

Minutes of the HSE AALA Management Board

Sixth meeting – 25 March 2010 – 11.15 am

Edgbaston Room, HSE, 1 Hagley Road, Birmingham

In attendance:

David Ashton	HSE Chair of AALA Board
Alistair McNab	HSE Vice-Chair of AALA Board
Marion Evans	HSE Policy
Ian McMorrin	Independent AALA Board Member
Brian Chapman	Independent AALA Board Member
Sir Brooke Boothby	TQS/AALS
John Walsh Heron	TQS/AALS
Vincent Doyle	Welsh Assembly Government
Dawn Hepworth	HSE Policy (minutes)

Apologies:

Gavin Howat	HSE FOD
John-Paul Lawrence	LACORS
Martin Elliott	DCSF
Marcus Bailie	TQS/AALS

1 Welcome and introductions

- 1.1 David Ashton extended a welcome to all those in attendance and congratulations were offered to John-Paul Lawrence on the birth of his daughter. David explained the protocol for the current pre-election period. The AALA Management Board would be unable to make statements that could be construed to be politically partisan. This restriction applies to the AALS. It would however be acceptable to refer to information that is already published. The AALA cannot embark on forward-looking initiatives or announce new measures until the new government is formed after the forthcoming election.
- 1.2 Marion Evans provided some feedback from a recent meeting regarding the implementation of recommendations made under the Hampton Review that she had attended with the Better Regulation Executive. BRE were complimentary about the way in which the Adventure Activities Licensing Authority had worked. BRE were especially interested in the way that the Licensing regime provides assurance to parents that enabled them to allow their children to participate in adventure activities.

2 Minutes of last meeting

2.1 Inspection initiatives (para 2.1)

There had been a delay in starting the Caving inspection initiative but it was up and running by mid-June 2009. The Caving initiative had been a useful experience and will provide a starting point for Alistair McNab and John Walsh-Heron, who will arrange to meet over the summer to develop a matrix for targeting future inspections. **Action: AM/JWH**

2.2 Approach to Inspection Paper

Gavin Howat has concluded this paper and it has been circulated amongst the TQS Inspectors and published on the AALA website.

2.3 Head of Inspection Report (para 3.2)

There were a variety of minor reasons for licence applications requiring further action.

2.4 Accidents and Incidents (para 3.3)

The enforcing authority for the accident on the high ropes course was the local authority (Highland Council).

2.5 Gorge-jumping FAI (para 4.2)

The Sheriff's determination is expected by the end of May but it may be published earlier. The AALA will need to be in a position to respond in liaison with the HSE's Press Office and preparatory work on lines to take should be started by mid-April. With the aim of having them in place for the last week of April, TQS would be consulted in their development. **Action: GH/ME/DH**

2.6 DCSF discussions (para 9.4)

Preliminary discussions had been held with Martin Elliott at DCSF and a meeting to discuss issues more substantively will be arranged. **Action: ME/GH**

2.7 Internal Audit

One item remains outstanding and will be followed up once Marcus Bailie returns to work after his annual leave. **Action: DH/ME**

3 **TQS Reports**

3.1 Finance and Staffing

Costs remain under control and within budget although the Caving and additional activities inspections had incurred extra costs. TQS are

seeking to explore ways of combining management inspections with Caving inspections with some providers.

End of year figures are expected to be within the £400k budget.

The budget for 2010/2011 has not yet been confirmed but it was felt that an increase would be unlikely. Authorisation of next year's budget is awaited. **Action: DH**

The budget had remained unchanged since 1999/2000 and this will highlight the need for efficiency savings to be made. The increase in licence numbers has however assisted with balancing the budget.

One senior inspector had resigned during the last six months but has been replaced by a former part-time inspector who was the successful candidate from a field of 15 applicants.

3.2 Head of Inspection Report

An update to Appendix 1 item 8 - the area of concern which had resulted in a "Minded to Refuse" decision had been resolved and the licence has recently been issued.

Marion Evans and Gavin Howat had attended the AALS Inspectors meeting and found it very useful to have a face to face dialogue with the Inspectors. Thanks to Marcus Bailie for arranging the meeting.

Clarification sought about the status of the British Stand-Up Paddle Board Association and whether it is a National Governing Body. **Action: MB**

3.3 Caving Inspection Report

There were a small number of inspections that remained outstanding. This was because there had been difficulties in arranging dates on which caving activity was being delivered. Some providers apply for a licence for all activities but may not necessarily provide them. It was suggested that the AALA could have a policy that if a provider seeks to have an activity on its licence, the provider should provide the activity within a specified period. A decision on this could not be made at the meeting but further thought could be given to it. **Action: ME**

TQS are writing to those providers licensed for caving but not offering it to remind them that they should inform the AALS if they planned to start caving provision and that the AALS will be ready to offer advice and assistance and inspect should caving come to be provided. It was agreed that this practice should continue. **Action: TQS**

A "lessons learned" report on the Caving Inspection Initiative should be drafted. **Action: TQS/GH**

4 Accidents/Incidents/Investigations

4.1 Gorge Jumping Fatality

Gorge jumping fatality – FAI sat for 23 days of evidence. Oral Submissions were taken on 22 March. The Sheriff has indicated she will give her Determination no later than end of May but if sooner will advise parties in advance.

4.2 Joe Lister/Manchester Hole – HSW s2 and s3 charges have been laid against North Yorkshire County Council. First hearing was 27 February at Harrogate and they were fully committed for trial at Crown Court. Case has since transferred to the High Court. Now sub-judice so HSE/AALA/AALS cannot discuss this further. Trial due to commence on 14 April 2010.

