

OEAP EG: Risk Management and Risk-Benefit Analysis

Before reading this document, ensure that you have read and understood MOL guidance re “Underpinning Legal Framework”.

Employers have a legal duty to ensure that risks are managed. This requires that proportional (suitable and sufficient) risk management systems are in place, requiring the employer to provide such support, training and resources to employees as is necessary to implement policy, including access to competent advice.

While there is no legal requirement to produce a risk assessment in a particular format, there is a legal requirement for the process to be recorded and for suitable and sufficient control measures to be identified for any significant risks i.e. those that may cause serious harm to an individual, or harm several people.

It is important that those leading off-site activities appreciate that the legal requirement is to manage risks (requiring them to be reduced to an acceptable level) and not to eliminate risks – as would be a reasonable expectation when risk assessing an industrial work shop or manufacturing process.

The risk management of a given off-site activity needs to be informed by the benefits to be gained from participating, as well as the possible hazards to be encountered and risks to be managed. It is therefore good practice to make the starting point for any risk assessment to be a consideration of the targeted benefits and learning outcomes. An appreciation of the benefits to be gained through participating provides objectivity to a decision that any residual risk (i.e. the risk remaining after control measures have been put in place) is “acceptable”. Where the planning of activities is in accordance with MOL guidance, the identification and recording of benefits will have been tackled at the very outset of the planning process and will only need cross-referencing in the risk-benefit assessment record.

HSE provide a clear lead in their “*Principles of Sensible Risk Management*” and strongly promote their relevance to schools and similar settings. Young people encountering risk sensibly managed are presented with an unrivalled learning opportunity. Exposure to well managed risk helps children and young people learn important life skills, including how to manage risks for themselves. Responding to this need may well be one of the fundamental aims of many areas of outdoor learning provision. It therefore follows that such aims should be encouraged, rather than avoided. This approach is also strongly advocated by other reputable bodies such as RoSPA.

A risk assessment for an off-site activity need not be complex but it should be comprehensive. At its simplest, it could be thought of as the recorded minutes of a staff meeting, where the challenges (risks) that are reasonably foreseeable in a particular activity are discussed, along with the actions identified to address those challenges (control measures) are recorded.

The recording of the risk assessment process in the context of outdoor learning activities should avoid using technical or numerically based formulae. Such an approach to risk assessment is unlikely to be practicable in a dynamic activity situation. Managing groups of young people in an off-site context often requires decisions to be made in the context of rapidly unfolding (and possibly unforeseen) events that are also subject to the vagaries of human behaviour within an evolving (and possibly stressful) group dynamic. On this basis, there is good reason to say that a formulae-based approach to risk assessment is too complex and therefore “not fit for purpose”. Visit leaders and their supporting team should be reassured that, where they have the appropriate competence (based on training and experience), it is this professionalism that will provide the basis upon which they should make their decisions on how best to manage risks.

Leaders should also be reassured that HSE has long promoted the view that the risk management process should be:

- Simple.
- Manageable
- Proportional.
- Suitable and sufficient.

These principles can be refined in an outdoor learning context, where the process should manage risks by:

- Being an integral part of the overall planning process for the visit.
- Ensuring leaders have the competence to manage the process positively and successfully.

- Focusing on the competence of leaders and group members.
- Building upon previous experience of similar visits.
- Encouraging this process to be collaborative, ideally involving both the staff team and the young people.

The process will be most effective when it:

- Recognises the experience and professionalism of leaders.
- Provides evidence that the process has been followed.

Those leading visits and outdoor learning activities will be investing their time wisely if they ensure that they are familiar with some of the basic terminology that has evolved to support a better understanding of risk management.

The key terms are as follows:

- Benefits – positive learning outcomes to be achieved by participating in the chosen activity.
- Hazard – anything with the potential to cause harm.
- Risk – the possibility that someone will be harmed by the hazard.
- Control measures – the arrangements in place to reduce the risk to an acceptable level.

While there is no legally prescriptive process, the following methodology has been adopted by the majority of employers and is promoted in EVC and Visit Leader training courses.

