



Children and Young People's Services Guidance for the Management of Outdoor Learning

(Chapter 16: Health, Safety and Premises Handbook)

June 2014



School/Service Declaration

By signing below I confirm that the following school or CYP service adopts this guidance in full and agrees to abide by its contents when delivering outdoor learning activities.

School or Service: _____

Authorised Person: _____ (Print name)

(Signature)

Designation: _____

Date: _____

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1. Provision of National Guidance

Stoke-on-Trent City Council recognises the Outdoor Education Advisor's Panel *National Guidance (OEAPNG)* as formal National Guidance following the Government's withdrawal of Health and Safety of Pupils on Educational Visits. This LOfC guidance can be found on the following web site:

www.oepng.info

It is a legal expectation that employees **must** work within the requirements of their employer's guidance; therefore Stoke-on-Trent Children's Services employees must follow the requirements of OEAP's Employer Guidance, as well as the requirements of this Guidance Statement.

Where another employer (such as the Governing Body of an academy) wishes to opt into Stoke-on-Trent guidance, systems and processes for supporting and monitoring Outdoor Learning (OL) activities, they should produce a policy statement that makes this clear.

Where a Stoke-on-Trent employee commissions OL activity, they must ensure that such commissioned agent has either:

1. adopted OEAP National Guidance

or

2. have systems and procedures in place where the standards are not less than those required by OEAP National Guidance.

2. Scope and Remit

The OEAP National Guidance document "**Basic Essentials MUST Read - Status and Remit**" clarifies the range of employees whose work requires them to use the guidance. In summary, it applies to employees whose work involves any one of the following:

- direct supervision of young people undertaking experiences beyond the boundary of their normal operational base;
- direct supervision of young people undertaking experiences that fall within the remit of Outdoor Learning;
- facilitating experiences for young people undertaking experiences beyond the boundary of their normal operational base;
- deploying staff who will supervise or facilitate experiences of or for young people undertaking experiences beyond the boundary of their normal operational base;

This applies regardless of whether or not the activities take place within or outside of normal working hours, including weekends and holiday periods.

3. Ensuring Understanding of Basic Requirements

As an employer, **Stoke-on-Trent** is required to ensure that its employees are provided with:

- appropriate guidance relating to visits and Outdoor Learning activity;
- employer-led training courses to support the guidance to ensure that it is understood;

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- suitable systems and processes to ensure that those trained are kept updated;
- access to advice, support and further training from an appointed Adviser that has expertise and professional understanding of the guidance, as well as the training and expectations set by current good practice.

The appropriate first-point guidance for the management of Outdoor Learning in Stoke-on-Trent is the OEAP Employer Guidance website. Headteachers and Educational Visits Coordinators can receive further guidance – and interpretation of written guidance – from the local authority's Outdoor Education Adviser (see below).

The relevant training courses in Stoke-on-Trent are:

1. Stoke-on-Trent Educational Visit Coordinator (EVC) Training - all Stoke-on-Trent Children's Services establishments are required to have a current, Stoke-on-Trent-trained EVC in post.
2. Stoke-on-Trent Educational Visit Coordinator (EVC) Revalidation - all Stoke-on-Trent's Children's Services establishments are required to ensure that their EVC undertakes a formal revalidation every three years.
3. Stoke-on-Trent Visit Leader Training – this course is strongly recommended for all those who lead LOtC activities. Currently there is no revalidation requirement. However, to meet OEAP guidance requirements regarding leader competence, leaders must be current in their knowledge of expectations of good practice, so update refresher training is strongly recommended.

For the purposes of day-to-day updating of information, Stoke-on-Trent EVCs and Visit / Activity Leaders are directed to the homepage of Evolve (which includes information on how to access the relevant courses) available at www.stokevisits.org.uk.

Where an employee experiences problems with finding the material they are looking for, or require clarification or further help and guidance, they should contact their establishment's Educational Visits Coordinator (EVC). If the EVC is unable to provide clarification then the EVC should approach Stoke-on-Trent's Outdoor Education Adviser for guidance.

