

Oxford University Cave Club

Code of Conduct

Approved at OUCC General Meeting 11/3/2009

Checked by the Chair, Jack Williams, in November 2018 and confirmed that it is in accord with the current practices, valid until the end of the following academic year, September 2019

Caving is an activity with a danger of personal injury or death. Participants in this activity should be aware of and accept these risks and be responsible for their own actions and involvement.

1	Introduction.....	2
2	Club Activities.....	2
3	Club Officers	3
4	Caving Meetings and Trips.....	3
4.1	Club caving meetings	3
4.1.1	Club novice meetings and novice trips	3
4.1.2	Other Club meetings and trips	4
4.2	Private caving meetings.....	4
4.3	Meetings outside Great Britain.....	4
5	Safety	4
5.1	General.....	4
5.1.1	Safety Representative	5
5.1.2	First Aid.....	5
5.2	Safety on Caving Trips	6
5.2.1	Call-outs.....	6
5.2.2	Accident / Incident Procedures	6
5.2.3	Reportage.....	6
5.2.4	Dealing with the Media	7
6	Equipment.....	7
7	Training.....	8
8	Cave Conservation.....	8
9	Conduct of Individual Members	8
10	Complaints Procedure.....	8
11	Declarations	8
	Appendix 1: OUCC members with First Aid qualifications	10
	Appendix 2: Expected contents of “Meeting” First Aid Kit	10
	Appendix 3: Duty Of Care.....	11
	Common Law Negligence.....	11
	Law.....	14

1 Introduction

The Oxford University Cave Club (“OUCC”) was formed in 1957. OUCC exists to support its members’ activities and interests in caves and caving.

Oxford University Cave Club will operate so far as reasonably practicable in accordance with this Code of Conduct, the OUCC Risk Assessment, the Proctors’ rules and National Governing Body guidelines, so as to promote best safe practice in caving.

The Club is affiliated to the British Caving Association (the National Governing Body (NGB) for caving); www.british-caving.org.uk, .

BCA Chair	Mick Day, Bryn Aur, Brecon Road, Penycae, Swansea, SA9 1FA.	chairman@british-caving.org.uk
Secretary	Damian Weare 2 The Barn, Sal Royd Road, Low Moor, Bradford, West Yorkshire, BD12 0JN.	secretary@british-caving.org.uk

It is the responsibility of the Secretary to ensure that BCA membership is paid on the due date (1st January), thus ensuring continued BCA membership..

The Club will appoint a new Committee at its Annual General Meeting (Hilary term). The Committee will serve for one complete academic year. At least three members of the new Committee will arrange a safety briefing session with the Sports Federation within two weeks of appointment.

The reviewed and signed versions of the Code of Conduct and Risk Assessment will be supplied to the Sports Federation four weeks after the appointment of the new Committee.

The Club’s Senior Member is Professor S.G. Roberts, St Edmund Hall.

2 Club Activities

The activities of the Club include:

- organisation of caving trips within the United Kingdom and elsewhere;
- organisation of "novice" trips for those with no caving experience;
- provision of a pool of caving equipment, available to members via the Club's tacklemaster;
- organisation of technical training sessions;
- promotion of cave conservation;
- organisation of speaker meetings and similar;
- documentation of its exploratory and other activities;
- maintenance of a library of caving journals, books, surveys, etc, including an archive of club material, to which members have access via the Club's librarian;
- organisation of social events;
- circulation of a newsletter (“Depth through Thought”)
- participation in the wider UK and international caving community.

More specific details, including organisers for particular events, are notified to members at the beginning of each term via the Club’s “term card” and are available on the Club’s website (www.oucc.org.uk). The website also holds archive material.

3 Club Officers

The following officers form the Committee of the Club, and have particular functions regarding the operation of the Club:

- **President** (Senior Member; Constitutional Post)
- **Chair** (Constitutional Post)
- **Secretary** (Constitutional Post)
- **Meets Secretary** (see section 4)
- **Treasurer** (Constitutional Post)
- **Equipment Officer** (see section 6)
- **Safety Representative** (see section 5.1.1)

The following officers do not form part of the Committee of the Club; they report to the committee as appropriate:

- **DTT editor**
- **Alumni officer**
- **Webmaster**
- **IT officer**
- **Librarian**

Multiple posts may be held by the same person. The duties of holders of “Constitutional Posts” are defined in the Club’s Constitution.

