



The Leisure Expert Panel held its' inaugural forum entitled, '**Managing the Impact of a Major Incident and Preparing for the Future**', at the Willis Towers Watson building in London on Thursday 12 November, 2015.

Around 100 guests attended the event with experts presenting on a variety topics. A synopsis of each session is detailed below.

INTRODUCTION

Darren Hicks, Leisure Expert Panel

Darren, as Chairman, introduced the Leisure Expert Panel (LEP) which brings together stakeholders and influencers who hold interest in the way the leisure industry manages health, safety, security and risk.

The formation of the Panel was supported by government and in 2014, a joint statement was issued by the Better Regulatory Delivery Office (BRDO), the Chartered Institute of Environmental Health (CIEH) and the Trading Standards Institute (TSI) in support of expert panels and highlights the need for a partnership approach.

Members of the LEP include companies operating in the leisure industry, Primary Authority partners, regulators, insurers, brokers, risk management professionals, legal practitioners and H&S associations.

There is significant benefit for the leisure industry to bring such parties together, not only for operators who are able to raise topical risk issues but also for the Panel to provide consistent, practical and achievable advice for leisure operators.

"Just wanted to say a massive thank you very much for the invites... I found the topics incredibly insightful and particularly relevant too."

Leisure Industry Operator



SESSION 1: HOW TO MANAGE PR IN THE EVENT OF A CRISIS

Tim Toulmin, Alder Media

Tim explained that dealing with a crisis is the ultimate test of leadership, with decisions taken swiftly and in rapidly changing circumstances. Sound judgement is imperative and is as important as having the best possible advice from professional advisers, including external experts, who bring a crucial sense of nonbiased perspective and experience.

Time passes extremely fast in a crisis and there are pressures to communicate with an array of stakeholders.

It is important to plan ahead, building on existing stakeholder management plans, brainstorming different scenarios and creating draft statements for different audiences. A plan on its own is however, not sufficient. Attention has to be paid in building-up relationships in advance of a crisis developing. This does not just mean relationships with the media and external stakeholders but ensuring internal relationships are comprehensive. For instance, the legal and communications teams will have to work closely together, which may be a new way of working. Checking everyone has an understanding of, and respect for, what other parties are doing will help ensure a crisis is handled smoothly.

Testing plans through scenario simulations will also identify weaknesses and help people prepare for the emotional stress that handling a crisis can entail.

SESSION 2: WHAT HAPPENS IN THE EVENT OF AN INQUEST AND WHAT ARE THE IMPLICATIONS

Danny McShee, Kennedys Law LLP and Dominic Watkins, DWF LLP

Danny walked through what happens in the event of an inquest. According to The Coroner's and Justice Act 2009 (in force from 1 August, 2013), a Coroner has a duty to investigate a death if they have reason to suspect that:

- a) The Deceased died a violent or unnatural death;
- b) The cause of death is unknown; or
- c) The Deceased died whilst in custody or otherwise in state detention.

An inquest is not intended to ascertain any culpability or liability for a death, it is just to establish who the deceased was and how, when and where they came to his or her death. Conclusions that a Coroner can reach are:

- Natural causes
- Accidental/misadventure
- Unlawful killing
- Open verdict (insufficient evidence to record any other verdict)
- Narrative verdict (a factual account of circumstances giving rise to a death – no individuals are named but consideration can be given to the adequacy of systems in operation)
- Short form or narrative with a neglect rider

As inquests are open to the public, including the press, Danny advised pre-preparing press statements extending sympathy to the family after the inquest and accepting the outcome, if necessary.

Dominic then explored the new sentencing guidelines for safety offences and corporate manslaughter. He described how from 1 February, 2016, fine levels increase to eye watering levels where multi-million pound fines become the norm, not the exception.

The new guidelines will see a formulaic approach to sentencing which requires the court to determine a company's culpability level (from low to very high) and the offence level of harm (a category from 4, least serious to 1, most serious). Once this has been calculated, it will allow the court to use a sentencing matrix table to identify the fine minimum.

If the offence culpability and harm category is agreed, then this will provide the defendant with more certainty as to the potential fine. However, as each level usually results in a 100% difference in fine amount, it is very likely to create many arguments before the court as to which category the offence should fit.

It is very rare for businesses not to have procedures in place but in most cases, the issue is that these procedures were not followed on the day. Dominic advised that companies make sure their house is in order for example, an audit of systems will identify weaknesses or gaps in protection.

"Just a quick congratulatory note to say how well executed I thought yesterday was. Excellent venue, wonderfully orchestrated, well-chaired, interesting and intelligent presentations."

