

**DELICTUAL LIABILITY OF THE SCHOOL SPORTS COACH -  
A SECURITY MATTER**

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**SUMMARY**

Sports law can be regarded as one of the latest developments in law. As applied to the school setting, and with special reference to sport coaching, this article deals with the five fundamental elements of the law of delict that influence and inform the execution of the duty of care of the educator-coach. This article pays special attention to the legal aspects related to the security, on the one hand, of the learners as participants, but also the educator-coach in his or her respective roles as coach, organiser of sport events, referee and sport official on the other.

The basic research question is: To what extent can educator-coaches increase their own security by ensuring safer participation of learners? How can these educators prevent or minimise the occurrence of serious injuries during practices (as coaches) and during meetings, contests or matches (as officials, such as being referees)? A certain amount of risk is typical of and inherent to most types of sports, especially those that involve physical contact or in which potentially dangerous implements are used. In contrast, many learners are coached by educators that do not necessarily have enough experience, skills or knowledge regarding the more advanced techniques of the specific sports code. This contrast between the inherent risks and the lack of expertise of many educator-coaches creates an amount of insecurity for both the participants and the coaches.

This article includes a discussion of the application of the five fundamental elements of the South African law of delict to school sports coaching. To illustrate the ways in

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which courts consider sports law issues, examples from court cases related to different types of sports are analysed, and, where applicable, cases from other countries and from outside the sphere of education are also included. This discussion is followed by an overview of those legal provisions that impact on sports participation at school.

The legal duty of care of all educators stems from the special relationship between an educator and a learner. Not acting to ensure the safety of a participant constitutes wrongfulness on the side of the educator-coach, which may lead to being held liable for damage to the participant. This article specifically considers the higher standard of care expected from the educator-coach, as compared to the normal reasonable person, based on the former's specific training in working with learners. The acts or omissions of higher qualified and more experienced educator-coaches will also be measured against a higher standard.

This article concludes with the recommendation that educator-coaches should not be overly reassured by section 60 of the *South African Schools Act*. Ensuring the safety and security of learners should still be the main priority for all educators. Educator-coaches should remember that, true to their calling as educators, and consistent with section 28(2) of the *Constitution*, a child's best interests are of paramount importance in every matter concerning the child.

**KEYWORDS:** Delictual liability; school sports coach; education law; educator liability