4 Caving Meetings and Trips

In what follows, we distinguish between a “caving trip” and a “caving meeting”. A “caving trip” is where a team of cavers goes underground in a particular system. A “caving meeting” involves travelling away from Oxford to undertake one or more caving trips,

4.1 Club caving meetings

Club caving meetings are organised by the Meets Secretary, in most cases are notified in the Club’s termly meetings list (“term card”), and for which the finances, accommodation, transport, cave permits, etc are organised through the Club. Club caving meetings are open to all members of the club. Guests of members may also attend and participate in club caving meetings.

The detailed organisation of each club caving meeting is carried out by a Meet Coordinator. See the “*Meet coordinator cribsheet*” for more details of the duties implied. The Meet Co-ordinator *must* register the trip with OUSF prior to departure.

All participants in Club caving meetings must notify the Club of their address, etc, and “Next of Kin” contact details for use in case of an emergency. For Club members, this will normally be via inclusion in the Club’s central address database; guests must record details in the Club logbook.

4.1.1 Club novice meetings and novice trips

A “novice trip” is here defined as a caving trip where one or more of the participants have no caving experience. A club novice meeting is one where one or more novice trips is planned. Particular guidelines apply to such trips, For full details, reference should be made to the supplementary documents “*Guidance notes for leaders on novice trips*” and “*Guidance notes for novice cavers*”. In outline:

- Each novice meeting has a designated Leader, who is responsible for ○ issuing suitable personal caving equipment to novices;

- checking that full details of each novice (including next of kin details) have been received;
- organising the make-up of caving teams (including team leaders) for novice caving trips;
- making suitable callout arrangements for novice caving trips.
- The Leader for the novice meeting may be designated by any current or past member of the following OUCC posts: President, Chair, Secretary, Meets Secretary, Treasurer, Equipment Officer or Safety Representative.
- The team for each novice trip has a leader, designated by the meeting Leader, who is an experienced caver who has knowledge of the system to be entered and the trip to be undertaken.
- A novice trip leader takes on a particular “duty of care” to novice members of the party.
- The caving trip to be undertaken is chosen with particular regard to the lack of experience of the novice team members.
- Novice trip leaders should read and follow the “guidance notes for leaders”.
- Novice trip leaders should ensure that the novices have read the “guidance notes for novice cavers” before going underground.
- Novice trip leaders should brief the novices before the trip about what to expect and how to behave, with particular regard to safety and conservation issues.

4.1.2 Other Club meetings and trips

On meetings and trips in which none of the participants are novices (that is, where all participants have taken part in at least one caving trip), each participant takes personal responsibility for health and safety matters, as outlined in section 5.1.

4.2 Private caving meetings

Private caving meetings may be organised by Club members. The finances, etc. for such meetings are not organised through the club. Club members may borrow club equipment for such meetings, but, as always, are themselves responsible for checking its safety and suitability. The Club and its officers carry no responsibility for such meetings.

4.3 Meetings outside Great Britain

These may be either Club or private meetings, typically of one-week duration. Such meetings may need special arrangements for rescue and other insurance. Club members also organise a long summer Expedition which has for the last 30 years been to the Picos de Europa, Northern Spain. This Expedition is a separately constituted body, with its own committee and finances, and is governed for University purposes by the OU Exploration Club.

5 Safety

5.1 General

The Club has an excellent safety record. However, it is in the nature of caving that accidents can and occasionally do occur and these can have serious consequences. Anyone who seeks to go caving must be aware of and accept this element of risk and take responsibility for their own actions. This requires the development of individual competence and judgment.

Being aware of potential hazards is the key to minimising risk. The Club has prepared an outline *Risk Assessment* for caving as required by the OU Sports Federation. All members of OUCC should read it and note its “Risk reduction” recommendations.

Caving trips are highly variable. Most caves and trips within them cave have unique features, and factors such as weather conditions and the make-up of the team have a strong influence on the difficulty of the trip. For these reasons, any system based on grading of caves, trips

within caves or cavers themselves will inevitably fall far short of being either a workable or a safe system. The only possible system that can be applied to underpin a "code of conduct" for caving safety is that of *personal responsibility*. Safety aspects of this Code of Conduct are based on this.

The only exception to the full "personal responsibility" ethos is when complete novices are involved. In this case, a separate category of trip ("novice trip") is established with its own particular recommendations.