The risk management process can be broken down into distinct and sequential stages:

- **Establish clear aims, objectives and targeted outcomes:** This is a critical point of reference that is essential in making sound judgements as to whether the level of risk is acceptable. It is a case of identifying “the ends”, so that there is some objectivity in addressing whether “the ends can justify the means”. It is therefore useful to consider the task as one of "Benefit-Risk Analysis", with the identification of the targeted benefits as the first step.
- **Make effective use of generic risk assessments:** These are a starting point for developing a safety management plan based on experience of similar visits. They may also be statements of current good practice as set out in an establishment Activity Policy document or Operational Guidance document. They will provide generic prompts to leaders and set out, the challenges usually associated with that type of activity, as well as how those challenges can be addressed or controlled. They may also take the form of employer policies, NGB guidance, or be a specified establishment’s unique operating procedures.
- **Event specific risk assessments:** These assessments are best undertaken by the Activity/Visit Leader, should ideally involve the Assistant Leaders (and young people where appropriate) and will be unique to each specific occasion. Using the generic risk assessment as a prompt, the event specific risk assessment will take into account the chosen venue, the unique characteristics of the particular group, and any activity-specific needs, including the environment, accommodation, the leaders and factors such as transport. A particularly effective use of a generic risk assessment is as a check that all the challenges have been addressed. NB. Generic risk assessments remain non-specific until deemed suitable (possibly with amendments).
- **Ongoing or Dynamic risk assessment:** This is what steers how decisions are taken when the visit is taking place. It is about applying sound group management strategies in appropriate situations. While it will be informed by what was planned and should reflect the recorded, event specific risk assessment, it will be a dynamic process and is not required to be *written down*. It involves professional judgements, informed by competence based on training and experience, and will be responses to changing circumstances. It is critical that the planned control measures are monitored and confirmed or adapted as events dictate. In practice, it is only these ongoing decisions that will determine whether the group remains safe and whether activity is successful. A sound

understanding of this process underlines the requirement that leaders must be competent to undertake such responsibilities as they are allocated.

- **The review process:** The lessons learnt from Ongoing Risk Assessments should inform future visit plans as "refined generic assessments". This requires that a Review Process should be seen as an essential part of sound risk management.

Why should the event specific visit risk management process be seen as a staffing team task led by the Activity/Visit Leader?

- Ensures ownership of the control measures and how these fit into the overall plan for the visit.
- Enhances the probability that management of the visit reflects the planning process.
- Ensures that the Activity/Visit Leader both plans and manages the visit within the context of their own experience, knowledge and capability, together with that of the supporting staff they manage and deploy.
- Activity/Visit Leaders are better placed to decide on appropriate control measures for their young people at an identified location and undertaking agreed activities.

What will the ideal risk management process include?

- A clear identification of the targeted benefits and learning outcomes.
- An input of the staffing team at the planning stage.
- An input by young people where appropriate.
- A thorough briefing of any volunteer helpers.
- Referral to existing generic risk assessment documents.
- Support and guidance from the EVC.
- Identification of any training needs.
- Some reflection on any lessons learned from the last similar visit.
- Some reflection on lessons learned from other parties that have experienced problems with similar activities.
- Producing written evidence that records the above process.
- After the event, the updating of any risk management format, identifying any salient points to inform any repeat visit.

The recording process/sheet should be an active document and designed to:

- Provide a useful aide memoire for planning and management.
- Be customised to meet establishment needs and the event.
- Be used for staff briefings and understood by everyone concerned.

Key features of the process should include:

- A manageably sized document.
- A header section with essential details which include the name of the establishment, leader, location/purpose, date and three main sections:
 - Cross reference to the record of the planned benefits and learning outcomes.
 - Identification of significant hazards and risks.
 - Control measures stating how risks will be managed.

Key areas to be considered include:

- The venue - site and environment, including accommodation where relevant.
- The group, including any individual special needs.
- The programme of activities.
- The staffing and issues relating to effective supervision.

