

Nothing Ventured...

Balancing risks and benefits in the outdoors

By Tim Gill



“The next generation is tomorrow’s workforce. Helping young people to experience and handle risk is part of preparing them for adult life and the world of work. Young people can gain this experience from participating in challenging and exciting outdoor events made possible by organisations prepared to adopt a common sense and proportionate approach that balances benefits and risk. I support this publication for the encouragement that it gives to everyone to adopt such an approach.”

Judith Hackitt CBE, Chair, Health and Safety Executive

“Developing confidence and risk judgement among young people is crucial if we are to structure a society that is not risk averse. We need to accept that uncertainty is inherent in adventure, and this contains the possibility of adverse outcomes. A young person’s development should not be unduly stifled by the proper need to consider the worst consequence of risk but must be balanced by its likelihood and indeed its benefits. Counter-intuitively, the key to challenging risk aversion among leaders and decision makers, is the application of balanced risk assessment. It is only by objective analysis that the benefits and opportunities of an activity can be weighed against their potential to go wrong. Indeed I feel that the terminology should be changed to ‘risk/benefit assessment’. For the most part, as previous generations have learnt by experience, it is rare indeed that a well planned exercise leads to accident. It will instead be most likely to bring a sense of enterprise, fun and accomplishment, so vital for maturity, judgement and well-being, which must nearly always offset the residual and inevitable risk. Our mantra at RoSPA sums up this approach: We must try to make life as safe as necessary, not as safe as possible. This is why I am delighted to support the work of the OEAP and Tim Gill with *Nothing Ventured*. We welcome the debate this will promote.”

Tom Mullarkey OBE, Chief Executive, Royal Society for the Prevention of Accidents

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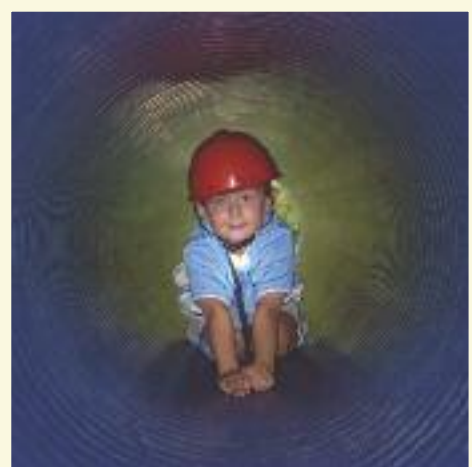
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Introduction

Children and young people have a thirst for adventure and challenge. This is evident from their earliest efforts to crawl and walk, and can be seen throughout childhood. What is more, the majority of children grow up to be competent, confident people who lead healthy, fulfilled lives.

Despite this, children and young people face growing adult anxiety over their safety, across many aspects of their everyday lives. While we do not want children to come to harm, our fears can lead us to underestimate their own abilities and to overreact to extremely rare tragedies.

A 2009 Girlguiding UK research report entitled *Redefining Risk: Girls shout out!* found that “over-anxious adults, exaggerated media coverage and the inconsistent application of rules supposedly designed to keep girls safe have contributed to a climate of worry and misinformation.” As a result, many girls and young women are more concerned about statistically unlikely scenarios than genuine risks to their well-being. The report argued that “given information and opportunities to experience risk in a positive environment, girls can develop the confidence and skills to make the best decisions for themselves.”



This anxiety is a real barrier to those who wish to extend children's opportunities for outdoor and adventurous activities and experiences. Fears about being blamed or sued, and pressure to carry out burdensome paperwork, are leading many teachers and others working with children to water down the activities they provide, or even to forego visits and outdoor activities altogether.

A mindset that is solely focused on safety does children and young people no favours. Far from keeping them safe from harm, it can deny them the very experiences that help them to learn how to handle the challenges that life may throw at them. There is an emerging consensus that our society has become too focused on reducing or eliminating risk in childhood. And research suggests that overprotecting children can lead to longer-term problems with mental health and well-being.

Concern about the so-called 'cotton wool child' has emerged from some surprising quarters. In 2008 the Chair of the Health and Safety Executive (HSE), Judith Hackitt, gave a blunt warning about the dangers, stating: “If the next generation enter the workplace having been protected from all risk they will not be so much risk averse as completely risk naïve.”

Introduction

Within education and children's services, there is growing awareness of the value for children of learning experiences that take place outside the classroom.

The benefits of outdoor education are far too important to forfeit, and by far outweigh the risks of an accident occurring. If teachers follow recognized safety procedures and guidance they have nothing to fear from the law.