Once they have been on their first trip, inexperienced cavers should seek advice from those more experienced when deciding whether to join a team for a particular caving trip, and should also make their level of experience known to all other members of the team. Relatively inexperienced cavers should also seek advice from those more experienced on caving and caving techniques generally and gain competence themselves via reading, discussion, training on the surface, and practice underground. However, it ultimately remains each individual's own responsibility to judge their own level of competence, and to ensure their own safety and that of others.

It is also the responsibility of the individual to bring to the attention of the Committee any known medical condition or previous injuries that may affect their or other Club members safe participation within the sport. If the issue is of a sensitive nature, then this can be raised via the Sports Federation.

To minimise the number and seriousness of incidents underground it is good practice:

- for all those on the team to brief themselves on the details of the trip;
- to choose the trip appropriate to the make-up of the team, or vice versa;
- to choose an appropriate call out time;
- to take note of local conditions and the weather forecast; □ to carry at least one first-aid kit with the team;
- for cavers to undertake first-aid training.

The Club has produced several guides which all members are recommended to consult, for example, on underground first aid, on rescue techniques, and on hypothermia, and a risk assessment for caving.

As a matter of Law, all persons have a "duty of care" to others. Careless or reckless neglect of that duty of care resulting in injury may be construed as negligence, and could have serious consequences for the negligent person(s) and the Club. See Appendix 3 for further details.

5.1.1 Safety Representative

The Club Safety Representative has the following duties:

- To liaise with the OUSF safety officer over safety issues.
- To report on safety issues at Ordinary General Meetings of the Club.
- To arrange safety-related and first aid training sessions when required by the Club.
- To arrange for checking the "Meeting First Aid kit" periodically and if necessary its replenishment.

N.B. The Safety Representative carries no extra responsibility for any member's personal safety, nor for the safety or safe operation of Club or other equipment..

5.1.2 First Aid

The Club can arrange First Aid training oriented towards caving and similar activities. All members are strongly encouraged to attend such courses. Members should notify the Club of any First Aid (or similar) qualification they hold. Appendix 1 gives a list of active OUCC members with first aid qualifications.

A first aid kit is kept in the Club tackle store for taking on Club caving meetings. The meeting leader should check that it is taken. The contents of this kit are given in Appendix 2. The kit is checked periodically by the Club's Safety Representative. If any item is used from the kit, the Safety Representative should be notified so that it can be replaced if necessary.

All cavers are recommended to carry a basic first aid kit on caving trips. Such kits are "personal equipment"; however, the Safety Representative can be consulted about their composition and packing.

5.2 Safety on Caving Trips

5.2.1 Call-outs

Before going underground, each team should leave a record with a responsible person, giving details of:

- the names of team members;
- cave system to be entered, and where appropriate, route to be followed;
- location where transport is parked (if not obvious), and if possible vehicle identification;
- time of departure, expected time of return and/or "callout" time.

For day-trips, the most appropriate procedure for setting up a callout and reporting back will probably be by telephone. For weekend or longer trips, the normal procedure is by entering callouts in the club logbook; if all those present are going caving simultaneously, even on different trips, it is good practice to back up such callouts by telephone to someone remaining on the surface.

5.2.2 Accident / Incident Procedures

If the team does not return within its call-out time, then action *must* be taken. Exactly what action is taken will depend on the make-up of the "missing" team, the type of caving trip they are undertaking, the weather, the availability of experienced club cavers in the vicinity for an immediate response, etc. If feasible, a normal first step would be to check for the team's return first at their vehicle, and then at the cave entrance. If any serious cause for concern remains, then the local cave rescue organisation must be alerted (call 999 and ask for cave rescue) and put on standby or called out for rescue as appropriate.

In the case of an accident or incident underground, the actions to be taken by the team involved are so dependent on the circumstances that few useful recommendations can be made in a document of this type. Only those on the spot can decide whether to continue with the trip, to return as a team to the surface, to send some members out to call in outside help, or to stay put or move to a safer part of the cave and wait for help to arrive.

5.2.3 Reportage

All serious incidents must be reported to the Club using the Accident Report Form provided on the OUSF webpage. For all incidents leading to the call out of the cave-rescue the University Security Services must be contacted on (01865) 289999. A report is to be sent to the Sports Federation within 24 hours or as soon as is practicable.

"Serious incidents" in this context means

- any occurrence on a Club trip, above or below ground, that results in serious injury or serious danger to health;
- any incident leading to the call-out or alerting of a cave rescue organisation. These reports are important as they can identify areas needing action, such as poor equipment or poor technique.

It is good practise for a team to report *any* notable aspects of the trip, especially those relating to safety, to Club members via the Club Logbook and Newsletter; this will allow everyone to learn from their experiences.

