

# Duty of Care

## Assuming Full Responsibility for a Student

From the CADS Instructor Manual page 174, the following preface is given:

*“When you, as a ski instructor, agree to undertake the instruction of a person, whether that person is an adult or a child, you enter into a special relationship with that individual, out of which the court will impose upon you a duty of care for the safety of that student. The duty of care commences when you first meet your student at the start of the lesson and does not end until the lesson is completed.” Although it is written as such, this Duty of Care is not limited to only the student but by extension applies to a duty of care for all people under the instructor’s care and includes volunteer aids or guides etc.*

What that means is that the instructor assumes full responsibility for that student. You as an instructor are considered by the court to be the expert with regard to the teaching, safety and use of the mountain terrain under all weather conditions. Your judgment in all things mountain is critical and the court holds that you provide a duty of care above that of the parent given your expertise.

It should also be pointed out that “--- until the lesson is complete” for a child means the lesson is not over until the child has been returned to the parent or rightful care giver. Never should a child be abandoned at the termination of a lesson! The same will hold true for not only children in adaptive Snowsports programs but also for adults that require the use of a guardian (as set out in the medical sheet/start of lesson/assessment of student).

What this further entails is that you as an instructor must know and teach by the Alpine Safety Code at all times; take into consideration weather, terrain, snow conditions, student ability; student physical conditions of cold and fatigue; student mental conditions of anxiety, nervousness, fear and so on. From the CADS Instructor Manual the instructor must be fully cognizant of the AOT requirement and exercise it continually throughout the lesson.

### **Duty of Care is not to be taken lightly!**

Court cases have found instructors negligent in providing a Duty of Care with serious results. It is incumbent on all instructors of every level to read and fully understand the Duty of Care in the CADS Instructor Manual.

Common sense and a concern at all times for the student should prove to allow the instructor to meet the requirements of Duty of Care. In addition, the CADS TC recommends that all CADS instructors:

- 1) Pursue CADS Certification and Training.
- 2) Only teach what you are trained/certified and confident to teach.