

On Target

The Activities Industry Mutual Newsletter

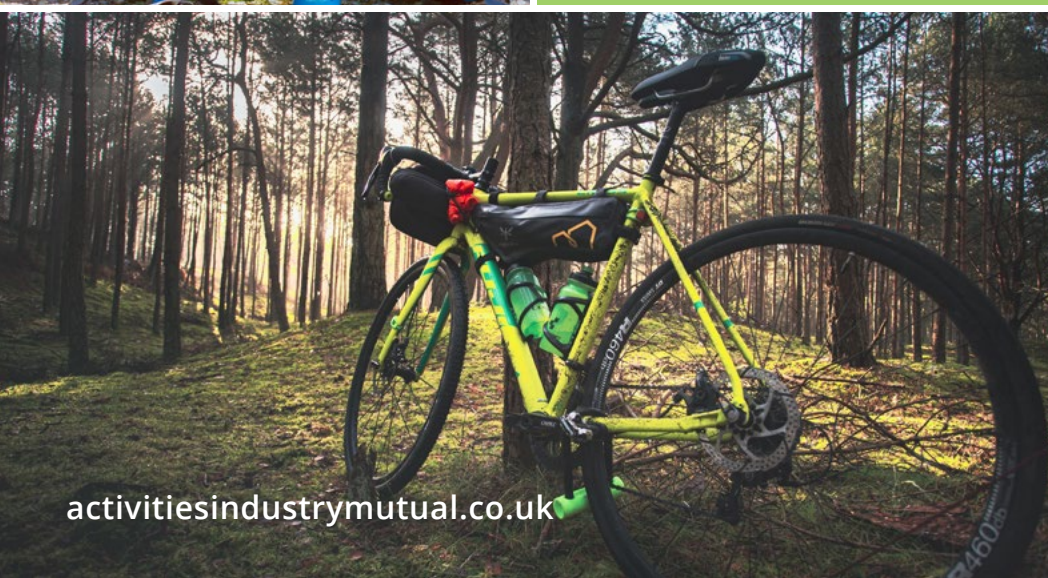
Autumn 2020



**ACTIVITIES
INDUSTRY
MUTUAL**

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Message from our Chairman

No one could have predicted the events of 2020. This year has been extremely challenging, upsetting and life changing for all AIM Members. I wrote in the Message for the last Newsletter in Autumn 2019 how important our Members are to AIM, and that remains exactly the same.

As a Mutual, we are different. Your views do count and we rely on you for your interest, feedback, advice and support. This continues to be a challenging time and the end of the difficulties is by no means clear. All sectors are affected. We will continue to take this into account and be as accommodating as we can.

Severe and particular issues face the Residential sector of our Membership. We added our voice and weight with the other leaders in the industry, notably AHOEC EOC IOL to persuade Government to enable residential visits to resume as soon as possible. See the articles in this Newsletter detailing this as well as our letter to Gavin Williamson.

In 2019 I reported that the Mutual was growing and that growth, financial stability and security were key priorities. That has proved especially helpful during this year when contributions have fallen. AIM will do all it can to assist Members in the pandemic but we have to ensure the continuation of affordable liability and property cover. Many of you took advantage of the Payment Holiday which was offered to ease cashflow issues in the initial lockdown period. We reduced covers where applicable, provided reduced contributions and refunds. Very few insurers did that! We believe in looking after our Members and striving to do the best we can for them, and holding or limiting the rise in the cost of cover. The Mutual will come through this pandemic still able to offer cost effective liability covers as before, and we are grateful for your support.

Looking ahead, what can we expect? At the time of going to press, a large annual Member event we had planned as in previous years seems unlikely and we have all had to adapt to different ways of meeting. Many of you have participated in the Zoom Member meetings which the AIM team have organised and which have covered a variety of topics. Thank you for your attendance and helpful suggestions and for keeping us all updated on issues affecting the various aspects of the Membership. We intend for these to continue. The feedback is that they have provided a useful and easy (no travel!) way

of meeting other Members and sharing advice and tips. Sophia, our Mutual Manager was involved in several webinars for British Canoeing, Mountain Training and Pharos. We hope to continue with these for Members so please let us know of any topics you would like covered, or if you would like to host!

Some matters have invariably had to be put on the back burner over the past 7 months, for example the Accident Reporting System, despite good progress having been made on this with the help and input from several of you. We will continue with this work but appreciate that so many of you need to concentrate on your own businesses at present.

To end on a more positive note, the Mutual changed its supporting insurer on the 1st August 2020 and this contract is now with QBE. The supporting insurer pays for unexpectedly large claims. I am very pleased to report that we have settled in quickly and well with them; the AIM and QBE teams continue to foster a good relationship. They understand and appreciate Members' businesses, risk and requirements and have been adaptive to Members' current situations and needs.

I must thank my fellow Directors for all their hard work and support over this difficult year, and to the AIM team at Regis who have worked tirelessly under pressure, and with their own family lives to juggle, to look after AIM and its members.

Thank you all for your support. I wish each and every one of you the very best for the future and especially for a more stable and successful 2021.



Andrew Gardiner

Chairman
Activities Industry Mutual Ltd

Member Stories

The Climbing Hangar

Ged MacDomhnaill (CEO and Founder)



“I would offer the following advice to others given we have two centres now forced to close and one in a lockdown areas with revenues savaged by movement restrictions –

Do not try and think of all the solutions centrally. This is everyone's problem and it needs everyone to solve it. The stress of being the owner or manager can narrow your vision, so ask for help and often. You will be amazed at what comes back. When the first lockdown happened we had junior members of our kitchen team offer to give their previous bonuses back if it would help.