5.2.4 Dealing with the Media

Unofficial statements may affect proceedings if any legal action results against the Club Committee, Club members or University Officials. Any requests by the media must thus be referred to the University's Security Services. No details of any incident should be given directly to the press without prior consultation with University's press relations office; in particular, no details of any person involved should be released.

6 Equipment

The Club makes available to its members a stock of ropes, ladders, belaying equipment (wires, tapes, hangers, maillons, karabiners, etc.) and tackle bags. The pool of such equipment is large enough to tackle most caves within the UK and elsewhere; members are not required to provide such equipment themselves.

The Club will stock and maintain a minimum of 4 complete SRT ('Single Rope Technique') kits, which should include: harness; central maillon; descending device; two ascending 'jammers'; 'cow's tails' and safety cord; footloops; chest tape and three carabiners. These SRT kits are predominately for the use of novice; more experienced members regularly attempting verticle caves (as well as expedition caving) are strongly encouraged to buy their own.

The Club also has a limited stock of "personal" equipment such as helmets, belts, lights, boots, and caving clothing. These are available for loan to members, but are principally for the use of novices; more experienced members are encouraged to buy their own.

All Club equipment is under the care of the Club's Equipment Officer ("Tackle Master"). This Club officer:

- keeps an inventory of Club equipment;
- checks safety-critical equipment regularly, and arranges annual inspection and approval of safety-critical equipment by OU Safety Officer;
"safety-critical equipment" in this context means
 - ropes, ladders, helmets & lights: these have unique ID numbers; their condition at the time of inspection should be noted in the equipment log.
 - belaying equipment: karabiners, maillons rapides, belay wires and tape slings.
 - *Club SRT kits*
- if necessary, withdraws equipment from service or arrange for its repair; □ organises gear cleaning and maintenance sessions when appropriate; □ makes recommendations to the Club for new equipment purchases.

The Club keeps an inventory of ropes, ladders, helmets, lights, and all other gear of value. If taken on a caving meeting, these items should be logged out and back by the meeting co-ordinator. This enables any losses to be to be monitored.

Club members who are the recipients of gear and equipment that is personally owned (i.e. OUCC club equipment) are liable to replace any gear that is lost or damaged by whilst in the care of that member. If no monies are forthcoming within a reasonable time, Club will underwrite all losses.

Usage of ropes, ladders, belaying equipment, SRT kits, etc. is no guide to their safety; they are generally rendered unsafe by a single exceptional event rather than by general

deterioration. Such an event may occur between “Equipment Officer’s inspections”. Hence:

- It is the full responsibility of those using equipment to check it before use (except for novices on novice trips, where checking must be done by the meeting or trip leader).
- Any equipment found to be dangerously faulty by any member must be withdrawn from service immediately.
- Any faulty equipment must be reported as soon as possible to the Equipment Officer.

7 Training

There is no "ladder of qualification" within caving. It is up to all cavers to develop their own abilities appropriate to their preferred type and level of caving. This is normally done by "learning on the job", on caving trips in the company of more experienced cavers. Club members should select appropriate trips that do not over-stretch their abilities and experience; less-experienced members should consult those more experienced when considering joining a team for a particular caving trip.

The Club makes available above-ground basic training as required in certain technical activities, such as single-rope techniques. All Club cavers are encouraged to maintain a high level of personal fitness and to learn first aid skills.

8 Cave Conservation

Caves are a fragile and limited resource. Club members should take care to avoid damage to delicate, vulnerable cave passages. They should not touch formations (any dirt becomes permanently embedded), or disturb sedimentary deposits (“mud formations”), and should stay out of areas marked off by conservation tape or similar.

9 Conduct of Individual Members

Club members are reminded that they should conduct themselves with responsibility at all times.

Members should retain regard for safety and should not, deliberately or otherwise, endanger other people whether they are members of the Club or not.

Members should not bring the Club or the University of Oxford into disrepute.

10 Complaints Procedure

The Club operates a procedure that allows Club members to raise complaints about safety or operational issues such as Safety

- Instruction or leadership.
- Equipment
- Administration.

Complaints should initially be addressed to the Club Chair. If this does not prove satisfactory a written complaint may be made to the OUSF President; the matter will then be considered at the next available OUSF Executive Committee Meeting. Consultations may also take place with the Sports Federation.

11 Declarations

(Chair, Secretary & Treasurer, at least, must sign)

As a Club Official I am aware of my moral and legal obligations to my fellow Club members.

