

‘EXTREME’ PARENTS AND SPORT: A SOCIO-LEGAL PERSPECTIVE

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ABSTRACT

This paper is an exploratory study that aims to determine the nature and scope of parental involvement and conduct in youth sport. It also seeks to determine the legal liability of the main stakeholders in their provision and administration of youth sport. A qualitative research design is utilised within an interpretive paradigm. A literature review and case studies were conducted. It sketches a brief background to the age-old phenomenon of ‘extreme’ parents, youth and significant others, who get overexcited and display harmful conduct. It also explores the possibility that educators may be opening themselves and their organisations to potential legal liability by not taking active steps to eliminate such conduct. It presents the principles that help determine when parents, educators and significant others have dropped their standard of care below what is reasonable in their circumstances. Their etiquette when dealing with coaches, officials and youth participants is analysed in the context of eliminating aggressive behaviour in sport, and making sport safe and positive for children from a legal perspective. Recommendations are made as possible solutions to assist with education and positive socialisation practices as well as addressing safety in youth sport.

Key words: Youth; Sport; Parental-conduct; Educators; Environment; Violence; Safety; Legal liability.

INTRODUCTION

School and community youth sport offer vital activity programmes where youth learn lifelong lessons which are as important as those taught in classrooms. Regardless of whether sport is offered as a co-curricular or extra-curricular activity, traditionally, numerous benefits and educational values have been associated with participation in youth sport. At the global level, Van Deventer (2002) maintains that Physical Education and sport can add value to broader strategies designed to advance human rights and general health, combat HIV/AIDS, reduce violence and anti-social behaviour, enhance gender equality, education, personal and social empowerment as well as social cohesion. On a personal level, the benefits have been identified and described by several researchers (Walker, 1993; Kanters & Tebbutt, 2001; Rouke, 2002; Van Deventer, 2004).

The National Federation of State High School Associations (N.F.H.S., n.d.) in the United States (US) has documented several surveys that indicate that co-curricular activities support the academic mission of schools, are inherently educational, and foster success in later life. Sport has also been valued for its contribution to character development (Grayson, 2001; Coakley & Dunning, 2002). Sport also plays a role in the socialisation of the child (Coakley & Dunning, 2002). In this regard, socialisation into sport, as well as socialisation through sport

into their world occurs. According to Chafetz and Kotarba (in Coakley & Dunning, 2002) socialisation is not only a process where children learn and become exposed to acceptable conduct, but it is very much a two-way process where their parents also become affected by the children's participation. It is therefore not surprising that schools and communities have developed strong programmes to support youth sport, especially when the aforementioned goals are combined with an emphasis on health, wellness and physical fitness.

Research has also established that a variety of factors influence the quantity and quality of play and physical activity a young child experiences (Coakley, 1990; Walker, 1993). Their research stressed the significant role that parents play in the enjoyment, success and continuation of play and physical activity, regardless of the movement potential of the child. Schoon (1994) and Kanters and Tebbutt (2001) view that parents clearly play the largest role in the development of their children. Orlick and Botterhill (in Walker, 1993) state that learning in children is dependent on parental examples as well as how parents respond to the actions of their children. They add that values, attitudes and behaviours are also learned from parents. Through their study of the influence of parents on the actions and behaviour of young children, they state that parents are the most important behaviour models, particularly during their early years.

Parental involvement in youth sport is an old phenomenon, one that could be traced back to the origins of youth and school sport. The role of parents is widely accepted and is often expressed as the sport triangle comprising the child, parent and coach (Smith & Smoll, 1999). Parents and significant others have been responsible for the initial exposure, encouragement, motivation, support and guidance required by their children to be successful at sport. They have also fulfilled the diverse roles of taxi driver, chauffeur, registrar, refreshment co-ordinator, coach, official and administrator, amongst others. Schoon (1994:40) conducted a study in South Africa on the influence of parental involvement on high school children's sport participation and achievement. He states that "there is no doubt that the child's sport participation implies parental attention, and that the parent, as the primary factor of socialisation during adolescence, has a very important influence on the initial involvement of the child in sport activities." Whichever role/s parents may have fulfilled in relation to youth sport, one factor appears universally applicable. Because children do not have the maturity and judgement they are vulnerable and incompetent, and those especially under fourteen years of age need parental involvement in their care and raising (Schoon, 1994; Tymowski, 2003). This implies that there are also legal implications to parental involvement. Parents have certain duties and obligations that they have to undertake in order to ensure that they protect the interests of their children. They always have to act in the best interests of their children in terms of the requirements of the Constitution (Act 108 of 1996) and the Child Care Act (74 of 1983). This paper will also address the legal responsibilities regarding parental and educator involvement in children's sport activities from a criminal and predominantly civil law perspective.

