



Mr David Pojur
Assistant Coroner for North Wales (East and Central)
HM Coroner's Office
County Hall
Wynnstay Road
Ruthin
LL15 1YN

12 February 2021

Dear Mr Pojur

Inquest touching upon the death of Ben Leonard

Updated version of Regulation 28: Response to Prevention of Future Death Report sent on 1 April 2020

On 1 April 2020 we sent you our response to the Regulation 28 Report dated 7 February 2020. Since then we have made further changes and improvements to the guidance, rules and systems described in that response as a result of our continuing commitment to an ongoing review of keeping everyone safe in Scouting. We therefore thought it may be of assistance to you if we outlined where matters mentioned within the original response have progressed further than as described. This letter therefore contains the same wording as the original response, dated 1 April 2020, but with added updates detailed in red text.



Thank you for writing to The Scout Association (“TSA”) and bringing our attention to the various Matters of Concern that were prompted by your recent investigations into the tragic death of Ben Leonard. Those concerns have been shared with, and considered carefully by, our Board of Trustees and its Safety Committee, as well as the appropriate senior volunteers and staff representatives of TSA. Although signed by our Chair of Trustees, this letter is our collective response on behalf of the organisation to your Report to Prevent Future Deaths dated 7th February 2020 (“**the Report**”) in accordance with the provisions of the Coroners and Justice Act 2009. In this regard, TSA would like to take this opportunity to assure you that there will be senior representatives of TSA providing witness evidence at the resumed Inquest in respect of the matters discussed below.



The Scout Association

Gilwell Park
Chingford
London E4 7QW

0345 300 1818 (UK)
+44 (0)20 8433 7100
scout.association@scouts.org.uk
scouts.org.uk

 /scoutassociation
 @UKScouting

Please may we start by restating TSA's commitment to the safety of young people and volunteers. It is our number one priority. As is explained in more detail later, we have worked hard over many years to develop and maintain policies and procedures that are intended to minimise the risks that inevitably occur from Scouting activities. We recognise the importance of training volunteers to follow those policies and procedures. We encourage and support their familiarity with relevant policies and procedures through a rolling programme of such training and compliance with such training is monitored at a local and national level. Incident data is collected and analysed in order to measure safety performance.

We also recognise the importance of learning from experience. This is embedded in our culture and systems. We have processes and procedures in place to ensure that we gather data about incidents. We consider that data carefully and make improvements when appropriate.

In so doing, we hope to honour the safety commitment that we have made, and will continue to make, to our young people, our volunteers and families; and to live up to the ideal, defined by our founder in the Fundamentals of Scouting, to seek improvement through "learning by doing". This approach has guided the way in which TSA responds in this letter to the Matters of Concern raised in your Report to Prevent Future Deaths.

Before addressing those Matters individually, we provide some further information about the Scout movement's history, ethos, organisational structure and the steps that have already been taken to learn lessons from this tragedy. As these matters are relevant to a number of the specific concerns that you have raised, we hope that it is helpful to address them at the outset in order to avoid repetition. We are sorry that this information was not provided to you at or before the recent hearings. Please may we assure you that this information, and more, will be contained in the written statements that are being prepared in order to assist you at the resumed Inquest.

History and ethos

The Scout movement has been in existence for more than a hundred years. Since its inception, it has been a voluntary, non-political, educational movement for young people that is open to all regardless of gender, race or creed, in accordance with the purpose, principles and method conceived by its founder, Lord Baden-Powell. It is one of a very few worldwide youth organisations with over 50 million members across the world.

Our aim is to actively engage and support young people in their personal development, empowering them to make a positive contribution to society. In partnership with adults, young people take part in fun indoor and outdoor activities. They learn by doing, by sharing in spiritual reflection and by taking responsibility. They make choices, undertake new and challenging activities, and they live the Scout Promise and through social action, Scouts make a real difference to the communities in which we live.

Organisational structure of the Scout Movement

Local Scout Groups

The Scout movement in the UK is made up of c460,000 young people aged between 6 and 25 and c160,000 adult volunteer leaders. In England and Wales, Scouting itself takes place in the c.7,000 local Scout Groups and c.1,000 other charitable bodies. Each usually meets once a week to carry out Scouting activities at a local venue or further afield and is operated by adult volunteers (often parents and/or former Scouts). Each is therefore its own entity, usually its own charity. Such Groups are the heartbeat of Scouting and the purpose of all of the other Scout charitable bodies is to support and enhance the quality of the provision by these volunteers at the local level.

District, County and National Commissioners

Above an individual Scout Group is a hierarchy of volunteer Commissioners – at District, County and Country level. Each Commissioner has oversight for the Scouting that goes on in their geographical area and each District, County etc. is its own charitable body. These Commissioners are the managers of the volunteer network. Their roles include arranging training for volunteers, maintaining records of the qualifications gained by the adult volunteers, and providing approval for activities. The volunteers are led by the UK Chief Commissioner (Tim Kidd OBE). Their figure-head is the Chief Scout (Bear Grylls OBE).

