



State Indemnity Guidance

SIG 19: Exercise facilities in delegated State authorities

a) Introduction and scope

The purpose of this State Indemnity Guidance (SIG) is to set out risk and general indemnity¹ advice for delegated State authorities (DSAs²) who provide exercise facilities for use by DSA servants/agents, service users³, and/or members of the public.

b) What is considered an exercise facility?

An exercise facility refers to a designated space where physical activity takes place in a DSA premises. It can be indoors or outdoors, such as a room, sports hall, gym/fitness studio, sports field etc., and generally includes exercise and sport equipment⁴. The scope of this SIG excludes large specialist sports complexes/swimming pools etc.

c) Does the General Indemnity Scheme cover exercise facilities in DSAs?

Yes, the General Indemnity Scheme (GIS) applies to exercise facilities in DSA premises where they are under DSA **direction and control**⁵. The cover provided under the GIS is for personal injury and/or third-party property damage claims, arising from the negligence of the DSA. Damage to DSA property, such as exercise and sport equipment, and accidental injuries which are the result of a user taking part in an exercise or other activity, are not covered under the GIS.

d) Does the General Indemnity Scheme indemnify third party fitness instructors?

Instructors employed by a DSA, either under a contract of service or a contract for service, are indemnified by the General Indemnity Scheme (GIS) in respect of the negligent acts or omissions of the DSA only. Third party instructors must have adequate insurances in place to cover their potential liability associated with their negligence, as follows:

- Public Liability with a recommended limit of indemnity of €6.5m for any one claim or series of claims arising out of a single occurrence. Lower limits may be acceptable - where risk assessed
- Employer's Liability with a recommended limit of indemnity of €13m for any one claim or series of claims arising out of a single occurrence (not required if self-employed)
- The level of Professional Indemnity required should be based on the risks associated with the services

A simple written agreement between both parties is recommended, setting out roles and responsibilities, including insurance provisions. Further information on the use of contractors is available in [State Indemnity Guidance 03: Use of Contractors](#).

e) Does the General Indemnity Scheme apply to exercise facilities funded through a sports and social club?

Funding of exercise facilities is a matter for the DSA. Where sports and social clubs operate under the direction and control of a DSA, they are covered by the GIS. Such clubs are generally considered a well-being initiative for employees and not a separate entity from the DSA. Sports and social, or other similar clubs established with no DSA involvement, even where they are used exclusively by employees of a DSA, are not covered by State indemnity. In these cases, it is the social club's responsibility to have appropriate insurances in place to cover potential losses associated with their negligence.

¹ **General Indemnity Scheme (GIS):** Under the GIS, the SCA manages personal injury and third-party property damage claims taken against State bodies covered by the scheme.

² **Delegated State authority (DSA):** Refers to all bodies where management of personal injury and third-party property damage claims against the body is delegated to the SCA. This includes healthcare enterprises, community and comprehensive schools and prisons.

³ **Service users:** Includes clients, patients, students, prisoners etc.

⁴ **Equipment:** Any item or machine used for exercise or sport activities in the designated area. This includes fixed equipment e.g. treadmill, goalposts, weight machines and portable items such as free weights, exercise balls etc.

⁵ **Direction and control:** Oversight and operation of the area including providing relevant supervision/instruction, maintenance and inspection etc. as per risk assessment.

f) Does the General Indemnity Scheme indemnify third party groups/organisations using the exercise facility?

Third party groups/organisations using DSA exercise facilities are indemnified by the General Indemnity Scheme (GIS) in respect of the negligent acts or omissions of the DSA only. The use of an exercise facility by third party groups must be approved by DSA management. Such usage by a third-party group should be included in relevant risk assessments (see Section i) and written agreements should be put in place setting out the terms and conditions of use. The third-party group must have adequate insurances in place to cover its potential liability associated with its negligence. Please refer to [SCA - Guidance on Indemnity and Insurance](#) for additional information.

g) Are there any restrictions on exercise or sport equipment used in facilities under the General Indemnity Scheme?