Although children rely on parental involvement, the problem today appears to be parents over-identifying with their children's participation or success in sport. Paternalistic intervention must be caring and nurturing and not involve treating child-athletes as a means to an end. Parents who 'live vicariously through their children' are guilty of over-identification. They fail to see the importance and value of allowing children to experience sport on their own terms, for their own sake. In these cases, the parent's self worth is linked to the child's athletic

success (Schoon, 1994; Heinzmann, 2002). Paternalistic intervention should instead serve “to maximize a child’s opportunity for the widest possible array of life experiences, safe from harm” (Tymowski, 2003:121). According to Kepler Wessels, a previous Proteas Cricket captain, “We can’t do it for them. What we can do is be there for them” (*Saturday Star*, 1997:29).

PROBLEM STATEMENT

Approximately 3.5 million of the 5.5 million South Africans that are 13 to 18 years old participate in sport to some extent, even if only socially (Sports Information and Science Agency, 2000). Youth sport is thus about development. Youth place the highest value on the fun they derive from participation (National Alliance for Youth Sports (N.A.Y.S.), 2001). However, the atmosphere at today’s schools and community clubs is volatile, where unruly adult behaviour and violent confrontations occur all too frequently. Youth sport organisations do not have a solid programming foundation, which should include a sound philosophy that does not deviate from providing for the best interests of children. By not having well-crafted policies that are firmly in place, and strictly adhered to, or by ignoring them once the game begins is problematic (N.A.Y.S., 2004).

Many parents and children who participate in youth sport fortunately have a positive experience. However, the current system of school and youth sport in many communities condones and actually facilitates the emotional and physical abuse of children and encourages egregious behaviour (Coakley & Dunning, 2002; Singh, 2003). This would further exacerbate the situation described by Van Deventer (2002:106), who states: “Notwithstanding the legislative and constitutional framework for education and the efforts of the past, the Department of Education has no policy on the planning, provision, financing, co-ordination, management or quality assurance of Physical Education and school sport and no personnel dealing with it specifically”. It is therefore very unfortunate that more and more children are dropping out of sport, not because they do not like to play, but because of parental behaviour and the system failing them (Van Deventer, 2002). This could be an important constraint to participation, adding to an ever-growing increase in sedentary and obese youth (Van Deventer, 2004).

Although children tend to seek and require the approval of adults in many of their daily activities, many parental reactions to children’s yearning for attention in sport and fitness activities is less than ideal. Yablonsky and Brower (in Walker, 1993) analysed organised youth sport leagues in California, and found that parents often acted in ways that could be viewed as damaging or detrimental to relationships with their children. Coakley (1990:99) elaborates that: “The most potentially destructive situation occurs when children believe that their relationships with one or both parents depend on continued involvement in sport or on the quality of their performance as athletes”.

One of the largest problems hindering the continuation and enjoyment of play and physical activity in young children is the importance that adults and role models in our society place on competition and winning. Parents often feel that they must challenge and “drive” their child, if they want them to excel in sport. Unfortunately, in a growing number of schools and community sport leagues there appear to be an increasing number of incidents involving adults behaving inappropriately. Everyone has an anecdote. Sport administrators, coaches,

referees, parents and even casual observers of youth sports can cite at least an incident or two that they have witnessed or heard of. There is an alarmingly consistent message - a growing number of parents at youth sport events seem to be out of control.

A recent *Sports Illustrated* special report cites a “rising tide of violence and verbal abuse by adults at youth sports events” in the US (in Kanters, 2001). The escalation of violent and vulgar behaviour of parents has been reported at competitive matches between teams of elite teenagers down to the games of five-year olds. According to Kanters (2001), while most parents enroll their children in sport with the best of intentions, clearly the actions of many other parents suggest that there may be a problem.

There is inadequate research globally (Macdonald & Wright, 2003) and locally on the impact of parental involvement on youth sport. There is a need to analyse the problems that arise because of inappropriate behaviour of parents and significant others at school and community youth sport. Because of the developmental nature of youth sport and its amateur status, the aforementioned role-players often assume interchangeable roles, and quite often even school children volunteer their time and skills under adult supervision towards fulfilling certain administrative, coaching, or officiating responsibilities. However, the social and legal implications are rarely understood, appreciated or investigated by those involved.

AIMS

The aims of this research were therefore to:

1. Determine if there is a problem with the acts committed and omitted by parents, educators and significant others in their administration of youth sport.
2. Describe the nature of the problem by identifying and discussing relevant principles that help determine when the conduct of ‘extreme’ parents and other stakeholders drop below the standard of care expected.
3. Suggest possible strategies and guidelines for schools, parents, significant others and community youth sport agencies on improving safety in sport.

