



The British Wheel of Yoga
25 Jermyn Street
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BWY – Student Disclaimers Explained

Notwithstanding the tremendous benefits to overall health and wellbeing, yoga can be physically challenging and carries with it risks that cannot entirely be eliminated. These include the risk of personal injury, the exacerbation of existing injuries or conditions, or damage sustained to property around the student during their participation. Thus, there is the need for protection from such claims, should they arise, and The British Wheel of Yoga provides comprehensive teaching insurance for this purpose.

Coupled with insurance, disclaimers are useful in limiting possible liability though they will not serve to completely remove all possible liability (particularly liability that cannot be legally excluded or restricted such as that for personal injury caused by negligence). Disclaimers must be reasonable, fair and transparent in order to be enforceable. The disclaimers provided in this document are drafted in order to clearly signal to participants the potential dangers of carrying out the exercise, and to provide suitable safety instructions which should reduce teachers' liability for negligence.

In addition, the BWY has also developed best practice guidelines for both face to face and remote teaching. Following these guidelines, along with the supportive guidance documents for both teachers and their students, drawing students' attention to their own responsibilities by the use of disclaimers, along with the comprehensive BWY insurance will all demonstrate that a teacher has taken reasonable steps to minimize risk in the event of a claim.

Depending on preference, there are several ways to draw a participant's attention to a disclaimer. Disclaimers could be displayed on a website and referred to in communication with the participant, or provided by email to participants on confirmation of a class on the understanding and instruction that they are read and accepted prior to starting the class. A tick box solution could also be adopted such that a participant ticks to confirm that they have read, understood and accepted the disclaimer. Clearly stating that clicking through an invitation link to a remote class is deemed to be acceptance and understanding of a disclaimer is also permissible (although please note that even where the participant does either of the latter, this does not necessarily mean that the participant waives all rights).

The disclaimers in this document have been specifically prepared for use by BWY teachers and should be used in accordance with the following guidance:

Healthcare Questionnaire

The following disclaimer has been incorporated into the BWY Health Questionnaire. Teachers are free to use their own branding on their printed or online materials but must ensure that they require the same information from students as the BWY Health Questionnaire, and include the disclaimer verbatim:

Please take care when filling in this questionnaire and check the contents are accurate before you submit it. By submitting the questionnaire, you are confirming that the contents are true and accurate to the best of your knowledge. Please notify your teacher of any changes to your responses in this healthcare questionnaire before participating in classes subsequent to those changes.

Neither your teacher nor the British Wheel of Yoga are qualified to express an opinion that you are fit to safely participate in any British Wheel of Yoga organised sessions or any British Wheel of Yoga trained teacher's yoga classes. You must obtain professional or specialist advice from your doctor before participating if you are in any doubt.

All of our yoga instructors are appropriately qualified British Wheel of Yoga teachers with high standards of teaching and best practice. Where possible, your teacher may offer suitable modifications or adjustments, and practices to suit different levels of experience and ability.

When you are taking part in live-streamed classes, please note that the instructor may not be able to see you at all times. Please let the instructor know before the class if this is your first yoga class or if you are not confident about your experience and/or ability. Where you have declared a health condition, please contact the teacher before the class if you would like to request that you are provided with suitable modifications or adjustments wherever possible. Please note, when you are taking part in a pre-recorded class, you will not be able to request specific adjustments or modifications.

Always follow the safety instructions and listen to your body. Where a movement or class is beyond your experience or ability, feels too difficult for you, or you experience any discomfort, please do not continue the movement or class.

Remote Teaching Classes: Pre-recorded

The following disclaimer has been designed to be incorporated into the email or invitation that is sent to all participants invited to a pre-recorded session. For each recorded session the information highlighted in the disclaimer that follows must be amended so that it is relevant to the pre-recorded session being distributed. The examples given in the disclaimer are not intended to be exhaustive and you should insert the most appropriate information that is relevant to your class, in accordance with the suggested examples.

Teachers are free to use their own branding on their printed or online materials but must ensure that the disclaimer is used verbatim with regards to the information that is not highlighted:

This class is a [beginner/intermediate/difficult] level and is [suitable for all fitness levels OR suitable for those who have developed a more advanced practice etc.]. This class is not suitable for [INSERT PARTICULAR CONDITIONS].

To take part in this class you will need [a yoga mat (or something similar), a towel and some water to hand to make sure you stay hydrated.]

IMPORTANT NOTICE

Although there are tremendous benefits to overall health and wellbeing, yoga can be physically challenging and carries with it risks that cannot entirely be eliminated. These include the risk of personal injury, or the exacerbation of existing injuries or conditions, or damage to property around you during your participation.

