

# On Target

The Activities Industry Mutual Newsletter – Autumn 2019

## INSIDE

- Message From Our Chairman
- ROCKCITY - AIM Member Profile
- AALA Update
- LOTC Quality Badge
- Responding to a Critical Incident

## PLUS

- Claims Update
- Events round up from the team





# MESSAGE FROM OUR CHAIRMAN

Our Members are very important to us and this newsletter is an excellent opportunity for us to keep you all abreast of what AIM is doing, how the various sectors are changing and the issues facing all of us who work in this industry, our plans for the future and a round-up of the past year. We always have tremendous support and interest from Members of this mutual; we as the AIM Board really appreciate your feedback which helps to define and direct future plans. I hope that you will enjoy reading the articles in this publication.

It has been a busy year!

In March at the Member event, which was very well attended and a great opportunity for Members to meet each other, we rolled out the Business Plan which shapes the next 5 years for the Mutual. Growth, financial stability and security remain key priorities. Now with over 830 Members, the Mutual is still growing, especially with new emerging activities and fast expansion in certain sectors such as climbing and SUP. Annual contributions total £2.5m and our reserves remain strengthened and growing. The Board does like to return premium by way of a distribution in a year when the finances justify it. But this is discretionary and we have to take a number of factors into account. We hope to return premium to active Members by way of distribution as in previous years.

Management of risk, liabilities and incidents are very important to your businesses. The AIM team have tremendous experience and expertise in advising on risk management and the successful defensibility of claims. So do please feel able to contact one of the team to use their skills to assist you!

The relationship between MS Amlin and AIM, vital for the Mutual, continues to be positive and supportive. Although AIM itself meets the costs of claims up to the Mutual's retention of £100,000, AIM and MS Amlin work together to make sure that the risks we carry are understood and that we control them in so far as we can, by sharing

information for example. I hope that you find MS Amlin's article in this newsletter a useful insight into accident prevention for you.

AIM we are keenly involved in issues our Members face and respond to their needs. In terms of covers, we have expanded the products we can offer to our Members with the establishment of the Motor scheme two years ago to the introduction of the new Personal Accident scheme (details on the AIM website). Our Mutual Manager, Sophia Reed, sits on the outdoor sector's committee, Adventure UK, who are involved in shaping the new licensing landscape. See the article from Martin Smith for the most recent update on this.

Lastly, thank you to all those Members who have volunteered to assist us in developing an Accident Reporting System for Members. Whilst still in its infancy, plans are proceeding, and we will continue to update Members with its progress. We hope that this will be a hugely beneficial system for all AIM activity providers, making it far easier and more accessible to log and report incidents and near misses, as well as providing valuable data critical in the defence of claims.



*Andrew Gardiner*

**Andrew Gardiner**

**Chairman Activities Industry Mutual Ltd**

**Andrew is also Chairman of Acorn Venture Ltd**

# AIM MEMBER PROFILE

ROCKCITY

## Bringing Climbing, BMX & Skateboarding Together Under One Roof

**Rockcity is an indoor Climbing Centre and Skatepark located on the site of a former factory in Hull. It first opened its doors in 1994, originally as a dedicated Climbing Centre. Skateboarding and BMX facilities were added one year later to diversify the business.**

The centre was founded by Mark English, who started the business to cater for enthusiastic local climbers who wanted an indoor alternative in the winter months. He is very proud that the centre still operates on its founding principles to be run "For Climbers - By Climbers".

The climbing facility is open 7 days a week throughout the year and welcomes users of all ages and ability levels whilst the age profile of the skatepark tends to be predominantly 12-18 years. The centre operates with a core team of around 12 full time staff working a combination of day and evening shifts. Pay scales reward those with NGB instructor awards and experience.

Rockcity operate their own on-site Climbing Shop and they also sell a range of climbing products including climbing holds, climbing wall coatings and paints. There is also a Skate Shop selling a wide range of decks, helmets, pads, shoes, clothing and accessories. A stylish Coffee Shop overlooks the main skatepark hall, the front roped climbing room and the "Slab Lab" bouldering room.

## The Bouldering Explosion

Changes in the market over the years have included a skateboarding boom and a dramatic explosion in the popularity of Bouldering 10 years ago. Rockcity reacted to this change in a positive way by expanding their

Bouldering areas within the centre and acquiring the building next door to accommodate this expansion on their original site and create a dedicated 24,000 square foot indoor skate park.