The nominated adviser in Stoke-on-Trent is: **Adam Geens**

Telephone: 01782 503208, email: adam.geens@stoke.gov.uk

4. Approval and Notification of Activities and Visits

Stoke-on-Trent recognises three categories of visit:

Category A visits: Low-risk, non-residential visits to venues within the Stoke-on-Trent City boundary. Examples include local sports fixtures, swimming lessons, library/museum trips and park visits.

Category B visits: Low-risk, non-residential visits to venues outside the Stoke-on-Trent City boundary. Examples include trips to the Manchester Museum of Science and Industry, Alton Towers, county sports fixtures and ice skating.

Category C visits: Any visit involving a residential stay, overseas trip or an adventurous activity, or any visit that combines one or more of these elements. Examples include Stanley Head or similar outdoor centres, skiing (on snow or artificial surface) and any trip involving a sea crossing.

Employer guidance **must** provide clarity on issues where responsibilities and functions are delegated. This is particularly critical in establishing requirements regarding formal notification and formal approval of activities.

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Stoke-on-Trent uses an online system for notification and approval called Evolve (www.stokevisits.org.uk). A key feature of this system is that visits and activities requiring approval are automatically brought to the attention of the Local Authority. Those visits and activities not requiring approval may be viewed, sampled or monitored using the database and diary facilities of the system.

It is a requirement that all Stoke-on-Trent Children's Services establishments use the Evolve system; for further advice and help using the system, the establishment should contact the nominated adviser (see section 3).

The visits that require LA approval (Category C) fall under the following categories:

- Overseas trips
- Residential trips
- Adventurous Activities (led by providers **or** establishment staff).

Headteachers and Heads of Services have delegated approval authority for all other visits. This approval for Category B visits must still be done through the Evolve system – this is a requirement of the visits insurance policy, and enables the LA to monitor all trips. The local authority strongly recommend that schools and services also use Evolve for Category A trips, but this is not a mandatory requirement.

Timeframe: Overseas trips must be approved on Evolve by the Head of Service at least two months before the due departure date. UK residential and adventurous trips must be approved on Evolve by the Head of Service at least three weeks before the date of the trip.

5. Risk Management

As an employer, Stoke-on-Trent has a legal duty to ensure that risks are managed - requiring them to be reduced to an “acceptable” level - and not to eliminate risks, as would be a reasonable expectation when risk assessing a piece of machinery, work shop or manufacturing process. This requires that proportional (suitable and sufficient) risk management systems are in place, requiring Stoke-on-Trent to provide such support, training and resources to its employees as is necessary to implement this guidance.

The risk management of an activity should be informed by the benefits to be gained from participating. Stoke-on-Trent strongly recommends a “Risk-Benefit Assessment” approach, whereby the starting point for any risk assessment should be a consideration of the targeted benefits and learning outcomes. This 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”. HSE endorse this approach through their **“Principles of Sensible Risk Management”** and advocate that it is important that young people are exposed to well-managed risks so that they learn how to manage risk for themselves.

There is no legal requirement to produce a risk assessment in a particular format; but 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. However, Stoke-on-Trent has adopted a particular risk assessment format and it is strongly recommended that this format be used for written risk assessments. The template for this format can be found on the *Resources* section of Evolve.

6. Emergency Planning and Critical Incident Support

A critical incident is an incident where any member of a group undertaking an off-site activity has:

- either suffered a life threatening injury or fatality;
- is at serious risk; or
- has gone missing for a significant and unacceptable period.

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OUT OF HOURS SUPPORT

The number to call if you are a Visit Leader that requires Local Authority support with a critical incident on a school/service trip out of hours is **01782 234567**.

However, you no longer ask for the Civil Contingencies Officer. If you require LA support for a critical incident or need to notify the LA of a critical incident you should now do the following:

- Call **01782 234567**;
- Inform the operator that you are a Visit Leader on a school or [insert name] service trip and a critical incident has occurred;
- Provide the operator with information about the incident, including your contact details.
- Ask Stoke on Call to contact the Director on Call
- The Director on Call will then contact you to obtain further information and help to co-ordinate the City Councils Response. The Director on Call will either advise you on what to do straightaway or they will call you back.

It may be that no action is required if the incident is under control and the school/service contact has made the appropriate phone calls to parents, Headteacher/Head of Service and other relevant people. However, the Director on Call may decide to involve the Director of Children and Young People's Services, and the Chief Executive, depending on the nature and severity of the incident. The Director on Call will also ensure that the LA press office are notified so that all press enquiries can be directed to them.