The Scout Association

TSA was incorporated by Royal Charter in 1912 to sit at the heart of this federation of voluntary bodies (the Scout Groups, Districts, Counties etc). It is a registered charity. It is governed by a Council of members comprising nominated volunteers from each Scout County and overseas Branch, elected members and members of the Board of Trustees.

The Board of Trustees exists to manage the business of TSA. It comprises 20 members: most are elected volunteers from local Scouting, some are appointed by dint of their role, some are external appointees with particular skills-sets. In accordance with our bye-laws, this is the body which makes the policy and rules for those volunteers who undertake Scouting locally. These are published in a compendium named *Policy, Organisations and Rules* ("**POR**") and the various factsheets and other literature.

The Board delegates responsibility for key areas to sub-Committees. One such is the Safety Committee. It has delegated responsibility to provide leadership and oversight of safety policies and procedures that are provided to our volunteers. Its purpose is to ensure that our young people and volunteers are protected. It is chaired by an external appointee with significant professional experience of health and safety management in civil engineering and infrastructure projects. Its other members include two independent professionals including the Head of Safety and Risk Management at a County Fire and Rescue Service and a Health and Safety Change Specialist who specialises in safety culture and behavioural change management. Its meetings are attended by representatives from TSA's volunteer leadership and by staff from the Safe Scouting department at headquarters.

Although the Scout movement is volunteer-led, the Board's work is supported by a small staff employed at headquarters at Gilwell Park in Chingford, London. This staff team has a departmental structure in order to implement its policy and to provide services and materials necessary for the proper conduct and development of Scouting locally. Led by a Chief Executive [REDACTED] and a Chief Operating Officer [REDACTED] their job is to ensure that the policies and rules made by the Board are made available to the local volunteers with a framework for their effective implementation at local level. These rules and guidance are provided online. TSA also provides training and advice that is to be delivered locally plus support for volunteer leaders and their volunteer line managers. And, as explained below, it has appropriate reporting systems in place to be able to monitor such things as compliance with training and incident statistics.

Safety policies and rules

As stated above, one way in which the Board supports volunteers is by publishing policies, rules and guidance for those leading such activities. One of the Key Policies – which underpins all of our work – is the Safety Policy set out in Chapter Two of POR. This is to “provide Scouting in a safe manner without risk to health so far as is reasonably practicable”. This is because, although a sense of adventure lies at the heart of good Scouting, doing things safely is fundamental to everything we do. Given its importance, this policy is reviewed annually.

The rules in POR, and the various guidance that sits alongside them, reflect this priority. They provide rules and procedures for the way that volunteers plan, prepare and engage in Scouting activities. All volunteers are required to undertake relevant training at a local level. Certain activities must be approved by local Commissioners. There are extensive permitting and certification arrangements. There is a national membership database that includes both training records and internal qualifications (permits) called Compass. POR includes a universal requirement that each activity for our young people is planned and is the subject of risk assessment, which is repeated in a number of factsheets and other literature.

Safety leadership

TSA recognises that safety leadership is vital to an effective and thriving safety culture.

The Board takes safety matters extremely seriously. Safety is the first agenda point of each of its quarterly meetings as part of which it receives an update on safety matters (including incident statistics, training and compliance reports and the minutes of every Safety Committee meeting). It is also notified of any critical incident that may have occurred in that quarter. Annually, the Board receive a full report of the activities of the Safety Committee and a detailed overview of trends and statistics, and in addition one of the quarterly Board development sessions is focussed on safety on a rolling annual cycle.

Given the importance of such matters, as explained above, in July 2018 the Board created the Safety Committee (a dedicated sub-committee) that has oversight of safety and provides leadership on such matters. It has the following functions:

- It reviews on a rolling basis all of the safety rules and processes, including its adventurous activity rules and guidance.
- It collates and analyses data on training compliance from local volunteers and produces a safety training compliance report to help volunteer line managers to improve local safety training compliance.
- It analyses the near-miss data and accident reports made by local volunteers in order to identify trends, identify actions and share lessons-learned in order to inform changes to TSA's rules, training, processes and procedures.
- It commissions studies by external bodies to analyse the efficacy of its systems (including a recent study by MBA students at the University of Westminster on incident reporting).
- It considers whether, and if so how, the TSA's rules, procedures and guidance should be updated in the light of past experience and lessons learned; and how any such changes should be implemented – both by updating TSA's information resources and volunteer training modules.

