education and School Sport (Summary Document) – 2020/2021

Introduction

Lancashire County Council refers to the Association for Physical Education (afPE) Safe Practice 2020 document as detailed guidance on all matters relating to Safety in Physical Education.

This guidance document on using external coaches in PE and school sport is based on “afPE Safe Practice 2020” and UK Coaching’s “Coaching in Primary Schools Toolkit”

The Health and Safety responsibilities of the employer cannot be devolved to the headteacher or leadership team within a school or to an external coaching provider. In carrying out the employment of external coaching providers it is essential that the headteacher and leadership team follow the employers (LCC) guidance below when using external coaches and coaching providers.

Qualifications

These are the following minimum operating standards that all coaches **must** meet, based on best practice guidance on the effective use of individual and agency coaches in PE.

A current National Governing Body (NGB) Level 2 coaching award is the normal baseline for **each** activity the coach is expected to teach. See **Further Guidance on Qualifications and Competence** below for further information when a Level 2 in the activity is not required for each activity.

A Level 2 qualification in the activity being delivered is recognised as the minimum expectation for any coach to be involved in either curricular or extra curricular delivery. This qualification needs to be one that is suitable for teaching in an education setting. Some Level 2 awards are designed only for those working in community or leisure settings.

- All coaches must comply fully with the County Council’s requirements regarding safeguarding, DBS and Children’s Barred List checks.
- Appropriate and relevant insurance cover. Ensure the coach is fully aware of insurance provision and what aspects they need to provide for themselves, according to employment status.
- Safeguarding and protecting children qualification, or Lancashire Safeguarding Board Level 2 training

Detailed information when a Level 2 in the activity is or is not required for each activity – Primary Schools

Games activities in Primary Schools

- A current National Governing Body (NGB) Level 2 coaching award is the normal baseline for **each** activity the coach is expected to teach. Deviating from this standard only if the coach has a Level 1 award and is working towards a Level 2 qualification where appropriate. See **Appendix 1** for more detailed information and exceptions.

Gymnastic activities in Primary Schools

- For a coach to deliver gymnastic activities within the curriculum they **must** have a British Gymnastics NGB Level 2 award. **NB** - The Gymnastics Teacher Award (Intermediate Primary) and the Gymnastics Activity Instructor Award by British Gymnastics are **NOT** accepted as a suitable award for external coaches to be able to deliver curriculum gymnastics or an after school club in a Lancashire primary school. The Gymnastic Teacher Award is designed for staff employed directly by a school and the Gymnastics Activity Instructor Award is designed for community or leisure settings not Curriculum.

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Dance activities in Primary Schools

- Dance is a distinct area that offers unique learning opportunities within a primary schools curriculum. Coaches teaching dance need to be appropriately qualified or experienced within the styles of dance movements and techniques. (See **Appendix 2** for more detailed information)

CIMPSA Standards

The Chartered Institute for the Management of Sport and Physical Activity (CIMPSA) has developed standards for coaches working outside of the curriculum. However, it is still mandatory that a coach with this qualification also meets the school employers guidelines.

The CIMPSA standards are only specific for working outside the curriculum. As the safety standards for a coach to work in either curricular or outside the curriculum are the same, the competence criteria required remains the same and so a coach must also meet these guidelines in terms of qualifications and not just rely on the CIMPSA award.

Competence

Any qualification including a Level 2 NGB award does not guarantee that a coach is competent to deliver PE and School Sport activities. Each coach needs to be considered individually by the school and any judgement to be made. (For further guidance see Table 2 in afPE Safe Practice Document 2020, page 21)

Supervision and management of coach

The **class teacher always maintains overall responsibility** for what is taught and the conduct, health and well-being of the students.

Coaches **must** work under the direction and supervision of a nominated teacher and the teacher should manage the work of the coach at all times. This may include working at a distance from the nominated teacher once the headteacher has made an assessment of the coach's competence to work remotely.

Good practice suggests that an appropriate agreed induction programme should be fulfilled.

The school should establish effective communication systems so that teachers and coaches understand their responsibilities and roles when teaching Physical Education. (For further guidance see Table 2 in afPE Safe Practice Document 2020, page 21)

Out of hours Activities

Out of hours activities run directly by school staff or on behalf of the school are the responsibility of the Headteacher and governing body. The ratios will be determined through risk assessment and will need to consider the age, ability, constituency, and maturity of the group; the competence of the staff; and the facilities available.

