

# Consultation on developing a safety system for Adventure Activities in Scotland



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

West Lothian Council

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

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### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

*Please tick as appropriate*

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

## Consultation Questions

We would be grateful for your views on any aspects of the proposals outlined in the consultation paper. In particular, we are keen to seek feedback on the following questions:

1. What impact would the removal of AALA have on your organisation / members?

**Comments:** Removal of AALA without robust replacement is likely to result in a substantial increase in the amount of time required for West Lothian Council Outdoor Education Service and the Council's Health and Safety team to carry out safety checks before approving external outdoor activity providers and equally when external organisations plan to use our service and have to carry out their checks. Parents and the wider community also look for an AALA licence as an assurance of safety and quality. Without AALA, they will seek other information/assurances, only some of which may be available via National Governing Bodies such as the RYA. In terms of day to day delivery of the West Lothian Council Outdoor Education Service, it is likely to have little other impact.

2. How should providers, users and the wider public be assured of quality and safety within the Adventure industry?

**Comments:** Providers who hold an AALA licence at present should maintain current standards, continue NGB accreditation where appropriate and make opportunities to share examples of good practice with other providers. Some form of external verification for other activities would enhance that reassurance. As a user of other providers, a more robust inspection by the West Lothian Council Outdoor Education Service of other providers is likely to be required to ensure that standards are maintained if there's no replacement for AALA. Statistical information could also be available regarding incidents across the sector, including the type of incident, activity, type of provider, which may help to reassure parents and the wider public that this is generally a safe industry

3. What do you consider are the benefits to users and providers of developing a mechanism for regulating (be that voluntary or statutory) adventure activities in Scotland?

**Comments:** A system of external inspection and approval across a wide range of outdoor activities is an effective way of ensuring consistent, high standards of safety and quality across the sector and providing the public with those assurances when selecting a provider. It reduces the time required by both users and providers in carrying out individual checks and importantly provides a mechanism for raising concerns and seeking independent professional advice and guidance for providers and/or where concerns arise about an activity or provider. Maintaining standards helps reduce the risk of incidents and the associated legal proceedings, costs and potential loss of business across the sector. Insurance costs may be influenced by the type of system adopted.

4. Do you consider that there are any constraints that are pertinent to Scotland?

**Comments:** A robust system will require considerable expense to operate and no doubt costs would be passed on to providers. That could, in effect, make it more expensive to be a Scottish provider. Clarification will be required re the position of English providers who deliver activity in Scotland and any impact that would have on licensing for them.

There are concerns that a non-statutory system may not be legally compatible with local authority operation. Local authorities would not, in that case, be covered by external quality/safety scrutiny and while LAs generally operate to a high standard, external guidance and scrutiny can still be valuable and occasionally necessary.

5. If Scotland was to adopt a different option to England do you consider this will present any benefits or difficulties for users and providers in Scotland?

**Comments:** A robust system in Scotland may prove attractive to organisations who currently use English providers and may also encourage providers in England to adopt a more rigorous system of regulation. A Scottish system may have an increased financial impact on Scottish providers both directly associated with holding a licence and for scrutiny of other providers if they in turn don't hold some form of licence.

It is essential that regulators of a Scottish scheme are credible and independent  
The approvals system for excursions will be more challenging, time consuming and expensive to carry out if there is no robust regulation in England  
Parents and excursion organisers look for a licence and providers may lose business if that assurance is not in place.

6. What role should the industry sector and other bodies play in monitoring and supporting any regime in Scotland?

**Comments:** Consideration must be given to the inspection/approval process carried out by NGBs to reduce the duplication of inspections for organisations which currently undergo AALA as well as NGB inspections. That should also help to keep costs down.

It is essential that regulators of a Scottish scheme are credible and independent  
An inspection system could consider an approach where providers who have consistently received good inspections may be inspected less frequently unless their provision changes.

7. What activities should be included in any mechanism that replaces AALA?

**Comments:**

Watersports – kayaking, canoeing, sailing, windsurfing, rafting, gorge walking, coastering

Trekking – hillwalking, running, pony trekking, mountain biking, ski-ing,

Rock climbing – climbing scrambling, traversing, abseiling, gorge walking, coastering, high ropes courses

Caving – underground exploration in natural caves and mines including pot holing, cave diving and mine exploration, but not those principally used as show places open to the public

8. Are there any challenges or opportunities of developing a different model and approach to the rest of the UK

**Comments:** It is reasonable for Scotland to develop a scheme which best suits its diverse and sometimes challenging range of outdoor environments. Cross border operations may face some challenges to take account of different models applying and any associated legal implications. As stated previously, the approvals system for excursions will be more challenging, time consuming and expensive to carry out if there is no robust regulation in England

9. Following the removal of the Adventure Activities Licensing regime in England what is your preferred option for Scotland?

Options	Preference
1 - Voluntary Code of Practice as being developed in England	
2 - Non-Statutory accreditation scheme	
3 - Statutory licensing scheme	X
4 - Other	

10. Please provide the reasons for your answer. If 'Other', please explain the option.

**Comments:** A system of external inspection and approval across a wide range of outdoor activities is an effective way of ensuring consistent, high standards of safety and quality across the sector and providing the public with those assurances when selecting a provider. That could be used to help promote Scottish providers. A voluntary code has no requirement for external moderation or scrutiny and may result in providers pushing the boundaries/taking more risks/using less skilled/qualified staff. Any adverse incident has the potential to impact widely across the whole sector.

11. Which option do you believe is most consistent with supporting the aspiration for increasing participation in physical activity and the number of visits to the outdoors? Please explain

**Comments:** A great deal of outdoor learning and activity does not come in to the scope of AALA . Use of the outdoors for a wide range of physical activity and outdoor learning should continue to be encouraged and promoted. When individuals and groups progress to more 'adventurous' activities, a statutory system will provide them with the assurances they seek, ensuring that adventurous activity does take place, encouraging participants to pursue active, healthy lifestyles and develop their own skills in risk assessment, decision making as well.

12. Which option do you believe represents the best opportunity for adventure tourism in Scotland? Please explain

**Comments:** A nationally recognised accreditation scheme with external assessment element will be of benefit in encouraging participation as it sends a clear message to potential customers that providers in the scheme are operating to approved standards of quality and safety.

13. Do you have any other comments on the proposals outlined in the paper?

**Comments:**