David Bell, Former Chief Inspector of Schools, 2004

One of the key benefits is the opportunity for children and young people to learn about risks for themselves, to experience a degree of freedom and to take more responsibility for their own safety and well-being as they grow up. Many adults have vivid childhood memories of everyday freedom, playing out of doors for hours at a time in places that were exciting and adventurous, often well beyond the anxious gaze of parents or other adults. Children and young people growing up today do not have the same opportunities for everyday adventure. Over the last twenty or thirty years or more, their movements have become more restricted, their free time more curtailed, and their behaviour more closely monitored by adults. For example, the 'home territory' of the average eight year old child – the area that child is allowed to travel around on their own – has shrunk by 90 per cent in a single generation. Today, many children of this age are not even allowed outside their front doors alone.

So when people say that children grow up faster today than in previous generations, they are confusing appearance with reality. Children may look like they are growing up faster – they may be adopting adult styles and mannerisms, and engaging more with adult technology and culture. But when it comes to everyday freedoms, the horizons of childhood have for decades been shrinking steadily. There are of course exceptions; in a small minority of cases children may have too much freedom, and their parents may exert too little control. Nonetheless the broad picture – of children spending ever more time under the watchful eyes of adults – is undeniable. The lives of some groups – disabled children, for instance – can be especially restricted.

Hence the risk of harm cannot and should not be eliminated entirely, if we are to give children the chance to respond to life's challenges. What is more, the fact that most children lead more constrained lives at home means that extra efforts may need to be made to give them a taste of freedom, responsibility and self-reliance.

Nothing Ventured... Balancing risks and benefits in the outdoors aims to encourage readers to take a reasonable and proportionate approach to safety in outdoor and adventurous settings, and to reassure them that managing risks should not be a disincentive to organising activities. It is not a 'how to guide'. Rather, at a time when many wonder whether society has gone too far in trying to keep children safe from all possible harm, *Nothing Ventured...* adds its voice to the call for a more balanced approach: an approach that accepts that a degree of risk – properly managed – is not only inevitable, but positively desirable.



Some myths have emerged that act as a real barrier to a balanced approach to risk. These myths, summarised in the box below, are explored in more detail throughout this publication.

MYTHS AND MISCONCEPTIONS

- 1 The number of school visits is in serious decline
- 2 Visits and outdoor activities are excessively dangerous
- 3 Teachers face a serious risk of prosecution
- 4 Litigation is rampant
- 5 The courts are systematically making bad judgements
- 6 Teaching unions are advising teachers not to lead or take part in educational visits

MYTH 1

The number of school visits is in serious decline

“End of School Trips” ran a *Daily Express* headline in November 2004. This myth has been repeated in both the media and in Parliament for years, yet has no basis in credible research. In fact, statistics from local authorities suggest the opposite. For instance, in the academic year 2002-2003, high schools in Worcestershire notified the local authority of 240 visits that met the criteria requiring notification. In the academic year 2005-2006, the same schools provided notification of 640 visits that met the same criteria – an increase in activity of around 230%.



Nothing Ventured... is aimed at educational and recreation practitioners and managers working with children and young people, including teachers, youth workers, early years, play and out of school professionals and others working in children's services. It has a focus on adventurous activities, although much of the content is relevant to other learning contexts. It is written with an English legal and policy context in mind, but is also relevant to those engaged in outdoor activities in Wales, Scotland and Northern Ireland, and – to a degree – beyond these shores.



Why does adventure matter?

Few would disagree with the view that parents, teachers and others who look after children need to take a more balanced approach to risk. Adventurous activities are a key response to this plea to redress the balance around risk. They are amongst the most engaging, enjoyable and rewarding learning activities that children and young people can do, inside or outside the classroom. They can build confidence, offer new experiences, provide insights into character and even transform lives. They have the power to do this precisely because they are up-front in their goal of taking children beyond their existing competences: they make explicit demands on those who take part.

“Young people of all ages benefit from real life ‘hands on’ experiences; when they can see, hear, touch and explore the world around them and have opportunities to experience challenge and adventure.

Council for Learning Outside the Classroom website

The demands that adventurous activities make may be physical, or skill-based: tackling a strenuous hill walk, for instance, or learning how to abseil. But there is another dimension: even where there is a very remote chance of physical injury – for instance, in a harnessed zip wire descent – participants are still being asked to develop their personal qualities, and to risk their reputation and status in their own eyes, and in the eyes of peers and others.

The English Outdoor Council, in its publication *High Quality Outdoor Education*, identified five cross-cutting themes of high-quality outdoor educational activities, of which one was safety and risk management.

The document states that:

“in high-quality outdoor education the young people themselves are actively engaged in the process of risk assessment, at the planning stage, whilst undertaking their activities, and in debriefing and review. Risk management is a ‘life skill’ in its own right. Learning this skill will be of value to young people both in the work place and in other aspects of their adult life.”