I have read, understood, and agree to abide by the Club Constitution, Code of Conduct, Risk Assessment and associated documents.

POSITION	NAME	SIGNATURE
Chair		
Secretary		
Treasurer		
Meets Secretary		
Safety Representative		
Equipment Officer		

Appendix

1: OUCC members with First Aid qualifications.

Incomplete list, last updated 17/3/09

NAME	QUALIFICATIONS
Elisa Carboni Richard Siddans Chris Densham Dave Legg	Basic first aid April 2006
Gavin Lowe Tom Evans Phil Leichauer Peter Devlin	Advanced First Aid April 2006
John Pybus Chris Cooper Gareth Philips Mike Hopley Fleur Loveridge Rosa Clements Pete Eastoe Andy Morgan	Basic first aid May 2005
Mike Hopley	Advanced First Aid May 2004 Wilderness Medical Training part two, summer 2005, completing "Advanced medicine for remote foreign travel" qualification. Expires summer 2008.
Simon Goddard	WMT 2 May 2004, to repeat June 2006 First aid at work runs out sept 2008
Tom Evans	Stuart Marshall first aid courses. 'Outdoor Activities - First Aid for Cavers' 2005.
Harvey Smith	"First Aid at Work" course (HSE Cert No 604/85), valid until 10/11/2008
Geoff O'Dell	"appointed persons" first aid course with the Red Cross. April 2006.

2: Expected contents of "Meeting" First Aid Kit

NB The kit is NOT checked against this list before each and every caving trip or meeting. Items may have been removed or used.

Appendix

Wound treatment:

Sam splints: 2
Wound dressings, large: 4
Wound dressings, small: 4
Non-adherent dressings, mixed: 5
Plasters: 10, assorted
Plaster strip: 2
Zinc oxide tape: 1 roll
Micropore adhesive tape: 1 roll
Sterile wipes: 10
Crepe bandage: 2
Triangular bandage: 4
Standard bandage: 2
Eye wash: 1
Eye dressings: 2
Steri-strips: 6
*Suturing kit: 1 set tools, 2 needles & thread -- **trained people only***
Antiseptic solution: a few sachets
Latex gloves: 4 pairs
Note pad & pencils
Gaffer tape: 2 small rolls
Tough cut shears
Safety pins: 6
Antiseptic hand wash: 1 tub
Dental repair kit

Drugs:

Paracetamol: 5
Aspirin: 5
Ibuprofen: 5
Rehydrate: 5
Shit-stoppers (lomatil?): 5
*Injectable painkillers: 8 capsules, syringes, needles, etc -- **trained people only***
Antibiotics, penicillin: 12
Antibiotics, erythromycin: 12

3: Duty Of Care

Common Law Negligence

This document contacts a very general and basic view of negligence. It sets out and hopefully answers the questions that you ought to be asking. The term 'injury' used herein means primarily physical injury and consequential financial losses.

1 Where does negligence fit into our social fabric?

- 1.1 All of us understand that deliberately causing injury to others is a criminal offence ordinarily resulting in punishment of the perpetrator.

Appendix

- 1.2 All of us understand that some injuries are accidental, i.e. the circumstances giving rise to them are wholly unforeseeable. No one is responsible. No compensation is payable.
- 1.3 In between those two ends of the spectrum are 'negligent acts' i.e., they are not deliberate, but the injury is foreseeable. The negligent person will not be punished, however the injured party may seek financial compensation as a result. The compensation is paid by the individual who has caused the loss and could amount to millions of pounds!

2 What does it do?

- 2.1 The system of rules is designed to determine in any incident of injury whether an act was negligent, whether the negligent act actually caused injury, whether compensation should be paid and if so how much.

3 How does it affect me?

- 3.1 Each of us owes a 'duty of care' to our 'neighbours' not to cause them injury by our negligent acts and omissions.
- 3.2 In order to satisfy or 'discharge' that duty of care you must behave as a 'reasonable person' would but taking into account your specific skills, knowledge and experience. For example, a 'reasonable' non-medically qualified 'rescuer' might be forgiven a medical mistake which a reasonable qualified paramedic would be expected not to make.
- 3.3 Your neighbours are those people whom, if you thought about it, might be injured by your negligent acts and omissions. For example:-
 - a) When driving a motor car your neighbours would include:-
 - any passengers in your car
 - other road users, drivers and their passengers
 - pedestrians, cyclists etc
 - owners of property adjoining the road
 - b) Anyone for whom you have accepted responsibility (see later for the effect of being a group leader / club's officer)
- 3.4 The duty of care requires you to consider the consequences of your acts and omissions and to ensure that those acts and/or omissions do not give rise to a foreseeable risk of injury to any other person. Clearly, one is not expected to guarantee the safety of others, merely to act reasonably.
- 3.5 In short, all of us owe a duty not to injure other people by our negligent acts and omissions and that is an individual duty which each of us owe all of the time to our 'neighbours'.