Rockcity's business is increasing year on year and Mark is hopeful that the forthcoming Tokyo 2020 Olympics could provide a further boost through raised awareness of their activities. Skateboarding and Climbing are both being featured as Olympic sports for the first time next summer. BMX made its Olympic debut at the 2008 Beijing Games.

## Working with AIM to Manage Risk

Rockcity has used AIM for liability cover since 2007 and it has always seen AIM as more of a risk management partner when compared with previous traditional insurance providers. In fact without the support of AIM at a critical time, the story could have been very different for the business.

Prior to using AIM, Rockcity's previous insurer had refused to offer cover for Skateboarding. As a result of this the Skatepark was closed for a period of 8 years. However after detailed discussions and a series of meetings, AIM decided that they were prepared to take risks that insurers had not been prepared to do and agreed to provide cover. As a result the Skateboarding park was able to open again and allow the business to grow both areas of activity in parallel.





*Mark was very impressed with the level of support provided by AIM at this critical time for their business:*

*"They agreed to provide cover even though they had reservations about the levels of risk associated with the activity. AIM also provided us with support to help us develop policies, procedures and documentation for users and parents that would improve our approach to risk management and ease the resolution of potential claims."*

Safety management has always been a key area for the business and Rockcity has established robust systems driven by risk assessment and shared best practice. Technical advisors are retained and Rockcity is a member of the Association of British Climbing Walls (ABC).

All visitors are required to pre-register even if they are only using the centre for a one-off session. Users aged under 17 years are required to complete a parental Consent Form and 8-9 year old users of the Skatepark are required to have their parents on site throughout their visit.

Mark believes that the success of AIM is the way that it brings the activity industry together to make it stronger from both a risk management and an operational point of view:

*"As an industry we can all benefit from the sharing of knowledge and experience that can make businesses more effective whilst minimising risk and reducing potential claims."*

<https://www.rockcity.co.uk>



# XPLORE THE WORLD!

## THE BENEFITS OF ADVENTURE

Neil Marchant of Xplore talks about his experiences in the outdoors and the importance of adventurous activity for us all

***“One door shut, but experiences opened another” That’s what happened to me. Why was sport and adventurous activity so important in helping me find my way?***

I wasn’t naturally academic at school, but I loved participating in sports, especially team sports: rugby was my passion and still is. I played for and represented my school and hometown. From an early age and an inspirational coach, rugby taught me: Teamwork, Respect and Discipline. I was also fortunate to have parents who ‘pushed’ me in outdoor activities. I travelled the world with the Armed Forces including tours in Northern Ireland, Kosovo and Afghanistan. I was continually taken out of my comfort zone and often faced life threatening risks but also benefitted from adventurous training activities worldwide, including alpine and cross country skiing, parachuting and scuba diving to mention a few.

We all know the benefits of adventurous activities, the enjoyment, physical exercise, the challenge and the camaraderie all factor highly. The biggest life changes happen when you decide to do something that tests your resolve and possibly where it doesn’t always feel natural to participate. Exposing individuals to controlled risks and allowing them (under supervision) to manage that risk and make their own decisions is an important part of adventurous activities. We have seen first-hand how quickly students’ (and adults’) confidence and senses develop in either individual or team activities.

But more importantly, these adventurous activities provide essential life skills for individuals, allowing them to develop their own senses and learn from their decisions, consequences and experiences, something that is not always taught or learnt in conventional school classes.

I was lucky to join Xplore in 2013 after my military career ended. We are the leading, international educational provider of integrated language, culture and activity programmes. Now, with only 6 years

experience in a new Industry, I am Head of Operations and totally dedicated and focused in developing our product and team to the highest level. I am constantly seeking ways to incorporate, combine and promote the sporting values of teamwork, respect and discipline into our activities camps that offer enjoyment, physical exercise, challenge, integration and camaraderie as well as allowing our students to experience controlled risks and to make their own individual or as a team decisions: an important life skill. This also applies for the role I hold as Operations and Compliance Consultant for PSA Rugby Academies, who deliver high performance sport development programmes.

The safety and well-being of the students/ players at our Activity and Rugby Camps is paramount. The parents have “accepted part of the risk” sending their children away. Accidents and near misses happen within our Industry, we cannot hide that fact, but we learn from reviewing all of the accidents and near misses that happen to ensure both Xplore and PSA Academies can operate more effectively as we move forward.

I am passionate and dedicated to promote best practice within the Industry and wanted to be part of the Membership Committee of AIM which is a fantastic way to network with like-minded, industry people. I believe by sharing our knowledge and experiences which includes transparency with accidents and near misses we can enable other providers to operate more effectively, minimising risk, reducing their claims and saving them valuable money in the process.



