



BRITISHROWING

HRSA Monthly Report

December 2019

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TEAMWORK | OPEN TO ALL | COMMITMENT

Incident Reports in 2019

The annual analysis of Incident Reports has commenced and should be available with next month's report. The following clubs are to be congratulated for reporting the most incidents:-

Club	Number of reports
Lea RC	74
Avon County RC	51
Putney Town RC	47
Marlow RC	42
Christchurch RC	41

These clubs will each receive a certificate of commendation. A further thirteen clubs each reported twenty or more incidents. Please remember that incidents are learning opportunities and that people who report incidents should be commended as they are making meaningful contributions to rowing safety.

Incident Reports in December

Well-lit Sculling boat

This boat is equipped with a white light on the bow and a red and white light on the stern along with 6 meters (180 LEDs) of low power Christmas lights around the rigger and backstay, making it exceedingly conspicuous.



However, the boat was involved in a head on collision, in daylight, with a bow loaded 4+ that had crossed to the "wrong" side of the river. This resulted in a broken scull and a capsize. There was no warning from the 4+'s bank party and, surprisingly, the 4+ left the sculler to fend for himself. The club involved subsequently apologised.

Strong flow carries boat into bridge

The 4x+ rowed past the normal turning point well upstream of the bridge and, as it turned, was swept by the wind and river flow into a bridge buttresses just upstream of a weir.

The crew exited the boat into knee high water under the bridge to avoid being swept over the weir. A coach instructed them to move towards a bridge buttress where a large fallen tree had been pinned to the buttress by the flow. They waited together just upstream of the tree. Another coach paddled out to the crew with lifejackets.

The local Fire Service Swift Water Rescue Team attended and the crew was assisted to the bank with the aid of a safety line between the bank and the tree.

The crew suffered from mild hypothermia due to a long wait for emergency services. They were assessed and discharged by the ambulance service shortly afterwards. The boat continued over the weir. The boat is very badly damaged and blades were lost.

In another incident at a different club a 4x was passing upstream under a bridge when the strong flow pushed the boat so that the blades on one side hit a bridge column. The boat came to rest at right angles to the stream and was pinned amidships against a bridge column. It then started to capsize. One rower fell out and was swept down river. The three other crew members fell in and swam with the boat through another arch and met the first crew member. They then swam with the boat to the bank.

In yet another incident on the same day at the same club another 4x was swept downstream into moored boats. Their blades were trapped under the moored boat and they were unable to manoeuvre. They were assisted by a local gig club. The rowers were removed from the boat and the boat was towed away.

Please take great care when near bridges or upstream of weirs and moorings and keep well clear of them particularly if the wind or flow is strong.





Collisions near bends in rivers

There were two head on collisions when crews rounded corners and strayed onto the “wrong” side of the river. In one case the crew that strayed was doing a time trial. In the other incident the crew was overtaking another boat and the bank parties were not well placed to assist as their bikes had collided, possibly due to one not having working lights.

In one incident a rower was knocked into the water and was taken to the hospital as there were signs of hypothermia. Another rower was hit on the head, resulting to a deep cut in his ear with internal swelling; he was taken to the hospital immediately to be assessed for concussion and so that his ear could be treated; this needed several follow up appointments.

Both these incidents would not have happened if more attention had been paid to steering and keeping a good lookout. Overtaking on bends needs great care and is best avoided. Taking part in full pressure rowing does not absolve a crew from taking care to avoid collisions; even greater attention is needed at high speeds. In these circumstances, carelessness causes harm.

Taking care of Juniors when items were stolen

An incident report described the exemplary care that a club took of its juniors at a competition when the club truck was broken into and items were stolen. Other vehicles had also been broken into and had items stolen.

The first priority was to ensure that the rowers were all dry and warm. Local clubs provided spare clothing to keep the rowers warm and dry, this was greatly appreciated.