The HSE’s Chair, Judith Hackitt, supports the view that activities with a degree of risk can be a benefit. In 2009 she told a Learning Outside the Classroom conference: “part of the process can and should be about setting realistic expectations and making those who want to take part in the activities aware that in doing so they are exposing themselves to risk – and that’s a good thing! Why? Because life itself is full of risks we cannot avoid. We all survive by learning how to deal with risk; and helping young people to experience risk and learn how to handle it is part of preparing them for adult life and the world of work.”

Because adventurous activities make demands on children and young people – physically and emotionally – they cannot be entirely risk-free. Indeed in most cases, at the heart of the offer is meaningful engagement with *real risk* – not perceived risk (as in the harnessed zip wire) but real risk, in which participants take a degree of responsibility for what happens.



Why does adventure

So one of the ways that we can help children to prepare for adult life is to expose them to managed risk, while supporting them in learning how to cope. For instance, we help children to learn how to manage the risk of drowning not by keeping them away from the sea, rivers or lakes, but by teaching them how to swim, and how to manage the water environment. Outdoor education often takes an incremental approach to risk, gradually increasing children's exposure as they gain confidence, with self-management, sound judgement and self-reliance as the ultimate goals.



The Duke of Edinburgh's Award (DofE) supports over 275,000 people aged 14-24 in a programme that, according to the charity, "aims to instil a spirit of adventure, and have a lasting impact on young people's behaviours, skills and life chances". A key part of its programme is for participants to carry out an unaccompanied expedition that must be completed through the participants' own physical efforts. The DofE's Expedition Handbook is clear that "adventure and discovery always involve some measure of risk", that expeditions should involve responding to a challenge, and that one of the benefits of doing an expedition is that participants learn to manage risk. While the initial level of challenge is determined by the team, "the weather and the demanding surroundings in which the expedition takes place always necessitates the team responding to a series of unforeseen challenges." The Expedition Guide also states that, of all the qualities entailed in the safety and well-being of participants doing DofE expeditions, "that of sound judgement is the most important. Sound judgement, along with responsibility and maturity, arises from effective training coupled with progressive and varied experience over a period of time. It cannot develop unless there are opportunities to exercise judgement."

This does not mean that successful participation in adventurous activities means being reckless about safety, or scaring people witless. In fact, a careful balancing act is in play. Too little risk, and the activity loses significance. Too much risk, and too little reward, and participants can be put off the activity, left emotionally scarred, or – in the worst cases – suffer permanent loss. The educational adventure writer Colin Mortlock describes a spectrum of 'adventure states' of increasing intensity.





matter?

The spectrum starts with play that is well below a participant's capacity. It ranges through adventure and what Mortlock calls 'frontier adventure' – where participants are experiencing challenges close to their limits – to misadventure, when participants are overstretched, with possibly serious consequences.

What this spectrum shows is that sometimes, the difference between success and failure, between exhilaration and catastrophe, can be very small. However, Mortlock also recognises that the same activity might be too boring and tedious for one participant, but too demanding for another. In other words, different people have different thresholds for adventure and challenge. Hence it is the subjective nature of the experience that matters. This in turn is partly to do with the activity itself, and partly to do with the capabilities and resources of the participants. A well-planned adventure activity is pitched at a level that stretches the participants beyond their comfort zones, but is not so challenging that they feel completely out of their depth. Bob Barton, author of *Safety, Risk and Adventure in Outdoor Activities*, picks up Mortlock's argument when he writes: "Without uncertainty of outcome, without risk, we may have a very fine recreational experience, but we no longer have adventure."

A sense of challenge is part of the essence of true adventure, and a degree of risk is the inevitable consequence. Many of us recognise this from our childhood memories. This means the outcomes, good or bad, cannot be completely determined in advance. This in turn means that, even with careful planning, tragedies may occur during adventure activities, as they occur in everyday life. While it is human nature to look back with the benefit of hindsight at the circumstances leading up to a tragic event, and to pinpoint things that might have been done differently, it is neither reasonable nor feasible for activity organisers to be expected to offer guarantees of safety. We need to recognise that there is such a thing as a genuine accident: from time to time, terrible things happen and no-one is to blame.

This does not let those who organise and provide adventure activities off the hook. Previous tragedies have shown that lives have sometimes been lost needlessly because actions and decisions fell well below the standards any reasonable person would expect.



What are the risks?