Neil Marchant



# THE DEFENSIBILITY OF CLAIMS

**Have the Jackson reforms from 2013 achieved the opposite result in triggering an increase in the number of individuals pursuing “spurious” personal injury claims rather than reducing them?**

Under the previous system, legal costs were borne by the losing party but now, “qualified one-way cost shifting” applies and defendants have to bear their own legal costs whatever the outcome. Has this resulted in a “chancer’s charter” with defendants now finding themselves under pressure to settle small personal injury cases based on economic realities rather than merit? An insurer may decide it is better to pay out £2,000 in compensation to settle a spurious case where someone has slipped on a wet floor, rather than fighting it and winning but still incurring a hefty costs bill.

AIM’s policy is to resist what we consider to be spurious claims by presenting the claimant’s solicitor with such compelling evidence (documentary, photographic and video evidence) to cast serious doubt on the claimant’s “remembered” version. In most cases that we challenge, the weight of compelling evidence is sufficient to discourage the claimant’s solicitor from investing time and costs in pursuing what is likely to be dismissed in court. In the majority of cases, this is successful. We monitor claims as they approach limitation: just 4 out of 16 claims in this category resurrected close to the end of the limitation period.

Are we living in a blame culture? There does seem to be a sense of entitlement that an injured party can blame someone other than themselves for their own inattention or misfortune. We see all types of claims, such as a teaching assistant or parent joining in and falling on a ropes course whilst endeavouring to impress the kids; or participants, often less fit and older than they’d like to believe they are, engaging in unfamiliar activities, possibly without having listened to or taken notice of the instructions given. They are having an exciting time, but perhaps not taking sufficient care or personal responsibility for their own

safety and if something then happens, they look, or are encouraged to look, for someone else to blame.

Of course, mistakes do occur which may contribute to an incident. If so, we seek to settle the claim as quickly and efficiently as possible. If a valid complaint can be dealt with without the involvement of a solicitor, so much the better. Sometimes an injured party may feel, rightly or wrongly, that they’ve been overlooked or uncared for, which can be the motivation of pursuing a complaint. Sympathy and attention after an accident is important and can quieten or settle a difficult situation.

When a claim is brought against a Member, we seek contemporaneous documentation to demonstrate what actually happened. Witness evidence from the instructors and anyone else involved, as well as photographs, confirmation of the signage in place, the safety instruction given and all the pre incident Risk Assessments, SOPs, Instructors’ training records, maintenance and equipment checks are required to show that safe systems were in place, thus bolstering the defensibility of the claim.



**James Willis**  
Industry Specialist



# RESPONDING TO A CRITICAL INCIDENT –

## HOW PREPARED ARE YOU?

**We all hope it'll never happen to us. The truth is it probably won't. But it just might. And if it does, how ready will you be to respond?**

**To respond to next of kin, to social media, to the press, to the H&S Executive, to staff and to everyone else with an interest?**

Will your team have the necessary answers, the solutions, the guidance and the resource all available in time when the spotlight falls on you? Exactly how you respond will almost certainly affect the impact on your business' reputation, it may even prevent loss of life. So, ensuring your staff can access experienced advice very quickly is vital. That is where AIM can help, thanks to its partnership with Pharos Response.

Every year, AIM has a number of Members who encounter critical incidents that demand a complex and integrated response to help reduce the impact on the people involved and on the reputation of their business. These incidents very rarely happen because of any failing or incompetence; more often they happen because of simple statistics and bad luck.

So yes, sadly, it could happen to you.

**We have handled a wide variety of issues for members ranging from fatalities to serious staff incidents.**

Those Members who have experienced these terrible incidents have benefitted from the fast and effective support of Pharos Response, just when they needed it most. No matter how well resourced the Member thinks they may be to respond to a critical incident, additional, experienced resource is always helpful, especially when it can be delivered calmly in an impartial and dispassionate way.

AIM work closely with Pharos and encourage all Members to subscribe to their heavily discounted service, negotiated exclusively for AIM Members. For just £125+VAT per year (usual prices start from £995+VAT), AIM Members can call on Pharos' team of Incident Managers 24 hours-a-day, 7 days-a-week

for advice and support. They will provide immediate guidance over the phone, based on their experience of dealing with incidents on a daily basis. The Incident Managers can request specialist advice from others in the Pharos team to suit the specific nature of the incident and help inform the response plan (i.e. police, H&S, mountain rescue, security, altitude, etc). They can also provide fast access to services that will offer practical assistance, such as social media gurus, crisis PR professionals, H&S experts and trauma counsellors. The Pharos Principals, Julian and Chris, can provide strategic incident management coaching to your senior staff and will oversee the support being provided by the Pharos team to ensure it is fully integrated and working in a complimentary and consistent way alongside your own team, where needed.