Response to this incident

TSA has a Critical Incident Procedure Response which was triggered on the day of this tragedy. Amongst other things this resulted in:

- The incident was reported to TSA's Duty Critical Incident Manager (a staff member) which in turn triggered notifications to other staff at headquarters (including the Chief Operating Officer and Safety Manager), the UK Chief Commissioner and other members of volunteer line management and Trustees.
- Both the Acting District Commissioner and the County Commissioner were contacted immediately by telephone by TSA's Duty Critical Incident Manager. The Acting District Commissioner travelled to Llandudno that afternoon and arranged for the volunteers and young people to travel back to Manchester.
- In the immediate aftermath, and in accordance with TSA's Critical Incident Procedure, the Chief Operating Officer at headquarters established the initial facts. An incident log was opened by TSA's Duty Incident Manager to record all actions. There was liaison with the necessary statutory agencies. A Serious Incident Report was prepared and submitted to the Charity Commission. A support plan was agreed for those involved in the incident. Senior leaders wrote to Ben's family to express their condolence and support.

In the days that followed, the Safety Committee was engaged. The need for a Safety Incident Learning Inquiry was recognised and approved in principle but given the ongoing investigation by the police and the Coroner, this Learning Review was paused pending the outcome of the Inquest.

- There was regular contact through a number of different sources with Ben's family, primarily with his father [REDACTED].

- Following that, the local volunteer line management took various precautionary steps taking a risk based, pragmatic approach. The volunteers on the trip had restrictions placed upon their Scouting operations by the Acting District Commissioner and County Commissioner pending the outcome of investigations by the statutory agencies and the internal Safety Incident Learning Inquiry. This prevented them from leading any adventurous activities, undertaking activities away from the usual meeting place without additional support and required the approval of risk assessments by their Acting District Commissioner for any outdoor activities they wished to lead.

Even though our Safety Incident Learning Inquiry has not yet concluded, a number of changes have already been prompted by this tragedy.

Local learning

At a local level, the County Commissioner has implemented a system to provide closer scrutiny on risk assessments produced for events and activities as is provided for in TSA's rules relating to the approval of activities.

National learning

At national level, a number of changes have been implemented by the Safety Committee since the incident. They included the following:

- Risk assessments: work has been undertaken to strengthen the advice and guidance to volunteers in respect of undertaking suitable and sufficient risk assessments:
 - In December 2018 volunteers were reminded by email of the various guidance on risk assessment that was available online (including a factsheet, a template and a safety checklist) and were asked to review all their current risk assessments and ensure they were up to date. Volunteers were also asked to review their InTouch communication systems and ensure they remained fit for purpose.
 - As part of TSA's ongoing review, in February 2019 Factsheet FS120000 (Activities – Risk Assessment) was amended to be made more concise and the risk assessment template was also updated. These amended and updated documents were made available online and sent to all volunteers by email with a reminder of how essential risk assessment is to ensuring the provision of safe Scouting. Volunteer line managers also received a separate email reminding them of the importance of risk assessment, providing a link to the safety checklist on TSA's website and asking them to support leaders to use the new risk assessment template.
 - In April 2019 volunteers were reminded by email of the necessity of risk assessment for summer activities and sent links to the revised risk assessment guidance and template.

- In May 2019 all volunteer line managers received a safety message reminding them to keep a copy of the Safety Checklist for Managers handy as a reference and to guide all volunteers to the new risk assessment guidance and templates available.
- In June 2019, and as a result of feedback from volunteers, further minor amendments were made to Factsheet FS120000. Again, a copy of this revised guidance was sent to volunteers by email along with information about supervision, leader/young person ratios, the role of the Leader in Charge, risk assessment and free time.
- In June 2019, all Scouting centres/campsites were reminded by email of the importance of safety for staff, volunteers and visitors. The importance of having clear risk assessments and operating procedures was emphasised, as was the need to manage activities in accordance with Chapter 9 of the POR and to report any incidents as soon as possible.
- In October 2019 all volunteer line managers received an email with a reiteration of guidance relating to the management of events with a specific focus on Remembrance Day events.
- In December 2019 further reminders of the importance of reviewing and updating risk assessments were circulated.
- In the light of further review and recommendations by a specially constituted working group of experts (including a former Health and Safety Executive Inspector), Factsheet FS120000 will be updated again in the coming months. The importance of initial written risk assessments is to be re-emphasised; and the difference between an initial risk assessment and a dynamic risk assessment to be set out. As well as the existing safety checklist and risk assessment template, a range of methods are being explored for recording the risk assessments, including tools available through digital methods (such as recording on mobile phones), the ability to annotate existing assessments and template forms. This new guidance will be reinforced through updated safety training.

Update on risk assessments

The working group (mentioned above) completed its work and made recommendations in respect of Factsheet FS120000 and guidance on written risk assessments. These were approved by the Safety Committee and then circulated to volunteers in the movement for consultation.

In August 2020, following the consultation, an updated Factsheet FS120000 was launched along with guidance on carrying out written risk assessments and circulated to volunteers. The guidance also included examples of methods to record risk assessments such as using Online Scout Manager (a digital tool) or using the notes feature on a mobile phone to annotate changes as part of a dynamic risk assessment.