Teachers can be forgiven for believing that children regularly come to serious harm on outings and activities. The media can sometimes appear to give that impression. Yet the reality is that visits and activities are by any measure comparatively safe. Minor accidents and upsets are not uncommon – and should not be ignored – but again, there is nothing to suggest these are any more frequent than in everyday life.



MYTH 2

Visits and outdoor activities are excessively dangerous

Looking at school visits, on average, out of around 7-10 million days of activities by children and young people who take part, there are perhaps two or three fatalities a year, of which on average only one is directly related to the adventure activity itself. (A similar proportion is related to traffic casualties that occur while travelling to and from visits.) This means that – taking into account the amount of time spent participating in such activities – the likelihood of a fatality is about the same as in everyday life. To put it another way: on a typical school visit, the children who take part are at no greater risk of death than their schoolmates who have stayed behind.

Accidental deaths, children under 16, England and Wales, 2006

Road transport	114
Drowning/choking/suffocation	69
Fire/flames	24
Falls	16
Rail/Water/Air transport	4
Poisonings	4
Other accidents	33
Average fatalities per year on activities during school visits	1

Sources: RoSPA, Adventure Activities Licensing Service

When looking at what might go wrong, it is the risks to children and young people that should be our primary focus. Yet in many cases, agencies can become focused not on the risks to children, but on the risk to their own resources, reputation and good name. They fear a so-called 'blame culture' by which any adverse outcome, even if it is relatively minor, can become the focus for accusations, recriminations and litigation.



How does the legal system respond when something goes wrong – when accidents happen, as they inevitably will from time to time? The picture is not as bleak as many believe. The starting point is that the primary responsibility lies with the employer, not the employee. HSE Chair Judith Hackitt, summarised the legal position in a speech to members of the NASUWT teaching union in 2008, stating: “Teachers are not personally sued and in the very small number of cases where teachers have been prosecuted it has happened because teachers have ignored direct instructions and departed from common sense”.

MYTH 3

Teachers face a serious risk of prosecution

Since 1996 (when these sorts of cases started to receive more official scrutiny) just two teachers have been convicted after failures relating to an accident on visits or outdoor activities. One other teacher had a conviction overturned on appeal. Perhaps the most well-known case involved a fatality at Glenridding Beck in the Lake District in May 2002, when a teacher led a group of students on a plunge-pooling outing. The teacher leading the expedition pleaded guilty to manslaughter. It was found that water levels at the site were unusually high, and water temperatures low; the teacher had been warned on the day by other visiting groups not to enter the water; no rescue rope had been prepared; and no ‘plan B’ had been made. The trial judge described the leader’s actions as “reckless in the extreme”.

Looking first at criminal prosecutions, as Myth 3 shows, such cases are incredibly rare, though inevitably they generate a great deal of debate.





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Turning to civil claims, while there is a theoretical risk of personal liability, to date these have without exception been made against organisations, not individuals. And again – contrary to public opinion – the hard figures show that there is no epidemic of lawsuits (see Myth 4 below). Indeed the lawyer Julian Fulbrook in his 2005 book *Outdoor Activities, Negligence and the Law* states that the number of legal claims has been going down. Moreover, while anecdotal evidence suggests that some claims are today being made for incidents that in the past would have been put down to bad luck, the typical amounts involved are by any measure very small.

MYTH 4

Litigation is rampant

A survey by the Countryside Alliance in 2009 suggested that the total amount paid out in compensation for school visit incidents by education/children's services departments across England and Wales over the last 10 years was below £1 million. Around half of departments had not settled a single claim over the whole decade, while the average payment was a few hundred pounds per department each year: equivalent to a few pounds per school.

re the risks?



Even when claims are made against organisations, they can often be successfully defended. A number of local authorities, including Wolverhampton Metropolitan Borough Council, take a robust, principled approach to liability claims. Where the Council believes it is at fault, claims are settled. But where it does not, claims are contested, if necessary in the courts. This approach benefits from close liaison between the Council's corporate risk managers and children's services (in particular, the play section). To support this, a corporate policy framework has been adopted that explicitly sets out a balanced approach to risks and benefits. In the same way the Scouts Association, which has its own in-house insurance, contests all claims where it believes it is not at fault. Out of around 50 or 60 such claims a year, only around six end up in court, and in most of these the claims are turned down.

Despite the rarity of cases against schools, teachers or organisations, concern has grown about the impact of the fear of litigation. In response, Parliament introduced a new Act, the Compensation Act 2006. Part 1 of the Act makes it clear that, when considering negligence claims, the courts may take into account the danger of discouraging or deterring 'desirable activities' such as visits.

While this Act did not change the legal basis for liability claims, it has had the effect of emphasising the existing need for the courts to take into account the benefits of activities when considering the duty of care. Recent cases have prompted lawyers to suggest that the courts, in the wake of the Act, accept that some activities carry with them an inherent level of risk.