As an AIM Member who subscribes to the Pharos Response service, any support they provide you with in responding to a critical incident will be paid for under your AIM policy (up to a pre-agreed maximum of £25,000). Members who have used their services remain confidential for obvious reasons, but all have one thing in common; they are highly complementary about the benefits of having such an experienced team to hold their hand through one of their most stressful work events of their career.

If you've not already signed up to Pharos Response, please contact them directly at **info@pharos-response.co.uk** or call 01183 800 140.

**PHAROS**  
R E S P O N S E

# AALA REVIEW

ADVENTURE UK

As Chair of the Outdoor Council I have had the privilege of being engaged with a wide range of outdoor learning and adventure initiatives across England and the UK as a whole. The Outdoor Council changed its name from the English Outdoor Council in 2018 and is an umbrella body for organisations involved in the provision of outdoor education, recreation and development training. A longstanding position of the Council has been to support an industry led, non-statutory accreditation scheme for the outdoor sector and over the last three years there has been a fantastic opportunity to work towards such an end.

In 2016 the HSE began a formal review of AALA (Adventure Activities Licensing Authority) with a public consultation that launched in December. Part of this consultation considered 3 options for the future of AALA and the AALR (Adventure Activity Licensing Regulations) under which it operates, these were:

- 1) Retain the AALR and current scheme underpinned by the Health and Safety at Work etc. Act 1974, and increase fees.
- 2) Retain the AALR and current scheme underpinned by the Health and Safety at Work etc. Act 1974, but increase fees and extend the activities in-scope.
- 3) Removal of the AALR and move to an industry-led; non-statutory; not-for-profit scheme underpinned by the Health and Safety at work etc. Act 1974, to provide assurance to users of outdoor activities.

Following the consultation the HSE Board were recommended to approve Option 3 but wanted more information on both Option 3 and the existing framework before coming to a decision. In order to try and co-ordinate a united response from across the sector the United Kingdom Adventure Industry

Group (UKAIG) was established, in June 2017. The group worked with the HSE and was responsible for creating clear proposals for the non-statutory sector-led scheme, Option 3, which was finally approved by the HSE Board in September, followed by Ministerial approval in November.

The current scheme has built a huge amount of respect over the last couple of decades. So what are the advantages of a sector led scheme? in the words of the HSE they are:

- A non-statutory scheme is one which is not set out in law. There are several benefits in that it would allow providers who are not currently licensed but wish to be, to opt in.
- It would also allow inspectors to look at other non-safety related criteria and it could be supported and recognised across the UK.
- None of these things are possible under the current system.
- Non-statutory schemes work in other industries when there is sufficient support from providers and end users.



The UKAIG has always been keen to ensure a consistent UK-wide approach should be developed as part of any Option 3 solution as well as increasing the Industry's involvement in the governance of any future scheme. It is hoped that such a scheme will have the flexibility to increase high standard participation by getting better at sharing lessons across more providers. Option 3 could also provide the opportunity to reduce multiple inspections and accreditations across the industry, working towards a single more easily understandable scheme.

In order to take such an option forward the UKAIG really needed to reconstitute as a formal body. A sensible solution seemed to be as a Working Group under AAIAC (Adventure Activities Industries Advisory Committee). AAIAC was originally set up by the HSE as an advisory group for the outdoor sector that now oversees the Adventuremark scheme as well as providing good practice advice to the Industry and in November, 2018 the AAIAC Council agreed the formation of a UKAIG working group to be overseen by the AAIAC Council.

Throughout 2019 the UKAIG Working group has gone on to prepare a Business Plan to take Option 3 forward. This includes the design and scope of a new scheme; future governance and management; integration of existing schemes; wider consultation and engagement; quality assurance, promotion and transition along with sustainable management.

At a joint meeting of the AAIAC Council and the UKAIG Working Group, in July, it was decided to formally bring both organisations together to form one body operating under a revised AAIAC Council constitution. This new body will be known as Adventure UK and will oversee both an Option 3 Working Group and the current AAIAC Working Group that manages Adventuremark. An independent Chair will now be sought for Adventure UK.

While all of this is going on it is very much business as usual regarding licensing with the existing AALA contract being retendered for a further 3 years to allow for Option 3 to be developed and for any legislative changes to be made.

