

# REGULATORY EXEMPTIONS DURING COVID

## OVERVIEW

During the pandemic there are a number of exemptions under which the teaching of yoga may continue face to face. This document has been prepared, in part, following advice on Section 47 of The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 202047 by JMW Solicitors.

BWY wishes to make clear that the existence of an exemption ought not to cause any student, client or teacher to feel obliged to continue practicing or teaching, since personal safety should be at the forefront of decision making and respect for personal choice is paramount. It is intended only to clarify those circumstances under which teaching may continue if all parties are in agreement.

You must consult the latest Covid Statement (Guidance Document PG1) as well as this document, for a comprehensive position on the permitted exemptions which are:

## EXEMPTIONS

### 1. Yoga as Therapy

There are certain situations in which yoga falls within an exemption from the regulation where it is classed as therapeutic. Presently, this exemption continues to apply in England. It does not apply in Wales, Scotland or Northern Ireland.

- a. Teachers may continue to provide yoga if it is being delivered for therapeutic purposes to a single client, support group or in a care home setting under s.47 (above). Teachers do not need to be yoga therapists but must be current registered BWY Teachers, BWY Accredited Teachers or BWY Recognised Teachers.
- b. Therapeutic benefit can only be determined by the provision of a letter of confirmation from a health professional. This does not need to be a GP but could be an osteopath, chiropractor, psychotherapist etc. (this list is not intended to be exhaustive and includes those with a professional health qualification). If in doubt as to whether an occupation qualifies for the purposes of providing a letter of confirmation, please seek guidance from BWY.
  - i. Given the increased risk of transmission of the recognised variants of the virus the teacher will need to demonstrate having clearly established, by way of written acknowledgement, that the therapeutic benefit has been weighed against the risk of transmission of Covid by the referring health professional.
- c. A letter of confirmation must be in relation to a health condition, which can be a physical or mental health condition.
- d. A BWY health questionnaire must be completed and signed by the client which refers to the condition and the way in which the session is intended to address the condition.
- e. Where yoga is provided in a therapeutic context to more than one person then each person must provide a letter of confirmation. Group characteristics alone cannot be used to define a session as a therapeutic offering. In the case of a care home one letter of confirmation will be sufficient if this is provided by a GP.
- f. If the session is to be delivered in a client's home, and this includes a registered care home, then the letter of confirmation must clearly state why the client(s) are so restricted either mentally or physically as to be unable to travel to a studio or other setting. This must be a compelling reason and it is envisaged that such a referral will usually come from a GP.

- I. In these situations the need for the yoga must be balanced against the risk of covid, and the teacher must be able to demonstrate having given due consideration to this by way of recorded notes and reasoning.
  - II. This exercise must be done in relation to each home visited and in the case of a care home it does not need to be done for each resident.
  - III. The client or care home must be given the opportunity to consider the teacher's balancing of the need against the risk by way of discussion and written consent. This consent can be in the form of an additional sentence written into the HQ which is signed by the client or somebody authorised to sign for the client.
- g. Support groups must not exceed 15 people in number and children under 5 are not included in this count, forming one unit with their carer. Group settings increase risk and this should be factored into the risk assessment.
- I. In the support group setting the need for the yoga must be balanced against the risk of covid, and the teacher must be able to demonstrate having given due consideration to this by way of recorded notes and reasoning.
  - II. The group members must be given the opportunity to consider the teacher's balancing of the need against the risk by way of discussion and written consent. This consent can be in the form of an additional sentence written into the HQ which is signed by the group member.

## 2. Vocational Training

For the purposes of this exemption Teacher training at certificate and diploma level is covered and Foundation courses are also included in this category where these are being taught to students who are using the course as the recognised first step towards teacher training. A disclaimer for foundation course students to sign is available in this situation. Currently; the position with regards to vocational training in England is unclear and so we advise that it cannot continue whilst we seek clarity on this. Vocational training is permitted in Wales. There is no definitive position in Scotland or Northern Ireland and so we advise that it cannot continue.

## 3. Disability Sports

Organised outdoor disability sport may continue in England and for the purposes of this exemption yoga is classed as a sport. No exemption is available or detailed in the other nations.

## 4. Under 18s

Group classes for U18s have at times been permitted to continue and for the purposes of this exemption yoga is classed as a sport or exercise class. Currently, this exception is not permitted in England but it is permitted in schools in Wales and Northern Ireland. There is no definitive position for Scotland and so we advise that it cannot continue.

Please note that where you are teaching or providing yoga under any of these exemptions then you must also ensure that you:

1. Maintain a Covid safe environment
2. Follow best practice
3. Complete a risk assessment
4. Retain all documentation in accordance with insurer requirements and GDPR

You should consult the latest BWY Covid statement as a starting point for considering all of the above.

### Related BWY documents:

Covid Statement  
 Risk Assessment  
 Best Practice Face to Face Teaching during Covid  
 Mat Layout Diagram for Social Distancing  
 Basic Health Questionnaire  
 Covid First Aid Certificate Guidance  
 Vocational Declaration for Foundation Courses