4.3 Uist Army boat capsize – Determination now published. No new significant issues identified. Solicitor General has asked COFPS/HSE and Northern Constabulary to reopen investigation. New joint Police/HSE investigation progressing.

4.4 Cycling accident – Perthshire. A girl went over a bridge parapet and fell approx 70 feet onto a ledge. Hazard deemed not foreseeable and no further HSE action.

4.4 Scout death on Creag Meaghaidh - no work activity and not a licensable activity, no HSE involvement.

4.5 Double fatality Buachaille Etive Mor – possibly a client (adult) and instructor. It is not clear if HSE or LA enforcement responsibility.

4.6 Surf kayak fatality in the South-West. Initial opinion was that deceased had suffered a heart attack but the inquest has now determined drowning as cause of death.

5 Issues for Wales

5.1 No issues raised for Wales.

6 Issues for Scotland

6.1 The Fatal Accident Inquiry Determination will attract political interest and the AALA should seek to meet with the Scottish Executive to raise this as an issue for discussion. **Action: AM/GH**

6.2 A Water Rescue Study is now available and the issues of Risk Assessment and Statistical Risk receive prominence. HSE has been invited onto the working group to take the Study's recommendations

forward. The web link to the Study will be provided for circulation amongst AALA Management Board members. **Action:AM**

“Go Outdoors” is a new publication from Scotland’s Commissioner for Children and Young People which aims to slay common myths that are used to needlessly limit the opportunities for looked after young people to experience the outdoors. HSE/AALA were involved with SCCYP, Association of British Insurers, RoSPA, Association of Directors of Social Work Services and private sector care organisations in drafting the material.

There are significant curricular developments in Scotland known as “Curriculum for Excellence” (CfE). There is an ambition for all children to be “entitled” to have access to outdoor activities, might impact on the number of licences issued. HSE/AALA have been involved with Learning and Teaching Scotland, Scottish Advisory Panel for Outdoor Education and the Scottish Government in drafting a highlevel framework document to support the outdoor learning parts of CfE. This is likely to be launched during April with a Ministerial Foreword from the Minister for Schools and Lifelong Learning. The effect of this on numbers of licence holders in Scotland is not known at this time and any effect will most likely take some years to be seen.

7 Issues for LACORS

7.1 Nothing to report.

8 Issues for DCSF

8.1 DCSF had submitted apologies but had sent the following issues for discussion:

As regards the future of activities under the Activity Centres (Young Persons' Safety) Act 1995, we maintain a memorandum of understanding with the DWP, signed at official level, which is due for review, and which sets out DCSF interest in the current levels of inspection being maintained. **Action: ME/DH**

We have worked with the Health and Safety Executive on preparing text for sensible and proportionate risk management and updated draft guidance for school governors on health and safety responsibilities and powers.

We also consulted (November 2009-February 2010) on proposed new guidance, *Health and Safety of Learners Outside the Classroom (HASLOC)*. The report, with a range of options, for publication, has been prepared; but timing suggests it will be considered by ministers after, not before, the general election.

We are grateful to Health and Safety Executive officials (David Bryant, Janet Hanson and Gavin Howat) and to the Adventure Activities Licensing Service (Marcus Bailie) for taking the time and trouble to respond with helpful and comprehensive comments to the HASLOC consultation.

9 Joint Visits

- 9.1 The Independent Members plan to participate in a joint visit over the summer season.
- 9.2 Ian McMorrin has had contact with the Association of Heads of Activity Centres and is attending its meeting at the end of March. The Association has some concerns over the future in that some LEA centres (including Oxfordshire) will be under pressure to reduce costs over the next 5 years or face closure. There are some potential safety implications to cost-reduction measures such as reducing staffing levels and employing less-experienced/qualified staff. Ian will report back at the next AALA Management Board meeting. **Action: IM**

10 RYA On-Board Licences

- 10.1 The vast majority of the free licences are due to expire in October 2010. Renewal forms will need to be sent out some time in June. The renewal policy and procedure will need to be determined through correspondence and in consultation with all members of the Management Board. **Action: DA/ME/JWH**

11 AOB

11.1 Website

The list of providers recently temporarily disappeared from the website. The IT issues that caused this were resolved and the list is now fully available.

To increase the level of transparency of the AALA, further papers and information such as the Head of Inspection reports will be placed on the website. **Action: GH**

The on-line application and payment service is now available.

11.2 EU Services Directive

The Directive (which has since become UK law by virtue of the Provision of Services Regulations 2009) provides that applications will be deemed as tacitly accepted if not responded to within an undefined reasonable time. The AALA is seeking exclusion to this on the basis that an AALA licence can only be issued once a provider has been inspected and also on the grounds of safety of young people taking part in licensable activities. **Action: DH**

11.3 “Nothing Ventured”

The Management Board is invited to comment on the recent publication “Nothing Ventured” published by the English Outdoor Council. The document can be found at the following link:
<http://www.englishoutdoorcouncil.org/publications>

11.4 Current themes from inspections/investigations

There are two current themes emerging from inspections and investigations.

Human factors/behaviours appear to be a common factor in incidents. For example, systems not being followed, systems falling into disuse, human error, maintenance not being carried out correctly, equipment being used incorrectly.

Also monitoring and auditing – providers need to assure themselves that what they believe is being delivered in their name is what is actually being delivered in practice in their name.

12 Date and Venue of Next Meeting

30 September 2010
No 1 Hagley Road, Birmingham