The biggest concern was the loss of train tickets and how to get 16 junior athletes home. Parents were notified and contact was made with the railway company. One parent travelled with those on the train to ensure that there were no issues. The juniors were all able to locate electronic copies of tickets. The club has subsequently heard from the railway company that there would be no issues with lost tickets had the copies not been found. This too was greatly appreciated.

It is good to see the rowing community coming together to support colleagues in need and to see a club taking such good care of its members.

Rowing near a weir

A novice cox steered towards the weir instead of away. Fortunately, the boat did not go over the weir and was steered into calmer waters where it ran aground.



Another Indoor Rower collapses, twice

This follows the collapse of another indoor rower that was described in last month's report.

A rower collapsed from a rowing machine twice on consecutive Mondays. On the first occasion the rower completed the assigned activity, stood up and collapsed. On the second occasion the rower collapsed from the rowing machine after completing part of the planned activity. She lost consciousness for several seconds but soon regained consciousness. She had blue lips.

It later transpired that she has a heart condition and that she is under the care of a cardiologist. It was suggested that she was referred back to her GP and cardiologist with a request for written medical advice. It was also recommended that the GP and cardiologist should be informed that rowing, in this form, is a highly strenuous and energetic activity.

The gym banned her from all training as she had not shared informed about her medical condition. This is unfortunate as there are many other less stressful exercises that could, with care, safely be practised in the gym. She has also not been allowed to continue with on-the-water activities.

The coach in this case is relatively young and has recently qualified. He was advised to consider the extent to which he feels able to support a person whose symptoms go beyond those described. Dealing with a serious cardiac incident can be frightening. Coaches should decide whether they wish to avoid being put under this kind of pressure.

Indoor Rower traps her hair in a rowing machine

A rower was assisting a colleague in an indoor rowing relay by holding one of their feet in a Concept 2 rowing machine. Her hair was tied back in a pony tail but still managed to become entangled in the chain mechanism of the machine. About 8 cm of her hair had to be cut to free her.

The club has concluded that, in the short term, rowers with long hair will be advised by the coaches to either stay away from that end of the machine or have their hair suitably styled (e.g. braided, put up in a bun etc).



Boats blow into bushes and capsize

There were two incidents where boats were blown into bushes on banks, were unable to extricate themselves and capsized.

In one incident a 4x+ became entangled in some bankside bushes after a brief stop. The prevailing wind made it difficult to extricate the boat. The sculls on one side caught on the steep bank and the wind pushed the boat further into the bank; the boat capsized.

In another incident, a 2x was moving slowly when it was carried into overhanging trees and was pinned close to the bank by the stream and breeze. The boat became entangled and capsized.

Please take care not to stop or row slowly past bushes as once the blades become entangled in the bushes it is difficult to self-rescue, however, rescue by launch is relatively simple.

Additional Buoyancy in boats

This topic was discussed at the recent NRSC meeting and it was concluded that where additional buoyancy is needed then clubs should add as much as they reasonably can. Where buoyancy bags are fitted they should be fully inflated.

Coaching Qualifications and Insurance

One club reported that they were under the impression that our insurers required that "*All activities including coaching and competitions are led by coaches and officials who are qualified to comply with NGB or UKCC standards.*" This was discussed with the Senior Broker Sport, Recreation Equine & Contingency at Howdens (our insurance brokers) who explained that in practice insurers are satisfied if clubs implement the advice and guidance provided by their National Governing Body. In the case of Rowing Clubs then they should follow the guidance in RowSafe. I have asked for written confirmation.

Individual coaches are covered, even if not qualified, this is explained in the following two frequently asked questions on the insurance microsite [here](#):-

Q If I am coaching but I don't have a qualification, am I insured?

A *Yes, as long as you are only coaching within your capabilities and you are not receiving any payment for your coaching.*

Q I am a qualified coach but I am coaching as a volunteer. Am I covered?