Since August 2020 the supporting information relating to risk assessment has been further developed and the guidance includes a bank of example risk assessments for a variety of activities and settings, a series of videos explaining how to do the five steps of risk assessment and examples of where a risk assessment could be improved.

In October 2020 the Factsheet FS120000 was again updated clarifying specific wording in step three – how risks are controlled.

This updated guidance on written risk assessments has been included in the revised Safety training module which was launched in September 2020 (see further below).

- **Nights Away Permit Scheme:** Amendments have been made to the Nights Away Permit Scheme as a result of some of the challenges highlighted by this incident as follows:
 - In September 2018, and in order to simplify procedure and make compliance easier, the Nights Away Notification Form was combined with the Activity Information Form.
 - In January 2019 POR was updated requiring parents to be aware of the supervision plans for a nights away activity.
 - A new version of the Nights Away Notification Form is being developed which requires the Leader in Charge to certify that a written risk assessment has been prepared and communicated.

Update to Nights Away Notification Form

In May 2020 a new version of the Nights Away Notification Form (NAN) was circulated to volunteers. This updated NAN form includes the requirement to confirm that a written risk assessment has been prepared and shared with the respective line manager for any activities to be undertaken on the trip and is then communicated with both adults and young people involved.

- **Safety training:** in the light of an internal review commissioned by the Safety Committee in September 2019, which recommended more safety training for volunteers, POR is to be amended to enhance the nature and extent of the initial safety training given to volunteers on their appointment. The work to strengthen the quality and reach of safety training has been accelerated and will ultimately deliver an enhanced online safety training package for volunteers. This online training will also be replicated in face-to-face training and more support will be provided to those volunteers delivering safety training locally by the appointment of additional volunteer Safety Co-ordinators in counties. Further, the requirement for volunteers to refresh safety training will now be every three years.

Update to safety training

In September 2020 the enhanced safety training module was launched to volunteers. This module is an online course that includes questions to validate learning and then issues a certificate of completion. It is mandatory for all volunteers fulfilling a role that requires safety training to complete this online module, to ensure consistency of training across all volunteers. Face to face training can be added at a local level to complement this training but all volunteers that are required to do safety training must complete the online module. A workbook has been created which must be completed by all those undertaking safety training who are unable to access the online training and it must then be validated by a local line manager as part of certification for that training.

In September 2020 there were changes to POR that mandated the following:

- Whilst safety training has always been mandatory for new volunteers, that training has been enhanced by making the revised online safety training module part of the induction package 'Getting Started' which needs to be completed within the first five months of starting a role.
- A wider range of roles, including all line managers and Trustee positions, are required to complete the enhanced safety training module as part of their induction (which needs to be completed within five months of starting the role).
- The requirement to undertake the safety training module as an update and refresher was reduced from every five years to every three years.

The role of Safety Coordinators (a volunteer role at County level) was reviewed and a new role description and role title of Safety Advisor was circulated to volunteer line managers in November 2020. The role of the new Safety Advisor is:

“To provide support to members and processes in the area of safety, promoting and supporting compliance with The Scouts' Safety Policy within the County/Area/Region (Scotland). To advise the County/Area/Regional (Scotland) Commissioner and Executive Committee on the implementation of The Scouts' Safety Policy within the County/Area/Region (Scotland) and to assist District Commissioners in operating the policy.”

- **Approval process:** the rules governing the process by which District and County Commissioners approve activities is the subject of review by the Safety Committee. In particular, clarity is required around the informal system of delegation of approval that is described in the current rule 9.1(b) and work is being undertaken to provide more guidance for Commissioners in this regard. This guidance will clarify the options available to Commissioners in respect of activity approval and how that process should be documented and communicated to volunteers. The current aim is for this work to be delivered in April 2020.

Update on approval process

The guidance described above was issued to volunteer line managers in April 2020 which gave examples of an approval process system that must be documented and communicated to provide clarity on any delegation of approval as described in rule 9.1(b). The Safety Committee will continue to monitor this issue as part of TSA's ongoing review process.

- **First aid training:** in January 2019 requirements for first aid training for volunteers were updated in POR. Volunteers were required to maintain a first aid qualification at all times and such first aid training has to be refreshed every three years.
- **Free -time guidance:** guidance supporting members with the understanding and management of free time activities was developed and launched just before this tragedy. In the light of events on the Great Orme, this guidance was recirculated and reinforced in the months following.

Update on free time guidance

The Safety Committee reviewed and updated the free time guidance with revisions published in August 2020. This guidance expanded on how to set expectations and boundaries on free time and how to communicate these with young people.

The Committee also created separate supervision guidance to support leaders with identifying how to manage the risks associated with free time activities and the parts of the programme (particularly for older age ranges) where greater independence is given to young people. This was published in August 2020 and circulated to volunteers in September 2020.

- *Terrain definitions:* in 2020 a specifically constituted review group of volunteers and TSA staff (that includes highly qualified hill walking specialists) has been identified to review the various terrain definitions, and the rules and guidance relating to all hillwalking activities. For information, the terrain definitions were last reviewed by a similar group between May 2017 and January 2018.