SUPPORT DURING SCHOOL/OFFICE HOURS

If a Visit Leader requires LA support with a serious incident during school hours, they could call the Director of Children and Young People's Services on 01782 236100 and explain the situation directly to this person. If the Director is unavailable you will either be transferred to the Director on Call or you should call 01782 234567 and follow the above procedure for out of hours incidents.

In the event of an incident, all press and media enquiries will initially be dealt with by the emergency services. **No member of the party should speak to the press except to inform them that a statement will be issued in due course.**

7. Monitoring

As an employer, Stoke-on-Trent ensures that there is sample monitoring of the visits undertaken by its establishments, either by attaching such monitoring duties to its officers, or by delegating these tasks to establishments. Such monitoring should be in keeping with the recommendations of OEAP Employer Guidance. There is a clear expectation that the monitoring function is a delegated task, principally carried out through systems put in place by the establishment EVC.

8. Assessment of Leader Competence

OEAP Employer Guidance provides clear advice regarding the assessment of leader competence. It is an expectation of Stoke-on-Trent that all leaders and their assistants have been assessed as competent to undertake such responsibilities as they have been assigned in line with the OEAP Employer Guidance.

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9. Role-Specific Requirements and Recommendations

OEAP Employer Guidance sets out clear and detailed responsibilities and functions of specific roles that relate to roles to be found within Stoke-on-Trent Children's Services management structures. These are:

1. Director of Children's Services
2. Lead Member(s) for Children's Services
3. Line Manager of an Outdoor Education Adviser
4. Outdoor Education Adviser
5. Adviser (other than an OEA) including Health and Safety Officer
6. Manager of an Outdoor Centre

OEAP Employer Guidance sets out clear and detailed responsibilities and functions of specific roles that relate to roles to be found within most Children's Services establishments. These are:

1. Member of Board of Governors or Management Board
2. Headteacher
3. Manager of an establishment other than a school
4. EVC
5. Visit or Activity Leader
6. Assistant Visit leader
7. Volunteer Adult Helper
8. Those in a position of Parental Authority

10. Charges for Off-Site Activities and Visits

Stoke-on-Trent Heads/Managers, Curriculum Planners, EVCs and Visit/Activity Leaders must take account of the legal framework relating to charging, voluntary contributions and remissions as set out in sections 449 to 462 of the Education Act 1996.

11. Vetting and CRB Checks

Stoke-on-Trent employees who work *frequently* or *intensively* with, or have *regular access to* young people or vulnerable adults, must undergo an enhanced CRB check as part of their recruitment process.

For the purposes of this guidance:

- *frequently* is defined as "once a week or more";
- *intensively* is defined as 4 days or more in a month or overnight.

However, it must be clearly understood that a CRB check (or other vetting procedure) in itself is no guarantee as to the suitability of an adult to work with any given group of young or vulnerable people.

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The placement of an adult within a situation of professional trust (where young people could be vulnerable to physical or mental exploitation or grooming) should always be on the understanding that an overview based on a common sense risk-benefit assessment process has been considered.

12. Requirement to Ensure Effective Supervision

In general terms, the Law does not prescribe activity-specific staffing ratios; but it does require that the level of supervision and group management is “effective”. The risk management process should also include due consideration for the appropriate supervision of young people overnight.

Effective supervision should be determined by proper consideration of:

- Age (including the developmental age) of the group;
- Gender issues;
- Ability of the group (including special learning needs, behavioural, and medical and vulnerability characteristics);
- Nature and location of the activity (including the type of activity, duration, skill levels involved, as well as the time of year and prevailing conditions,
- Staff competence.

However, as an exception to the above, Ofsted and DfE guidance prescribe ratios for Early Years.

Alcohol on visits

No adult in a supervisory role should consume alcohol at any point on a visit. It is the view of the local authority that if an adult is on a visit then they are, by definition, undertaking a supervisory role **at all times**. If an adult is surplus to requirements with regards to supervision then consideration should be given to the necessity for that person to be attending the trip.

