

5.18 Adventurous Activities Annex

1. Scope & Definition

- 1.1. This appendix is intended to cover the provision of adventurous activities, which are contracted in by STF members and wholly supplied and delivered by third party providers.
- 1.2. Adventurous activities are defined as those which, if undertaken by commercial operations in the UK, would require licensing by, for example, the AALA. These activities would include, but are not limited to:
 - 1.2.1. caving (underground exploration in natural caves and mines including potholing, cave diving and mine exploration, but not in those principally used as show-places open to the public);
 - 1.2.2. climbing (climbing, traversing, abseiling and scrambling activities except on purpose-designed climbing walls or abseiling towers);
 - 1.2.3. trekking (walking, running, pony trekking, mountain biking, off-piste skiing and related activities when done in moor- or mountain-country above 600 metres and which is remote, ie over 30 minutes travelling time from the nearest road or refuge);
 - 1.2.4. watersports (canoeing, rafting, sailing and related activities when done on the sea, tidal waters or larger non-placid inland waters).See Note [1] for further guidance
- 1.3. Where a member offers an activity which is not covered by the definition set out in 1.2. above, but which may include an element of risk, the member should conduct an assessment, based on the documents set out in 3.2. below, to enable it to decide whether the activity in question should be referred to a Technical Advisor for an inspection to be carried out.
- 1.4. By reason of the fact that the following types of activities are covered by other safety schemes, including those of the AAIAC and the EPA, this annex is not intended to cover them but members who offer to provide these types of activity should follow the rules of the appropriate scheme when offering them as part of their programme:
 - 1.4.1. Where the majority of the tour is composed of elements with a more specific "Learning Outside the Classroom Quality Badge" sector awarding body as defined at <http://www.lotcqualitybadge.org.uk/howtoapply/route2awardingbodies>.
 - 1.4.2. Where the provision of adventurous activities, in the UK or overseas, is by the member's own staff.
 - 1.4.3. Where there is an expedition element which is defined as involving a deliberate and significant element of challenge, requiring pre-tour participant evaluation, specialist technical skills in the leader and preparatory activities in the UK consistent with sections 8, 9 and 10 of the Expedition Providers' Association Code of Practice for the Provision of Overseas Expeditions (2.3) for its safe management.

2. Disclosure

- 2.1. Members are required to declare adventurous activity provision in their Pre-Audit Check list. Activities that are not declared and audited will not be entitled to be associated with the STF Approved Member logo.
- 2.2. The member will ensure group leaders have sufficient information on the activities to make informed decisions.

3. Process

- 3.1. All Adventurous Activities, as defined in 1.2. and 1.3 above, will be assessed and approved in writing before use for the first time, and following any significant changes in the activity or its provider, by a suitably qualified or experienced Technical Advisor (see the publication listed in Note [1] for guidance on suitable qualifications).
 - 3.1.1. The Technical Advisor can be an independent consultant or directly employed by the member.
 - 3.1.2. Where there is doubt about the level of Technical Advisor which is required, advice should be sought by the member from the relevant UK Governing Body for the activity, or such organisations as AAIAC, BAHA, AHOEC or OEAP.
- 3.2. The assessments will cover all aspects of the provision and include:
 - 3.2.1. The activity provider's safety management system and safety record
 - 3.2.2. Suitability of the activity for planned users, by reference to their age and likely level of ability
 - 3.2.3. Location
 - 3.2.4. Equipment
 - 3.2.5. Staffing ratios
 - 3.2.6. Staff competence, recruitment and monitoring
 - 3.2.7. First aid and emergency provision
 - 3.2.8. Communications
 - 3.2.9. Insurance
 - 3.2.10. Existence and effects of local regulations, safety standards and/or disclaimers: see Note [2].
- 3.3. All Adventurous Activities will be subject to a physical inspection regime, either by a scheme accepted and recognised by the Technical Advisor or by the Technical Advisor themselves. This will be at the discretion of the Technical Advisor.
- 3.4. Members will ensure sufficient resources are allocated to ensure thorough assessments can be made and that any recommendations contained in the assessments are followed up and satisfactorily completed before any group which has booked with the relevant member embarks on the activity in question.
- 3.5. Members will ensure their own insurance covers such activities before arranging them.
- 3.6. All defined activities will be monitored via client feedback.
- 3.7. All defined activities will be re-assessed and approved in writing at least every three years by a suitably qualified technical advisor.

Notes

- [1] For guidance on adventurous activities, suitable qualifications for Technical Advisors and current good practice, see the HSE AALA publication, 'Guidance from the licensing authority on the Adventure Activities Licensing Regulations 2004. The Activity Centres (Young Persons' Safety) Act 1995 - L77, Appendix 2' for guidance on suitable qualifications. <http://www.hsc.gov.uk/pubns/books/177.htm>
- [2] Wherever possible, members should resist requirements by activity providers for disclaimers. Many of these disclaimers exclude liability for personal injury or death. A disclaimer signed by a parent or guardian on behalf of a child may be valid and binding in the jurisdiction where the activity provider is situated, thus precluding a claim for damages against the provider in the event of negligence which has resulted in injury. However, such disclaimers are void in English law. Accordingly, proceedings could be brought against the member in the English Courts pursuant to the Package Travel Regulations 1992 and, where judgment is given in favour of the Claimant, the member would have no right to seek an indemnity from the activity provider by reason of the disclaimer.