



A fun day and the duty of care

A claimant suffered serious personal injury after diving head first into an inflatable pool as part of a relay game. The event took place whilst he was attending a health and fun day at a Royal Air Force base.

The claimant, a senior aircraftman, claimed damages from the Ministry of Defence (MoD), which was his employer at the time, along with the corporate entertainment company who owned the pool and was hired to run the day. The claimant broke his neck when his head hit the bottom of the pool after diving head first into it. He also further fractured his mid-cervical spine in three places, leaving him tetraplegic and dependant on a wheelchair.

The issue the court had to solve was one of liability. The claimant argued that the corporate entertainment company and the MoD, breached their duty of care by failing to prohibit head first entry from the outset and it was reasonably foreseeable that participants would adopt this method of entry that would cause serious injury.

It was held that on the evidence, the risk of serious injury posed by the pool was very small. With the risk being so small the duty of care was not breached. The court noted the importance of finding a balance between the level of risk involved and the benefits the activity gave to the participants. Although such activities are never risk free they were considered an important and beneficial part of life. It was on this basis that the claimant's claim for damages failed.

During fun activities there are many safety considerations the event provider has to be aware of to ensure participants do not sustain injury when it could have been avoided. It does not however mean every risk of injury requires some form of prevention. If you are injured as a result of participating in an activity event you may have a claim. It is important that you take legal advice at the earliest opportunity.

If you think you may have a claim, contact our specialist personal injury lawyers for free immediate advice. Call Actons Solicitors on **08081 355 355** or [click here](#) to start your claim now.