Even in the media, attitudes to school visits and children's safety are changing. While emotive reports of extremely rare tragedies are still part of the picture, stories that allege over-the-top protective measures and that bemoan a wider culture of excessive safety are becoming more common. Given the media's wish to grab our attention, we should not perhaps be too surprised at this contradictory take on the topic. But it does show that the debate is moving on.



Legal context

What does the law state about safety on visits and adventurous activities? The short answer is perhaps surprisingly straightforward. It can be captured in a single word: reasonableness. Those organising and providing activities outside the classroom are expected to take reasonable steps to ensure the safety of the children and young people taking part. The notion of reasonableness is central to the key legislation: the Health and Safety at Work etc Act 1974 and the Occupiers' Liability Acts 1957 and 1984.

Of course, the key question is 'what is reasonable'? The answer, not surprisingly, depends largely upon the circumstances. But two important recent legal cases, explored in Myth 5 below, show that the law provides a sensible framework. They bring out two crucial legal points. The first is that the courts take the view that risks and benefits need to be balanced, and any proposed preventative measures need to take this balancing act into account, and also to be proportionate in cost terms. The second is that where risks in an activity are inherent and obvious, and people choose to take part, the law takes a common-sense position about the duty of care.



MYTH 5

The courts are systematically making bad judgements

It is a popularly held view that the law now takes the view that all risk has to be eliminated, and that when even obvious risks lead to injury or loss, the victims will nonetheless be supported by the courts. The reality is very different, as shown by two precedent-setting legal cases. The first, *Tomlinson v Congleton Borough Council*, was a civil liability claim arising from a young man who suffered permanently disabling injuries as a result of diving into shallow water in a lake in a country park. The case went to the House of Lords in 2003, where the claim was rejected, even though the park management had identified the risk, but had failed to carry out planned safety measures. One of the Law Lords judging the case, Lord Hoffmann, said: "... the question of what amounts to such care as in all the circumstances of the case is reasonable depends upon assessing, as in the case of common law negligence, not only the likelihood that someone may be injured and the seriousness of the injury which may occur, but also the social value of the activity which gives rise to the risk and the cost of preventative measures. These factors have to be balanced against each other."

The second, *Poppleton v Trustees of the Portsmouth Youth Activities Committee*, involved a man who fell from an indoor bouldering wall after attempting to jump from one part of the structure to another. The man sued the operator and was awarded damages, but the case was overturned on appeal. The Court of Appeal took the view that there were inherent and obvious risks that did not need to be brought to users' attention and did not require special training or supervision.

There is a requirement, under the Management of Health and Safety at Work Regulations 1999, to carry out a 'suitable and sufficient assessment' of the risks associated with a site or activity, and to act accordingly. The phrase 'suitable and sufficient' again recognises that the nature and scope of the assessment depends upon circumstances. However, in recent years the trend has been to conduct ever more detailed risk assessments, because of the fear of litigation. The trend has become so pronounced that it has even troubled the HSE, which states bluntly on its website that 'sensible risk management is not about generating useless paperwork mountains'. There is a clear call for local authorities and other agencies to reduce the bureaucratic burden imposed on those involved in visits and activities, focusing on people and processes, not paper. The HSE website also echoes the

judgement of Lord Hoffmann (quoted above) in saying that 'sensible risk management is about providing overall benefit to society by balancing benefits and risks'. The HSE accepts, then, that there is no overriding requirement to eliminate or minimise risk, nor even to reduce identified risks. This view also squares with public policy and public attitudes. When public views on safety are explored in detail, it is clear that people take, and expect, a balanced approach to decision-making: one that takes into account a range of factors, of which reducing adverse outcomes is but one.



The role of guidance

Local authorities and employers should provide guidance on how risks and benefits should be assessed and managed in different circumstances, including situations where external agencies such as adventurous activity providers are used.

Such materials should be helpful and supportive. However, guidance can only go so far, and can never deal fully with all the possible circumstances and situations that may arise on a visit or during an activity. Indeed too much guidance, at too great a level of detail, can be counterproductive, because it can reinforce a distorted approach to risk management that focuses on technical compliance rather than critical thinking and proactive problem solving. According to Marcus Bailie, Head of Inspection at the Adventure Activities Licensing Service, when things go wrong, the primary questions posed in any resulting inquiry, whether conducted internally or by the courts or regulators, are 'what happened on the day?' and 'was it reasonable?'.