There are no limitations on the type of equipment covered under the GIS, subject to risk assessment (see Section i). For younger persons and relevant service users, expert advice is required as certain exemptions may apply on equipment use or exercise plans.

h) Should the exercise facility be supervised when in use by DSA (excluding third party use)?

Risk assessments (see Section i) should outline the level of supervision required, based on the intended user, equipment/facilities etc. Having a qualified person supervise the facility provides the highest level of control. If this is not feasible, consideration should be given to the induction of users by a qualified person, which should include rules and responsibilities for the use of the facility. If staff are supervising service users, staff should receive guidance from a qualified person on the use of any equipment, exercise plans etc. Supervision should be aligned with relevant care plans (see also Section d concerning third party instructors).

The risk assessment may indicate that supervision/induction is not necessary. However, this should be reflected in the selection of lower risk equipment, e.g. low risk outdoor equipment, and alternative controls put in place, e.g. notices/instructions to users, proportionate to risk.

Where third party organisations and instructors are using the facilities, the agreements in place should outline supervision requirements.

i) What are the risk management considerations in relation to exercise facilities?

DSAs should formally approve any exercise facilities under their control and complete a risk assessment to identify potential hazards and implement appropriate control measures. The risk assessment should be proportionate to the level of risk involved and consider the following:

- **The suitability of the space, such as:**
 - Physical aspects i.e. light/heat/ventilation, ceiling height, floor condition and compatibility with equipment, size of the space, welfare facilities, slip trip hazards etc.
 - Conflict with other uses of the space
 - Suitable and safe access/egress, including consideration of those with disabilities
 - The requirements for any specific exercise or sports equipment e.g. noise, weight, power etc.
- **Policies and procedures:** Documented procedures, including roles and responsibilities, should be developed and implemented
- **Instruction/supervision** (see Section h)
- **User responsibility/fitness:** Where appropriate, users should be asked to confirm in writing that they are medically fit to use the exercise facility and that they are aware of relevant rules/procedures. For service users this should be completed in alignment with individual care plans etc., as relevant
- **Third-party use:** If third parties use the facility, appropriate procedures should be put in place to cover this, including communication regarding rules on the use of area, security, emergency arrangements etc. (see Section f)
- **Equipment:** Only approved equipment, suitable for intended users and supervision levels, should be used. It should be ensured that all equipment is appropriately sourced, installed, maintained, inspected, and disposed of as per relevant industry standards and, where needed, following consultation with a competent person. All equipment should have appropriate certificates of conformance and safety features e.g. automatic stop on a treadmill
- **Day-to-day management:** There should be formal systems for day-to-day use e.g. housekeeping, cleaning of equipment, emergency procedures (fire safety, first aid etc.),

infection prevention and control, reporting of defective equipment or faults for outdoor areas, pitch/ground inspections etc.

- **Access:** In general, the DSA should ensure that only the intended users have access to the exercise facility. Consider the levels of security required, sign-in/out procedures (where practical) etc.
- **Signage:** Including emergency exit routes, reminders on safe use of equipment etc.
- **Specialist considerations** e.g. vulnerable users, sector specific guidance

All documents should be retained on file.

All incidents, in or in connection with exercise facilities should be reported to the SCA and investigated/reviewed using the National Incident Management System (NIMS) in accordance with local procedures. If DSAs do not have access to NIMS, the incident report form should be emailed to stateclaims@ntma.ie.

j) **When do I need to contact the SCA?**

If there is uncertainty as to whether the GIS would apply and/or further or specific risk management guidance is required, please contact the SCA or your local health and safety/risk/insurance manager.

This State Indemnity Guidance is solely for the use of members of the State indemnity schemes managed by the State Claims Agency, in accordance with its mandate under the National Treasury Management Agency (Amendment) Act, 2000 (Delegated State Authorities or DSAs). The SCA does not bear responsibility for use of or reliance on the guidance by any party other than a DSA.