A *Yes, a volunteer coach who is qualified would be covered under their COACH membership.*

This information can be found [here](#).

Weirs

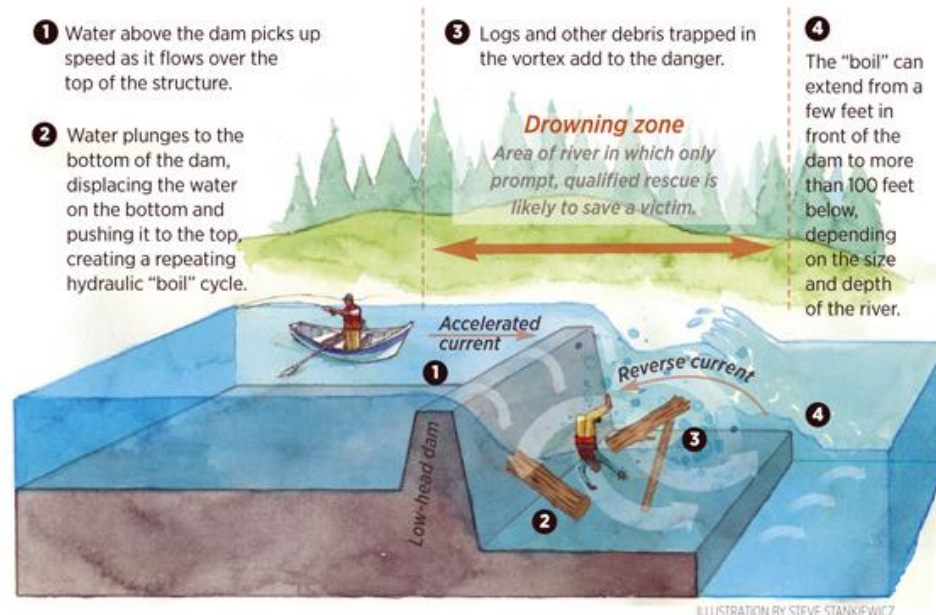
There have been several incidents where strong river flows have caused crews to be swept towards weirs. Some of these are described above.

The dangers posed by weirs are often underestimated and these have been explained in a recent Safety Alert entitled “Keep Clear of Weirs”. A copy is included with this report and is available [here](#). The safety message is “Stay clear of weirs and if the flow is strong then stay well clear”.

The diagram in the Safety Alert is taken from the West Mercia Search and Rescue website. This also contains a training course on Water Safety that can be found [here](#). This course is useful as it covers a wide range of relevant subjects including cold water shock, fast flowing water, river flow and eddies, lakes and pools, floods including hidden dangers and being trapped, diseases and infections, calling for help, flooded streams, dangers of ice, rescue techniques (talk, reach, throw) and resuscitation.

The alternative diagram, was published in Montana Outdoors and this provides additional information.

Deceptive Drowning Machine



TRAPPED Low-head dams don't appear dangerous. Because the structure is hidden underwater, boaters, kayakers, and other floaters can't judge how deep the water is above and below the dam—or how fast it moves over the top. Also hidden is the deadly hydraulic, caused by the large volume of water flowing over the structure. Victims are usually trapped between the two current forces.

Both the Environment Agency (through Natural Resources Wales) and the Royal Society for the Prevention of Accidents (RoSPA) provide guidance on weir risk assessments, these can be found [here](#) and [here](#).



The use of Disclaimers by Clubs and Events

There has been an extensive discussion with a correspondent who feels that disclaimers should be used extensively so that clubs and events can deny liability if harm is caused to rowers. It was explained that disclaimers have no effect if the harm results from an act or omission of the club or event as this could constitute negligence.

In this context the word “events” is used to include both competitive events (e.g. regattas) and non-competitive events (e.g. tours)

A definitive response based on the law relating to liability and legal precedents was provided. This is presented in Appendix I.

