

Craig Hooper: Mitigating event risk



Health management specialist Craig Hooper

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Health management consultant Craig Hooper discusses mitigating risk, duty of care and healthcare management for insurers and event managers of mass gatherings and large public events

Whether it is a large fun-run marathon or an international football game, event managers have a huge task when making certain the event runs smoothly and without incident.

Event planners have a myriad of things to manage, from participants to finances, insurances to clearances, security and publicity (and many other things).

They are appointed as the experts that make an event work well.

At the same time, underwriters have an expectation that their risk will be mitigated by systems and processes put in place by event managers.

Medical services

Indeed, insurance companies have a vested interest in well planned and safe events.

However, medical services is one specialised area that is usually outsourced by event managers and it is an area that can cause great harm to the attendees.

Importantly, it can have immense legal and financial consequences for the event organisers, as well as their underwriters.

I understand there are many costs involved in running an event and event managers often select a medical stand-by provider who provides the lowest price for their services.

The problem is that some event organisers do not know what they are really getting for their money.

Duty of care

Assurances from the healthcare providers that there will be adequate services are enough if a critical situation arises.

So, who owns the duty of care in this situation? The event organisers? The medical providers?

Certainly, event organisers will point to the medical service providers. The medical providers may point the blame at the event managers.

While responsibility is held by both groups, there is certainly an impact upon the event's underwriters when something goes wrong.

Some events have a little box for participants to tick, stating that the participant indemnifies event companies any accident or injury that may occur during the event. [1]

Some lawyers would argue that ticking the box does not remove the duty of care from organisers, and service providers, at an event.

Negligence & liability

If there is negligence by providers at the event, the tick in that box will probably not stop litigation and claims.

Certainly, if you are in a fun-run and you trip over your own shoelace, it is your own fault and the event organisers have nothing to do with your injury.

However, it could be deemed negligent, or a failure of duty of care, if you subsequently stumble into on-coming traffic because the event organisers did not have safety barriers up to decrease the risk of walking into traffic.

That said, if someone has been negligent, but the person claiming has *also* been negligent or partly to blame, then the law recognises the fact that it is only fair to apportion blame. [2]

Who is to blame?

It is worth highlighting that some legal systems put the burden of proof for negligence on the accuser.

It may be difficult for the accuser to prove everything in detail and in such a case there may be some reliance on the legal saying *Res Ipsa Loquitur* i.e. the event or outcome speaks for itself. [3]

Whoever is to blame, there are three groups who sustain a negative impact.

1. The event participants who sustained damage or losses because they were not provided the necessary - *and foreseeable* - services needed for an event.
2. The event organiser, whose reputation may be damaged by a critical incident at their event.
3. The insurance company who provides insurance cover for the event and/or the companies who provided services at the event.

Here is the important point. There are actions that can be taken to mitigate these healthcare risks at major events; actions that can be put in place by companies providing health and medical cover at mass gatherings and major events.

Mitigating risk

Sadly, the cheapest provider does not always have the skills, experience or strategies to plan for events.

Therefore, event managers, participants and insurance providers are left with inadequate medical services and poorly designed healthcare standby resources.

System failures only become apparent after a significant event occurs, such as a preventable death or a disaster.

Risk mitigation and healthcare management systems for large events require, to employ an applicable statement by Mattaman et al [4] - adequate employment, sufficient equipment, operational strategies, training and inter-professional collaboration to deliver healthcare systems tailored to an event and mitigate the risk for insurers, providers and participants.

There is a duty of care of event providers to ensure the services they are receiving by medical standby companies are suitable for their event.

Similarly, underwriters should have confidence that event managers have effectively lowered the risk profile of a major event and decreased the potential impact upon their underwriter.

Craig Hooper is a health management consultant who specialises in emergency and prehospital healthcare operations.

[1] Re-Claim. ***What you should know about sport event insurance***

[2] Steven Williams. ***Risk management for event organisers from a legal perspective***

[3] Chew Das and Jayaraya. ***Negligence in Malaysia***

[4] Mu'taman Jarrar, Hamzah Abdul Rahman & Mohammad Sobri Don. *Optimizing Quality of Care and Patient*

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