

Scottish Sports Association

# Health & Safety Executive

Proposed replacement for the licensing  
regime for adventure activities  
established under the Activity Centres  
(Young Persons' Safety) Act 1995 in  
England

A submission on behalf of the Governing Bodies of Sport in Scotland

Kim Atkinson  
21/09/2011



## **Health and Safety Executive**

### **Submission from Scottish Sports Association**

The Scottish Sports Association (SSA) thanks the Health and Safety Executive for the opportunity to contribute to this consultation.

The SSA is the independent voice for sports governing bodies in Scotland. We represent their interests and currently have 52 full members and 21 associate members. The governing bodies of sport are responsible for the governance, development and delivery of their individual sports and provide a formal structure for over 13,000 sports clubs in Scotland. Many of these organisations are run on a not-for-profit basis and are managed by volunteers. They provide coaching, competition and youth participation development opportunities for their local communities and most of the 150,000 people who volunteer in sport do so within the club structure.

The SSA has compiled this response following consultation with our Outdoor Pursuits Group, which contains representatives from 19 of our member Scottish Governing Bodies (SGBs) involved in outdoor and adventurous activities, and a range of partner organisations.

The SSA believes that principally any new system needs to be simple and reflective of good risk management within the sector and of any existing SGB schemes. Therefore, the SSA proposes either a voluntary scheme of self-assessment or a Government funded system of external verification. Should a system of external verification be progressed, the SSA would expect further consultation on this prior to any system being progressed.

Any new scheme should improve aspects of the existing scheme through taking into account a wider range of adventurous activities, encompassing all ages of participant (including those with a disability) and embracing the protection of both young people and vulnerable adults.

Our preference is for a UK solution to this consultation but, if this does not meet the needs of our members, we would call for a Scottish specific solution.

The SSA is concerned about the ongoing lack of understanding and confusion as to the implications of any change in this regard. As the current scheme only impacts on a restricted number of sports/activities, and as there is no definition for adventurous activities, many sports/activities are unsure if this will impact on them. The short timeframes involved for the consultation have not permitted time for some of these sports/activities to fully assess these potential implications on their SGBs, their member clubs, coaches, volunteers and participants and as such may not have responded to this consultation. The fundamental role that voluntary sports clubs play within the

sector must also be highlighted, along with the recognition that voluntary sports clubs are less likely to respond to such consultations than their commercial counterparts. Therefore, it is important that it is recognised that responses to this consultation are unlikely to be reflective of the whole 'adventurous activities sector'.

Furthermore, if the HSE (or other appointed representative) is to establish any working group following this consultation, the SSA would request Scottish specific representation on this group through both Scottish Government and Scottish Sports Association representatives.

Should you have any queries or if we can be of further assistance, please do not hesitate to contact me.

Yours sincerely

Kim Atkinson  
**Policy Director**

## Health and Safety Executive

### Proposed replacement for the licensing regime for adventure activities established under the Activity Centres (Young Persons' Safety) Act 1995 in England

#### Completing this questionnaire

You can move between questions by pressing the 'Tab' / 'Shift-Tab' or 'Page Up' / 'Page Down' keys or by clicking on the grey boxes with a mouse. Please type your replies within the rectangular grey boxes or click on the square grey boxes to select an answer (eg 'Yes' or 'No').

#### Respondent's details:

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### Size of organisation:

Choose one option:

Not applicable

1 to 9 employees

10 to 49 employees

50 to 249 employees

250 to 1000 employees

1000+ employees

Self-employed

### Confidentiality

Please put a cross in the box if you do not wish details of your comments to be available to the public. (NB if you do not put a cross in the box they will be made public. This takes precedence over any automatic notes on e-mails that indicate that the contents are confidential.)

### What is your type of organisation:

Choose one option:

Industry

Local government

National government

Non-governmental organisation

Non-departmental public body

Trade union

Charity

Trade association

Academic

Consultancy

Member of the public

Pressure group

Other

If 'Other' please specify: We are the membership body and the independent representative voice of Scottish Governing Bodies (SGBs) of sport.

**In what capacity are you responding:**

Choose one option:

An employer

An employee

Trade union official

Health and safety professional/Safety representative

Training provider

**1. Should the code be:**

a) a statement of high level principles of good risk management applicable to all activities available now or in the future?

b) more specific guidance on particular activities?

1a) If you have answered a) please provide the reasons for your answer.

The SSA believes that any code of practice should be a statement of high level principles only. As many governing bodies already provide specific guidance in relation to the sports/activities undertaken under governing body activities, this allows for best use of this sport specific expertise.

The current scheme is restricted to only a small number of activities, which was a limitation of the scheme. The scheme was also limited by its application only to young people and not to people of all ages. As well as wishing to see these aspects improved, the SSA would also wish a code of practice to apply to people with a disability and to the protection of both young people and vulnerable adults.

The SSA would also recommend that any new system has an element of flexibility to reflect any new activities within this evolving sector and to always ensure that best practice is shared and reflected wherever possible, including also any changes in industry standards, related legislation etc.

It is essential that any new scheme is simple and that it reflects and embraces the importance of good risk management to the sector. As such, the SSA would propose either a voluntary system of self-assessment (which would be open to all, including to voluntary sports clubs) or, if Government funding was available to support this, a scheme of external verification. If the latter option was to be progressed, the SSA would expect further consultation into any verification and inspectorate and would not assume that there is any existing system suitable at this time.

1b. If you have answered b) which particular activities do you think require more specific guidance and why?