Be honest and transparent with your team, talk to them about risk and reward in adult terms. Always address their anxieties first, which are generally pay and job security.

Even 'strategic or protective' lying is a short term win if larger factors expose the mistruth and damage the necessary trust you need to navigate prolonged dilemmas with your team.

Communicate frequently – even just to say *we don't yet know the full meaning of the latest announcement* – it's ok to buy time if you say that's what you are doing – avoid filling in the space with possibilities, hope is not a strategy but trust is. So it follows that you should only promise what you can be 100% confident about.

Patience and compassion are beyond essential – your team may be scared, their emails, texts or conversations may be rude, abrupt or insensitive. The human cost of this crisis is outrageous so see the human and deal compassionately with them. Once again compassion will give amazing results.

Delay any decision that can be delayed without consequence – buying time without downside is a no brainer and time, especially sleeping on a problem, is an incredible way of finding new solutions.

Finally the best part of my job is the incredible people I work with

and who climb in our communities. Today we had customers crying that we were closing again, some sent us cards to say thanks and they couldn't wait to see us again. My team are devastated they are not coming in to work – I mean really – climbers sad they are not having to work? The passion for what we do and the value it brings to our communities is profound and fighting for and protecting this as well as sharing it far and wide gets me out of bed easily, everyday. I love making people happy.”



The Outdoors People

Craig Geddes



“The Outdoors People specialise in bringing outdoor activities right into school grounds. Our 24 hour camps are our most popular offering and see the children pitching giant bell tents on the school field ready for a night under canvas and a full day of exciting bushcraft and team building activities.

I think the best part of my job is running the evening campfire. For all it's one of the simplest and least formal of outdoor activities, I find it's the part of the day where you can best see the benefit the children are getting from what may be their first night away from home. At any possible pause in songs or stories, they immediately launch into excited conversation with their friends and you can see worries about sleeping outside fading away as they get caught up in the adventure of a campfire under the stars and complex plans for staying up all night! Also there's toasted marshmallows..

AIM took over as our cover provider earlier this year during the height of lockdown. Even though we were new members, they put a lot of work into helping us make sure we could safely run some simplified activity afternoons for our Year 6 children who would have missed out entirely on their camping experience without that support. More recently, AIM have been working with us to firm up the advice we are giving to our schools about the current guidance

from the Department of Education and helping us reach out to other organisations who might be able to provide other perspectives on that guidance.

As a mobile company, The Outdoors People have been very fortunate to be able to safely resume some of our camps under the current guidelines. The work we've been doing over the last few weeks has been making a huge difference for children who've spent so long out of school and it's been very important to our schools that we start giving children these opportunities again. It's clearly vital to all children that the rest of the sector is allowed to restart their important work as soon as possible.

In the meantime, reaching out to our friends at other companies, pooling ideas and resources, and keeping dialogue open with government decision makers are all important steps. Even simple conversations about how best to sterilise a roll mat (we've gone with a big black bin full of water and Milton, let me know if you have a better idea!) will help us all hit the ground running. Companies like ours that are managing to resume some of our activities are well placed to pass on the lessons we're learning to others; businesses that are currently fully on hold should consider reaching out to us when they're updating their coronavirus risk assessments and operating procedures. A key thing that this situation has emphasised for us is how important it is that all safety systems, whether harnesses or hand-washing, are as simple as possible in order to avoid mistakes.

The Outdoors People are happy to support companies that are looking at ways to take their activities to their schools. Whether that's direct support by loaning equipment that would be too large an investment for short term use, or whether it's helping you figure out how to take your existing equipment and activities on the road.”



BeVenturesome

Graham Milton



“Opportunities have arisen where they wouldn't otherwise such as onsite careers days, assessment days for pupils and prefect training.

We have had a reasonable amount of success with these Team Building & Leadership Days: <https://beventuresometrips.co.uk/team-building-at-schools/>

I am also launching this which is getting some interest <https://beventuresometrips.co.uk/local-expeditions-for-schools>. It's basically meeting schools in the home counties for some adventure education programmes.

The first 2 bookings which I delivered in Sept both rebooked for November which is a good sign!”

AIM Review

AIM continues to grow in strength thanks to the support from you, our Members. We have been working hard since its formation to return that support through the cover we offer, the guidance we give, networking events and, in the recent difficult times providing financial support as well as lobbying for the sector.

To ensure you are getting all the benefits of the AIM Membership, we wanted to make sure you knew everything about us, together with some handy reminders.

What is AIM?

AIM is a membership community, established in 2007, dedicated to the activities industry. It was formed for the sole purpose of providing stable, cost-effective and high-quality liability cover for activity providers, individuals and organisations operating in this rapidly growing sector. Thanks to our first-hand industry experience, we are also able to provide competitive cover for activities that many insurers are reluctant or unable to include.

Your cover is in three parts. We provide the first part of your cover, up to a limit for each claim, in line with our Rules and Articles of Association. We arrange insurance above our part with MSA or QBE UK Limited (depending on the dates of cover), up to the full limits of cover shown on your cover documents. The third part is the Employers' Liability Insurance provided by MSA or QBE UK Limited so that Members meet their statutory obligations to their employees.