Update on Terrain definitions

The review (outlined above) has been completed and updates to the Terrain definitions (changes to the language to provide clarity) and Terrain Zero guidance were approved by both the Safety Committee and Operations Committee (the latter now known as the Strategy and Delivery Committee following changes to TSA's governance). The proposed changes were circulated to the movement for pre-launch checks in November 2020 and then published in February 2021.

Ongoing safety reviews and enhancements

The specific responses to this tragedy have been implemented alongside other improvements to safety management that were being undertaken in any event in accordance with the Safety Committee's current programme of work. These steps included:

- reviewing the improvement of the process for reviewing safety incidents, with a focus on a greater depth of understanding of root cause and ensuring local learning points identified and acted upon as a result of any incidents;
- a schedule of review of safety information and resources established to ensure that everything is reviewed regularly using a two and three year cycle; and
- appointment of health and safety professionals to key committees to assist in the review of the efficacy and robustness of the procedures that are intended to fulfil our commitment to keep our members safe from harm.

Finally, the Safety Committee has endorsed and recommended the recruitment of 10 to 12 additional staff members (with expertise in safety management) to the Board. Their role would be to support volunteer line managers and leaders in complying with their safety obligations. It is currently envisaged that they would be deployed around the country to provide specialist advice, guidance and training on safety matters, and to assist local line management in driving mandatory training compliance through local monitoring. The

significant additional staff costs will be met by an increase in the national membership fee.

Update on the additional staff with expertise in safety management

The financial pressures created by the COVID-19 pandemic has meant that at this stage we are unable to fully recruit the intended 10 to 12 additional staff members as originally stated in this response. Due to the financial implications of the pandemic, TSA has gone through a redundancy programme during 2020 and reduced staff headcount by 29%. However, despite this the number of staff in the Safe Scouting department focussing on safety will increase as detailed below.

Six new staff posts have been agreed; including introducing a Head of Safety, a National Headquarters Safety Manager and four Compliance Officers. This means the staff team for safety will be a total of seven staff members and their primary role will be addressing the challenge of supporting safety compliance and quality assurance throughout the movement.

In the meantime senior volunteer line managers and staff have assisted the local line management in monitoring and improving training compliance by providing monthly data on compliance in order to guide and prompt the necessary local interventions, in addition to sending training reminder emails to ensure that this important matter remains a priority locally for volunteers.

Specific responses to Matters of Concern

We have considered carefully the transcripts of the recent hearing in order to understand the evidence that gave rise to your various Matters of Concern. At the outset, may we apologise for the fact that we had not previously provided you with sufficient evidence to allay your concerns about the risk of future deaths. We respond as follows to the specific numbered Matters of Concern in the Report:

We do not propose to repeat the further actions and improvements made by the TSA and detailed above in reference to each specific Matter of Concern raised in the Report to avoid unnecessary duplication. We would, however, request that the above further details be considered in conjunction with the specific responses below. If it would be of assistance, however, TSA can of course provide a further document setting out the further actions and improvements made that are relevant to each individual Matter of Concern.

1. The arranging of the trip did not adhere to the Scout Association's own safety policies.

We understand from the transcript of the hearing that the Explorer Leader was suitably qualified as a Leader-in-Charge for this overnight activity. He had obtained the required approval from the Acting District Commissioner for the nights away activity as per the Nights Away Permit Scheme. He had obtained parental consent and had organised a safety briefing for the young people in the week before the trip. He had engaged suitable specialist mountain guides for the planned ascent of Snowdon and had ensured that leader/young person ratios were appropriate. It therefore seems that the planning and preparation for most of the aspects of the trip, and in particular the ascent of Snowdon, complied with TSA's safety policies, rules and procedures.

However, we agree that the evidence was also that specific approval had not been obtained, given this was a free time activity and in Terrain Zero, from the Acting District Commissioner for the proposed walk on the Great Orme because such approval was considered unnecessary; and that, although one of the volunteers had a valid first aid certificate, her qualification was not recorded on the national membership database Compass and the volunteer who been added to the Nights Away paperwork with the necessary first aid qualification did not attend the trip.

As explained above, since this incident TSA has taken various steps to reinforce the importance of volunteers (a) obtaining prior approval from their District or County Commissioners in accordance with rule 9.1(b) of the POR; (b) ensuring that first aid qualifications are properly recorded on the national membership database Compass; and (c) ensuring that all volunteers receive regular and repeated safety training.

2. Such policies were not adequately understood at grass roots level.

The evidence suggested that the Explorer Leader was aware of the relevant policies. He was aware of the need to obtain prior approval and the need for relevant qualifications to be recorded accurately. His evidence was that he had been kept up to date with safety information, policies, etc. produced by TSA.