I have included a disclaimer in this report and one is included in RowSafe and Safety Alerts. The advice and guidance I provide in all of these publications is done to the best of my ability but may not be sufficient in some circumstances where local conditions can be extreme. It is for this reason that clubs and events are expected to complete their own risk assessments and take action accordingly.

Work with British Canoeing

British Canoeing has issued a Safety Alert on Weil’s disease (Leptospirosis) in which it states:-

“British Canoeing can confirm we have had a report of a confirmed case of Weil’s disease around Holme Pierrepont and the River Trent during December 2019.” This Safety Alert is available [here](#).

The information contained in the British Canoeing Safety Alert is also contained in the British Rowing Safety Alert, however the latter is more extensive. The British Rowing Safety Alert can be found [here](#).

Safety Audit - Criteria for suspending clubs

It is understood that the response by clubs to Safety Audit has been better than ever this year. It has also been confirmed that the criterion for the suspension of clubs from entering British Rowing competitions is that their Safety Audit has not been accepted by their Regional Rowing Safety Adviser.

Safety Audit - Visit to Clubs

The desirability of visits to clubs to review their submissions to the Safety Audit has been discussed by the National Rowing Safety Committee. It was concluded that these visits are desirable. I accompanied a RRSA during his visit to one club.

[This report is a safety guidance document. Please read our safety message and disclaimer.](#)



Appendix 1 - Response on Disclaimers quoting legal precedents

I will explain why, in my view, disclaimers are of no value in rowing but first let me explain that it is my job to provide advice that will reduce the probability of hazardous events and, if such an event does occur, then to reduce the severity of the harm that it causes. I try not to get involved in the aftermath of incidents and the various arguments about liability. I leave that to our insurers, as I will explain later.

Please understand that I am a Chartered Engineer and not a Lawyer but have acquired a little understanding of the laws relating to liability. These are my opinions and not necessarily those of any others.

In my view the purpose of a disclaimer is simply to transfer liability from the person or organisation that allows harm to occur back to the person or organisation that suffers that harm. I would have a difficult time arguing that this is ethical. However, I will argue that in the context of rowing, disclaimers are not effective.

I will explain this in the context of:-

- Criminal Law
- Civil Law - Unforeseeable Risk
- Civil Law - Foreseeable Risk

Criminal Law

There is no defence in criminal law based on an innocent party accepting legal responsibility for a criminal act by another. Doing so could constitute a criminal conspiracy and render both the person undertaking the criminal act and the person accepting responsibility for it liable to prosecution. It could also be viewed as an attempt to pervert the course of justice.

The Health and Safety at Work, etc. Act 1974 does not apply to volunteers and clubs (other than in relation to clubs that have employees) except to the extent that they control premises. There is further information on this in relation to both criminal and civil law [here](#).

If a club or event caused the death of a rower or anyone else, to whom it owed a “relevant duty of care”, as defined in section 2 of the Corporate Manslaughter and Corporate Homicide Act 2007 (see subsections (1)(c)(i) “supplier of services” and (6)(b) “acceptance of risk” [here](#)), then it would not be protected by a disclaimer.

Civil Law - Unforeseeable Risk

If a risk is unforeseeable then it would not be reasonable to hold someone to account for not foreseeing it. A reasonable person cannot do the impossible, neither can anyone else. The same applies to hazardous events where the probability of the event occurring is very low. There is case law on this in *Hadley v Baxendale* ([1854] 9 Ex 341).



In the case of negligence the test for remoteness of damage is whether the kind of damage suffered was reasonably foreseeable by the defendant at the time of the breach of duty (*Overseas Tankship (UK) Ltd v Morts Dock and Engineering Co Ltd (The Wagon Mound No 1)* [1961] AC 388). The defendant will be liable for any type of damage which is reasonably foreseeable as liable to happen even in the most unusual case unless the risk is so small that a reasonable man would in the whole circumstances feel justified in neglecting it (*Heron II* [1969] 1 AC 350). This information was found [here](#).