No students are allowed to consume alcohol on visits, even abroad where they might be of legal age in the country of destination.

13. Preliminary Visits and Provider Assurances

All visits should be thoroughly researched to establish the suitability of the venue and to check that facilities and third party provision will meet group expectations. Such information gathering is essential in assessing the requirements for effective supervision of young people. It is a vital dimension of risk management.

Wherever reasonably practicable, it is good practice to carry out a preliminary visit. Establishment policy should clarify the circumstances where a preliminary visit is a requirement.

It is good practice for Visit Leaders to take full advantage of the nationally accredited, provider assurance schemes that are now available, thus reducing bureaucracy.

Examples of such schemes include:

- The LOtC Quality Badge
- AALS licensing
- Adventuremark
- NGB centre approval schemes (applicable where the provision is a single, specialist activity).

14. Insurance for Off-site Activities and Visits

Employer's Liability Insurance is a statutory requirement and Stoke-on-Trent holds a policy that indemnifies it against all claims for compensation for bodily injury suffered by any person employed by it. This cover should extend to those persons who are acting in a voluntary capacity as assistant

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supervisors. Stoke-on-Trent also holds Public Liability insurance, indemnifying it against all claims for compensation for bodily injury from persons not in its employ, as well as for the accidental loss of, or damage caused to, property. Employees (as agents of the employer) are indemnified against all such claims, as are voluntary helpers acting under the direction of the employer's staff. The indemnity covers activities such as off-site activities and visits organised by all establishments and settings for which the employer is responsible.

Some level of Personal Accident Insurance is provided for all Stoke-on-Trent employees in the course of their employment, providing predetermined benefits in the event of an accident. However, Visit/ Activity Leaders should be advised that they should consider taking out less limited personal accident cover privately, or obtain cover through a professional association.

Stoke-on-Trent Visit and Activity leaders should contact the local authority Insurance Section to seek clarification of the above, including any circumstances requiring early notification of specialist activities to the insurer. They should also ensure they have obtained current information regarding any special policies that may be available to offer more comprehensive cover.

The above insurance is only valid if the visit has been approved in accordance with this guidance. This is a condition of Stoke-on-Trent's insurance policy.

Academies and other non-maintained schools are responsible for their own insurance and must check their cover with their insurance provider.

15. Inclusion

Every effort should be made to ensure that outdoor learning activities and visits are available and accessible to all, irrespective of special educational or medical needs, ethnic origin, gender or religion. If a visit needs to cater for young people with special needs, every *reasonable* effort should be made to find a venue that is both suitable and accessible and that enables the whole group to participate fully and be actively involved.

Establishments should take all *reasonably practicable* measures to include all young people. The principles of inclusion should be promoted and addressed for all visits and reflected in establishment policy, thus ensuring an aspiration towards:

- an entitlement to participate
- accessibility through direct or realistic adaptation or modification
- integration through participation with peers

Employers, Heads/Managers, Curriculum Planners, EVCs and Visit Leaders should be aware of the extent to which Inclusion is or is not a legal issue.

Under the Disability Discrimination Act 1995, it is unlawful to:

- treat a disabled young person less favourably;
- fail to take reasonable steps to ensure that disabled persons are not placed at a substantial disadvantage without justification.

16. Adventure Activities Licensing Regulations

Employers, Heads/Managers, EVCs and Leaders should have a basic understanding of where and when the provision of adventurous activities is legally regulated.

The Activity Centre (Young Persons Safety) Act (1995) established the Adventure Activities Licensing Regulations and the Adventure Activities Licensing Authority (AALA), initially responsible to the DfES. The scheme is now the direct responsibility of HSE and operated through the Adventure Activities Licensing Service (AALS).

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The intention of the regulations is to provide a regulatory framework to protect children, parents, teachers and schools when using providers of defined adventurous activities in closely defined environments. The regulations and supporting inspection regime provide a formal process of professional inspection to accredit that providers have effective safety management systems and processes, meeting a national standard. The definitive source of advice on the Licensing Regulations is to be found in the Health and Safety Executive publication: "***Guidance to the Licensing Authority on Adventure Activity Licensing Regulations 1996***".

Leaders should be aware that the AALS license is an assurance of safety. It does not accredit educational or activity quality.