AIM is a discretionary mutual. This means that under our Rules, our Board has sole discretion when considering a claim and, if the claim is agreed in line with our cover wording, how much to pay. Our Rules also allow the Board to agree claims that fall outside the cover wording, taking into account individual circumstances.

AIM does not have any external stakeholders. It's owned by its Members and operated on their behalf via an

elected Board of outdoor adventure experts. We have included a section on our Board in this publication.

AIM is managed by Regis Mutual Management Limited, a professional management company that specialises in the setting up and running of mutuals. You can read more about the AIM management team and their interests on page 8.

What are the Benefits and What Makes Us Different?

Membership with AIM provides a variety of benefits including, but not limited to:

- member events;
- tailored assistance on claims;
- risk management guidance;
- a reduced fee for 24hr Incident support through Pharos Response;
- discounts for IOL Membership; and
- a small supportive team who really know the Membership and support you in your businesses.

In respect of accidents and claims, we do not simply settle liability claims on an economic basis; we look at each case on its individual merits and if liability is likely to attach, work with the Member to prevent further similar occurrences.

How has AIM Helped Members During the Covid-19 Pandemic?

When the National lockdown was announced in March 2020 it affected every AIM Member. Despite the schemes announced by Government like the Coronavirus Job Retention Scheme and the more recent Job Support Scheme, without being allowed to open or open fully, there have been some very difficult decisions to make and some Members have still not been able to reopen even partially.

To provide as much assistance and support as possible, AIM adjusted Members' covers to reflect the reduced risks, covering just the essentials, and in turn provided refunds or amended monthly direct debits to ensure more money remained in your businesses. AIM also offered a 3 month payment holiday to any Members who paid monthly to assist with cash flow problems.

The AIM team have been working at home, answering your questions and concerns as quickly and as best they can. We have been reviewing risk assessments and helping you navigate the maze of Government guidance as restrictions were eased and local lockdowns imposed. All of the team have been grateful for your understanding and support in these unprecedented times.

AIM has been working with organisations like the IOL and the UK Outdoors body, Save Outdoor Ed and Save Your Outdoor Centres to lobby Government to restart the outdoor industry. Please see pages 17 and 18 for details of these campaigns.

Legal Expense Assistance

AIM has been working with **ARAG** to provide Legal Expenses cover to all AIM Members at a very competitive price.

ARAG are a leading legal expenses provider, offering an extensive range of legal insurance and assistance products and services. The launch of this has been delayed due to the Covid-19 outbreak but we hope to introduce the legal expenses offering from January 2021.

In the meantime, ARAG have offered AIM Members access to the following Helplines. **Please note that until the AIM scheme is launched, there is no cover for legal expenses and these numbers provide advice only:**

Telephone helplines

Legal advice on business matters within UK and EU law:
0344 571 7978

Redundancy assistance, 9am to 5pm weekdays:
0330 303 1955

UK tax advice, 9am to 5pm weekdays:
0344 571 7978

Counselling service:
0333 000 2082

We understand that you simply need to state you are a Member of the Activities Industry Mutual (AIM) when calling.

Please do let us know your feedback should you take advantage of the services on offer.

The Main Benefits of the AIM ARAG Essential Business Legal cover will be:

Protection for legal costs arising from:

- employment disputes & compensation awards
- employment restrictive covenants
- tax investigations & VAT disputes
- legal nuisance, trespass or damage to property
- legal defence
- compliance & regulation
- statutory licence appeals
- loss of earnings
- claims involving your executives
- contract & debt recovery
- crisis communication for adverse media publications

- Cover is provided on the basis that the prospects of success are greater than 51%
- £100,000 limit for each and every claim
- Aggregate limit of £1,000,000 per annum for Employment Compensation Awards





Climbing the Walls – at home again?

The Association of British Climbing Walls supporting UK walls during Covid

by Kath Hipwell, CEO ABC Walls

We don't need to tell you it's a tough time for climbers, and climbing walls... walls were closed for months during lockdown(s) and their trade on reopening has been severely restricted by social distancing measures. This is putting our much-loved walls under financial pressure when all they want is to let their community do what they love. The lockdowns have also put climbers under pressure, possibly leaving them 'Climbing the Walls' more than most. Many climbers were keeping fit in innovative ways at home - hanging from landings, swinging across door frames and some even literally climbing the walls. Although (on and off, in some regions...) some of our freedoms have now been returned, we can all still feel quite constricted in the new normal, and most can't climb as much as they'd like.

The 'Climbing the Walls' campaign has enabled frustrated climbers to help support the walls they care about so we can all keep climbing. Funding has so far provided walls with a marketing campaign designed to help customers feel comfortable coming back to the wall, guiding them safely around the centres, maintaining good hygiene practices and social distancing. It has also funded **research** into climbing chalk and the Coronavirus which has found "Climbing wall chalk should not be considered a risk in the transmission of viruses like COVID-19, according to new research by scientists at De Montfort University Leicester (DMU)." This research is now being peer reviewed before full publication - as part of the standard research process.

We would encourage readers to support UK climbing walls by visiting **our shop** and posting a picture of themselves in their Climbing the Walls together t-shirt on the #climbingthewalls.

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



Shauna Coxsey – Team GB Sport Climbing



Who are the AIM Team?

QUESTIONS:

1. What's your role for AIM?
2. What's the best part of your job?
3. What are your interests or hobbies?
4. How have you coped with lockdown?
5. What activity are you really wanting to try?