4 Does ordinary membership of a club or society affect my ordinary duty of care?

- 4.1 Not usually. You still owe the individual duty of care to your neighbours. However, the people who are your `neighbours` might alter and/or increase to include other club members and others with whom you may now come into contact as a result of membership of that club.

5 Will being a group leader of a club or other activity affect my ordinary duty of care?

- 5.1 It may do. As a group leader (or team captain) you have accepted the responsibility of leading others. You owe them a duty to ensure that they are not exposed to a foreseeable risk of injury, as far as you reasonably can.
- 5.2 It should be noted that, on any outing where a group leader has not been appointed, the most experienced and / or qualified person there ought reasonably to intervene and at least advise if a foreseeable risk of injury arises.

6 Will accepting office in a club affect my duty of care?

- 6.1 Yes, it may well do so. If you accept a position you are likely to agree to carry out certain functions which may affect the safety of others both inside and outside the club. You are accepting responsibility and you must fulfil those duties to the best of your ability without negligence. That is, you must not create a foreseeable risk of injury and you must take reasonable steps to deal with any foreseeable risk of injury that exists or arises.

For example: if you agreed to be the equipment officer you must take reasonable inspections of the equipment to see that it is reasonably safe.

7 Conclusion

- 7.1 The law of negligence seeks to ensure that as individuals we are responsible for our actions and inactions and that we consider those who might be injured by those acts and omissions.
- 7.2 The actual standard varies according to an individual's skill and experience and requires us all to behave reasonably.
- 7.3 It is possible to lay down golden rules, which if followed, will preclude the possibility of a successful civil claim. However, behaving responsibly and considerably is likely to mean that no injury will be occasioned in the first place.
- 7.4 The safety net that we all hope we will never need is third party liability insurance. If a compensation claim is successfully brought then this insurance should pay out. All members of registered Oxford University Sports Clubs automatically have such cover. Members of certain clubs may have additional cover where affiliated to NGB's with that facility.

Law

The law related to sports injuries and accidents is still sketchy and only test cases will change this. The two points that do exist are that people have a duty of care to all other individuals that are participating, and that failure to carry out this duty of care could be construed as negligent. Failure to implement Codes of Practice, not carrying out Risk Assessment and not following the National Governing Body Guidelines, plus any University rules and regulations that have been set, could also be construed as negligent.

1. What is duty of care?

“You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour”.

Who then, in law, is my neighbour? The answer seems to be - persons who are so closely and directly affected by my act that I ought to have them in contemplation as being so directly affected when I am directing my mind to the acts or omissions which are called into question” *Case of Donoghue v Stevenson*

This test will be applied to all sporting activities. Anyone involved in sport must be aware that their actions or in-actions may affect anyone else involved in that activity or even persons not actually involved as such but spectating or even just living nearby.

For example, if the Sports Federation decided to organise a canoeing expedition for students it puts itself in a duty of care situation. If a student club decides to run a competition for club members and others, it (i.e. the Club Committee) puts itself in a duty of care situation. If a student who is an experienced climber organises a group of inexperienced climbers to go climbing, he or she is putting them self in a duty of care situation.

In deciding exactly what comprises this duty of care the law is not and cannot be precise. It can only establish general principles to be applied in each particular situation.

2. Who is negligent?

All participants in recreational activities run the risk of injury. The problem facing lawyers when someone is injured is deciding which injuries are ‘occupational hazards’ and which should be the subject of a claim for financial compensation from the person responsible, because there has been some element of recklessness or carelessness resulting in a breach of the duty of care exercised.

A person who has been injured may seek financial compensation if that person can show that someone has been negligent and that it was that negligence that caused the injury. Although the burden of proof normally lies on the person making the claim, in the case of extreme negligence ‘res ipsa loquitur’ (the thing speaks for itself) applies. To establish that there has been negligence the following elements **must** exist:

- **a duty of care must be owed**
- **there must be a breach of that duty**
- **actual damage must have resulted from that breach**