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External coaches working in out of hours should meet the minimum operating standards above and ensure the pupil/coach ratio for sessions is in accordance with their coaching award and their National Governing Body guidelines.

Coaches working in activities that do not have a recommended NGB should meet the standards above and as a general rule ratios should not exceed 1:20. It is also good practice to have **two** adults at any out of hours activity.

Where a school simply makes pupils aware of an opportunity to participate in a paid activity held on the school's site but independent of the school's responsibility then the external agency would have responsibility for the safety of those who opted to participate. It would be good practice for schools to use a Letting Contract which identifies the responsibilities of the Hirer and the School.

Appendix 1 – Information on qualifications for coaches delivering games at KS1 and KS2.

The UKCC Level 2 coaching qualification or equivalent, recommended by National Partners (YST, AfPE, UK Coaching), is the **minimum requirement** for coaches employed to work within the school environment. It is acknowledged, however, that other volunteers including Level 1 assistant coaches, and under-18s including young leaders, may support delivery. This must be under the **direct** supervision of a qualified teacher or Level 2 coach.

In addition to activity specific qualifications, afPE's good practice expectations is that coaches supporting curriculum time physical education should hold or be working towards a 1st4 Sport / afPE Level 2 or 3 qualification in supporting physical education and school sport. **NB – this qualification does NOT entitle the coach to teach the whole of the PE curriculum they still need the activity specific qualifications.**

In the event of an incident, your insurance may not be valid if a coach lacks the appropriate qualification.

Qualifications to teach Games at KS1

- A current National Governing Body (NGB) Level 2 coaching award is the normal baseline for **each** activity the coach is expected to teach. The exception is where a coach holds a Level 2, 1st4 Sport Level 2 Multi Skills Development in Sport Award and will be teaching generic skills (FMS/Multi skills) to a basic level.

Qualifications to teach Games at KS2

- A current National Governing Body (NGB) Level 2 coaching award is the normal baseline for **each** activity the coach is expected to teach. In KS2 PE children should develop sports specific games skills Therefore a Multi skills Level 2, 1st4 Sport Level 2 Multi Skills Development in Sport Award is **NOT recognised** for teaching specific games activities at Key Stage 2. However, a coach that has a Level 2 in an invasion game (i.e. football or netball) and Level 2 Multi Skills can deliver any invasion game only in curriculum time, with a Level 2 Multi skills award. The same applies for a coach who has a Level 2 in a net/wall (i.e. tennis) or striking and fielding sport (i.e. cricket) can teach any sport within that category only if they also have a Level 2 Multi Skills award.

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Appendix 2

Dance activities

What you need to look for:

Dance artists and practitioners have different training, experience and qualifications. Their skills and experience are often accredited in one or more of the following ways:

- Degree in dance, or dance and another subject
- Vocational training at a dance school
- Certified courses for working in schools and other community settings
- Links with regional and national dance organisations
- Registration with an awarding body that offer graded examinations (in specific dance styles such as ballet, Tap, Stage Dance etc.) such as the Royal Academy of Dance, Imperial Society of Teachers of Dance, British Ballet Organisation
- Dance artists/practitioners should have a Disclosure and Barring Service certificate
- Their own public liability insurance up to £5million.

Selecting dance artists/practitioners:

You should ask a dance artist to send in their CV that includes the following information:

- Training and qualifications in dance
- Qualification in teaching dance
- Experience of working in schools
- Testimonials from schools
- School referees

If you are satisfied with the training, skills and experience evidenced in their CV invite them to teach a session. You might find the following check list a useful tool to assess their suitability to work with your pupils:

Artists/practitioners who are the most effective in delivering high quality dance are those who:

- Believe in the value of dance and have a passion for sharing dance with children
- Understand and meet the different needs of participants of varied abilities, ages, backgrounds and stages of development
- Have a good understanding of dance in the school curriculum and the way in which dance can support learning across the curriculum
- Use a range of teaching and learning strategies to meet the pupils' individual learning needs and enable them to reach their potential
- Communicate all aspects of safe dance practice through their own practice
- Deliver appropriate and challenging dance activities safely and effectively
- Refresh their practice by taking part in continuing professional development
- Have knowledge of relevant legislation for working with children

Artists and practitioners with these attributes and skills are most likely to enable children to fulfill their potential in dance and be able to support the development of classroom teachers' knowledge and dance teaching skills.

For advice and guidance on any sport or activity not mentioned above please contact the Lancashire PE Team Advisors or Legal services.