METHODOLOGY

Because of the exploratory nature of this study, a qualitative research design was utilised, within an interpretive science paradigm for the sociological perspective, and case law was relied on for the legal perspective. A review of relevant literature and a document analysis were conducted. The South African Media website was searched for newspaper reports from 1997 onwards. This produced 14 relevant articles that were analysed. Additionally, cases and information from the news in the US were obtained from the N.A.Y.S. website, whereas the website of BBC News yielded information from Britain, the website of the Department of Sport and Recreation in Western Australia provided information from Australia. This was done to ensure an international perspective into the research problem was gained. References were made mostly to local case law, and where no appropriate cases were heard, cases from other countries were used. Case law was analysed and the principles and decisions were related to local incidents of the problem reported in the print media and also to societal norms, policies and legislation.

The main criteria applied to the data was that it had to concern youth sport, either at schools or in communities; parents, children or significant others had to be involved; their behaviours in the context of school or community youth sport had to be considered inappropriate in terms of related rules, regulations, policies, case law and/or legislation.

THE YOUTH SPORT ENVIRONMENT

Figure 1 illustrates that educational systems and youth sport programmes in developed countries are comparable when it comes to their structures and critical role in helping children learn and develop life-long skills.

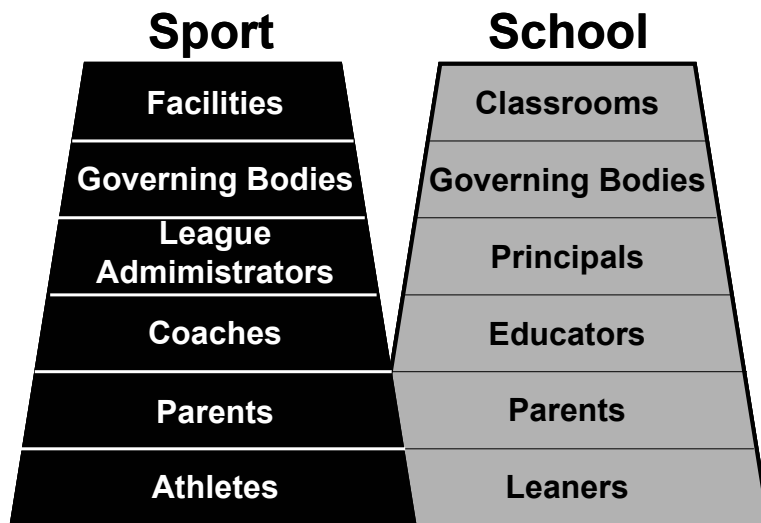


FIGURE 1. THE LINK BETWEEN YOUTH SPORT AND EDUCATION SYSTEMS (ADAPTED FROM N.A.Y.S., 2001)

The athlete's primary influence and exposure to sport comes from parents, then coaches. The learner's primary influence and exposure to education comes from parents followed by educators. Sport leagues are managed by league administrators, whereas schools are managed by principals. Sport Federations or Governing Bodies are responsible for the governance of sport whereas schools are governed by School Governing Bodies. Sport occurs in the context of sports facilities whereas education fundamentally occurs in classrooms. Thus it can be expected that youth sport should be an extension of the child's education, where they can continue to learn and develop each of the important aspects basic to positive and productive human growth and development. Should the operational philosophy illustrated in Figure 1 be adopted, where the primary goal is to generate outcomes in sports programmes that match the expectations of the schools system, then significant progress can be made to the overall delivery and effectiveness of sports programmes (N.A.Y.S., 2001).

Currently, however, there is a difference between the two systems. It is ironical that youth sport agencies are not held to the same high standard as the educational system. In the educational system, children are not sent to schools with educators who are not trained in

teaching and working with children. So why does it happen in youth sport? At school functions, such as plays and debates, adults are not allowed to yell at children who forget their lines or use a wrong word. So why is similar behaviour tolerated in youth sport when a child drops a pass or misses a basket? In the educational system educators who demean, ridicule, embarrass or assault children would not be tolerated. So why when volunteer coaches, administrators or officials exhibit the same type of behaviour at a practice session or game is it ignored and simply considered a part of the whole youth sport experience? In the school system, educators are accountable and could be held legally liable for misconduct. So why is it that adults alongside youth sports fields are not held accountable nor penalised for their misconduct?

The environment in today's youth sport has become increasingly hostile and ultra-competitive, high-pressured, and often encourages and rewards a win-at-all-costs approach. What the scoreboard says at the end of the game is what it really is all about. Adults, in their roles as coaches, administrators, officials and spectators, are often inflicting their misguided motives and ideals on youth sport and in the process, depriving the youth of what should be a fun-filled experience (*Beeld*, 1999c:12; N.A.Y.S., 2001).