He told you, however, that he did not think that it was necessary to seek approval from the Acting District Commissioner in relation to the walk on the Great Orme because it was an activity in Terrain Zero. In fact, such approval was required by Rule 9.1(b) and 9.2(a) and the Terrain Zero Activities Factsheet which also required a risk assessment to be undertaken.

As explained above, the local volunteer line management has taken steps to monitor the activities organised by these leaders and others in the relevant District and County.

At a national level, as set out above, the rules and guidance governing the approval process is currently the subject of review by the Safety Committee.

We understand the concern from the evidence and are committed to the principle that our procedures should be clear, that they are available, that volunteer leaders receive initial and refresher safety training and that we monitor non-compliance of that training and take action upon non-compliance.

Finally, the anticipated deployment of dedicated staff to support local Scout Groups will assist local volunteer line managers to understand and implement our safety policies, rules and procedures and to ensure that they are understood and implemented at a local grass roots level.

3. Safety policies exist but are not implemented.

As far as we are aware, there was no evidence that TSA itself had failed to implement its own policy.

Although aspects of the procedure were not followed in this specific case, you received evidence that

there were written rules and procedures that applied to all Scouting activities at the local level; that volunteers were trained on these rules and procedures as part of their own certification process; and that leaders received updates on any improvements to these procedures.

In the light of your concern, we have explained above how our safety policy and procedures have been (and are) implemented through written procedures and training; how we monitor our volunteers' compliance; and the steps that the Safety Committee has taken to review these procedures, guidance and monitoring.

4. There was no written risk assessment.

There was no written risk assessment in relation to the proposed walk on the Great Orme.

The evidence was that rules 4.7(k) and 9.4 of POR required risk assessments to be carried out before and during every activity; and that the relevant guidance on such risk assessments was contained in our Factsheet FS120000 (Activities – Risk Assessment). This guidance did not stipulate that such a risk assessment should necessarily be written in every situation but indicated it should be recorded and also said that one was particularly useful for a trip away. That Factsheet also emphasises under the heading “Record your Findings” that “*you will always need to tell those involved in the activity what action they should take – and what actions they must not take*”.

We believe that the key was to ensure that those involved were told what action they should take – and what actions they must not take.

We have explained above, however, that the Factsheet has been updated since this tragedy and various steps have been taken to reinforce the importance of risk assessment in activity planning; and that, in the light of a review by a dedicated working group (which includes a former Health and Safety Executive Inspector), the Factsheet will be revised again in the coming months. The importance of initial written risk assessments is re-emphasised; the difference between an initial risk assessment and a dynamic risk assessment will be clarified to avoid any confusion; and volunteers will be encouraged to use a new digital tool – available on smartphones - to assist in carrying out and recording risk assessments.

5. There was no dynamic risk assessment.

There was evidence that a dynamic risk assessment was undertaken. However, we cannot identify any evidence that its conclusions or controls were communicated to the group.

Nonetheless, and as explained above, we have already clarified and simplified the written guidance offered to our volunteers on risk assessment; and, following further review by the dedicated working group, a further update is about to be published. This revised factsheet makes it plain, as before, that risks should be properly assessed, considered and controlled at the outset; that a dynamic risk assessment is only used for assessing risks during an activity if things change; and that any such dynamic risk assessment should be recorded.

6. There is not a full understanding of what a risk assessment is.

The volunteers confirmed that they had been trained in conducting risk assessments commensurate with their different roles. Their evidence did not suggest that they were unfamiliar with risk assessment. On the contrary, they understood what a risk assessment was.

As explained in detail previously, a number of steps have been taken to ensure that all of our volunteers have access to our various risk assessment resources; that they have regular safety training that re-emphasises the importance of risk assessments and teaches them how to carry them out; and that non-compliance with safety training is monitored locally and nationally.

7. There is not a full understanding on when to do written and or dynamic risk assessments.

Please see our responses to points 4, 5 and 6 above.

8. There had been no approval sought for the trip as required from the District Commissioner.

Although there had been discussions with volunteer line managers about the ascent of Snowdon, and the Nights Away Notification Form had been approved by the acting District Commissioner, no specific approval had been sought for the walk on the Great Orme. It was not considered that this activity required such approval because it was to be conducted in Terrain Zero. Such approval was required by Rule 9.1(b) and 9.2(a) and Factsheet FS120426 (Terrain Zero Activities).

As explained in detail above, since this tragedy we have taken various steps to reinforce the importance of volunteers obtaining prior approval from their District or County Commissioners in accordance with rule 9.1(b) of POR; to ensure that all volunteers receive regular and repeated safety training; and to monitor non-compliance.

9. There was an absence of permanent District Commissioner to give oversight to the leadership of the group.

There was a permanent District Commissioner in position until the beginning of August 2018. At the beginning of August 2018, [REDACTED] (Deputy County Commissioner) was appointed as acting District Commissioner by the County Commissioner and assumed all District Commissioner responsibilities immediately. [REDACTED] remains the acting District Commissioner to date.