There is further case law on what constitutes a foreseeable risk in *Dean & Chapter Of Rochester Cathedral v Leonard Debell (2016)*[2016] EWCA Civ 1094 CA (Civ Div) (Hallett LJ, Elias LJ) 09/11/2016. According to Lord Justice Elias, the judge had to apply the concept of reasonable foreseeability taking a 'practical and realistic approach' to the kind of dangers which the cathedral were obliged to remedy. Just because a risk is foreseeable, it should not result in automatic liability. The duty is to ensure the reasonable safety of visitors, the risk must amount to more than the everyday risk from normal blemishes or defects common to any road or path. There is further information [here](#).

I cannot, by definition, give you an example of an unforeseeable risk as to do so I would have to be able to foresee it. However, I once saw an item in a risk assessment where the probability of a hazardous event occurring was so low that no preventative action could be justified. The risk involved a passing railway train being derailed and falling onto a passing rowing boat. It was not necessary to take any action to avoid harm from an incident that was so improbable.

As in all civil cases, liability does not attach to anyone who acts reasonably.

Civil Law - Foreseeable Risk

Foreseeable risks should be incorporated into risk assessments and the actions to reduce the probability of a hazardous event together with the actions to reduce the severity of harm should be identified there too. If this is completed reasonably well then there should not be any events that cause significant harm. However, there are several ways that this process can fail. The most common is to fail to identify a foreseeable hazard so that it is not considered in the risk assessment. It is also possible to fail to take any action and fail to take sufficient action. We (the safety community together with clubs and events) work very hard to stop this from happening.

Collisions are our most common incident that causes (usually little) harm. These are usually caused by individual failings of rowers to follow simple instructions (keep a good lookout and keep to the correct place on the waterway).

It is a central principle of common law that no liability attaches to foreseeable consequences of voluntary actions. This is summarised, as follows, in the House of Lords Judgement in 1998-99 in the case of the Commissioners of Police for the Metropolis v. Reeves (A.P.) (Joint Administratrix of the Estate of Martin Lynch, Deceased):-



"... it is a basic rule of English law that a plaintiff cannot complain of the consequences of his own fully voluntary conduct—his own "free, deliberate and informed" act: see Hart and Honore: Causation in the Law, 2nd ed. (1985), p. 136. ". More information can be found [here](#).

It may also be worth noting that in the event of harm resulting from attempts to rescue or resuscitate a person then no liability attaches to a person whose action is reasonable. This is another principal of common law and is made clear in section 3 of the Social Action, Responsibility and Heroism Act 2015 (see [here](#)).

In the worst case scenario when a club or competition or individual rower fails to take sufficient action or care and harm is caused as a consequence then we rely on our insurers to assume financial liability for any loss. All British Rowing clubs, competitions and individual members are insured. This is a requirement for clubs and competitions and is included in the membership fees for individual rowers (including coaches).

British Rowing offer insurance through its brokers and most clubs, events and all individual members are insured through the same company. In this context the allocation of blame or responsibility is irrelevant as the financial burden will fall on the same insurer whoever is at fault. As a result we do not waste energy on allocating blame and a disclaimer is not needed as it would only help us if we were trying to do something that, in fact, we do not need to do.

I hope that this explanation is clear and comprehensive.



This report provides general information and guidance on safe practice in rowing. It is however the responsibility of each club and event to maintain up-to-date risk assessments and define and monitor its own safety practices, guidance and procedures specific to its environment and activities. Clubs shall ensure that these are made known to their members and members shall comply with the same.

Whilst every effort is made to ensure that the medical and other similar information and guidance in this manual is accurate and reflective of best practice at the time of publication, it is the users' responsibility to ensure that such information and guidance is up to date before acting upon it. British Rowing accepts no responsibility for the content of third party websites accessed through links in this publication.