Sophia Reed, Mutual Manager



- 1 Team, renewals, new business and liaising with the Board
- 2 Meeting and chatting to our Members and sorting out their issues
- 3 Running, swimming, knitting and being a Mum to teenage boys
- 4 Finding new running trails and some steep hills! Knitting beanies for family and friends. Wild swimming and learning to SUP.
- 5 I'd love to learn to climb indoors having had one taster session.

Ralph Doe, Accountant Executive



- 1 Supporting Members with renewals, new business and Risk Management guidance
- 2 Meeting with Members across the UK, learning about their businesses and helping solve any issues they have
- 3 Climbing, sailing and spending time outdoors with family
- 4 Exploring our local woodlands parks with my two young children. I kept my climbing going with a homemade training board and traversing around the kitchen island
- 5 I'd like to try white water rafting and tubing along the rivers in Sussex

Liz Easton, Senior Underwriter



- 1 Writing new and renewal business and helping Members with their day to day enquiries.
- 2 Getting to know our Members and hearing about their challenges and successes
- 3 Walking (especially with my dog Millie), camping, touring the amazing British countryside in my 2CV, baking and poultry keeping
- 4 Remarkably well, I am very fortunate to live in the countryside, with only my husband for company and I have enjoyed working from home and avoiding my daily commute. I do miss friends and family and I would love to be able to go to the theatre again.
- 5 I am no adrenaline junky and enjoy living vicariously through our Members

Amy Lawrence, Underwriter



- 1 Underwriting within the AIM department mostly on renewals and adjustments
- 2 Being able to chat with Members and help out. It's still a new industry for me so I'm learning new things about the Members all the time
- 3 I have a small child so hobbies are limited, when I have time I like running, gaming, reading, movies, board games and dog walks whilst listening to true crime podcast
- 4 At the beginning it was a struggle but since childcare became available again it was finding time to run and game!
- 5 I would really like to try SUP one day.

Brad Mott, Underwriter



- 1 Responsible for the new business and renewals; liaising with Members, Account Executive, Mutual Manager, Finance and Claims
- 2 The feeling that the service you provide to the Members is appreciated rather than a necessity, having long standing Members enjoying dealing with the same correspondent
- 3 American football and normal football, I used to run as well and ran the London Marathon, horology & crime books
- 4 I have enjoyed the time at home more with my young daughter and exploring the forest.
- 5 Once an old gym injury heals and I have more time I'd like to try bouldering.

Cath Watson, Marketing & Events



- 1 Responsible for all marketing activity to promote the Mutual, including digital online activity, Member relations and relationships with external bodies
- 2 Organising our annual events were always the best part of the job for me, something I have missed since Covid, but generally I enjoy engaging with the Members whether that be by social media or telling their stories in our Member Profiles
- 3 I like cycling with my family recently through Sussex countryside, camping in our VW, yoga when I get chance to unwind, dancing and music feature heavily in our house with many a kitchen disco now as we can't actually see live acts anymore
- 4 Cycling in the countryside has helped to get exercise and be surrounded by nature which is very calming. We now have two working from home stations which have been adapted with a range of camping tables, chairs etc.
- 5 I'd like to try some more kayaking

Richard Izzard, Senior Claims Handler



- 1 Handling liability claims made against Members and property claims made by Members.
- 2 Getting good outcomes for members on all types of claim.
- 3 Music and sound, both listening and creating.
- 4 I have been working from home since March and the radio is good company. Otherwise, a bit of DIY, improving my woodworking skills and learning music technology in greater detail.
- 5 A Segway perhaps, before they disappear.



James Willis Retires

James has been a very valued member of the AIM team at Regis since AIM's inception and we are truly sorry to see him leave. He will be enjoying a very well deserved retirement from the end of January 2021. We did not wish to let this event pass without recognising the tremendous impact and contribution which James has made to the Mutual.

James was instrumental in recognising the difficulties facing activity providers in obtaining liability cover back in 2004. To address the "high risk" image insurers had attached to the adventure sector at that time, he conducted a risk assessment survey of all AALA licenced providers which provided the data for insurers to take a more fact based approach to the sector and as a result, the AIM project was born! James moved to Regis in 2008 once critical mass had been achieved and AIM was established as a fully functioning mutual.

He has been a very valued member of the team here and is well known to many of the Members, having been a regular visitor to Members' sites for visits, renewal discussions, claims investigations and to meet Members. His role has allowed him to enjoy and participate in a wide variety of activities and we hope that he will find time to carry on enjoying these, as well as finding new challenges.

We will all miss him but wish him the very best for a long and happy retirement.

Thank you James!!



Mental Health Awareness

Ben Maxfield @ BXM Expeditions shares some words for us following Mental Health Awareness month.

We should start this off by saying we are not experts in Mental Health issues, however, we are experts in the outdoors and I'd say we have some expert skills in working with people, in particular younger people.

There is no denying and in fact many studies prove that the outdoors is great for your Mental Health, being in the outdoors breathing the fresh air helps people think clearly, reducing stress and often rationalise anxieties. The outdoors can bring joy free of charge and take your thoughts away from whatever it is that is causing you stress. Being outdoors allows the mind to spark your imagination and be creative with your thoughts. There is no judgement in the outdoors, just utter acceptance.

