

## Tours & Overnight Stays – Regulation 10 and other guidance.

There are a number of examples of clubs being sanctioned by the RFU for going on tour without permission from their CB and without appropriate insurances. When clubs decide to ignore the regulations, it leaves the CB and possibly clubs or individuals open to litigation should an injury or incident occur.

### **When is a tour not a tour?**

Sometimes there is confusion over the definition of a tour.

For **ADULTS** a tour means playing rugby against a team or teams outside the home Union of England (overseas, or Ireland, Scotland and Wales.) England home Union includes the IOW and the Channel Islands.

For **YOUTH** tours, ('**YOUTH**' means **ANY PLAYER** under the age of 18) the same applies for travelling outside of England. However, with **YOUTH** tours, it's not a question of "Is it a tour?" but rather "Is it **Regulated Activity**?" – i.e. Is it overnight between the hours of 2.00am to 6.00am? This may be defined as a **regulated activity** in England rather than a tour, but there is a gap in RFU regulations (**Reg. 10**) addressing regulated activity specifically (whether a "tour" or not) which means there is not specific paperwork available for allow for this.

If the answer to the overnight question is "yes", then Haslemere CRC follows Surrey Rugby's guidelines and **EXPECTS** that tour rules apply and tour paperwork **MUST** therefore be used. This expectation is made in order that safeguarding standards can be met and to effectively manage the risk of liability. Equally, if our players (**ADULT or YOUTH**) are wearing our club's shirt and representing our club, then once again, we expect tour rules, and approvals/insurances to apply.

### **What to do before Touring or embarking on overnight regulated activity:**

Whether the parents are there or not, Haslemere CRC has certain legal obligations – one is to ensure the club has the **appropriate paperwork** to evidence that it has been compliant in its duty of care.

Firstly, that means **approval and appropriate insurance** (as explained below.)

Secondly, it means that the Safeguarding Officer from the club needs to have signed the **YOUTH Tour Checklist** which confirms that the appropriate risk assessment has been completed, in accordance with the [RFU Touring with Children Guidance](#),

Of course, additional compliance is required for **YOUTH** Tours, in particular [Regulation 21](#).

### **Responsibilities**

On tour, all the touring players are the responsibility of the Tour Staff **whether the parents are present or not**. If parents are accompanying the tour, this duty of care must be carefully explained to parents. Allowing players under the age of 18 to have access to alcohol or illegal drugs or **failing to supervise** players' access to alcohol or illegal drugs is a criminal offence.

**PLEASE do not forget – the reason Regulations exist is not to make your life difficult – they exist to not only protect the children in our sport but also to protect ALL the adults (volunteer or paid) as well – to ensure we are *all safe* within our beloved sport.**

Let's be clear about the expectations: when you want to go on tour (**ADULTS**) or take young players on tour or overnight trips you must obtain approval from the CB (Constituent Body-Surrey Rugby), whether your tour/activity is taking place **in England** or **outside** of England ("overseas", including Ireland, Scotland or Wales). Club or County sides, men, women or youth, whoever you are, it applies to you:

#### **RFU Regulation 10:**

10.4.1 This Regulation 10.4 applies to the following:

- a) **Adult men's and women's** Incoming Tours and Outgoing Tours at level 3 and below;
- b) Incoming Tours and Outgoing Tours in respect of **Age Grade Rugby**;  
and
- c) Incoming Tours and Outgoing Tours in respect of **teams representing a Constituent Body**.

10.6.1 No Club, person or entity may arrange or fulfil an Outgoing Tour unless:

- a) **the Outgoing Tour approval form has been completed in full and submitted to the appropriate Constituent Body** (or the RFU in respect of a Constituent Body team); and
  - b) **the written consent of the appropriate Constituent Body has been obtained** (or the RFU in respect of a Constituent Body team), which for the avoidance of doubt may be granted on a pre-approved basis for a match or series of matches as the Constituent Body (or the RFU in respect of a Constituent Body team) so determines in its absolute discretion; and
  - c) written notice of the proposed Outgoing Tour may also be given to the RFU together with details of the fixture(s) to be played if the Constituent Body so desires but there is no obligation to notify the RFU.
- [http://www.englandrugby.com/mm/Document/General/General/01/31/56/70/RFUReg102015-16\\_English.pdf](http://www.englandrugby.com/mm/Document/General/General/01/31/56/70/RFUReg102015-16_English.pdf)

It makes **no difference** whether home or abroad, you still have to have CB **and** Club approval to go, and in either case you **must be** compliant with Regulations.

