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Disability & Flyball – BFA Judges and Team Captains’ Guide to Dealing with Disability

This should be read in conjunction with the BFA’s code of conduct that endorses legislation relating to equality and diversity and safe guarding and Disability Discrimination Policy in the Members’ Handbook.

The Equalities Act 2010 protects disabled people and their carers from unlawful discrimination in all aspects of life including voluntary memberships of clubs and associations. The Act is therefore fully applicable to the BFA, its membership and our activities. BFA flyball provides a unique level of access for people of all abilities to actively participate in competitive sport. We are proud to include in our membership people from all backgrounds and ability but we must also understand the positive action that may need to be taken to ensure everyone has an equal opportunity to enjoy the same level of access to flyball.

The Act places obligations on associations like the BFA to make ‘reasonable adjustments’ for people with disabilities and those associated with them. Reasonable adjustments should always be made to enable disabled flyballers, and their carers, to participate in flyball, despite the disability. However, the adjustments do have to be ‘reasonable’:

- Reasonable adjustments should be made to enable a disabled person to overcome their disadvantage and participate in flyball.
- A person for whom reasonable adjustments are made should not be asked to pay for the adjustments.
- Reasonable adjustments must be practical and affordable.

Club Captains Responsibilities

It is good practice for Club Captains to be aware of any disabilities that their members may have so that they can exercise a reasonable duty of care towards them, make sure that all aspects of training, racing and club activities are fully accessible for them and to inform any club risk assessments. This can be done by a short questionnaire or simply a question on the club’s membership form asking if a member has a disability or any needs that they would wish to be taken into account during training, racing or camping. If a person chooses not to raise any needs though, that is entirely their choice and it is accepted that it is then difficult for the Club to make reasonable adjustment because of lack of knowledge. However, good practice should compensate for this; if you can anticipate potential needs of your members during training or in the racing ring, then you should do so. This may be simpler for members with clearly visible disabilities but it is important to appreciate that there will also be members with less visible, or even invisible disabilities, which may include mental health, autism, ADHD, and deafness.

It is the responsibility of the Club Captain to bring to the attention of the Divisional Judge or Head Judge any disability needs that a club member has that may have an impact in the ring, either during racing or whilst conducting ring party duties. Ideally, this should be done prior to racing. It is the judge's responsibility to make sure they understand the need and the reasonable adjustment requested and discuss with the Head Judge as necessary. Judge and Club Captain will often have to work together to make those reasonable adjustments.

Judges Responsibilities

It is the Judge's responsibility to make sure they understand the requirements of disabled members and what reasonable adjustments may be required. For members with clearly visible disabilities this may be obvious but often this will require Judge and Club Captains communicating and working together to make reasonable adjustments. Reasonable adjustments may need to be made in situations like these:

- A child with ADHD who may run around and bounce balls.
- A visually impaired person who will take longer to leave the ring and line up for racing.
- A deaf person who will not hear the whistle or discussions during ring party.
- A wheelchair user box loading who may not have the correct posture during racing.
- A person with mental health disabilities e.g. Tourettes, Generalised Anxiety Disorder who may swear during racing.
- A person with an electric buggy who needs a wider ring entrance.

The important thing for a Judge to remember is that exclusion from racing because of any of the above is not making reasonable adjustment. Banning someone from a ring because of their disability or behaviour related to their disability is not reasonable adjustment, neither is asking them to stop using any disability aids, or stop doing behaviour related to their disability and steps to make reasonable adjustment must be made before any action to prevent detriment to others is made.

Some Example Scenarios

A Judge informed that a junior BFA member who is earning Young members Scheme points had ADHD, and may bounce balls whilst collecting them. A reasonable adjustment might be having somebody from their team keeping an eye on them to minimise ball bouncing close to the other lane, or to give a little longer after each race for the child to collect the balls when the dogs have all finished. The Judge will still need to monitor the situation with the help of the Club Captain so it does not become detrimental to the other team, but reasonable adjustments should be attempted in the first instance.

If a Judge is aware that a deaf person is racing and is unlikely to hear the whistle, they could ensure they stand in a visible place and use clear hand signals. The Club Captain, or another team member could also support by giving visual indication that the whistle has blown. The Club Captain could consider the running order as a handler running 3rd or 4th is likely to be affected by a whistle for an early start for example.

If a Judge is concerned about someone with a mental health disability in the ring because there are children present and their behaviour or language might be detrimental to them, before banning them from the ring, a discussion with the member and the Club Captain might highlight some reasonable measures that could be made to reduce the impact.

Lack of Knowledge

This should almost always be overcome by good practice by BFA Judges and Club Captains. Always assume that a person who is exhibiting behaviours or actions that may be of concern may be doing so because of a disability. Always think there may be a good reason for the behaviour and give the person an opportunity to declare a disability, and if they do so, even if racing is underway, reasonable adjustment must be made from that moment onwards.

Discrimination by Association

Under the Act it is possible for a person associated with a disabled person to claim 'discrimination by association'. This means that if the act of discrimination against a disabled person affects another person who is associated with them, they also are discriminated against. This is important to understand because flyball is a team sport. If a child with ADHD was banned from the racing ring and their parent could not race because they had to supervise them in the camping area, this could be discrimination by association. If a person with mental health disabilities who was asked to leave the ring because of swearing was running in a 4 dog team or running the height dog and this left the team unable to race competitively, this might also be considered 'discrimination by association'. As a Judge and Club Captain, it is always important to consider what else could be done or what reasonable adjustment could be made to accommodate the disability. This may sometimes require the application of some flexibility regarding the BFA Rules of Racing (such as a wheelchair using box loader not being able to stand up). This may be appropriate, and in such instances the Head Judge should always be consulted first.

Making reasonable adjustment to accommodate a person's disability is a legal duty. The key thing is positive communication and to remember is that it is important to think things through and take reasonable steps to include the person to the best of a Judge's and Club Captain's ability. If in any doubt, further advice and guidance can be sought from the BFA Accessibility and Inclusion Officer accessibility@bfa.email or from the Judges Board.