Acceptance, is something special that people in the outdoor world become accustomed to, particularly those who work in the outdoors. At BXM we employ over 400 outdoor practitioners and we allow them all to embrace their personalities and take them in to their work. So many individuals with quirky ways that form a solid base for our young people to feel accepted and free. Allowing our staff to be themselves shows the young people they work with that they too can be themselves. This ethos resonates all the way through BXM, including our liaison and logistics team who have no reason to put on an act with clients. BXM Media who make websites for outdoor professionals are encouraged to put their personalities in their work, everyone is given free reign and trusted, accepted.

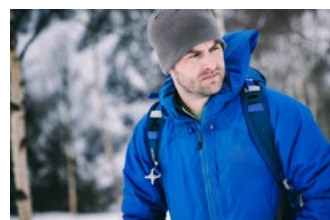
As for our Outdoor instructors, these are the people we try to look after the most, they are often on the road all summer, not going home to loved ones and working with different teams of instructors every week. This is great for making friends and meeting new people but the trade off is that they are at risk of becoming lonely if they feel they need some support. At BXM we recognise this and

work hard to ensure our instructors form a community where they will always have someone to talk to.

Whatever you are doing in life, indoors or outdoors, having someone to talk to at any given time is crucial. You can enjoy your time alone, but you should never actually feel alone. If you are worried or anxious then speak to people, communicate even if it doesn't feel effective you should try, rationalise the consequences of not doing something and try to remember thoughts are magnified at night. Try to make sure you go outside everyday even if it is a short walk, preferably somewhere with some nature, it will improve your mood and actually improves your memory.

BXM are committed to learning more about mental Health and our charity BXM Inspired is looking for investments so we can offer more trips for young people with mental health issues. All of the trustees are planning to launch an intervention trip for young people suffering with mental health and anxiety.

Mental Health issues and the anxiety they can create are no small thing and let's face it most of the time people don't know who around them is suffering, but someone close to you probably is, so be kind to everyone, accept individuality and never let anyone feel segregated. In reality, all anyone wants to do is help. We feel good for helping others so let's improve our mood at the same time as making someone else feel better.



Ben Maxfield,
BXM Outdoors





Why activity providers should see their marketing like another one of their services

When you are busy running your business, it is often a real challenge to see the big picture. For the first few years growing New Forest Activities, we did what most entrepreneurs do - worked hard and provided for our customers. This got us to a point where we had enough revenue to fund ourselves, but not enough to reinvest for future growth.

You'd have thought we'd done the hard bit, establishing a company, but actually the real challenge was still ahead of us.....How do you go from creating a job for yourself, to actually owning and running a business?

So just like how we learnt to kayak, we researched and modelled the experts. We read books by business mentors, attended seminars and training programmes. We even signed up with a business coach. He helped us to become businessmen who kayaked, rather than kayakers who had a business. There's big difference!

Arguably the thing that had the biggest impact for us was investing in quality sales and marketing processes. We are brilliant at building session plans, carrying out risk assessments and systemising the delivery of safe, fun, outdoor experiences. So why then could we not do the same to sell ourselves better?

It then stood to reason that as we were good at building systems for running sessions, why not build one for our sales and marketing too?

So, for the last few years we have been working very closely with a training and consultancy firm. We have now developed a clear system; a proven step by

step solution to getting all the customers we need, rhythmically and consistently. Obviously, things like COVID-19 don't help, but with a clear system to stick to, we've been able to keep our focus and still move our business forward.

The system has five parts to it and is ready to be shared:

Part 1: Find Your Gap

This is about understanding the real reason you are in business. What are your goals? How do you serve the market?

The Gap is also about getting comfortable with your numbers. Where you are now, where you want to be and why that is important to your business.

Once you know the numbers, now and the future ones – the gap is the difference between them. The other parts will bridge this Gap.



Part 2: The Foundation Blocks

This was the subject of a webinar I ran for AIM back in the summer. These eleven marketing fundamentals need to be in place if you want to scale your business. You might discount one or two, but you need to strongly consider them all before you do.

Part 3: Fix Your Marketing

Part 3 is the real nitty gritty to the system. It breaks powerful topics into bite sized bits, so you only do one or two at a time. Understanding your dream buyer, creating compelling offers and content, driving traffic to your funnels, and nurturing your list, is all taken care of here.

Part 4: Know the Score

All about the numbers. You need a scorecard so you can track improvements and know when things aren't working out. The system contains powerful single page tracking templates which give business owners visibility and focus.

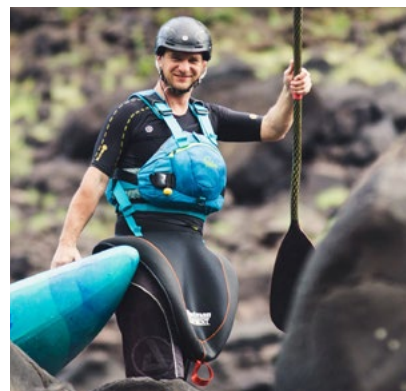
Part 5: Stabilise – Optimise – Maximise

Most businesses will go through the entrepreneurs' marketing system at least three times, with each circuit typically taking 9 to 18 months. The first circuit creates a solid set of systems, the second optimises these and the third is about scaling up to the next level.

If you are interested in growing your business through effective marketing, your next step would be to get your hands on a book which details the system & process. You can find out how here on my training website www.trainforthefuture.com.

To see what we do in action visit www.newforestactivities.co.uk.