Leisure Industry Operator

SESSION 3: AN INTERVIEW WITH ZINZAN BROOKE, NEW ZEALAND RUGBY UNION LEGEND

Chris Gill, QBE

The game of rugby is a powerful metaphor for business with many similarities. Fierce competition, winning by sometimes the smallest margins, achieving goals, establishing long-term and short-term strategies and tactics, hard work, perseverance, teamwork, dealing with success and recovering from failure and setbacks, are all key challenges in both worlds. Success in sports and business alike relies on the ability to continually improve performance, whether as an individual or part of a team.

The most defining characteristics of an elite rugby player are their ability to perform and make decisions when exposed to extreme pressure, to remain focused in the face of a multitude of distractions and the ability to bounce back from setbacks with an intense desire to succeed.

The interview with Zinzan highlighted some interesting attitudes by the All Blacks, including:

- Change mind-set to winning
- Learn more from a loss
- Stick to plan regardless of change but adapt if necessary
- Do the time/practice
- Do what you're good at – understand strengths and weaknesses
- Don't accentuate failure – at least you took the risk
- Team diversity – can't all be tacticians or all risk takers
- Pipeline/succession planning is crucial

In rugby, as in business, decision-making is of paramount importance in order to succeed and manage risks. QBE has embarked upon a piece of work to better understand factors that can influence how people make decisions and the different types of decision makers. The output of this was the QBE Decision Breakdown tool. Take the test yourself to see what type of decision maker you are:

Link: <http://www.qberugby.com/coaching/news/2014/2014/11/the-qbe-decision-breakdown/>

SESSION 4: WORKING WITH YOUR REGULATORS

Marcus Herbert, Better Regulation Delivery Office (BRDO), Department for Business, Innovation and Skills and Toby Thorp, City of London Corporation

Marcus looked at the benefits for business when they have a direct partnership with a Primary Authority and explained future expansion plans for the scheme. Companies of all shapes and sizes in the leisure industry already have direct partnerships, including pubs, hotels, restaurants, casinos and health and fitness centres.

Sajid Javid, MP, Secretary of State for Business, Innovation and Skills said, *“Primary Authority frees businesses from inconsistent and confusing red tape. It reduces their operational costs and allows them to focus on expansion. We’re going to simplify Primary Authority...making it far easier for small businesses to access the scheme... and we’re going to extend its reach.”*

Toby attempted to dispel any perceptions that modern day regulators are necessarily bureaucratic, clipboard wielding individuals. He highlighted that while enforcing rules is a core function, the most important goal is to reduce ill-health and injuries which may be best achieved by working closely with business to be part of the solution. The Regulators Code requires regulators to be proportionate, targeted and relevant through good dialogue with dutyholders.

The Primary Authority scheme is one of the tools available to achieve that goal; being a means for business to obtain assured advice from a single enforcing authority which has a legal status, meaning it is binding on other authorities. This should provide

“Well done on the conference today, I thought it went very well and was full of useful info.”

Health and Safety Operator

confidence and consistency for a business but also benefit other regulators through being better able assign limited resources.

Toby provided some examples from the work that City of London had undertaken with Virgin Active concerning reports of sporting injuries previously reported under RIDDOR, amongst others. He finished by pointing out that communication between regulators and dutyholders should benefit both parties and encouraged further use of the scheme.

For more information on the Primary Authority scheme, please visit:

<https://primaryauthorityregister.info/par/index.php/background>

“Thank you for the invite to the LEP event today, please ask me again!

It was an excellent day.”

Health and Safety Training Operator

SESSION 5: RISK AND SAFETY LEADERSHIP

Darren Holmes, Willis Towers Watson GB

Darren focused on the role of Risk and Safety Leadership and some of the challenges that organisations face when dealing with a crisis.

Leisure operators continue to seek new ways to improve their risk profile through ever increasing and sophisticated methods, however training and education are always on the agenda. It is important that an organisation has a broad understanding of how risk and safety cultures develop, along with the vital part that leaders play in helping that culture to mature.

One of the key challenges of the leadership role is communication. Exploring some of the barriers such as clarity of message, authority, emotional resonance, targeting and timing, is essential to ensure that communication is effective.

Remember that not everyone is a natural born leader and position often defines roles, particularly in a crisis. Displaying strong and active leadership from the very top is critical, as is 'up and down' communication.

From a broader leadership stand point, there are a number of recognised qualities which need to be considered for a leader to create a risk aware culture, including:

- Ability and authority to empower others
- A decisive and consistent decision maker
- Accountability
- Action orientated



For more information on the Leisure Expert Panel, please find us on LinkedIn:

<https://www.linkedin.com/groups/8274785>

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