

## **Dynamic Risk Benefit Assessment: Play Safety Forum position statement**

Preface from Robin Sutcliffe, PSF Chair:

Risk Benefit Assessment (RBA) in situations where staff are supervising or playing with children in real time was not covered in detail in *Managing Risk in Play Provision: Implementation Guide*. The PSF have been discussing this over the past two years, during which we considered several policies that were already in existence, however we felt that these were too specific to their own practitioners. Consequently we would now like to offer the following text to cover this omission, which should be read in conjunction with the guide.

### **Introduction**

This statement sets out the position of the Play Safety Forum on how dynamic risk benefit assessment (RBA) fits into the management of risk in play and related settings. It also states the PSF's view on how managers, regulators and others should decide on the quality and soundness of dynamic RBA, and hence how staff are held to account for their judgements.

RBA, as set out in *Managing Risk in Play Provision: Implementation Guide*, brings together considerations about risks and benefits in a single judgement, which is then documented as appropriate. In this form, it is suited for those situations where there is the time and opportunity for thoughtful, considered decision-making. However in staffed settings, staff may need to make decisions in circumstances where a conventional RBA process is not feasible.

### **What is dynamic risk benefit assessment?**

Dynamic risk benefit assessment is a key part of risk management in staffed play, childcare and learning situations such as schools, early years settings, out of school/free time facilities, outdoor learning programmes and playwork settings. It refers to the real-time judgements of front-line staff (paid and voluntary) about whether, when and how to intervene in relation to children's safety. These judgements, interventions and decisions are informed by staff's values and understandings about the goals and objectives of their setting and practice: and crucially by their thinking about risk.

Dynamic RBA is highly sensitive to circumstances, and may happen in a matter of seconds. It is complex, fluid, largely intuitive, and difficult to document. As *Managing Risk in Play Provision: Implementation Guide* notes, dynamic RBA presents challenges for risk management approaches that focus on the need for documentation.

### **What does the law require?**

In the UK, the key relevant legislation relates to health and safety at work and occupiers liability. In broad terms, the law requires those responsible to take reasonable steps to keep people (including children) safe. There is no detailed

legislation about how to carry out dynamic RBA (although there may be regulations about staff ratios in some settings and situations).

### **How should staff and organisations show they are being reasonable?**

The key to dynamic RBA is professional competence, as shown through relevant experience, skills, qualifications, supervision procedures, professional development and evidence of sound judgements in the past. Good practice in dynamic RBA is also likely to be supported through giving staff opportunities to reflect on their experiences and practice, for instance through ensuring they have space and time to discuss minor adverse experiences and 'near misses'.

The PSF does not support the use of procedures or analytical tools such as flowcharts and decision trees as evidence or proof of sound decision-making. Such tools may be helpful in opening up professional debate about relevant factors and options in different circumstances, but they are not helpful in capturing or validating decision-making in dynamic RBA situations. These often happen so quickly and have to be dealt with so intuitively that there is no time for reflection, let alone record-keeping. Hence such tools should not be a requirement that staff are expected to follow, and staff should not be expected to prove or provide evidence that they have been followed.

A clear position on dynamic RBA should be accepted by all relevant levels and teams within organisations. This includes senior management and risk/health and safety managers as well as front-line staff.

### **Conclusion**

When it comes to questions about the soundness of dynamic RBA judgements, the right place to focus is the competences of the individual or staff team, rather than compliance with any tool or procedure. The demand for an 'audit trail' - or written or other records for dynamic RBA - cannot be met without overburdening staff, and without distorting the very decision-making that such processes are supposed to be supporting.

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