I'm very open to feedback, comments and doing my best to help others. Email sam@newforestactivities.co.uk





Safeguarding of Children, Young People & Vulnerable Adults in Organisations

Safeguarding is an important aspect for any organisation dealing with children and vulnerable people.

An organisation is potentially vicariously liable for the actions of any employee, agent, sub-contractor or volunteer. The principle in law following the Christian Brothers case is that the employer can be held responsible for the deliberate torts (wrongs) of their employee or someone who is considered to be in a role 'akin to one of employment'. Therefore, as an organisation you could be responsible for the actions of an individual who is acting on your behalf even though you did not cause harm yourselves.

There are a number of recent decisions that have seen the issue of vicarious liability evolve:

1. **Cox v Ministry of Justice [2016]** –Prisoners at HMP Swansea worked in the prison kitchen. While unpacking a food delivery one of the prisoners dropped a sack of rice accidentally onto the Claimant's back causing her injury. The Supreme Court found the prison liable, confirming a relationship other than one of employment is capable of giving rise to vicarious liability; the prison could not run without prisoners working, therefore the kitchen work was an integral part of the operation.
2. **Mohamud v WM Morrison Supermarkets [2016]** –The Claimant asked the petrol station attendant if he could use the photocopier. Neither party were previously known to each other. The attendant racially abused the Claimant, refusing his request. The Claimant then left stating he would report the attendant, got into his car whereby he was followed

by the attendant who opened the car door and assaulted the Claimant.

Applying the Christian Brothers test the Supreme Court held that the attendant was an employee and so the supermarket was vicariously liable for the assault upon the Claimant. The employee's job was to deal with enquiries from customers and the subsequent assault was part of an unbroken chain of events stemming from the poor handling of the enquiry. Thus the extent of vicarious liability extends to extreme abuses of position.

3. **Armes v Nottinghamshire County Council [2017]** – The court held that the Local Authority was vicariously liable for abuse perpetrated by a foster parent. The foster parents were not in any formal employment relationship or under the direction of the Local Authority; the key issue was whether the foster parents' work was designated as being part of the activities of the Local Authority. The court determined it was. Part of the Local Authority's

remit was child protection which included placing children in temporary foster care. When looking at the position of control, although the foster carers were effectively left to their own devices, the court determined the Local Authority did have control because they had the power to select, inspect and supervise foster carers.

Therefore, in summary as an organisation you can be vicariously liable for:

- The actions of employees that are acting outside of their remit.
- Independent contractors, volunteers and individuals whom you have delegated duties to.

The usual limitation period for a personal injury action is 3 years from the date of the incident or the claimant's 21st birthday if they are a minor (under 18 years); or 3 years from the date of knowledge. But the courts can allow claims to continue outside of the limitation period and will consider and apply a certain factors such as the length and reasons for the delay; any prejudice caused by it; the defendant's conduct; and whether or not the claimant delayed, or acted as soon as they were aware they had a potential claim.

In practice, the courts have often been willing to extend the limitation period in recognition of victims of historical abuse. This has caused many problems for investigating historic claims from the 60s, 70s or 80s where documents are minimal or non-existent and the witnesses are no longer around.

A victim can claim compensation for the act of the abuse, such damages reflecting the extent, frequency and duration of the abuse, as well as the psychiatric injuries of which expert evidence would be required. In certain cases, aggravated damages may be appropriate. These are damages imposed as a form of punishment on the perpetrator which compensates the Claimant for the mental distress sustained.

The question of abuse can take many forms which are not always obvious, particularly with developments in technology. It can take the form of online grooming, social media exploitation and texting. The abuse does not have to be sexual in nature, it can be physical, emotional abuse or neglect.

Which organisations will perpetrators target?

Most obviously, those who work with, or are involved with, children and/or vulnerable people. Children with disabilities are at significantly greater risk of abuse.

- You need to ensure you make it very difficult for perpetrators to infiltrate your organisation by ensuring you have up to date and robust child protection policies, background vetting checks and are asking the right questions.

- If your staff are working with children, you should have a child protection (CP) policy. This is particularly important if staff (voluntary or paid) are interacting with children through their role. The CP might include a written statement of acceptable and unacceptable behavior, the age of children or young people that are allowed to attend without a parent, ratios of staff to children where staff interact with child visitors. The aim of the CP policy is that all children have the right to play safely.

Organisations also have a duty to support employees who are accused of acts of abuse. You should ensure you provide effective support for anyone facing allegations, which might include counselling and a named contact if the employee is suspended. It is important to maintain contemporaneous records of all conversations regarding the allegations, inform the Police where a crime is suspected/is reported to have been perpetrated, consider your own internal investigation and advise your insurer.



Kate Prestidge – 01245 951 726
kate.prestidge@plexuslaw.co.uk



Ron Ruston – 01245 951 732
ron.ruston@plexuslaw.co.uk

Ron and Kate are both Partners at Plexus Law in Chelmsford. Ron heads up the Local Authority Team and has significant experience in advising local authorities, activity centres and insurers on matters pertaining to personal injury, fatalities, police interviews and data protection. Kate heads up the Abuse Team in Chelmsford and has over 10 years experience working in the field of sensitive claims and child protection. She has completed her NSPCC designated Safeguarding Officer training and provides advice to clients on their safeguarding and child protection policies.