Stoke-on-Trent's only Outdoor Education Centre – Stanley Head OEC – provides 'in-scope' activities and is therefore a licensed centre.

17. Good Practice Requirements

To be deemed competent, a Stoke-on-Trent Visit / Activity Leader, or Assistant Leader must be able to demonstrate *the ability to operate to the current standards of recognised good practice for that role*.

All staff and helpers must be competent to carry out their defined roles and responsibilities.

OEAP Employer Guidance sets a clear standard to which Stoke-on-Trent leaders **must** work. The guidance states:

"a competent Visit /Activity Leader (or an Assistant Leader where they may take sole responsibility for a sub-group) requires:

- *Knowledge and understanding of their employer's guidance supported by establishment-led training. It is good practice for employers to provide formal and accredited training to support their guidance e.g. EVC Training, Visit Leader Training and such training may be a requirement prescribed by some employers.*
- *Knowledge and understanding of establishment procedures supported by a structured induction process specified by the establishment.*
- *Knowledge and understanding of the group, the staff, the activity and the venue.*
- *Appropriate experience*
- *In some circumstances (e.g. first aid, adventurous activities) a formally accredited qualification."*

Staff participating in off-site activities and visits must be aware of the extent of their duty of care and should only be given such responsibilities as are in keeping with the above guidance. It is particularly important that careful consideration of competence issues is applied to both newly qualified and newly appointed staff. Establishments should view the original documents and certificates when verifying leader's qualifications, and not rely on photocopies.

Where a Volunteer Helper is a parent (or otherwise in a close relationship to a young person taking part in the visit) they should be made aware of the potential for their relationship to compromise the Visit Leader's plans for group management. The Visit Leader should directly address this issue as part of the risk assessment.

18. Transport

Careful thought must be given to planning transport to support off-site activities and visits. Statistics demonstrate that it is much more dangerous to travel to an activity than to engage in it and establishments **must** follow the specialist advice provided by Stoke-on-Trent's transport service. All national and local regulatory requirements **must** be followed.

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The level of supervision necessary should be considered as part of the risk management process when planning the journey, giving proper consideration to issues of driver-distraction when considering what supervision is required for the specific group of passengers being transported in a minibus. A second responsible adult in a vehicle may not be necessary but child protection issues should be considered.

The Visit Leader should ensure that coaches and buses are hired from a reputable company.

Transporting young people in private cars requires careful consideration. Where this occurs, there should be recorded procedures and drivers of such cars should complete a Driver Declaration Form.

Only employees with D1 entitlement on their license may drive Stoke-on-Trent minibuses. Employees **must** also obtain a permit from Stoke-on-Trent Transport Service prior to driving a minibus – this may involve the undertaking of a test and a medical examination. This rule applies to all vehicles with 9-17 seats regardless of weight.

19. Planning

Planning should reflect the consideration of legal and good practice requirements, ensuring:

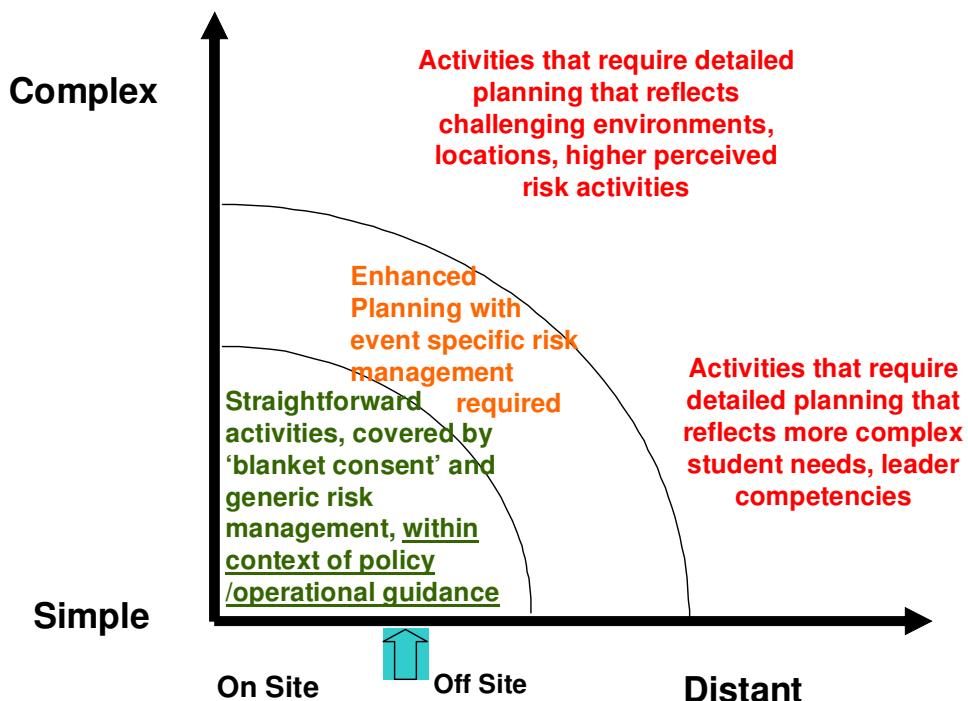
- The plan is based on establishment procedures and employer guidance.
- All staff (including any adult volunteer helpers) and the young people to be involved, have a clear understanding of their roles and responsibilities, including their role in the risk management process.
- Those in a position of parental authority have been fully informed and, where appropriate, formal consents have been obtained.
- Proportionate assurances have been obtained from any providers (making full use of national schemes that accredit that assurances have already been obtained by credible inspection regimes).
- Designated emergency contact(s) have been identified that will work on a 24/7 basis where required.
- All details of the activity provision are accessible to the emergency contact throughout the period of the activity.

It is strongly recommended that at a very early stage of the planning process, the provisional staffing team meet in order to identify the benefits and learning outcomes that the activity (or range of activities) might achieve. If the outcomes are to be evaluated with any rigor (an Ofsted expectation), then it will be essential that these outcomes are prioritised, and appropriately targeted. A record of these outcomes will help keep the plan focussed and also be a vital part of the risk management process in providing some objectivity in a “Risk Benefit Analysis”. Once the targeted outcomes have been recorded, it will then be possible to identify appropriate on-going review and evaluation strategies, including indicators.

The degree of complexity of a particular plan or policy (along with its supporting procedures) will need to reflect the nature and complexity of several variables that can impact on any given activity. These variables can be remembered as “**SAGED**” as explained below.

- **S**taffing requirements – Trained? Experienced? Competent? Ratios?
- **A**ctivity characteristics – Specialist? Insurance issues? Licensable?
- **G**roup characteristics – Prior experience? Ability? Behaviour? Special and medical needs?
- **E**nvironmental conditions – Like last time? Impact of weather? Water levels?
- **D**istance from support mechanisms in place at the home base – Transport? Residential?

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20. Parental Consent

It is Stoke-on-Trent's policy that all parents, or those recognised by the school/service as guardians, complete a consent form at the start of each academic year that covers all low-risk local trips that take place largely during school hours. However, for trips that are overseas, residential or involve adventurous activities **specific consent must be gained**. This consent must be *informed consent* to ensure that the parents/guardians are absolutely clear about the nature of the trip.

21. Vulnerable Children and Corporate Parenting Service

One-to-One Intervention

This guidance document applies specifically to groups of young people or individual young people in mainstream settings (i.e. schools and youth centres). Where one-to-one specialist intervention is required and typically involves Social Workers then separate risk management procedures should be adopted in accordance with the specialist requirements of the service. Such procedures must be sufficiently robust in order to take reasonable steps to safeguard the young person, the employee and anybody else that may be at risk as a result of the trip or activity being organised. Social workers should be made aware that specialist advice can be sought from the local authority's health and safety team and Outdoor Education Adviser (see section 4). In the very occasional case that a trip may fall into Category C then the Strategic Manager (or nominated officer) will advise the Outdoor Education Adviser in writing or by email at least three weeks before the trip is due to take place.

Foster Carers

Where adults have been assessed by the local authority to be competent foster parents, they should be treated in the same way as parents would be and expected to use their judgement when taking young people on trips. It is NOT appropriate or necessary for them to follow this procedure. However, it is recommended that they or an appropriate supervisor is aware that the local authority employs an Outdoor Education Adviser who can provide advice on specialist trips and activities if required.