

## Written evidence submitted by Bill Alexander

### Health and Safety law as applied to sporting events.

With regard to the issue of concussion in sport, and potentially for other sporting injuries, there is an aspect that may possibly have not been considered by the committee thus far.

In simple terms there is a legal requirement under the Management of Health and Safety at Work Regulations 1992 on all businesses and organisations to carry out a suitable and sufficient risk assessment for anyone who comes into contact with their undertaking. Professional sport workers such as footballers and rugby players are not excluded in any of the relevant legislation, and neither are sporting events. The risk assessment should also include harm to mental health.

Effectively this means employees and self-employed workers, as well as the public, are to be protected (sometimes potentially from themselves) .

If we just focus on those who participate in sport, then the club and governing bodies should have risk assessments in place to ensure, so far as is reasonably practicable, that risks to health and safety are prevented. A failure to do so is potentially a criminal offence. The Health and Safety Executive ( HSE) have, thus far, adopted a hands off approach in regard to some aspects of what happens in the workplace. For example, they do not require that sporting injuries are notified under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR), albeit the guidance they have given is potentially confusing. As a result, there is less chance of external monitoring of developing situations that might need investigation.

This means that the governing bodies can deflect or sweep things under the carpet, and may have done so for decades. No one is suggesting that in physical sport you cannot get hurt or take risks, however, a sensible, proper, risk assessment would take this into account. If there is a background culture that you will be deselected or not given funding, or if you are seen to rock the boat, then it can create the perfect culture for abuse, resulting in a failure to protect, and to ensure that there is a duty of care for people who might be vulnerable.

If you ask the HSE if they carried out any research before they adopted their " hands off policy" for sport participation, they will be unable to provide it.

The argument often put forward in sport, is that the participant is "aware" of the risk and has freely chosen to take part. However, on the exact same basis, if a scaffolder wishes to take a risk of not having a safety harness because an increased wage is being offered by an unscrupulous employer then why is this not allowed. The answer is that society seeks to protect people from being exploited, and legislation has been enacted to do this. It should not be any different just because it is a sporting event.

Dr Bennet Omalu, who made some very serious observations regarding Chronic Traumatic Encephalopathy in football, based upon his work in American football, stated that "sports governing bodies cannot be relied upon to lead. "I don't expect them to he says. The powers that be don't want people to know because everyone is afraid the sports industries and other associated industries will lose money. This is a public health question. It is not a question that is left to sports. This is where I think government is failing".

It is possible that the HSE are afraid of a media headlines as being “killjoys”, and “spoiling innocent fun”, but in doing so, they might have acquiesced to unnecessary and avoidable injuries occurring, of which concussion is one, by not applying the law consistently.