PLEXUS

Director Profiles



Andrew Gardiner, Acorn Venture

Andrew Gardiner, originally a teacher in Birmingham, founded Acorn in 1983, a company which now runs seven adventure centres in UK and continental Europe. Andrew has been an enthusiastic supporter of mutuality and AIM from the very beginning and has served on the Board since it was formed in 2007.

– *Chairman of the Mutual*



Bob Edwards, Stubbers Adventure Centre

Bob Edwards is the manager of a large multi adventure and outdoor education activity centre near London. Bob sees that cooperation and information sharing are essential to the success and development of small, independent and not for profit operations and considers his position on the Board as being a way of contributing to the industry.

– *Chairman of the Risk Committee*



Peter Gordon, Rockley Watersports

Peter started life as a dinghy instructor and slowly worked upwards. He was keen for his company to join the Mutual as he felt it understood the adventure activities industry and the risks involved. He feels that the Mutual offers benefits not normally available in the insurance market, in particular the Board's power to agree claims which are not included in the cover.

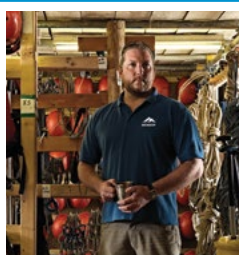
– *Chairman of the Finance Committee*



Paul Reeve, The Foundry Climbing Centre

Treasurer of the Foundry Climbing Club CIC. Co-Owner of the Foundry Activity Centre Ltd and Foundry Instruction & Coaching Ltd. Established in Dec 1990, the Foundry Climbing Centre was the UK's first independent, dedicated climbing centre which operates on behalf of its membership and the many youth groups and schools that use the facility.

– *Co-Chair of the Membership Committee*



David Eddins, Mendip

David is Managing Director of Mendip Outdoor Pursuits, the activity company he joined as an apprentice in 1995. Working his way up through the ranks David bought the company from its founder in 2006. David believes that AIM is a great example of how collaboration can make us stronger together, which is the core of his business ethos in the outdoors.

– *Co-Chair of the Membership Committee*

The Board of the Mutual meets four times a year. If you have any issues or concerns you would like to raise with them please feel free to **email**, addressing your message to The AIM Board.



#SAVEYOUROUTDOORCENTRES

Save Your Outdoor Centres

Due to restrictions from Covid-19 residential trips cannot take place in Scotland. While there has been great guidance issued on safe day trips, many of these centres are in extremely rural areas, making day trips very difficult. Which is why organisations from across the outdoor sector came together at the start of September to campaign for emergency financial support from the Scottish Government.

Most people remember their school camp, whether it was your first time away from your parents, or trying something scary that you didn't think you could do. For some many young people it is one of the highlights of their time in Primary school.

In Scotland 105 000 young people go on school camp every year, even more young people visit outdoor residential centres with their youth group or as a young carer for a chance to have some respite away from the challenges at home.

Residential centres are a place where young people get the chance to try out archery, mountain biking or kayaking for the first time and then they join that local club when they come home.

But they are so much more than just that. The evidence is clear that a residential experience is beneficial for mental health and can help with the attainment gap. Both of which are stretched now more than ever because of the impact of the pandemic.

The 'Save Your Outdoor Centres Campaign' launched on 8 September 2020 with a petition asking the Scottish Government to provide urgent financial support to Save Scotland's Outdoor Residential Centres.

Last week, the Scottish Government responded with the announcement of £2m of emergency funding to cover costs this winter.

The #SaveYourOutdoorCentres campaign has brought together organisations from across the outdoor education sector including The Outward Bound Trust, The Institute for Outdoor Learning, The Field Studies Council and Scouts Scotland. So far, it has gained the support of more than 35 organisations, including Children in Scotland, EIS, The Children and Young Peoples's Commissioner and more than 23,500 people have signed the petition.

The campaign is encouraged by the announcement from the Scottish Government about the emergency funding, although it is not the £3 million that was asked for and needed, it shows that the Scottish Government recognizes and values residential experiences for young people.

We are waiting to see the detail of the fund but we hope that it will allow centres to cover essential fixed costs, and will also allow the highly skilled staff from outdoor centres to work in partnership with schools to deliver meaningful outdoor education.



#saveoutdoored

Save Outdoor Ed

The future of outdoor education centres looks increasingly bleak; Government guidance advising against all residential school trips is still in place, and although some centres will be able to benefit from some of the Chancellor's newly announced schemes, they are certainly not enough to save many centres from ruin. So Outdoor centres are in need of your help!

As the furlough scheme comes to an end many employers will be unable to continue to pay their staff and there will be inevitable devastating consequences both for those individuals and the provision of high-quality outdoor education in the UK. Centres across our landscapes are being forced to make their skilled and dedicated staff redundant and sadly many centres have already closed their doors for good. Never to open again. The sector is set to be decimated and this provision for our young people will disappear.

With children's worlds becoming increasingly restricted and their environments more artificial, the need for reconnecting with nature and the outdoors has never been so great. The need to heal our younger generation and give them the space and freedom that these places provide has never been more apparent. These centres provide unique educational experiences, engaging children in learning, promoting academic success and giving children the confidence and self-belief to harness their capabilities into the future. These "special places" are remembered for a lifetime.

With schools recognising that residential centres can be as safe if not safer than schools and with many parents, teachers and headteachers keen to continue with

residential visits it is a frustrating situation highlighting how little the industry is understood by the current government. It's a gloomy state of affairs, but there is some light, if not at the end of the tunnel, then part way through!