Henning Gericke, a sport psychologist is of the opinion that emotions flare up all the more at school sport these days because a loss in sport is regarded by learners and coaches 'almost like a death in the family'. Pretoria principals stated that the problem begins with parents who run up and down along the sidelines and incite each other as well as the players (*Beeld*, 1999b:3).

CONDUCT IN YOUTH SPORT, LEGAL PARAMETERS AND IMPLICATIONS

Youth sport has become characterized by chaos, violence and mean-spiritedness (S.A. Teachers Federal Council, 1990; *Beeld*, 1999c:12; Singh, 1999; Loubser, 2000). Physical and emotional abuse of children, rampant cheating, and total disrespect for opponents are but a few of the behaviours being tolerated. Such inappropriate conduct has tainted the youth sport landscape, spoiled the fun, distorted child development and left numerous children with broken hearts, crushed dreams and shattered psyches (N.A.Y.S., 2001).

Rules of Sport

The first level of legal regulation in sport comprises the sport's rules. In the English case of *R v Bradshaw* (1878:83), the judge described the relationship between the rules of a sport and the law, in the context of the criminal law as follows:

...No rules or practice of any game whatever can make that lawful which is unlawful by the law of the land; and the law of the land says that you shall not do that which is likely to cause the death of another. For instance, no persons can by agreement go out and fight with deadly weapons, doing by agreement what the law says shall not be done and thus shelter themselves from the consequences of their acts. Therefore in one way you need not concern yourselves with the rules of football. But on the other hand if a man is playing according to the rules and practice of the game and not going beyond it, it may be reasonable to infer that he is not acting in a manner which he knows will be likely to be productive of death or injury. But independent of the rules, if the prisoner intended to cause serious hurt to the deceased or if he knew that, in

charging as he did, he might produce serious injury and was indifferent and reckless as to whether he would produce serious injury or not, then the act would be unlawful. In either case he would be guilty of a criminal act and you must find him guilty; if you are of the contrary opinion, you will acquit him.

The rules of the sport are not conclusive when considering whether or not the conduct of a participant gives rise to liability in law. But the rules can be used to gauge the reasonableness of conduct and to assess the mental state of a player who caused injury to another in the course of play. Any player who caused injury while playing within the rules will not incur legal liability (Loubser, 2000).

Criminal Assault

Applying criminal sanctions to excessively violent acts during competition is not a new phenomenon. Participants in sport may be prosecuted and convicted in the normal criminal courts, and there have been several examples of this in the past. An act of violence on the sports field may constitute the crime of assault (Loubser, 2000).

There are two key elements in establishing an assault. They are the intention to inflict force, and the lack of consent by the victim to the force. Consent to the force is a full defence to a charge of assault. However, determining precisely what a person consents to is not an easy matter in assault cases. Usually, when one participates in sport, one consents to the risks inherent in that specific sport (*R v McSorley*, 2000). This means that conduct that extends beyond the rules of a game are not consented to (Singh, 1999; Loubser, 2000). The courts thus expect sport organisers to determine and control the level of violent behaviour that may be appropriate or desirable in any particular competitive situation.

Civil Wrongs

An increasing number of violent acts occurring during competitive sports are being addressed by a branch of civil law known as the law of delict. This area of the law deals with a wrong or harm done to one person by another and for which the injured party may seek compensation from the other party for such injuries (Singh, 1999; Tebbutt, 2000).

In South Africa, despite the seriousness of injuries resulting from sports field violence, relatively few cases ever reach the courts. Incidents of assaults arising in sport contests are rarely reported to the police by the victims. There could be several reasons for this. Injuries sustained in youth sport are mostly of a relatively minor nature and they may therefore be regarded by participants, educators and parents as part of the game (Loubser, 2000). There is also a tendency to leave such incidents to the disciplinary processes of the education authorities or the governing body of the sport concerned. Penalties imposed by disciplinary processes of these bodies are regarded as adequate and more appropriate than laying a charge of assault with the police. Quite often the victim does not want the publicity of a criminal prosecution (Loubser, 2000), as in the Grey College incident (*Beeld*, 1999c:12) described in Table 1.

Nine of the 11 incidents reported in Table 1 involved assaults. Not a single incident resulted in a criminal prosecution for assault. The few charges of assault that were laid were withdrawn. This was clearly the situation in the E.G. Jansen High incident, where although the heads of

both schools disapproved of the incident and alleged that they had laid charges of assault, the police spokesperson could not confirm it. This further supports the point made earlier, that educators and parents in most instances do not press charges nor pursue serious cases of misconduct in the legal system. The impact this has is that it then becomes perceived that inappropriate conduct of parents and learners at youth sports is condoned, and the majority of parents and learners who usually behave appropriately become disillusioned and do not support youth sport any longer. This exacerbates the problem as those who behave inappropriately are left free to pursue their antics and vices.

