



## Common Sense, Common Safety?

by Julian Penney

**M**embers who are actively involved in the delivery of outdoor activities with young people are unlikely to have escaped the debate initiated since the release of Lord Young of Graffham's much awaited review into current health and safety practices. This was commissioned by the Prime Minister in an attempt to reduce bureaucracy and the 'compensation culture' that is often the refrain of some elements of the UK's media.

As members of the outdoor community whose customers often consist of school aged children, we are of course well versed in managing risk. Indeed, it is a legal requirement under the Health and Safety legislation from 1974 and was made particularly prominent after the 1993 Lyme Bay tragedy that catalysed the Adventurous Activities Licensing Regulations and the formation of their inspectorate, still known to most of us as AALA. If one accepts that outdoor education is important for the rounded development of young people, that there is a degree of risk associated with this and that the benefits outweigh these risks, only the foolhardy would argue that there is no place for risk management. Despite having its roots in heavy industry, the original legislation from the 1970s has many excellent provisions for us: most notably the concept whereby risk management methodology only has to plan for and mitigate the impact or risks that are reasonably practicable to foresee. Risk assessment is therefore about protecting people and should be a part of any well planned outdoor activity. It is a positive process that all professional outdoor providers and practitioners undertake as a matter of course today.

The key recommendations of Lord Young's report which affect our industry are to:

- simplify the process that schools and similar organisations undertake before taking children on trips
- introduce a single consent form that covers all activities a child may undertake during his or her time at school
- shift from a system of risk assessment to a system of risk-benefit assessment and consider reviewing the Health and Safety Act to separate out play and leisure from workplace contexts
- abolish the Adventure Activities Licensing Authority and replace licensing with a code of practice

If one puts aside the motivations for this report, which some commentators suggest are in response to misunderstood processes and inflated negative media perceptions of risk management, there are some outcomes that have the potential to profoundly impact the way we currently work. Simplifying the risk management process and balancing the risks and benefits that can be gained from the activity are of course laudable aims which few would argue with. However, it remains to be seen in practice how compliance to a code of conduct can be maintained without an inspectorate such as AALA and whether a single consent form can cover all activities in reality. AALA has contributed a significant amount to our field and there are few license holders who have not benefited practically from the professional and impartial advice given by their team.

The Institute of Outdoor Learning welcomes the spirit of this report if it is likely to increase participation in activities that might otherwise not have been planned due to misunderstood concerns over health and safety. Since the report's publication, the IOL has also been proactively engaging with other bodies within the industry in order to ensure our Members' interests are best represented in any future system. The format of this is still far from clear and we look forward to the Government's detailed implementation plan. It would be a shame to 'throw the baby out with the bathwater' in an area where, according to accident figures, risk is generally well managed by a community of professional individuals for whom practical common sense is not normally in short supply. ■

### **Julian Penney**

Julian is a Trustee of the IOL and, as Operations Director at World Challenge, is responsible for managing risk for over 10,000 people travelling on expeditions worldwide each year. The report can be downloaded in full from

<http://www.hse.gov.uk/aboutus/lordyoung/>

IOL will provide further commentary on the implications of the report in the coming months