Some feel that risk management in outdoor activity contexts is still overly concerned with reducing risks, and is prone to lose sight of benefits. One problem is that procedures can be based on those developed in industrial settings, and may not be so appropriate in outdoor or adventurous contexts. In a factory or office, exposing people to risk is, generally speaking, undesirable. There is no great merit to employees or visitors in having an unprotected drop, or a challenging crossing point over water. By contrast, as argued above, in outdoor and adventurous programmes a degree of risk or challenge is often of intrinsic worth, because of the benefits that come from children and young people learning how to overcome the challenge.



The HSE has put forward one approach to risk assessment, called *Five Steps to Risk Assessment*. However, the HSE recognises that other approaches can be taken, and may be more appropriate depending on the circumstances. *Nothing Ventured...* supports an approach to risk management called risk-benefit assessment that aims to assess and manage both risks and benefits together. Two sets of forthcoming guidance, from the Department for Children, Schools and Families and from the Scottish Government, are both expected to support this approach.



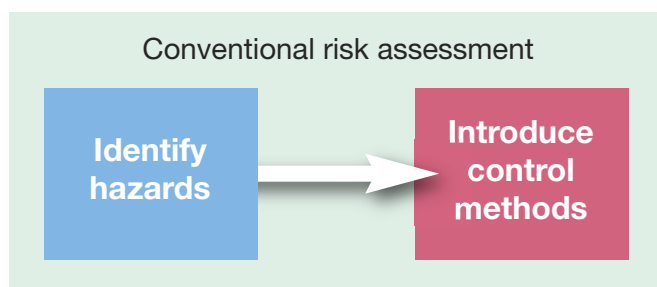
Risk-benefit assessment in practice

Risk-benefit assessment brings together in a single procedure an assessment of both risks and benefits. To quote the publication *Managing Risk in Play Provision: Implementation Guide*, which outlines how risk-benefit assessment can be applied in play services and facilities, it “focuses on making judgements and identifying measures that manage risks while securing benefits”. The approach is supported by Government, and crucially has been recognised by the HSE as forming part of the risk management process, as required by health and safety regulations.

Risk-benefit assessment starts with identifying the benefits or objectives of an activity. It then considers the potential risks, and reviews the possible responses to these risks before reaching a judgement on the actual measures that will be taken. As with conventional risk assessment, the relevant considerations, including benefits, are recorded in written form to provide an audit trail.

Being clear and explicit about benefits not only helps with risk management, it also provides a sound basis for evaluating programmes and activities. This is an important point because one of the criticisms of some outdoor learning initiatives is that they are not always well evaluated.

The method set out in *Managing Risk in Play Provision Implementation Guide* does not involve any scoring or arithmetic, since such procedures can be confusing and difficult to apply consistently in play and learning contexts, and moreover can struggle to cope with the subtleties and dilemmas thrown up by real-life situations. Instead, it puts forward a narrative approach that simply encourages those carrying out the assessment to state the factors they have considered and the judgements they have reached.



Professional awareness of risk-benefit assessment has grown considerably because of work on playground safety. However, it has long been implicit in the ethos and goals of agencies such as those providing adventurous and outdoor activities, and has been elaborated theoretically in the form of a ‘triangle of risk’ (benefits, hazards and control measures). The University of Central Lancashire, which provides degree courses for outdoor professionals, recognises that students have to encounter risks if they are to become well-equipped to support experiential learning once they have qualified. Hence it plans to introduce risk-benefit assessment into its risk management systems. The approach is also being put into action elsewhere.



Risk-benefit assessm

Enable Scotland is a charity that campaigns for a better life for children and adults with learning disabilities and supports them and their families to live, work and take part in their communities. One service it offers is to provide activities and visits for children and young people, including adventurous and outdoor activities. In response to worries that the activity planning was becoming too cautious and overly influenced by the impetus to remove risk, the charity developed a risk-benefit assessment form that gathers key information about the benefits for participants. The form asks about the benefits to the person of taking part, and how would the person feel if prevented from taking part. The form also asks for information on what could go wrong – but the next question is ‘what could be done to get a positive outcome?’

The form has, according to Kathleen Nicol, Training & Quality Manager at Enable Scotland, made a real difference to the approach of staff. She says: “Usually the penny drops about the advantages of risk taking and the importance of not wrapping people up in cotton wool.”

Forest school is a learning initiative where children leave the classroom to have weekly sessions in woodlands or other outdoor settings, led by specially trained teachers. By their very nature, forest school programmes require a thoughtful approach to balancing risks and benefits. The activities on offer may include building dens, using knives and tools, and fire-based activities, with children being given significant choice and control over what they do. The approach, developed in Scandinavia, is spreading throughout the UK (in Worcestershire over 300 settings are running programmes). It is often taken up in early years settings, and is also used by primary and secondary schools as a way of reconnecting disaffected or disengaged children with learning.