Perhaps, this trend is indicative of a less litigious society in South Africa in comparison to other Western societies where sport is as prominent and pervasive. Hence the majority of cases referred to are those that have been heard by civil courts. An exception is the English case of *R v Billingham* (1978). A double fracture of the jaw of a rugby player resulting from a punch thrown by an opposing player, led to him being duly convicted of assault with intent to do grievous bodily harm. The court found that the player's behaviour had gone beyond the acceptable limit of using reasonable force in terms of the rules of the game.

In addition to the state charging a person with criminal assault, an injured party may bring an action against another person for civil assault. This involves a deliberate use, or threat of use, of force against another person. A punch, a kick, or a bat swung forcefully at another person on purpose is an assault.

Negligence

Most sport cases involve civil claims for negligence (Singh, 1999). The distinguishing feature of negligence from an assault is the idea of 'intention'. Whereas in an assault (whether criminal or civil) the perpetrator must be shown to have 'intended' the violent act, in a negligence case intention is not relevant (Tebbutt, 2000). The notion of 'standard of care' is important to determine the level of conduct the perpetrator may not be permitted to fall below, provided the other elements of negligence (duty, breach, proximate cause, harm) are met (Loubser, 2000).

The issue of consent is important to both kinds of actions. In a case of negligence however, consent is not part of the proof of misconduct, but it may be a full and complete defence to a finding of negligence (Singh, 1999), and is known as *volenti non fit iniuria*, literally meaning 'harm cannot be done to one who consents' (Loubser, 2000; Tebbutt, 2000). The case of *Boshoff v Boshoff* (1987) illustrates the application of the test of consent to sporting injuries. The plaintiff, who was playing squash, was hit by his opponent's racquet on the head resulting in an eye injury. The court held that the plaintiff knew that players could be hit and injured by the opponent's racquet. He had full knowledge and appreciation of the risk involved and consented to it and so the claim for injuries failed.

If either an assault or negligence is proven, who should be liable for the wrongful conduct? Clearly, it should be the party committing the wrongful act. However, in delictual action, it is possible for one party to be held responsible for the conduct of another. Parents can be held responsible for the negligent conduct of their minor children. Additionally, sport organisations could be held responsible (vicarious liability) for the negligent conduct of their employees or

volunteers, and coaches and managers could be held liable for the conduct of their athletes (Singh, 1999).

Standard of Care and Supervision

The degree of prudence and care required of an educator in supervising or controlling the participation of children in sport is that of a reasonably prudent person. This standard is no higher than the reasonable standard of care required in other walks of life. However, a child's tendency to act impulsively and to disregard danger, or to become so engrossed in a particular activity as to be oblivious of danger, has to be considered by the reasonably prudent person, who will therefore exercise a higher degree of foresight and care in respect of children (Loubser, 2000).

In cases of road-accidents the courts have often stressed the duty of the driver of a vehicle to be vigilant at all times where children are present, and to expect and be prepared to avoid the consequences of impulsive and irrational conduct by children of whose presence he is aware; and also where he should reasonably have expected the presence of children (*Santam Insurance Co Ltd v Nkosi*, 1978). The standard of care thus expected could be expressed as the duty to protect children and youth from foreseeable risks of unreasonable harm.

In addition to exercising greater care when dealing with youth in sport, a second factor which affects the standard of care is proficiency and expertise. As with doctors, lawyers, etc., an educator is a professional person and consequently a high degree of skill and care is required of him in exercising his profession. An educator's conduct therefore is not subject to the ordinary reasonable person test, but has to comply with the higher standard of the reasonable expert (educator in this case). The wrongdoer's conduct will thus be judged by the standard of the 'reasonable educator' acting in similar circumstances as the wrongdoer (Oosthuizen, 1998).

The duty of educators and supervisors to exercise reasonable care towards children implies that conditions on the school premises or sports fields should be safe. In *Knouws v Administrator, Cape* (1981), an eight year old girl was injured on the school grounds when she fell onto a lawn mower. She and a friend were racing over a lawn where the caretaker was operating a lawn mower. The other girl pushed her to prevent her from passing, and she was injured when she stumbled and put her hand on the lawn mower to maintain her balance. The court found the caretaking and teaching staff negligent. They should have foreseen and guarded against the possibility that young children might collide with the mower as used at that particular time and place. Similarly, impulsive and dangerous conduct is to be expected where young children participate in any sport involving the risk of injury to the child himself or to fellow players (Loubser, 2000).

