

Scottish Sports Association

Scottish Adventure Activities Forum

Adventure Activities Licensing
Consultation

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



Scottish Adventure Activities Forum (SAAF)

The final version of this response was completed via the online Survey Monkey form (<https://www.surveymonkey.com/s/2GGSNPZ>) – the basis for this format was to consult with OPG members as to the nature of our response and as a record of our response.

The consultation only accepted responses via the online survey.

Section A – About you

We filled this in with details specifying the SSA response.

Section B – About your interest in Licensing

We stated that the SSA is a national representative organisation and did not answer any of the other questions in this section aimed at providers or users.

Section C – Definition of in-scope Adventure Activities

1. Is the description given above fit-for-purpose to cover all activities which should be in-scope, now and in the future

No

2. If no, in what way could additional and/or new activities be included?

Having a new generic definition for Adventure Activities.

3. A previous working group produced the following generic definition for in-scope activities

Adventurous Activity - For the purposes of Licensing, this is an activity done for noncompetitive sport, recreation, learning or development, and not for necessity, with participants who are not otherwise able to undertake the activity safely without support or supervision. An adventurous activity may be carried out indoors or outdoors, and may use natural features or man-made structures. It will generally have one or both of the following attributes:

a) It is assessed to have a risk of death or disabling injury to the individuals involved from uneven or difficult terrain; immersion in water; falling; contact with falling or fastmoving rock, debris, or snow; exposure to extreme environmental conditions; or as a consequence of injury sustained during the activity which is exacerbated by remoteness.

b) It involves the use of specialist equipment or requires specialist knowledge or skills to be done safely.

In your opinion would this definition be fit-for-purpose?

Agree

4. What aspects, if any, would need to be amended?

- *Our members strongly support the principle of the definition, with a few specific comments:*
- *The definition (a) should be amended to incorporate “a risk of death or permanently disabling injury”*
- *The definition should be amended to contain a series of “ands”, ie:*

Adventurous Activity - For the purposes of Licensing, this is an activity done for noncompetitive sport, recreation, learning or development, and not for necessity,

AND

with participants who are not otherwise able to undertake the activity safely without support or supervision.

AND

An adventurous activity may be carried out indoors or outdoors, and may use natural features or man-made structures.

AND

It will generally have one or both of the following attributes:

a) It is assessed to have a risk of death or disabling injury to the individuals involved from uneven or difficult terrain; immersion in water; falling; contact with falling or fastmoving rock, debris, or snow; exposure to extreme environmental conditions; or as a consequence of injury sustained during the activity which is exacerbated by remoteness.

b) It involves the use of specialist equipment or requires specialist knowledge or skills to be done safely.

Section D – Revision of in-scope activities

1. Are there any adventure activities which "... could result in death or disabling injury" that should be included in a revised scheme?

Yes

2. If yes, which activities should be considered for inclusion?

Those that meet the generic definition rather than a predetermined, prescriptive list.

3. Could these be incorporated within the four categories already listed in Licensing?

No

4. If no, can you suggest a new category or new categories?

This would need to be analysed when the generic definition is finalised. However, our members would question as to whether these categories are still required if a generic definition is agreed. This may prove more complex and our members would advise towards a generic definition only.

Section E – Frequency, duration, and cost of Licensing

As the SSA is neither a provider nor a user, it seems inappropriate for the SSA to respond to questions 1 and 2.

In relation to question 3 ("At present the cost of the licence is set by Ministers, is charged at each renewal, and is the same for all providers. The Scottish Government have stated that there will still be a fee set by them. If the duration is changed should") our proposed response is:

The fee should be relevant to the size of the operation.

Section F – Inspections and best practice

As the SSA is neither a provider nor a user, it seems inappropriate for the SSA to respond to questions 1 to 4.

In relation to question 5 ("What other ways do you think best practice can be disseminated more effectively") our proposed response is:

Through the Scottish Adventure Activities Forum, which should be resourced to support this. The SSA will continue to work in partnership with the Scottish Adventure Activities Forum and to disseminate and share best practice via our Outdoor Pursuits Group.

Section G – Other matters

Questions 1 and 2 are not appropriate for the SSA to respond to (see question 6 below).

Question 3 (Are there any other parts of the 2004 Regulations which require simplification, clarification, or amendment?)

Nothing that we are aware of.

4. How important is it for you, that there are cross-border arrangements in place?

Very important

5. Should there be a review of the Regulations?

Every five years

6. Do you have any other comments about the review of Licensing in Scotland?

Our members support the opportunity for those organisations which are out of scope to opt-in should they wish to do so.

Our members note a significant and ongoing concern that while voluntary organisations will be exempt from licensing requirements, that operationally this will become a benchmark (primarily for local authorities) and that this may result in barriers and/or additional bureaucracy for voluntary bodies working with eg school groups.

Our members wish to clarify that many Scottish Governing Bodies (SGB) already operate club accreditation schemes and that these should be recognised within the licensing process (including any new SGB accreditation schemes which may be added in the future) to prevent any unnecessary duplication.

Many of our members operate coaching/leadership awards and believe that these provide the most appropriate and best mechanism for activity providers to assure the competence of instructors/coaches/activity leaders. Such awards assure the quality and safety of the activity being provided for both children and adults.