In terms of Option 3, work continues apace and funding is now being sought to develop a new industry led scheme that will be a step change in the way the 21st century adventure sector provides reassurance to both providers and commissioners of service. What the whole process has shown is how well the sector has responded to the challenge of developing a future way forward for accreditation, not only across the various elements of the outdoor sector but, just as encouraging, across the UK as a whole.

## Comment from AIM:

Sophia, our Mutual Manager is on the Adventure UK Committee and if you have any queries please do get in touch with her via email [sophia.reed@rmml.com](mailto:sophia.reed@rmml.com). We feel it is important that AIM is actively involved and is doing so to ensure Members' views and interests are sought and listened to.



**Martin Smith**

Martin Smith is a qualified teacher who has worked in the education and care sector for over 35 years. He ran one of the largest Outdoor Education Centres in the South East of England and was an Assistant Director for the Shaftesbury Homes and Arethusa. In 2003 he began work as the Outdoor Education Adviser for Nottingham City Council going on to lead a large multi-disciplinary department delivering a range of educational services to schools both within Nottingham and beyond. In his current role, Martin is a Senior Adviser for Academic Resilience within the Greenwood Academies Trust responsible for supporting Academies in the delivery of Character Education and Personal Development as well as being the Outdoor Education Adviser. Martin is currently interim Chair of the OEAP as well as being Chair of the OEAP Training Group and the Chair of the Outdoor Council, which campaigns for the value and benefit of outdoor learning. Over the last ten years Martin has been involved in publishing a range of educational resources for outdoor learning, character education, personal development and staff CPD.

# PLAY IT SAFE:

## HEALTH AND SAFETY FINES IN THE ACTIVITIES INDUSTRY

### Leanne Conisbee of Clyde & Co discusses these changes

With the activities sector continuing to grow, as part of wider trend of increased societal health and wellness awareness, businesses should take note of the Health and Safety Executive's (HSE) enforcement statistics.<sup>1</sup> These evidence the high level of fines companies now 'routinely' receive for health and safety breaches, together with confirmation of the upward trend in the level of health and safety fines, imposed by both the Magistrates and Crown Courts.

Small to medium sized businesses have been impacted most, with the level of fines routinely being a significantly greater percentage of turnover than the fines imposed on large and very large organisations, despite the same harm categories and levels of culpability.

Not every accident can be avoided, but to avoid prosecution and potentially hefty fines, companies do now need to have health and safety at the top of their agendas.

### High value fines now commonplace

An analysis of HSE data shows a total of 45 cases in 2017/18 where a fine of over £500,000 was imposed.

There were 19 cases with fines exceeding £1m imposed by the UK's criminal courts for the 12 month period to 31 October 2018 – with less than half of the cases involving very large organisations, dispelling the notion that only those companies with turnovers in the hundreds of millions or billions receive £1 million plus fines.

Whilst HSE prosecutions were down by 16% in 17/18 to a total of 517, the HSE still revealed an impressive conviction rate of 95%.

Although Local Authority (LA) prosecutions are not included in the 517 prosecutions referred to, the data does reveal a significant increase in the enforcement activity of LA's, showing an annual increase of 7% to 2,580 in the total number of enforcement notices issued by LA's in 17/18.

### Emphatic and rapid change in sentencing landscape

Stark evidence of increased fines for all sizes of business as a result of the introduction in February 2016 of the

Sentencing Guideline for Health and Safety Offences<sup>2</sup> is revealed in the average level of fine rising by over 400% from £29,000 in 2014/15 to £147,000 in 2017/18.

Reported cases affecting the activities industry are few and far between. But that does not by any means indicate any sort of immunity.

Center Parcs was recently fined £250,000 when a young girl fell nearly 10 feet from a tree and broke her wrist during an organised activity. Luton Crown Court heard that whilst the company had systems in place to ensure the safety of guests these were not sufficiently adhered to or implemented in respect of this incident.

A leading leisure centre was also fined £330,000 when a five-year-old boy almost drowned in a swimming pool. Despite being a non-swimmer and staff being informed that he could not swim, the boy was allowed to enter the pool without armbands and without proper supervision. The fine imposed was the largest in any investigation brought by Hounslow Council.

### Prevention, prevention, prevention

Whilst the above statistics make for sobering reading, organisations can put themselves in the best possible position to avoid or defend prosecutions, or mitigate any fines imposed, by ensuring that:

- Any equipment complies with the relevant British Standards, is inspected regularly and is in good working order;
- Robust policies and procedures are in place and followed, and this is checked via adequate supervision and monitoring;
- Suitable and sufficient risk assessments are carried out, with control measures implemented;
- Training arrangements are reviewed to ensure that staff are properly trained in the policies and procedures; and
- Customers are appropriately warned of the risks associated with an activity and they acknowledge receipt of such warnings.