Torbay Council is running forest school programmes in four early years settings, delivered by Forest Foundations. They will include an analysis of benefits as part of the risk management procedures. Children will be explicitly and directly involved in risk assessments, as is common in forest school projects. Another forest school project, at Broomheath Plantation in Cheshire, states in its information pack for parents that the aim is “not to remove all risk, but to manage acceptable risk”. Simon Harding, who runs the scheme, explains that children do sometimes sustain minor injuries like cuts, scrapes or bruises, but that: “Parents are always more accepting than popular myth would have one believe, as long as the child shows understanding of how the injury occurred and how to avoid it in future.”



ent in practice

Some local authorities are also developing procedures that allow benefits to come into the equation. Worcestershire County Council emphasises the importance of an explicit consideration of benefits when managing risk. Its Learning Outside the Classroom (LOtC) Guidance states:

“An holistic view of the risk management of a given activity needs to be informed by the benefits to be gained from participating in the activity, not just the hazards and risks. It is therefore a good starting point for any risk assessment to identify the targeted benefits as early as possible in the process... Young people encountering risk sensibly managed are presented with an unrivalled learning opportunity and exposure to well managed risk helps children 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 Learning Outside the Classroom. It follows that such aims should be encouraged, rather than avoided.”

Worcestershire's guidance, like *Managing Risk in Play Provision Implementation Guide*, advises against technical or numerical scoring systems, stating that:

“such an approach to risk assessment is unlikely to be practicable in a dynamic LOtC activity situation. When managing groups of young people in an off-site context – where rapidly unfolding (and possibly unforeseen) events will also be subject to the vagaries of human behaviour within an evolving (and possibly stressful) group dynamic – there is good reason to say that a formulae-based approach to risk assessment is too complex and therefore ‘not fit for purpose’.”

Thinking about benefits alongside risks does not just help to tackle excessive risk aversion. It can improve the way staff deliver programmes, it can help to give visits and activities a clearer purpose, and it can enable the goals to be communicated more effectively.

For instance, judgements about how children are supervised can be difficult to get right, particularly with older young people and during less structured or unstructured periods. Supervisory staff can feel under pressure to intervene at the first sign of trouble. This in turn can close down valuable opportunities for participants to learn for themselves the implications of their actions. It can also lead those taking part to feel resentful or hostile at what they see as unnecessary and unreasonable interference. If it is recognised in advance that one of the aims of the visit is to allow participants some freedom, choice and control, and the chance to take a degree of responsibility for their actions, this will support a more balanced approach to interventions. This is especially likely if children themselves are made aware of the expectations about their behaviour, and are given the chance to reflect on and discuss how they should respond to the freedoms they have been granted.

Taking a risk-benefit perspective can also foster a better understanding about safety, and more productive dialogue, amongst all the parties involved. All too often, schools and providers can feel under pressure to respond to the fears of the most anxious parents, even when this may compromise goals or lead to the wishes of the silent majority being ignored. However, where children, parents, schools and teachers, and specialist adventure activity organisers and providers all accept that challenging situations will be encountered and are to be expected, even welcomed, discussions are unlikely to lead to unproductive debates about how ‘safe’ an activity is. This is a question that is all but impossible to answer, because different people have different interpretations of safety. Instead, the focus will be on the nature of the risks, how they relate to benefits and how they can be managed.



Successfully challenging a risk averse culture

Many who work with children and young people would agree that they should be given the chance to learn how to cope with a range of challenges, and that they should not be overprotected. Yet it is easy to slip into a pessimistic or cynical frame of mind about risk when someone brings up health and safety as an issue. Ambitions are scaled down, obstacles imagined, and enthusiasm levels fall.

A little probing will often reveal that the issues may not be so cut and dried. The response 'you can't do that due to health and safety' may not be based on reality, but on confusion, misunderstandings, anxiety and (sometimes) even laziness.

MYTH 6

Teaching unions are advising teachers not to lead or take part in educational visits

It is widely believed that the teaching union the NASUWT advises its members not to lead or take part in educational visits. In fact, NASUWT guidance does not state this (though it does advise members to think carefully before becoming involved). The union has given its formal support to the Learning Outside the Classroom Manifesto.

This tendency for wrong-headedness about risk has been highlighted by the HSE itself. In 2006 it launched a campaign to promote sensible risk management that stated: "some of the 'elfandsafety' stories are just myths." One example from education is the widely-held belief, especially amongst early years practitioners, that eggboxes and toilet rolls are banned from use in craft activities, due to the risk of bacteriological contamination. In fact, no credible agency has ever taken this position. It is a myth, and was identified as such by the HSE on its 'myth of the month' web pages.

