Switch On Regulating Outdoor Adventure Sports Shows Divergent Views on Risks

Washington, D.C. – Should the government regulate businesses that provide people—especially young people under age 18—opportunities to voluntarily engage in risky adventure sports, such as sea kayaking, white water rafting, exploring caves and mountain climbing and the like? While the United States has not yet had that debate, the United Kingdom (U.K.) did, starting in 1993 after four teenagers drowned during a sea kayaking outing at a coastal area called Lyme Bay on the south coast of England. Risk researchers studying the U.K. experience found that even though the nation’s adventure sports sector responded positively to the Adventure Activities Licensing Authority (AALA) that was established under a law passed after the accident, a 2010 review by Lord Young of Graffham recommended that the AALA be abolished. This development may shed light on how some regard “voluntary engagement with high consequence hazards” and the impropriety of applying “conventional... risk assessment approaches” to life in general, according to the researchers.

Under the AALA, the government issued licenses for groups offering adventure trips for the first time and based them on best practices defined by each sport’s governing body (climbing, rafting, cave exploring etc.). Authors of a new article on the subject say that under the new law, more paperwork was required that may not have had any impact on the training and behavior of adventure trip leaders in terms of helping them manage risks more effectively, resulting in a backlash. The licensing process became more stringent and burdensome administratively and the perception that it did not affect safety became the source of objections, the authors say.

In reviewing the history of the AALA, researchers Laurence Ball-King, John Watt, and David J. Ball—of the Centre for Decision Analysis and Risk Management, School of Science and Engineering, Middlesex University—note that after the 1993 accident, one tabloid, The Daily Mirror, wrote that “Thousands of children are facing appalling physical dangers because of the Government’s refusal to bring in laws controlling holiday activity centres.” That concern led to the passage of the Activity Centres (Young Persons’ Safety) Act 1995 and the creation of the AALA as an independent licensing authority, along with the regulations in 1996 and 2004 to be enforced by the AALA. This established licensing as a government function, albeit one that worked with each sport’s voluntary National Governing Body. The article “The Rise and Fall of a Regulator: Adventure Sports in the United Kingdom” is in the January issue of the journal Risk Analysis, published by the Society for Risk Analysis.
When the researchers interviewed leaders of the industry’s Association of Heads of Outdoor Education Centres they were surprised to discover that the managers’ “responses were overwhelmingly positive” toward the AALA. The authors attribute that outcome to the fact that all of the AALA inspectors had come from the adventure activity sector and thereby had extensive experience in the field of adventure sports. The authors note that “as all inspectors understood the issues and difficulties faced, the process was supportive and nonthreatening. As a consequence, virtually all the respondents were in agreement that the quality of the centers’ services and safety, particularly at the lower end, had “unquestionably improved as a direct result of licensing.”

In 2010, however, Lord Young of Graffham delivered a report to the U.K. coalition government urging the abolition of the AALA, a recommendation the government accepted but which has been unevenly adopted across Scotland, Wales and England. The report argued that licensing was costly and burdensome and added little to health and safety of participants. More broadly, the authors note, within the report “there are frequent references to excessive bureaucracy and a general failure to adopt a proportionate approach to the management of risk,” and to “the need to reduce the plethora of regulations on health and safety which now cover almost every conceivable situation.”

The authors conclude their review of the AALA and legal battles over safety regulation—including one involving the drowning of a teenage boy while on a cave exploration trip in the Yorkshire Dales—by asking: “What of value and interest can be noted from AALA’s brief history and the events surrounding it?” The most important from the point of view of the safety of adventure sport participants “is the contest over the relative importance of leaders’ on-the-spot competencies vis-à-vis the role of overarching management systems and formal written risk assessments.” The researchers note that “few if any would dispute that the [leaders’ competency] is the most important element in promoting safety.” The reliance on generic approaches or what the authors term “factory-oriented” risk assessment and management to the adventure sector posed concerns, the authors say. It “has a tendency to shift responsibility from leaders”—the acknowledged linchpins of safety in the sector, they conclude.

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