

RISKS OF EXPANDING THE MUSEUM DEMOGRAPHIC IN A LITIGIOUS SOCIETY

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About Risk and... 'why things go wrong'

Risk Defined

Risk = Likelihood x Impact (+ Perception)

or

**Risk = the threat of an event which
affects the ability of the organization
to achieve its objectives**

Why Major Upsets Happen Some Common Threads

- Failure of fundamental management and control systems;
- Lack of recognition of potential threats;
- No structured risk identification/assessment process; and
- No basis for risk management decision-making (e.g conflicting priorities).

“Never in all history have we harnessed such formidable technology. Every scientific advancement known to man has been incorporated into its design. The operational controls are sound and foolproof.”

... E.J. Smith (Captain of the Titanic)

How to Manage Risk

A *disciplined* process of dealing with risk...

- Identification;
- Evaluation;
- Mitigation; and
- Transfer.



The Consequences of Abuse

- To the Victims; and
- To the Museum.

Safety and Protection

- Most museums have an abuse exposure related to:
 - general visitors; and
 - planned activities for children, youth and vulnerable adults.
- Definition of Child Abuse and types – physical, sexual, emotional, neglect.

Legal Highlights

- Vicarious Liability;
- Direct Negligence;
- Limitation Periods; and
- Claim Examples:
 - Are we more litigious?

Guidelines to Prevent Sexual Abuse

- **Phase One:** Assessing and Minimizing Risks; and
- **Phase Two:** Selecting, Training, and Supervising Leaders/Volunteers.

Damages

- General Damages;
- Special Damages and Pecuniary Loss; and
- Punitive Damages.

Phase One: Assessing and Minimizing Risks

- Child Protection Committee:
 - role and responsibilities.
- Identify Program Risks:
 - current programs, leader/participant ratios, nature of activity.
- Minimizing Risks:
 - two person policy, visual contact, name tags, no access without permission, new members do not work directly with children for six months.

Phase Two: Selecting, Training, and Supervising Leaders/Volunteers (*cont'd*)

- Orientation and Leadership Training:
 - Policies and procedure handbook;
 - Review of policies and procedures;
 - Duties and expectations;
 - Tour of facilities;
 - Instructions – physical contact;
 - Record keeping policies; and
 - Training.

Phase Two: Selecting, Training and Supervising Leaders/Volunteers (*cont'd*)

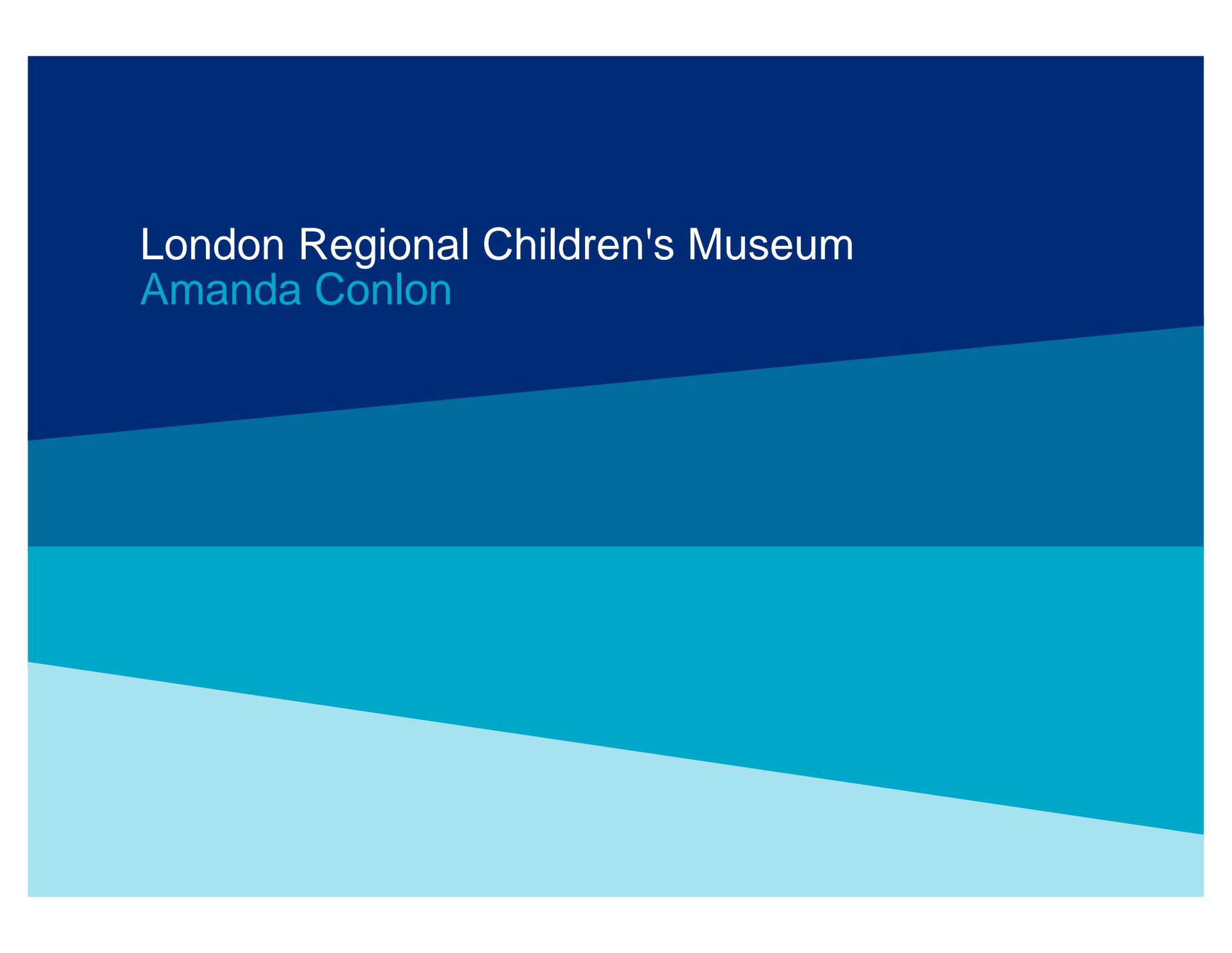
- Supervision and Evaluation:
 - Standard level of practice;
 - Protection from unsafe practices;
 - Protection from false allegations; and
 - Level of risk is high, increase supervision.