In *Barfoot v East Sussex County* (1939), a learner-cricketer was injured when fielding at silly mid-on, under supervision of an educator who also acted as umpire. The court found that he had been allowed to stand too close to the wicket, in a dangerous position. Liability was imposed, on the ground that the educator's umpiring duties precluded him from adequate supervision and that he failed to apply the reasonable foresight and care that the law required from an educator in charge of pupils in these circumstances.

Of the 11 incidents in Table 1, only two do not deal with the standard of care and supervision directly. In the vast majority of incidents reported, supervision was inadequate, resulting in poor control of players, spectators and parents. In five of the 11 incidents, parents were involved directly in inappropriate conduct. One of the most horrific examples of rage in community youth sport occurred in Pietermaritzburg in August 1998 when a parent sped across a soccer match in his car, threatening to kill his son's coach for dropping him from the A team. He knocked over and injured two teenage players. According to the club coach, he was refereeing an under fourteen match when the man shouted: 'You'd better pull my kid up into A position or I'll kill you'. This 34 year old father was a previously convicted killer, and was drinking alcohol with his friends along the sidelines. He was a notorious gangster known for his violent behaviour. He was convicted of stabbing one of his best friends to death in 1984 while they were watching a hockey match. He was also charged for a second murder and rape in 1993 (*Natal Witness*, 1998:1). The club should have been on notice and barred the parent in question from attending their matches, as he had prior criminal records arising from violent behaviour at community sports events. The club appeared to have neither an alcohol policy nor adequate security at the pitch, as the parent had free access onto and egress off the field of play.

Test for negligence

As stated previously, negligence occurs when a person's conduct does not adhere to the standard of care legally required of him. Van der Walt and Midgeley (1997:133) define negligence as follows:

Conduct is therefore negligent if a reasonable person in the same position as the defendant would have foreseen the possibility of harm and would have taken steps to avoid the harm and the defendant failed to take such steps.

To determine what is expected of one by law, the test of "the reasonable person" is applied, as found in the judge's authoritative statement in *Kruger v Coetzee* (1966):

For the purposes of liability *culpa* [negligence] arises if –

- (a) a *diligens paterfamilias* [the reasonable man] in the position of the defendant –
- (b) would foresee the reasonable possibility of his conduct injuring another in his person or property and causing him patrimonial loss; and
- (c) would take reasonable steps to guard against such occurrence; and
- (b) the defendant failed to take such steps

This principle has been applied by courts for over 50 years, illustrating the requirement that reasonable care and foreseeability should be exercised towards the persons and property of others, also when participating in sport.

Educators and parents, in their roles as coaches, trainers, officials or administrators may be held liable if youth participants are injured as a result of their failure to exercise reasonable care and competence in their particular duties. Potential liability arising out of incompetence is particularly significant in youth sport and physical education in South Africa. This is as a result of the scenario of educational challenges described by Van Deventer (2002) where although the demand for physical activity among youth is heightened presently, in more than

80% of schools, PE is not part of the curriculum, and 95% of the teachers in schools are not trained to teach it.

In *Broom and Another v The Administrator, Natal* (1966), a teacher allowed the boys to play rounders for physical exercise. When a boy hit the ball, the club (a cricket stump) slipped from his hands and hit a team-mate who was seriously injured. A claim was made against the teacher and his employer on the grounds of the teacher's alleged negligence. The court found that there was no negligence, because injuries in rounders are not serious, occur very rarely, and because the use of a stump without the metal cap does not, in itself, constitute negligence. In *Clark v Welsh* (1975) the plaintiff and two other novices who were incompetent and inexperienced strikers of the ball were playing a game of golf. The plaintiff was hit in the eye by a golf ball that was struck by the defendant. The eye had to be removed later. She claimed that the defendant was negligent when she teed off at right angles and failed to warn the plaintiff not to stand in the usual position. The court found that the ball's flight was so unusual that no reasonable person could have foreseen it. Hence the defendant's conduct was not negligent and she was not liable.

Both cases illustrate that when courts determine the reasonableness of the defendant's conduct, it is done with reference to the rules and conventions of the sport concerned, the standard of care and skill that can be expected of a participant in the sport, and the specific circumstances of the incident. The principles outlined could be applied in an analysis of the Bankuna High School incident in May 1999 (see Table 1), where two learners were killed and another two seriously wounded in a fight over girls at an inter-school tournament. The fact that the fight lasted approximately two hours indicates the lack of supervision and an emergency action plan. The educators responsible for the organisation of the tournament had a duty to protect the players and spectators and breached that duty. It could be argued that the cause of the chaos and resultant deaths was inadequate supervision and the lack of control, illustrated by the learner's and educator's possession of knives at a game. In the circumstances, it could be alleged that the educators involved were negligent.