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<sup>1</sup> <http://www.hse.gov.uk/statistics/enforcement.pdf>

<sup>2</sup> <https://www.sentencingcouncil.org.uk/wp-content/uploads/HS-offences-definitive-guideline-FINAL-web.pdf>



# CLIMBING TALL PEAKS

## AIM Snowdon Climb



“ Thank you so much to everyone who supported us. We have raised almost £900! ”

Team AIM were delighted to be part of the group of walkers climbing Snowdon earlier this year to support Jet and Kim from Adventure Beyond and raise funds in memory of their daughter Kiara. Jet and Kim have set up a trust in Kiara's name to support organisations who offer support to bereaved families, particularly those who use the positive benefits of the outdoors to achieve this.

We met in the car park and set off at 8.45am along the Pyg track for the 7 mile ascent, with views of the Llanberis valley, which quickly disappeared as we reached the cloud and the snowline. Conditions underfoot were good but soon became slippery with compacted snow on the trail. Some of the walkers left the group at the marker where the Pyg and Miners' trails met and descended via the lakes. We carried on up and stopped for a snack in the snow to assess the conditions, before deciding to push on to try to reach the summit. The trail becomes quite narrow and we zigzagged our way up, avoiding the snow where possible. As we came out on the saddle and turned left, the mist cleared and we saw the summit! It was a short ascent up to the marker and we were rewarded with clear blue sky and glorious views all around. Time taken 2.5 hours plus a 20 minute snack stop!

Having taken in the view, as well as lots of photos, we headed down in the now warm sunshine along the Miners' track, passing the three lakes. The trail starts off fairly steeply and is narrow but then widens out becoming a gravel track passing the three lakes and an abandoned mine site and house. We reached the car park 2.5 hours after leaving the top, with gorgeous views of the summit we had scaled. 8.5 miles walked, 1085 metres climbed in 5 hours by 4 happy climbers. A great day for a great cause! Thank you so much to everyone who supported us. We have raised almost £900!

You can visit the trust page on Facebook by searching *Kiara RAR. RAR using her happiness to help others.*



# WELLBEING IN THE WORKPLACE

MS AMLIN

Staff turnover, sickness absence, resilience and the impact on claims.

An engaged workforce is characterised by high levels of resilience to risk, resulting in staff who are competent, autonomous, understand the difference they can make to their work place and have personal values and beliefs that fit the needs of the role they undertake.

There are some jobs which involve a higher risk of exposure to emotionally, psychologically and physically demanding events than others; roles that require managing the challenging behaviour of others, such as social work, teaching, nursing, criminal justice and roles in other public facing organisations where there may be an increased risk of exposure to violence (such as gambling, cash handling, security or where the consumption of alcohol takes place).

For staff in these high risk jobs, every day presents the potential of exposure to situations that may be psychologically distressing, whether it be the acting out behaviour of a mentally ill patient, dealing with an

aggressive customer, or managing violent threats by an intoxicated member of the public. If the core business of an organisation is known to put high psychological and emotional pressure on its employees, the ability of staff to respond constructively to that demand is crucial for effective performance.

This is particularly important as what research also tells us is that it is not operational demands (challenging events) that cause workers most damage, but the response of the organisation to the event.

In an organisational context the term “well-being” refers to establishing the right conditions to generate high levels of employee engagement. It emphasises the social and psychological aspects of the workplace, workforce and the work people do, and is related to both physical and mental health. An engaged workforce is characterised by high levels of resilience to risk, resulting in staff who are competent, autonomous, understand the difference they can make to their work place and have personal values and beliefs that fit the needs of the role they undertake. Consequently, an engaged workforce is one which has low rates of turnover, low levels of sickness absence and high levels of performance.

Key to the success of a strategy to address well-being is flexible, dynamic and holistic application where the individual and employer have joint responsibility for sustaining good psychological health.

Keeping an engaged and low turnover workforce at work will have a number of key benefits helping to



prevent and minimise Employers' Liability claims. A stable, competent and loyal workforce will be less predicated to claiming:

**"People just don't sue [people] they like."**

(Gladwell, 2005).



By the time someone makes a formal claim against an organisation, it is possible that weeks, months or even years have passed since the original incident (bearing in mind a personal injury claim can be made up to 3 years after the incident date). What this time represents is a continual opportunity to work alongside the individual to reduce the chance either of a claim being made in the first place, or of that claim being followed through to the bitter end.