What TO DO when someone alleges abuse occurred

- Respond Quickly and Proactively:
 - Inform authorities as required;
 - Involve the organization's legal advisor; and
 - Report the incident to your insurer.

What NOT TO DO when someone alleges abuse occurred

- Do not try to resolve before involving insurer;
- Do not take an adversarial approach; and
- Do not allow an extended period of time to elapse.



London Regional Children's Museum
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Overview of Children's Museum Programs

- Education Programs:
 - Low liability;
 - 50 minute programs in which students arrive with their classroom teacher and parent chaperones; and
 - Permission forms handled through individual schools.
- Community Nights:
 - Low liability;
 - Dedicated nights throughout the school year for Brownie, Cubs, Girl Guides etc.; and
 - Permission forms handled through booking organization.
- Day Camps:
 - Higher liability;
 - Children are in our care from 8:00 am - 5:30 pm; and
 - Permission forms and registration handled internally and completed by parent or guardian.

Day Camp and Policy on Child Care

- Drop off and Pick Up Procedure:
 - Registration;
 - Sign in/sign out protocol:
 - Parents;
 - Volunteer drivers; and
 - Special arrangements.
- Supervision of Children:
 - First Aid/Cardiopulmonary Resuscitation (CPR);
 - Ratio;
 - Ability to connect; and
 - Offsite activities.

Day Camp and Policy on Child Care

- Illness:
 - Participation restrictions; and
 - Occurrence while in our care.
- Medication:
 - Administering; and
 - Storage.
- Child Protection:
 - Duty to report; and
 - Incident reporting.

Treating Children with Dignity and Respect...

How to deal with:

- Behaviour Issues:
 - Multi-step approach; and
 - Parent involvement.
- Bathroom Accidents:
 - Waiver;
 - Supplies; and
 - Protocol.
- Sun Protection:
 - Waiver; and
 - Protocol.

The Importance and the Role of Your Broker

- Need to establish a strong working relationship;
- Your Broker needs to have a full understanding to properly represent your museum/gallery/centre in the insurance marketplace;
- Your Broker can help you review it's risk and compliance management:
 - Deductible levels;
 - Checks and controls to ensure compliance;
 - Loss experience/claims;
 - Advice and guidance on program delivery; and
 - Trends in the insurance marketplace.

The Importance and the Role of Your Broker – (cont'd)

- Developing and implementing policy and procedures for working with children:
 - Principles governing all activities where youth are present;
 - Screening procedures for those activities;
 - Definitions of low, medium, and high risks;
 - Privacy concerns relating to screening results;
 - Safety and health concerns;
 - Consent forms;
 - Minimizing risk and enforcing appropriate discipline levels; and
 - Zero tolerance areas.

The Importance and the Role of Your Broker – (cont'd)

- Getting the best value for the premium dollar paid:
 - Cheaper is not always the answer and modifying program delivery.
- Program delivery where the third party's insurance/risk policies and procedures have the potential to impact your programming:
 - Engaging with youth and adult activity;
 - Overnight programming; and
 - Offsite programming.
- Working with volunteers and employees:
 - Providing appropriate coverage; and
 - Screening and keeping profiles current.

Conclusion

- “Uberrima Fides” (Utmost Good Faith) – Provide your broker and insurer(s) with all **material information** necessary to assess the risk and underwrite the exposures;
- Establish and maintain a viable risk management program - demonstration of commitment to controlling losses;
- Engage all stakeholders within your organization;
- Meet with insurers when requested;
- Report all incidents which may give rise to a claim as soon as possible **or coverage may be prejudiced**. When in doubt, call your broker!;
- Cooperate fully with insurers in providing information to investigate and adjust claims; and
- Work with your broker as a trusted advisor.

Thank You!
Any Questions?



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