Myths and confusion are not the only problems. Trees really are being cut down, hanging baskets are being removed and schools are banning playground games, all because of a misguided grasp by some individuals of the concept of health and safety. Although the climate is improving, there are still unnecessary barriers to giving children and young people the kinds of learning opportunities that will foster their competences and resilience, and give them a greater sense of responsibility for their actions.



One challenge is that within organisations it is rare to see a consistent, coherent approach. So while face-to-face staff may want to give children experiences that expose them to a degree of managed risk, their managers, or their colleagues in charge of health and safety, may take a different view.

How can this problem of differing attitudes to risk be overcome? It is best tackled by building a shared vision: a common understanding or position on risk that all those involved sign up to. Without such a shared vision, those whose concern is solely reducing the risk of loss, such as risk managers or insurance providers, may have too great an influence on the services or activities provided. When it comes to delivering benefits and weighing these up against risks, the risk management chain of command is only as strong as its weakest link.

Building a shared vision could usefully start with getting the key people in a room to discuss and agree a position on risks and benefits. Managers and corporate health and safety teams may be open to the idea that their procedures need revisiting and revising along risk-benefit lines, given the lively public and professional debate around risk and how it may be affecting children's lives and futures.



Conclusions

Education in its broadest sense is not just about delivering a curriculum. It is about giving children the chance to extend their life skills. It is about developing their confidence. It is about fostering their resilience and sense of responsibility. And – let us not forget – it is about the enjoyment, engagement and excitement of venturing out into the real world, with all its capacity for uncertainty, surprise, stimulation and delight.

All of these goals depend upon creating space and time for children to take a degree of control for their actions: giving them meaningful challenges that inevitably give rise to real risks. This means that the outcomes will never be entirely certain. While the risks can be managed, they cannot and should not be eliminated, and absolute safety cannot and should not be guaranteed.

The time is right to move on from unproductive debates about the blame culture.

We need instead to talk about how we can take a confident approach to planning and providing activities beyond the classroom. This means being clear and articulate about benefits as well as risks. It means recognising that, while procedures and paperwork may underpin sound judgement and good sense, they do not drive it. And most important of all, it means having a clarity of vision about the kind of learning opportunities that children and young people deserve, and about the challenges they are capable of taking on – and succeeding at – if only we give them the chance.



When Karen Surrall became head teacher of St James CE Primary school in West Malvern, Worcestershire in 2005, the children complained that the curriculum was “boring” and parents complained that the kids did not spend enough time outside. So began a journey with both the children and the staff.

Wherever possible, rules that were in place simply to regulate rather than to protect were removed. The children and staff wrote the risk assessments together – for the play equipment, the playground and ultimately for snowballing. The aim was to enable children and staff to enjoy taking acceptable risks, and to understand the reasons for any safeguards that were in place.

Staff are encouraged to plan for learning outside as often as possible, both on and off site. Karen explains: “We invested in training for all our staff, including teaching assistants. We began a weekly forest school session in reception, and this is now embedded throughout key stage 1. All our science is taught through forest school sessions. Our year 5 and 6 children go on an annual residential visit to Llanrug Outdoor Education Centre, where they push themselves physically and emotionally. They arrive back rightly proud of their achievements.”

Five years on, Karen feels that the children are enthusiastic learners, understand why challenge is necessary and are learning how to be successful in their learning. OFSTED judged the care, support and guidance of the children to be ‘outstanding’ and the school’s SATS results are the best since she arrived.



Next steps for you/your organisation

- Review risk assessments and other procedures with a view to including information about benefits.
- Review activity programmes and outdoor initiatives and draw up explicit statements about the benefits of participation, including life skills and competences as well as curriculum benefits. Ensure these benefits are widely disseminated, discussed and understood.
- Set up a seminar/discussion meeting to review the philosophy and framework underpinning policies and procedures, with the aim of developing systems that look holistically at risks and benefits, and that recognise that making children safer from immediate harm may reduce their overall health and well-being. The meeting should bring together all the key players involved, including legal teams, insurance and risk managers and health and safety leaders as well as educational visit coordinators and providers.



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About the Outdoor Education Advisers' Panel

For information about the work of the Outdoor Education Advisers' Panel and to find your local outdoor education advisor, visit www.oepap.info from whom further copies can be obtained.

In addition you can contact The Institute of Outdoor Learning Bookshop at www.outdoor-learning.org.

About the author

Tim Gill is a writer and researcher whose work focuses on childhood and risk. To find out more, visit his website www.rethinkingchildhood.com.

