

## Your Grading Certification

Students pay for membership, lessons and usually grading. When you grade a person they reach a requirement criteria so you issue a certificate. If they leave, you cannot claim they are no longer a black belt, legally if they paid then you must give them a refund. Many legal issues with grade disputes it is expensive to pursue and usually falls in favour of the grade recipient .

## Who owns my Martial Arts School or Academy?

who pays the rent on your hall hire? The ownership is usually determined on who hires or owns the premises. If you can provide evidence you hire the premises a court will usually go in the favour of that person unless a LEGAL AGREEMENT is submitted as evidence from another party proving otherwise.

## Danger to the public

Get rid of the cowboys , we all moan about cowboy instructors how can we get rid of unqualified instructors? What are we doing about it? The weakest link is the subject matter in this case martial arts. However the fact that you need teaching qualifications to be a Coach Teacher or Instructor will be a source of evidence that can easily be checked.

## Clubs, Schools and Academies:

The word Club defines your group legally as having a structure which treasurer, secretary and trustee members who vote. No one owns a club, but they can have tax advantages for their members. Schools and Academies can have owners and principles etc, instructors, teachers and students. If you call yourself a club and don't have this structure you could end up in court for deception or tax evasion.

## Ignorance and the Law

An old adage is "what you don't know cant hurt you". This is not so in the eyes of the law. The law is very clear and it states "IGNORANCE IS NO DEFENCE IN THE EYES OF THE LAW" . If you do have an incident or accident questions will be asked and by that time it could be to late. Check what you need because if anything does happen you dig yourself a deeper hole if you just didn't know. No win no fee solicitors make it easy to take anyone through the courts, be responsible and don't let it be YOU.

## BNMAA Contact Details



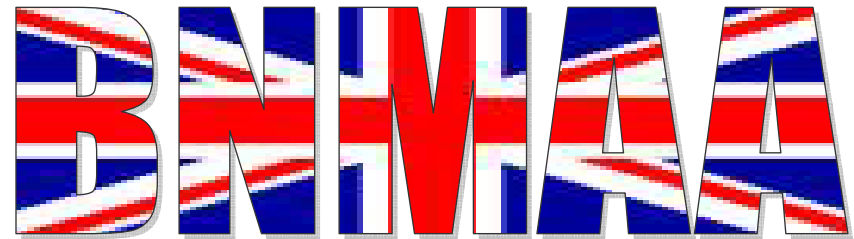
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**British National Martial Arts Association**

# Duty of Care

**CTI—Coaching , Teaching and Instructing**

**Do you know your:**

- 1. Legal Obligations?**
- 2. Insurers Requirements?**
- 3. Local Council Rules?**
- 4. National Requirements?**

**This leaflet explains what you need.**

**They are Legal Guidelines  
not BNMAA Rules.**

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Telephone No Call Centre: 0871 990 3203 Fax No: 0871 990 3204  
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## CTI: Coaching Teaching & Instructing.

If you are responsible for teaching your members you have legal obligations and by law have to provide a "duty of care" to everyone in your group. No win no fee solicitors make it easy to sue anyone and the worst way to find out about what qualifications you should have is when you have a claim against you. The first thing that will be required is evidence that you are qualified. Evidence is the key word here, solicitors are aware of certification from a personal computer and they look for "Nationally Recognised Qualifications" because they meet this countries national standards. They are also issued by "Certified Training Providers", so they can be checked. Sometimes civil cases started by No Win No Fee Solicitors are handed over to The Crown Prosecution Services (CPS) and become Criminal Cases.

This in itself sounds daunting but in every day life we collect evidence to prove our competence. If you go to get on a bus or a aircraft you know the person flying it will have a licence and that vehicle will have an MOT or Certificate of Airworthiness from the Civil Aviation Authority. This provides "Evidence" in the event of a claim so the insurers can defend the insured person or company against negligence etc.

Modern communities want to protect their citizens from harm as you would protect your offspring and loved ones. "Duty of Care" is about having credible evidence proving you can teach your martial art.

## Instructors Grades & Your Syllabus.

Grades reference the knowledge of your syllabus, the higher grade you are means you know more of your syllabus. Your grade isn't a reference to how good you are as a fighter, competitor or teacher. Black belt certification does not qualify you as a teacher, coach or first aider.

## What do you need to be a Martial Arts Instructor?

The subject matter (Martial Art) to instructors level which is indicated by the black belt and / or instructors grade level certification. Usually it takes three years of training to achieve instructors level. In addition to this you will need Teaching Qualifications, Criminal Records Bureau Check and Insurance.

## What Qualifications do I need in addition to my grade?

Coaching, Instructing, Child Protection, First Aid, Health & Safety from a recognised Training Provider. For Example: first aid the training provider could be St Johns, Red Cross, St Andrews or any Health & Safety Executive (HSe) approved First Aid Course.

## Can my certification expire?

Yes it can, this is because information changes all the time. First Aid courses are constantly updated with new information derived from hospital and insurers statistics. This is the same for all the certificated courses Child Protection, Instructing, Coaching and Health & Safety. As a teacher, coach or instructor you are considered to be in "Continual Learning Development" and your duty of care is to keep everyone you teach within safe guidelines using a set criteria. This criteria is changing so all courses need to be refreshed or renewed every three years.

## Legality & Restricted Practice Laws

No one can tell you where to buy your insurance or who you can or cant join up with or be a member of, it is simply illegal under UK and European Restricted Practice Laws. Trading Standards and The OFT (Office of Fair Trading) enforce these laws in the UK and ensure cartels, monopolies and unfair practices are eradicated. Before reporting any organisation or body ensure you get it in writing as evidence then contact the appropriate body.

## First Aid Kit

Instructors should check the First Aid Kit before the lesson begins. If an accident occurs and your First Aid Kit has not got the correct contents you are liable. Your Local Council and Fire Department can check you first aid kit without warning. You can of course have your own First Aid Kit or use the one provided at the premises you hire. If you hire a hall or premises you are still liable for the First Aid Kit. Once you have started the class the person who hires the hall is liable for the First Aiders and the First Aid Kit even if it is the property of the hired premises. Don't forget to replenish the consumables when they are used or out of date.

## Accident Books

A legal requirement, all accidents must be recorded no matter how small. The accident book cannot be any book it must be one approved by the UK governments Health & Safety Executive (HSe)

## In the event of a Claim

The BNMAA and our Insurers must be informed within 24 hours. Once a solicitor is involved instructors can be asked for evidence that they are qualified. The injured party will try and get as much as they can by proving the instructor is at fault. The instructor will be defended by proving his qualifications and judgement are correct and he was not negligent.

## Your Club Membership Fees & the Law.

You can charge what you like, but if you terminate any ones membership you have to refund their membership fees for the remaining time left in membership. If they have paid for a years membership and after 4 months you have terminated it you must refund the remaining 8 months membership. If the person leaves or stops turning up no refund is necessary.