Research into malpractice suits against doctors reveals something very interesting. It is not the number of errors made, level of training, or qualifications that predicts who is most likely to get sued. It is the time and quality of the social interaction with the patient that counts. The conclusion from the research is that

the key ingredient in the interaction is respect – and that this is communicated through tone of voice.

What this suggests is that there is plenty that can be done at an interpersonal level to reduce the risk of someone following through with a claim.

In terms of staff turnover, a recent article by Scott Mautz, focused on Patagonia, the US outdoor wear retailer and their remarkably low staff turnover figure. He writes:

*"A recent profile in Quartz at Work highlighted some of its more noted practices like promoting women into leadership roles, paying to send nannies on business trips to embrace and support work-life integration, and hosting childcare right on their facilities (helping with their astonishing 100 percent retention rate among working mothers)."*

*"But it's one particularly quirky policy that symbolizes the root of the company's appeal. The company hires activist employees and encourages peaceful environmental protests. But for those wayward employees that get thrown in jail for their efforts, Patagonia will pay their bail (and their spouse's bail), pay for their legal fees, and pay them for their corresponding time away from work."*

Patagonia's Chief Human Resources Officer, Dean Carter, told a crowd at a recent Salt Lake City conference, "We want them to be who they are."

Mautz goes on to say:

*"An authentic culture starts with the leaders. It's worth the pursuit because authentic behavior binds human beings to one another, reinforces self-identities, and creates a bridge to a sense of belonging."*

## Comment

*MS Amlin have long believed that businesses who have an engaged and empowered workforce, and resultant lower staff turnover and sickness absence, also see lower numbers and value of liability claims.*

*We have considered how our insureds can develop a resilient workforce and organisation, and build this into a claims prevention and defence strategy, in our Conflict Management and Claims Defence Toolkits which are available through our businessRisc portal. Please contact your Risk Engineering Account Manager for more details.*

**MS Amlin**



# THE LOTC QUALITY BADGE:

## BREAKING DOWN BARRIERS FOR SCHOOL

**Sally Thompson, Accreditations & CPD Manager at the Council for Learning Outside the Classroom, explains how the LOTC Quality Badge is helping more children access great educational experiences.**

Venues all over the UK provide inspirational opportunities for children to learn outside the classroom. These hands-on experiences enable children to see, hear, touch and explore the real world as part of their learning, deepening their understanding and supporting them to challenge themselves in ways that aren't necessarily available at home or in school.

Three-quarters of young people in the UK spend less time outdoors than prisoners<sup>1</sup> and more than 1 in 9 children have not set foot in the natural environment in the last 12 months.<sup>2</sup> The term 'cotton wool culture' is well known, and for children this can mean a childhood sheltered from anything considered to be risky or adventurous. This has enormous implications for child development, not least on the child's ability to cope with challenge and to manage risk appropriately for themselves. The reality is the only chance some children will have to explore the world beyond their four walls will come from learning outside the classroom opportunities offered through their school. Venues offering outdoor and adventurous activities have a huge part to play in helping schools to ensure that their pupils are accessing these vital experiences as a regular part of their education.

There's a growing consensus internationally about the importance of exposure to risk and challenge in childhood and a lot of research has been published in

the past decade, highlighting the dangers to children's health and wellbeing of a lack of time spent outdoors. Teachers agree that children learn best through first-hand experience and that shared experiences in the outdoors have benefits for teachers and pupils alike. Ofsted also endorses the power of LOtC, and the importance of experiencing risk and challenge, with HMCI Amanda Spielman frequently appearing in the press to challenge the risk averse and data driven culture in many schools.

So, with such overwhelming recognition of the benefits of LOtC, what is stopping schools from doing more? Sadly, many teachers report that they are hindered by concerns over health and safety, red tape, lack of time or lack of funding.

The Council for Learning Outside the Classroom is the national charity with a mission to ensure that every child experiences the world beyond the classroom as an essential part of learning and personal development, whatever their age, ability and circumstances. A key aim is to support schools in integrating more learning outside the classroom into the curriculum and overcoming the perceived barriers to getting beyond the classroom. We do this in lots of different ways, including support and CPD for teachers and schools, advocacy and influencing, and accreditation of good quality providers.



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## What are the benefits of the LOTC Quality Badge for providers of LOTC?

The LOTC Quality Badge has become the benchmark by which providers of educational visits are judged – schools planning visits are advised to check that their chosen venue has the LOTC Quality Badge.