Our industry is full of passionate, resourceful people who are working incredibly hard to raise the profile of our plight and bring it to the attention of those people making the decisions that are stopping children from visiting us. #saveoutdoored now has a network of dedicated representatives across the UK and has rallied support of many companies who support our industry as well as the industry's governing bodies. Our voice is getting stronger and our message amplified.

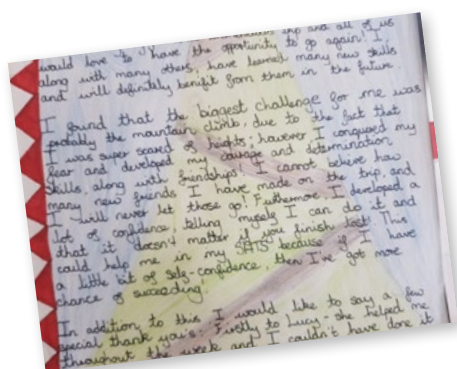
A statement from UK Outdoors has been released this week.

"The sector is continuing discussions with Government on the restarting of overnight educational visits. The Government has agreed to a formal review of the current guidance in November 2020, with a view to a managed, safe and Covid-secure return in 2021. The review will provide an opportunity for the whole sector to engage with Government departments and relevant agencies to

inform the review, address any remaining barriers and ultimately reopen educational visits.

As valued customers and service users, we would welcome Schools support, too, in further stressing the importance of educational visits. Ensuring all children and young people can benefit from these rich and varied educational experiences is imperative to helping students, schools and the education sector recover from Covid."

The #saveoutdoored campaign marches on with a children's letter writing campaign. Sometimes no-one says it better than the children themselves. We also have a giant #saveoutdoored banner which is completing a "Covid safe" tour of the UK visiting individual centres, highlighting the fantastic work they do and the beautiful and iconic locations they are able to visit with children. Our petition asking for the current guidance to change now has over 16,000 signatures, and we also support a new petition asking for financial support that has nearly 2k signatures. We continue to ask people to contact their local MPs make them aware of the situation in as much detail as possible. Both Tim Farron MP and Liz Saville Roberts MP have put forward EDMs in support of the outdoor education sector. Support for an All Party Parliamentary group is also building.



What you can do to help:

- **Write to your MP**, meet with them if possible, arrange a visit to your centre. Make them aware of the EDMs and the possibility of an APPG.
- **Sign the petitions** and share these
- Host the banner
- **Gain media interest** locally or nationally
- **Get involved in the children's letter writing campaign.** These letters should be addressed to Gavin Williamson SOS for Education, Members of the Education Select Committee and your local MP.

Anything you can do to help our campaign is greatly appreciated: our children deserve for us to fight for their access to these special places!

Early Day motions:

<https://edm.parliament.uk/early-day-motion/57542>
<https://edm.parliament.uk/early-day-motion/57603>

Petitions:

<https://petition.parliament.uk/petitions/330559>
<https://petition.parliament.uk/petitions/552754>

You can find us on:

Facebook <https://www.facebook.com/saveoutdoored>

Twitter <https://twitter.com/notifications>

Instagram

<https://www.instagram.com/saveoutdoorededucation>





Conferences and Events

Our planned annual Member Event was due to take place at the stunning Tower of London in early March 2020 but unfortunately, due to the Coronavirus outbreak, this had to be cancelled which was a huge disappointment for us all. As the landscape changed around us and we all retreated to our homes, we heard from so many of our Members needing support in this difficult and challenging time.

It goes without saying that we all faced a sudden change to our lives and uncertainty. Many Members were experiencing isolation and facing difficult choices regarding their businesses and what they were able to do going forward.

For most of us previously unfamiliar with Zoom, it was a daunting prospect learning how to conduct meetings and engage with colleagues and customers alike, but we wanted to be visible to our Members at a time when face to face contact was being restricted and our usual events and renewal visits were unable to continue.

Since the beginning of June we have held 7 Zoom meetings and socials with a variety of topics. Some were targeted at specific outdoor sectors and others as a general catch up for Members to chat and discuss ongoing issues or concerns.

We've looked at Duke of Edinburgh providers, Watersports & Coasteering, Outdoor Activity Centres and also had some guest hosts, one of whom Sam Sutton at New Forest Activities is featured in this Newsletter. Sam provided a Marketing webinar for business owners and those with an interest in growing their business.

Our Board's Directors have also joined us on the Zoom calls to share their experiences and offer support.

Our thanks to all those who have joined our Zoom meetings and contributed. We welcome any suggestions for speakers or topics for consideration at forthcoming AIM events.



Dates for your Diary

We are still waiting to hear confirmed dates for many external Conferences which would usually take place in the latter part of the year, however, at time of press these are the events we know of:-

ABC – Association of British Climbing Walls	Unconfirmed date June 2021	https://www.abcwalls.co.uk
IOL – Outdoor Sector Conference	No scheduled date at this time	https://www.outdoor-learning.org
Council for Learning outside the Classroom	Unconfirmed date November 2021	https://www.lotc.org.uk

AIM EVENT DATE 2021

AIM Member Day & AGM

The AIM AGM will be held on 18th March 2021.

At the present time it is not possible to confirm if we will have an event in person or virtually due to Government restrictions. Please join the **AIM Facebook Members Group** and look out for further announcements.

Follow us on: 