Participant Rules:

- Please follow the British Wheel of Yoga “Student Guidance – remote sessions” guidelines document.
- You must act responsibly and sensibly at all times.
- You must not participate if you are [e.g. pregnant] or under the influence of alcohol or non-prescription drugs.
- Neither your teacher nor the British Wheel of Yoga are qualified to express an opinion that you are fit to safely participate in any British Wheel of Yoga organised sessions or any British Wheel of Yoga trained teacher’s yoga classes. You must obtain professional or specialist advice from your doctor before participating if you are in any doubt.
- Clear enough space to safely carry out the exercises without hitting items around you.
- Check that the device you are using is securely positioned and will not interfere with your movement.
- Listen to your body. Follow any safety instructions or suitable modifications or adjustments to the exercise as instructed.
- Never continue with a class or a movement that is too difficult for your level of experience or ability, or if you feel any discomfort.

Please note, this [video/audio] is a pre-recorded session and cannot be adapted to suit any particular requirements you may have. In the absence of any negligence or other breach of duty by your teacher, participating in this yoga class is entirely at your own risk.

Intellectual property: The copyright in this [video/audio] recording is owned by [INSERT]. Reproduction, transmission or sharing of the [video/audio] (in part or full) is strictly prohibited without the prior consent of [INSERT].

By accessing and participating in this class you confirm that you have read and understood this disclaimer.

Remote Teaching Classes: Live Streamed

The following disclaimer has been designed to be incorporated into the email or invitation that is sent to all participants invited to a live streamed session. For each live streamed session the information highlighted in the disclaimer that follows must be amended so that it is relevant to the live streamed session being taught. The examples given in the disclaimer are not intended to be exhaustive and you should insert the most appropriate information that is relevant to your class, in accordance with the suggested examples.

Teachers are free to use their own branding on their printed or online materials but must ensure that the disclaimer is used verbatim with regards to the information that is not highlighted:

This class is a [beginner/intermediate/difficult] level and is [suitable for all fitness levels OR suitable for those who have developed a more advanced practice etc.]. This class is not suitable for [INSERT PARTICULAR CONDITIONS].

To take part in this class you will need [a yoga mat (or something similar), a towel and some water to hand to make sure you stay hydrated.]

*You are about to take part in a class which will be live streamed to a restricted number of participants. During the class, you (or anyone else who comes into the frame, including children) may be visible to other participants. **Please switch off your video if you do not wish to be seen by other participants or may be disturbed during the class by other people.** No recording of the video will be made.*

IMPORTANT NOTICE

Although there are tremendous benefits to overall health and wellbeing, yoga can be physically challenging and carries with it risks that cannot entirely be eliminated. These include the risk of personal injury, or the exacerbation of existing injuries or conditions, or damage to property around you during your participation.

Please note that although you may appear on video link during the live stream of the class, the instructor may not be able to see you clearly or instruct you individually as is possible in a face to face teaching scenario.

Participant Rules:

- *Please follow the British Wheel of Yoga “Student Guidance – remote sessions” guidelines document.*
- *You must act responsibly and sensibly at all times.*
- *You must not participate if you are [e.g. pregnant] or under the influence of alcohol or non-prescription drugs.*
- *Neither your teacher nor the British Wheel of Yoga are qualified to express an opinion that you are fit to safely participate in any British Wheel of Yoga organised sessions or any British Wheel of Yoga trained teacher’s yoga classes. You must obtain professional or specialist advice from your doctor before participating if you are in any doubt.*
- *Clear enough space to safely carry out the exercises without hitting items around you.*
- *Check that the device you are using is securely positioned and will not interfere with your movement.*
- *Listen to your body. Follow any safety instructions or suitable modifications or adjustments to the exercise as instructed.*
- *Never continue with a class or a movement that is too difficult for your level of experience or ability, or if you feel any discomfort.*

In the absence of any negligence or other breach of duty by your teacher, participating in this yoga class is entirely at your own risk.

By accessing and participating in this class you confirm that you have read and understood this disclaimer.

Adverts & Promotional Material

Where YouTube or other open content platforms are being used to post promotional videos to advertise the yoga services offered by a teacher it is very important to make clear that such material is an advert; in order to avoid any claims arising from injury or damage relating to attempts to follow or interpret the content.

This information could be flagged up in the title, the blurb or on the video itself – providing it is prominent. This is particularly important in forums such as YouTube, where it is not always obvious to a visitor that a video is an advert or promotional in nature (as the forum is often used for non-promotional content). Where a teacher is unsure whether what is being done would constitute an advert, best practice would be to label it as such. Teachers should also be mindful of rules around

promoting products in YouTube videos (where for example free or promotional products from third parties are being received). Importantly, where a YouTube video is an advert, the rest of the Advertising Standard Authority's CAP code will also apply and this code should therefore be consulted. It is a teacher's responsibility to ensure the latest version of the CAP code is being consulted, at the time of preparation of any promotional material.

Notes:

1. *Face to face teaching insurance is explained in a separate document.*
2. *Remote teaching insurance is explained in a separate document.*
3. *"Student Guidance for Remote Sessions" is a separate document that should be issued to all new remote students and to all existing face to face students before they attend remote sessions for the first time.*
4. *"BWY - Best Practice for Teaching Remote Sessions" is a separate guidance document for teachers and student teachers.*
5. *BWY Health Questionnaire is a separate document.*
6. *Disclaimers & Guidance drafted by JMW Solicitors LLP*