The LOTC Quality Badge is endorsed by Government in the health and safety guidelines for schools, and is the only accreditation scheme for all types of LOTC provision. It is also endorsed by the Outdoor Education Advisors Panel (OEAP) whose members provide advice and support on educational visits to most schools in England & Wales. OEAP members accept the LOTC Quality Badge in place of much of their pre-visit paperwork and advise schools to use accredited providers when planning visits.

For this reason, being awarded the LOTC Quality Badge will help you to attract more bookings from schools and will reduce pre-visit red tape, saving your staff time. Furthermore, the LOTC Quality Badge will give you a framework to enable you to develop and improve the quality of your educational provision and ensure that you continue to meet schools' needs.

## Making an application

There are two routes to achieving the LOTC Quality Badge and the route you take is determined by the activities you offer to schools. Route 1 is for those organisations offering activities which don't require specialist risk assessment. Route 2 is for organisations offering activities that require a degree of technical expertise for effective risk management. Application involves a self-assessment form which will then be used as the basis of assessment by a specialist inspector. The kinds of activities that require a route 2 application are listed on our website: [lotcqualitybadge.org.uk/how-to-apply/route-2](http://lotcqualitybadge.org.uk/how-to-apply/route-2).

For more information about the LOTC Quality Badge, to search for badged providers in your area or to make an application please visit [www.lotcqualitybadge.org.uk](http://www.lotcqualitybadge.org.uk). If you would like guidance on the best route for you, please contact us [qualitybadge@lotc.org.uk](mailto:qualitybadge@lotc.org.uk).

Free guidance on planning, running and evaluating LOTC experiences can be found at [www.lotc.org.uk](http://www.lotc.org.uk).



**Sally Thompson**  
Accreditations & CPD Manager,  
Council for Learning Outside  
the Classroom

<sup>1</sup> Survey with 2000 parents of 5-12 year olds funded by Persil's #Dirtisgood Campaign (2016) <https://www.theguardian.com/environment/2016/mar/25/three-quarters-of-uk-children-spend-less-time-outdoors-than-prison-inmates-survey>

<sup>2</sup> The Impact of Children's Connection to Nature: A Report by the RSPB, 2015, Richardson, M et al, University of Derby

# CONFERENCES AND EVENTS

Our Member event this year took place in the stunning location of Lords Cricket Ground in London. It was a beautiful sunny day and the JP Morgan media centre provided a great view of the grounds and wicket.

The day followed a similar format to previous years with a mix of speakers from the outdoor activity sector. First up was Andy Dalby-Welsh from Activity Alliance who gave us a thought provoking overview of how activity providers can be more inclusive when it comes to provision of activities for disabled and less able bodied participants.

Always popular among members are speakers who discuss risk management within organisations. We had representation from our supporting insurer MS Amlin, who presented on what good risk management looks like and a legal case update from Clyde & Co who looked at a number of cases affecting outdoor activity providers.

The final presentation came from J P Edgington of The Outer Edge who examined issues affecting the workforce, in particular mind set or skill set issues.

The centre laid on a fabulous buffet lunch which provided a chance for networking and catching up

with colleagues. There was also the opportunity to take a guided tour of the cricket ground which included some of the iconic features of the home of cricket. This was a real treat for those cricket fans amongst us and even for those who aren't it was a real behind the scenes look.

We heard from members of the AIM Board together with our Mutual Manager Sophia Reed who gave an update on recent developments within the sector and AIM's growth and development.

Our thanks to all our speakers and collaborators from earlier this year. We welcome any suggestions for venues, speakers or topics for consideration at forthcoming AIM events. Look out for the invitations for next year's exciting event and we look forward to seeing you there. For further information or to book your place on our 2019 Member Day please contact Cath Watson on [cathy.watson@rmml.com](mailto:cathy.watson@rmml.com).

We are also hosting a series of networking events which will hopefully provide an opportunity for members and industry colleagues to meet, discuss latest news and developments in the outdoors.

## DATES FOR YOUR DIARY

<b>CLOtc Annual Conference</b>	Blackpool	7th November 2019
<b>AHOEC &amp; SAPOEC</b>	Inverclyde National Sports Centre, Largs	13-15th November 2019
<b>IOL Wales Conference</b>	Bangor	16th November 2019
<b>Vertex Industry Day</b>	Rockreef, Bournemouth Pier	20th November 2019

## AIM EVENT DATE 2019

<b>AIM Member Day &amp; AGM</b>	Venue TBC	19th March 2020
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## FOR MORE INFORMATION OR QUOTATIONS PLEASE CONTACT US

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