In loco parentis

This concept translated literally means "in the place of a parent". It implies that persons such as educators, care-givers, sport coaches, officials and administrators act on behalf of the parents towards ensuring the safety and security of learners in their custody. This does not mean that the parent is substituted – the parent cannot escape his natural duty to care for the welfare of his child. But due to a lack of professional skill and knowledge of vocational training, the parent depends on the expertise of an educator, and delegates his authority to the educator (Oosthuizen, 1998).

An analysis of the *in loco parentis* principle reveals two consequences. Firstly, the autonomous right to maintain authority. The rights of all participants should be protected by fair measures to maintain authority, thereby creating an environment of order, co-ordination and harmony where education can occur freely. Secondly, the obligation of caring supervision for the mental, emotional and physical welfare of the learner as an impressionable, immature person. Apart from the duty of merely caring for the well-being of a learner an educator is obliged to supervise the physical welfare of a learner. Sports grounds and play areas are examples of specific areas that pose a hazard to the physical safety of the learner.

In the incident between E.G. Jansen High School and Kempton Park High, trouble started in the final match of the Gauteng-East Cricket League between these two schools, when one of the players threatened the umpire after disagreeing with his decision: “You better run; I can shoot!” (Beeld, 2003:1). Table 1 indicates that in almost every incident reported, the *in loco parentis* principle was either totally or partially violated. Specific rules, regulations and policies relating to safety of learners at sports events were violated.

In the English case of *Van Oppen v Clerk to the Bedford Charity Trustees* (1989), a pupil was hurt when he tackled another player head-on in an inter-house rugby match. He sued the school’s trustees, alleging that the school was negligent in the following respects:

- (i) failing to take reasonable care for the plaintiff’s safety on the rugby field by failing to coach or instruct the plaintiff in proper tackling techniques and in particular in the head-on-tackle technique;
- (ii) failing to advise the plaintiff’s father
 - (a) of the inherent risk of serious injury in the game of rugby,
 - (b) of the consequent need for personal accident insurance for the plaintiff,
 - (c) that the school had not arranged such insurance;
- (iii) failing to ensure that the plaintiff was insured against accidental injury at the time of his accident.

The court decided that the school had not breached its duties in respect of coaching and supervision. The decision was upheld by the Court of Appeal, where both the claim for alleged negligent coaching and the claim for non-insurance were rejected, the latter claim on the basis that there was no higher duty on a school than on a parent to insure (Loubser, 2000). This judgement shows that a school organising a potentially dangerous sport like rugby or gymnastics should ensure that the responsible teaching staff, coaches, volunteers and participating pupils are fully aware of the risks. It should ensure proper coaching to teach special techniques, such as tackling and scrimmaging in rugby, and should prevent dangerous practices. Schools should also ensure close supervision of play and vigilant refereeing. Educators, coaches and referees act *in loco parentis* to children participating in sport and should be aware of and guard against injuries that may result from children’s impulsive or irrational conduct and lack of skills and prudence (Loubser, 2000).

Locally, the following incidents reported in the print media since 1997 serve a grim reminder of the seriousness of the problem. While not all of the incidents directly involve parents as perpetrators of violence (commission), they indirectly illustrate inappropriate behaviour in the sense that their non-involvement in guiding and supporting their children’s health, welfare and safety (omission) quite often compounds the problem. The series of incidents is what Engh (in Heinzmann, 2002:1) characterised as “a rising tide of violence that’s ravishing the youth sports landscape”. However, it would require further research into the incidence of violence in organised youth sport locally to determine whether it has reached a level to warrant this type of rhetoric. The important question that arises is should parents of young children be fearful that their child could be exposed to criminal behaviour similar to that already described? What is also important is what role should sport and recreation professionals have in the administration of local youth sport in order to minimise the likelihood of inappropriate conduct or violent incidents occurring in their community?

TABLE 1. INCIDENTS OF YOUTH SPORT-RELATED VIOLENCE IN SOUTH AFRICA (1997-2003)