In addition to this, there was a permanent District Explorer Scout Commissioner ("DESC") in post until March 2018. In March 2018 the incumbent DESC left her post and the Deputy District Commissioner assumed those responsibilities pending appointment of a new DESC. For the avoidance of doubt, a DESC line manages the Explorer Scout Leader within the relevant district and reports directly to the District Commissioner. A DESC is responsible for assisting the District Commissioner with the provision of the Explorer Scout section within the District and (amongst other things) must ensure Explorer Scout Leaders' meetings are held within the district. Upon assuming the responsibilities of

DESC, the Deputy District Commissioner continued to hold those meetings.

10. There was no meaningful discussion between the scout leaders as to the plan for the trip on the Orme.

We understand that there were informal discussions about the walk but insufficient planning by the volunteers leading this activity.

The local volunteer line management has, as explained above, taken steps to monitor the activities organised by these volunteers and others in the relevant District and County.

We have also explained above how, at a national level, we have taken steps to review our procedures to assure ourselves that they are clear, that they are available, that volunteers receive initial and refresher safety training and that we monitor training non-compliance locally and nationally and take action upon that non-compliance.

However, we note that the POR has always emphasised the importance of communication between leaders and participants, for example Rule 9.2(a) of the POR states that in preparing for an activity each leader must:

- ensure that each participant has appropriate training; and
- ensure that a risk assessment is carried out in accordance with Rule 9.4 and safety instructions are communicated to all supervising adults and participants.

Further, factsheet FS120000 by way of example states that “ *you will always need to tell those involved in the activity what action they should take – and what action they must not take!*”.

In addition, the enhancements we have made to guidance on risk assessments and safety training are outlined above in the section entitled “National Learning” and within those enhancements, further emphasis has been placed on the importance of leaders clearly communicating planned activities and risk assessments to participants.

Finally, the anticipated deployment of dedicated staff to support Scout Groups locally will assist local volunteer line managers to understand and implement our safety policies, rules and procedures and ensure that they are understood and implemented at a local grass roots level.

11. The leaders did not have a participant list nor list of phone numbers for the boys.

We have been unable to identify any conclusive evidence from the transcript regarding whether the volunteers had a participant list or not. The volunteers did confirm, however, that they had access to all relevant mobile numbers. Any problems in communication arose, however, from the limited network coverage on the Great Orme.

Our current guidance does not require a group's leaders to have a list of participants and their telephone numbers as it is primarily focused on members maintaining communication with other leaders and parents as opposed to participants. In any event, certain safeguarding implications arise if adult leaders have the telephone numbers of young people and engage in direct communication.

This guidance is, however, being reviewed to reinforce the importance of suitable systems being in place where young people are given a greater degree of independence and are allowed to be more remote from their leader. The guidance will not prescribe the suitable method of communication nor system that should be adopted as it recognises that this will vary depending on the age of young people and the location of the activity (amongst other factors).

12. There was no route planned for the Orme trip.

No specific route had been planned and agreed. Our response to point 10 is repeated.

13. No instruction or briefing was given to the boys.

We understand that there was a brief discussion about the proposed walk with one of the Assistant Leaders, but that there were no specific instructions or briefing given to the young people. Our Factsheet FS120426 (Terrain Zero Activities) advised that all participants should be briefed and this advice is also contained in Rule 9.2 and FS120000. Further, both our previous training and our revised training emphasise the importance of discussing the risk assessment with those involved. Our response to point 10 is repeated.

14. Each of the 3 leaders assumed the 3 boys were with one of the leaders when in fact they were not. They were on their own.

Our response to point 10 is repeated.

15. There was no effective leadership for the group.

Our response to point 10 is repeated.

16. The Scout Association failed to provide the Court with full information about the action it had in fact taken concerning its leaders on the trip, post death.

We are very sorry that you have reached this conclusion. We understand that on day two of the Inquest you heard that an initial review was carried out soon after this tragedy, and that a more formal and detailed review (i.e. an internal Safety Incident Learning Inquiry) would be carried out following the conclusion of the police investigation and Inquest. Although this evidence was consistent with the detailed summary that we have set out above, you were not told at that stage in the Inquest about all of the post-incident actions.

We understand from the transcript, however, that this line of questioning was not pursued further at that time because, in discussion with the advocates, it was decided that evidence about post-incident learning relevant to any Prevention of Future Deaths Report would be taken after the jury had retired. For that reason, it appears that the Safety Manager's evidence on such matters was limited at that stage.

We also understand, however, that you and the jury subsequently received evidence about the police's response to the incident which gave the impression that no restrictions had been placed on the volunteers' activities after the tragedy. And we understand, therefore, your concern when you heard (after the jury had retired and in the context of considerations relating to the issuing of a Prevention of Future Deaths Report) that the County Commissioner had placed post-incident restrictions on the volunteers and therefore the activities of the Explorer Scout Unit pending further investigations. You felt that this evidence should have been given to the jury at an earlier stage; and that you were concerned that this omission compromised the process.

