



# AIMing for good practice in safety

## Accident prevention and claims defensibility

As activity providers, what are the recommendations AIM has for best practice and the defensibility of a claim, should the worst happen?

Adventurous activities are exciting! That's their whole appeal! They take you out of your usual habitat and sometimes out of your comfort zone. Some activities are designed to provide you with adrenalin-fueled fun, others provide a more leisurely pace, but all can offer an outdoor learning experience which will enhance the lives of the participants.

The benefits are well known and though health and safety concerns are obviously important they should not dominate to prevent provision of these activities.

Millions of people take part in these adventurous activities every year without incident. That's because providers adhere to good safety and best practice. We see that all the time with our AIM members.



For more information visit the AIM website [www.activitiesindustrymutual.co.uk](http://www.activitiesindustrymutual.co.uk) or go to the inside back cover page.

Prevention starts from good practice in-house with thorough risk assessments, a regular inspection and maintenance procedure together with staff training and refreshers.



- Risk assessments.
- Maintenance and inspection procedures.
- Staff training and regular updates.
- Good record keeping.
- Clear T&Cs.
- Good housekeeping.
- Lessons learned.

### Documents such as risk assessments are crucial

You need to look at each activity, identify the risks and demonstrate what you have done to make the activity as safe as possible. This will include checking equipment, procedures for the activity and the instruction given to participants.

- Eliminate the risks that you can.
- Minimise the remainder to the lowest possible level.
- Update the risk assessments annually and whenever there are any changes to the activity.
- Keep the records!

Good housekeeping, with regular inspection and maintenance of equipment, is critical to ensure that any defects are picked up immediately. Keep records of the checks as evidence of your system!

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Sophia Reed left private practice as a Partner at law firm BLM to join AIM in January 2018 as Mutual Manager. With 24 years' experience in personal injury litigation, she regularly defended Members' interests and provided legal advice and risk management. A regular speaker at our Member events, she has a good understanding of the issues facing Members and the industry as a whole and the importance of defending brand and reputation.



### Your staff are your ambassadors

Staff reflect your business and brand. Make sure that all staff:

- Receive the right level of training to deliver the activity correctly.
- Are fully competent in handling all the participants.
- Can cater for all abilities.

Just because you've worked with them a long time or they come highly recommended, the onus is on you to ensure the correct training is observed.

### Keep talking!

Encourage an open environment where any near misses or issues are discussed so that staff feel confident in reporting these to you and you can take action to avoid an accident from occurring.

### What should you do if there is an incident?

This checklist is what your cover provider or insurer will need you to send to them:

- Risk assessment for the activity.
- Accident report form.
- CCTV cover of the incident.
- Name of the instructor/supervisor of the activity.
- A copy of the instructor's training records and qualifications.
- The signed T&C form or acceptance of risk form.
- Inspection/maintenance records for the activity and any relevant equipment used.
- Photos of the site.
- Statements from the staff on duty and involved in the incident and aftermath.
- Statements from all witnesses to the incident.



Go to <https://www.outdoor-learning.org/AALA> to keep up to date with post-AALA updates and learn from the AALS information log.

We also find it very useful to have the following:

- A video of the activity showing the layout and equipment used.
- Details of the weather at the time, if relevant.
- Details of any previous similar incidents and near misses, and what action was taken as a result.

### Why do we need to have these documents?

Unfortunately, we live in a litigious world where claims are increasingly frequent. However, the courts no longer simply accept that these activities must be dangerous and are willing to balance the provision of safe activities, with the massive social benefits they provide. The success defensibility of a claim relies upon evidence of good practice and, in particular, on documentation.

Documents are the best way of showing that you have good practices in place and have done all you can to ensure the safety of your staff, all visitors to your site and those taking part in your activities.

Contemporaneous photos and statements are the best evidence of the actual site, conditions, equipment and weather at the time of the incident; some or all of which may be in dispute if a claim is made.

Training staff on how these documents can be the difference between a successful and an unsuccessful defense helps them to appreciate and understand their importance, and hopefully ensures that they are an accurate record of events and are completed contemporaneously.

We hope that this guidance has endorsed that you are already following the best practices within your organisation, or individually, to ensure accident prevention! ■



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