2. Without Tourism Quality Services (TQS) there will be no formal inspectorate. However, there are a number of voluntary schemes which involve an element of inspection and auditing. Given this:

a) How should the code support these voluntary schemes?

The SSA believes that any new scheme must recognise and take into account existing (and potentially future) SGB accreditation systems – so to allow the sharing of best practice and to avoid any duplication of effort.

If a scheme of external verification was to be implemented, as already stated, the SSA would request that further consultation is undertaken in this regard.

3. For activities where alternative assurance schemes do not exist, or which are not currently licensed, how should providers demonstrate good safety standards, and how should the code of practice support this?

The code of practice should be a statement of high level principles which would be voluntary and can apply to any form of adventurous activity. Where SGB accreditation schemes already exist, these should be recognised by any new system, which should also provide the flexibility to recognise any new SGB schemes which may be developed or amended.

4. What should be in the code of practice to reassure users that they may expect good standards from a provider who operates in accordance with the code?

As previously mentioned, in the interests of simplicity the SSA would recommend that there are two options: 1) is that a voluntary code of practice is self-assessed. 2) is that the UK Government (or Scottish Government if the UK Government is unwilling) entirely funds a system of external verification, the implementation of which would be subject to separate and further consultation.

The code of practice should provide a clear statement as to the importance of risk assessment within the sector; providing guidance as to what is good risk assessment and advice and support as to risk assessment procedures (including links to Scottish Governing Body information for sport specific guidance where appropriate).

5. How should the industry sector and other bodies monitor compliance with the code? What are your reasons for your opinion?

The self-assessed code of practice and Government funded external verification options are detailed above. If it is correctly estimated that adventurous activities in Scotland bring approximately £500million annually to the Scottish economy, and that the assumption that a form of kite marking/accreditation brings customer reassurance and has a potentially positive impact on participation is also correct – then a relatively small investment from Government may ensure, or further increase, this significant contribution to the economy. The role of participation in adventurous activities in increasing the physical and mental health of the population should also not be underestimated.

6. What could the industry sector do to develop and share good practice as an integral part of reassurance and compliance?

A host of bodies already exist within the sector, including SAAF, AAIAC and through the Scottish Sports Association. The development and sharing of good practice should be a key theme for all these organisations.

7. In a post-AALA environment how can providers, users and the wider public be reassured that standards remain high?

Through a simple, clear and well branded system (either through self-assessment or external verification) which links to existing (and future) SGB accreditation systems.

8. Do you have any comments on the initial impact assessment of the costs and benefits of the change? Are there other factors that need to be taken into account?

The SSA believes that the time, and therefore costs, attributed to the implementation of any new scheme within SGBs is vastly underestimated. From a broad discussion with all of our members who are involved in adventurous activities, to date there is a very limited understanding of the current scheme and how any new system may impact on these SGBs, their member clubs, their coaches/instructors and participation in their sport. Anything new which is introduced will require significant discussion with all these SGBs to allow them to act appropriately for their SGB's interests but also to be able to provide information, assistance and guidance to their member clubs, coaches/leaders and the general public. Further, it is vital that any new scheme appropriately recognises the role of SGBs and does not place additional burdens on them. Should a new scheme place further requirements on SGBs it will be important to consider new, and additional resources for these SGBs to fulfil such requirements, as many of these SGBs are among the smaller SGBs.

Any increase in consistency as to the approach of local authorities in their safety procedures would be an additional benefit and may result in savings for duplication of effort for repeated risk assessments etc.

9. How important is it that there are the same arrangements across Great Britain? In particular, would different arrangements affect competition in the sector? If so, how?

Our members unanimously believe that their first choice would be for a UK solution to the questions raised, as it was perceived that this would increase the confidence of cross-border institutional organisations and would maximise opportunities in this area. However, if a new UK system did not meet the expressed needs of SGBs, our members would call for a Scottish specific solution.

Are there any further comments you would like to make on the issues raised in this consultation document that you have not already responded to in this questionnaire?

Currently there is a lack of understanding and significant confusion as to the full implications of any change in this regard due to there being no definition for adventurous activities. Many sports and activities are unsure as to whether this may or will impact on them at all, as they have previously had no involvement with the current licencing scheme. The very short timeframes involved for this process have not allowed for many of these sports/activities to fully understand and assess the potential implications this may have for them/their sport and, as such, may not have been full engaged in the process and the SSA worries that they may, therefore, not have responded to the consultation.

The SSA also wondered whether an analysis had been undertaken as to the impact of accreditation programmes on increasing participation from members of the public and the/any value placed upon such schemes by members of the public.

The SSA wishes to reiterate the fundamental role that voluntary clubs play within the adventurous activities sector and plead that this is not forgotten. By their nature, voluntary clubs are less likely to respond to such consultations, but it is vital that their voice is not lost in a quantity of responses from other providers within the sector.

Following this consultation, should the HSE set up any working groups, our members wish us to request Scottish representation on this in the form of Scottish Government representation and that of the Scottish Sports Association (as the independent representative voice of Scottish sports).

Is there anything you particularly liked or disliked about this consultation?

The SSA's main concern with the consultation is the very tight timeframes proposed around both the consultation and indeed to the steps following the consultation. We would question as to why the current system must be abolished by March 2012, when it appears that another option would be for it to continue while a longer, more education based approach to the consultation was undertaken to ensure those SGBs/sports/activities/voluntary sports clubs who are not currently impacted by licensing, understand fully the implications any change may have upon them.

**Please send your response by 21 September to:**

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**Thank you for taking the time to complete this questionnaire**