An alternative to using prompts on the recording sheet is to have a separate checklist.

The above approach is not the only way to do a risk assessment. There are other ways that work well, particularly for more complex risks and circumstances, as might be found in the day-to-day running of an adventure activity centre. For this type of outdoor learning, a Risk Analysis Management System (RAMS) has been developed as a common model that has undergone rigorous scrutiny by professional AALS inspectors, and is based on a "Cycle of Competence" approach.

The following key phases can be identified within the Cycle of Competence process:

- Collate evidence based on experience of what is known to work from reputable sources such as NGBs.
- Establish the Codification of control measures. e.g. adopt NGB or in-house operational procedures.
- Implement training and assessment courses. e.g. NGB awards or in-house statements of competence.
- Monitor activity provision/delivery. e.g. NGB or in-house.
- Review and Revision. e.g. periodically, or in response to an incident and always dynamically.

The above process is based on a common sense approach that answers very simple questions:

- Was the leader once good at it?
- Is the leader still good at it?
- Has the leader been there or done it before?
- Has the leader got a plan B?

IT can play an important role in supporting an effective risk management process, as where:

- An IT system allows the exemplars of colleagues to be placed on a network so that they can be shared.
- It facilitates rapid copy/paste/amendment and distribution to colleagues for preparation /agreement etc
- Typed risk assessments are easy to read and so more easily shared.
- Having blank forms or forms pre-prepared on the system can help provide easy access. This can also help to bring risk management into the planning process more easily.
- The facility to download and share previous records will assist in the effective implementation of the process.
- E-mailing colleagues can be an effective means for circulation of information such as safety notices, managed incidents, near misses and investigation outcomes. However, leaders should not underestimate the value of face-to-face discussion of risk management issues.
- It is good practice for employers to produce web and CD model generic risk management materials for their employees.

Heads/managers and EVCs should ensure that the systems they put in place address the following questions:

- Are all staff given specific training on risk management and assessment in the context of visits and off-site activities?

- Is such training kept up to date with HSE recommendations on "Sensible Risk Management", based on proportionality and minimising bureaucracy?
- Is there a requirement that the Visit Leader involves other staff (and young people where appropriate) in the planning and preparation of the visit, including the risk management and recording of the risk-benefit assessments.
- Is there a standardised or recommended format for recording risk assessments?
- Is the bureaucracy minimised by adopting employer's generic risk-benefit assessments and making use of any exemplar event specific risk assessments?
- How are generic risk assessments or exemplar event specific risk assessments made available to Visit Leaders and their staffing team? Intra-net? CD? Hard copies?

How can bureaucracy be kept to a proportional and manageable level?

- Use previous, similar risk management documents as a starting point for future visits.
- When using a Provider, remember that you only need to risk manage those aspects of the visit for which you are responsible. e.g. transport to and from the venue and supervision during non-programmed time.
- When using a provider, you do not want copies of their risk assessments but you do want a written assurance that they have appropriate risk management systems in place – unless the provider has a LOtC Quality Badge; or, in the case of adventurous activities, an AALS licence or Adventuremark; or, in the absence of the above, a management Statement of Competence. A model of such a statement has been drafted by AALS and can be found in this guidance. **(Insert reference)**
- For repeat visits that occur regularly with the same leader, the same group and the same activity, the whole programme can be covered within a single process and recorded as such. Use of rolling programme approval from parents and from management, together with rolling programme risk assessment (with provision for amendment where required) will significantly reduce the administrative burden e.g. as in swimming lessons, local visits and team fixtures.
- For repeat visits that occur regularly with the same leader, the same activity but with a different group of young people, the documentation will need to require that the process has been reviewed to take account of the new group. Where there is a significant change of control measure required, this can be recorded on the previous documentation and be both signed and dated.
- For repeat visits within an ongoing programme, e.g. sports fixtures, swimming as a curriculum activity, it may be less bureaucratic to write a Policy document which includes a generic risk assessment, supported by a statement that any significant variations from the policy norm will be recorded separately.