Those representing TSA at the Inquest in February have assured us that there was no intention to withhold this information about TSA's post-incident response from the jury. We are mortified that, as a result of this misunderstanding, they gave such an impression. We are very sorry that this unfortunate impression has been created. We wish to apologise unreservedly for this to you and to the members of Ben's family and we assure you that TSA will play a full role in your continuing investigation.

17. The Scout Association created a misleading impression in the evidence concerning its actions regarding its leaders on the trip, post death.

Again, we are very sorry that you have been given this impression. Please may we repeat our previous response and our previous apology. We hope that the information that has been provided in this letter, and the further evidence that will be contained in witness statements from senior leaders, will provide you with full particulars of the post-incident actions.

18. The Scout Association is distant from its membership through its federated branches of 8,000 charities and layers of hierarchy meaning that it cannot know how health and safety is executed at a ground level.

Scouting delivers everyday adventure for young people which helps them to develop skills for life. We recognise that Scouting activities inevitably bear an element of risk. We are not complacent as to such risk: quite the opposite. The safety of the young people and volunteers involved in Scouting is our number one priority. This explains why the Scout movement has developed, over many years, systems and procedures to manage risk.

Scouting is a grass-roots movement that is led by volunteers. By intention and design, it is delivered through Scout Groups locally. This model enables us to make a real difference to our young people and to their local communities. And the purpose of all of the other charitable bodies in the Scout movement is to support and enhance the quality of the provision by these volunteers at the local Group

level.

Earlier in this letter, we have explained how the various elements of the Scout movement work together to honour our common commitment to safety through safety leadership, policies, procedures, training and monitoring. In particular, the role of TSA is to produce policies, rules and procedures for those volunteers who deliver scouting in the community; to ensure that those policies, rules and procedures are made available to local Scout Groups to assist them in providing Scouting activities to our young people; to provide an organisational framework for volunteers that ensures that there is oversight by volunteer line managers at District, County and country level; to provide resources to enable training for its volunteer leaders; to maintain a national membership database that records their various qualifications and certifications (as outlined above); and to monitor the efficacy and continuing suitability of these rules and processes by analyzing various sources of data - whether data on training compliance, incident reports, or by commissioning external studies – and to take any necessary action as a result of that analysis. In this way, TSA provides oversight of safety and provides leadership on safety matters in an appropriate way given the federated nature of the Scout movement.

Although these structures are kept under constant review, we believe that this federated structure strikes the appropriate balance between localism and centralism and is the most effective way of ensuring that society continues to benefit from Scouting. We hope that the further information and explanation provided in this letter allays your concern.

19. The health and safety training intervals of leaders are said to be every 3 years with no way of assessing their competencies.

The Inquest heard evidence that safety training is moving from a five-year period to a three-year period and will include an assessment of competence. As explained above, work to undertake this change has been accelerated in recent months. It had been hoped to roll this out in June 2020, although this may be delayed by the current Covid-19 situation.

The online safety training module will check competence through a question and answer process that issues a certificate of completion and will be recorded on TSA's national membership database Compass. Safety training is also provided face-to-face and a competence assessment will be included following the same questions as the online training.

20. The lives of young people are being put at risk by the Scout Association's failure to recognise the inadequacies of their operational practice and the part this played in the death of Ben.

Please may we reassure you and Ben's family that all of us, whether senior leaders of the Scout movement, TSA staff members and/or Trustees, are committed to understanding, and learning from, the tragic events of August 2018.

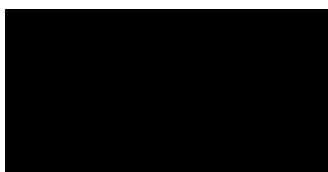

This commitment is reflected in the procedures and rules that have been developed over a number of years to meet our number one priority – which is to keep people safe.

We set out earlier in this letter the various steps that TSA has already taken to improve and enhance its operational practice since this tragedy so as to ensure that young people and volunteers are kept safe from harm. And we have also referred to the steps that we continue to take in the light of the concerns that we had identified and you have raised. Please may we assure you and Ben's family that TSA will consider all of the evidence that has been (and will be) given at the Inquest, the content of your Report dated 7 February, any conclusions reached by your jury in July and any further Matters of Concern that are brought to our attention by you. This evidence will be considered in the first instance by the Safety Committee as part of its own forthcoming Safety Incident Learning Inquiry. And we will do all that we can to continue to learn from this tragedy.

Conclusion

We are grateful to you for raising the various concerns in your Report. As we hope to have demonstrated by this letter, these are matters that we take very seriously. We hope that you and Ben's family will gain reassurance from the further information in this letter. And that, in the light of this response, your concerns will have been allayed. TSA looks forward to assisting you and your jury in your further investigations.

Yours sincerely

A large black rectangular redaction box covering the signature of the Chair of the Board of Trustees.

Chair of the Board of Trustees
The Scout Association