#### **RFU Regulation 10:**

*"10.4.2 Players must not participate in any match referred to RFU Regulations 10.5 and 10.6 (**whether in England or abroad**) without the approval of the Club to which the Player is affiliated, and unless the match has been approved in accordance with this Regulation 10."*

So, you need to complete and sign a **tour application form** available on the Haslemere CRC website, and send it to the **CB Executive Officer** ([secretary@surreyrugby.co.uk](mailto:secretary@surreyrugby.co.uk)) for approval:

On the England rugby website under "Applying for permission to tour overseas (clubs)" (<http://www.englandrugby.com/governance/game-support/rugby-tours/>) it states very clearly:

*"Once completed and signed, send your application to your Constituent Body (CB) and they will either write to your Tour Manager confirming approval (providing it is correctly and fully completed), or forward to Twickenham for RFU approval."*

You must also ensure you have secured appropriate insurances for the tour – **especially** if it is a **YOUTH** tour, and if you are travelling outside the UK.

#### **RFU Regulation 10:**

"10.6.2: The RFU has prepared best practice guidance notes on Incoming Tours and Outgoing Tours which are available at <http://www.englandrugby.com/governance/game-support/rugby-tours/> and Clubs are reminded of the need to have **appropriate insurance in place prior to travelling abroad**.

As you can see from the following; player insurance on tour hinges on the approval which is conferred by the RFU via the CB:

On the England rugby website under “Applying for permission to tour overseas (clubs)” (<http://www.englandrugby.com/governance/game-support/rugby-tours/>) it states very clearly:

*“Clubs that are affiliated to the RFU will be insured by the RFU’s Death & Catastrophic injury insurance for playing rugby while on tour, **providing RFU approval has been granted** and your policy is up to date.*

*Please note that this insurance **does not cover** temporary injury, loss of earnings, medical and legal expenses or any other type of injury not mentioned in the policy. However, you will need to obtain travel insurance (which will cover you for any repatriation costs should a player become injured during the match and need specialist travel home).”*

If, during a tour, there was a catastrophic injury or a child protection incident and it could be shown that individuals were working outside of their governing body’s regulations then this could be seen as **negligence**:

#### **Legal Duty of Care**

*A duty of care is a statute imposed under Civil Law. It means that a sports body needs to take such measures as are reasonable in the circumstances to ensure that individuals will be safe to participate in an activity to which they are invited to or which is permitted.*

*When children, young people or vulnerable adults are involved in organised sports activities and are to any extent under the care and/or control of one or more adults, the adult(s) have a legal duty of care to ensure their safety and welfare.*

*Liability for the legal duty of care arises when an incident occurs and it can be demonstrated that the **risk was foreseeable, but no action had been taken to remedy it.***

*Within the sporting environment the duty of care would start by ensuring the activity is authorised by sport and that the coaches etc. are qualified for the task and that the activity is **managed in a safe manner** throughout.*

*It is expected that any club or association would adhere to the National Governing Body (NGB, in our case, the RFU) policies and procedures and incorporate reference to them in the club constitution.*

#### **Legal negligence may occur when**

- *the legal duty of care to keep participants safe at all times and to eliminate all dangers is not followed*
- *NGB policies and procedures are not followed*

#### **Further Guidance:**

[http://www.englandrugby.com/mm/Document/Governance/GameSupport/01/30/45/56/Cross\\_Union\\_approval\\_guidelines\\_clubs\\_Neutral.pdf](http://www.englandrugby.com/mm/Document/Governance/GameSupport/01/30/45/56/Cross_Union_approval_guidelines_clubs_Neutral.pdf)

#### **RFU regulation:**

[http://www.englandrugby.com/mm/Document/General/General/01/31/97/47/RFURegulation102016-2017\\_English.pdf](http://www.englandrugby.com/mm/Document/General/General/01/31/97/47/RFURegulation102016-2017_English.pdf)

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