DATE	LOCATION	INCIDENT TYPE	SOURCE
February 1997	Hans Strijdom High School, Naboomspruit	Learners attack each other with fists in racially motivated fight at athletics meeting. Several casualties. Teargas used to disperse them.	<i>Die Beeld</i> (14/2/1997:1)
September 1998	Bloemfontein	A parent barred from national junior tennis championships because of racism and misconduct.	<i>Die Volksblad</i> (28/9/1998:1)
October 1998	Durban	S.A.F.A. under-14 inter-provincial football championships. 17 over-age players discovered by X-ray tests.	<i>The Sunday Times</i> (4/10/1998:1)
August 1998	Natal Carbineers Drill Hall, Pietermaritzburg	Parent in drunken rage drove across soccer field and injured two players. Threatened son's coach for dropping him from team.	<i>The Natal Witness</i> (3/08/1998:1)
May 1999	Pretoria Gardens High, Pretoria	A parent attacks another with metal pipe during inter-school rugby match, injuring him.	<i>Die Beeld</i> (1/6/1999:3)
May 1999	Bankuna High, Northern Province	Two learners stabbed to death and two others wounded in a fight over girls at an inter-school soccer tournament.	<i>Die Beeld</i> (31/5/1999:1)
May 1999	Nelspruit High, Mpumalanga	Rugby match abandoned because two teams attacked each other with fists.	<i>Die Beeld</i> (1/6/1999:3)
May 1999	Montana High, Pretoria	16 year-old rugby player hit across face with iron bar by learner from opposition school. Hospitalised. School bus damaged when fight broke out amongst other boys.	<i>Die Beeld</i> (1/6/1999:3)
June 2001	Kempton Panorama High, Kempton Park	Grade 10 learner hospitalised after racially motivated assault during rugby training.	<i>The Star</i> (18/6/2001:1)
March 2002	Grey College, Bloemfontein	Two parents in fist fight at rugby tournament after consuming alcohol.	<i>Die Volksblad</i> (25/3/2002:1)
October 2003	EG Jansen High, Boksburg	Players and parents of two cricket teams maul each other after disagreement with umpires decision. One mother assaulted; One father's finger broken; one learner sustained blue-eye.	<i>Die Beeld</i> (15/10/2003:1)

RECOMMENDATIONS FOR MAKING YOUTH SPORT POSITIVE AND SAFE

1. Education of parents and child-athletes appears to be the most practical and widespread strategy recommended by researchers to make sport safe and to ensure that youth have fun (Green & Gabbard, 1999; Kanters & Tebbutt, 2001; Heinzmann, 2002; Rouke, 2002; Fish & Magee, 2003).
2. Youth sport parents/guardians should be required to sign a code of conduct. This would provide a measure of accountability for adults who tend to 'cross the line'. However, codes of conduct should not be regarded as a panacea for preventing inappropriate behaviour. In South Africa, it may also be argued that codes of conduct have to be explicitly worded and clearly identify the penalties for potential violations. As they would be regarded as social contracts, they have to be developed in accordance with relevant national and provincial laws so that accused persons are not deprived of their basic human rights. The violations would have to be evaluated as part of a formal hearing process, which ensures confidentiality of the accused.
3. Parents' orientation meetings at the commencement of the season could prove useful in conveying the expectations of proper behaviour. According to Smith & Smoll (2001), the overall objective of the meeting should be to improve parents' understanding of youth sport and the goals of the programme.
4. Another potentially useful strategy for identifying and preventing undesirable people from becoming involved in youth sport, is to conduct criminal background checks of volunteer coaches, administrators and officials. However, criminal background checks are not foolproof, as only those individuals with a prior criminal record would be identified. Further, in South Africa, there is no mandatory criminal background checking required, except for certain restricted categories of employment. It could be argued that one's constitutional right to confidentiality would be violated if there were criminal background records available generally to the public.
5. Precautionary measures should be introduced to ensure that spectators remain seated on the pavilions, and that referees should not hesitate to take action against foul play.
6. Every effort should be made to ensure that the conduct of all stakeholders in youth sport is appropriate. Regulations and directives from the Department of Education should be enforced. Also, governing bodies of school sport, such as USSASA, should ensure that appropriate policies, guidelines and codes of conduct are developed, distributed and enforced.
7. As the gatekeepers of community facilities, sport and recreation professionals should ensure that the highest standards of behaviour are upheld at youth sport events. Beyond moral duty, youth sport administrators have a legal duty to ensure that activities are conducted in a safe manner.
8. Professional youth sport administrators should be appointed by local municipalities to oversee all youth sport in communities. It is important to have someone who would be accountable and educated about how youth sport works, and who would be able to act as a liaison between municipal recreation departments, community leaders and ward councillors. They should be able to 'keep a finger on the pulse' and raise the standard of youth sport administration.

CONCLUSION

Parental involvement in youth sport is a complex and sensitive issue, and therefore efforts at combating inappropriate behaviour requires a multi-faceted approach requiring the collaboration of various stakeholders such as parent organisations, education departments, sport governing bodies and sport law bodies. Proactive education programmes are vital to build awareness of legal and social issues arising from parental involvement in youth sport. A concern for safety must be supported by the parents, educators and children themselves in all schools and community clubs. Youth should be playing sport for fun and the love of the game. The players only get so much time to share the glory and excitement of their sport. It is inappropriate for parents or inconsiderate educators to take that away from them.

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NOTES