

Perception and Reception: The Introduction of Licensing of Adventure Activities in Great Britain

Rowland Woollven, Pete Allison, and Peter Higgins

The Lyme Bay kayaking incident of 1993, in which four children died, led to an Act of Parliament and the introduction by the British Government of the Adventure Activities Licensing Authority (AALA), a body established to regulate adventurous recreational and educational outdoor activities. The perception at the time, a view to which some commentators still hold, was that the introduction of licensing would reduce the opportunities for young people to experience adventure and outdoor activities, and licensing was almost universally condemned by the outdoor sector. Using questionnaires and interviews, this research compares the perception of the effect of licensing to its reception over the first 10 years. Contrary to popular perception, it was found that AALA is seen in a positive light, and the research further indicated that at the 18 centres studied opportunities for young children to experience sea kayaking as a medium for outdoor education appear to have increased.

KEYWORDS: Sea Kayaking, AALA, Lyme Bay, Adventure Activities Licensing

Rowland Woollven, MSc (Outdoor Education), FRGS, is a serving British Army officer.

Pete Allison, Ph.D., is a lecturer in Outdoor Education at the University of Edinburgh, Scotland. E-mail: Peter.Allison@ed.ac.uk

Peter Higgins is Head of Outdoor Education at the University of Edinburgh. E-mail: Pete.Higgins@education.ed.ac.uk

This paper intends to offer a case study concerning the impact of the first legislation relating to the licensing of outdoor adventure activities in Great Britain. The study focuses on sea kayaking, which in Great Britain has almost iconic significance because the incident that triggered legislative change involved sea kayaking.

It is our view that the study is of international interest for a number of reasons, including the long history of outdoor adventure education in Great Britain and the increasing number of countries moving toward tighter control of such activities. This is evident through the development or extension of accreditation schemes, certification of teaching and competence, instructional and leadership awards in, for example, Australia, Canada, France, Hong Kong, New Zealand, and the United States.

Background

At about 10 a.m. on 22nd March 1993, a party of eight pupils and a teacher from Southway School, Plymouth, accompanied by two instructors from the St. Alban's Centre, Lyme Regis, embarked in kayaks at Town Beach, Lyme Bay. Their intended journey was a trip from Lyme Regis to Charmouth and back. The events that subsequently unfolded had the result that, by 6:46 p.m. that day, four teenagers were dead. The national outcry that ensued resulted in a court case ending with the conviction of the Centre's Managing Director for manslaughter and, somewhat later, the introduction of a system of inspection, controls, and licensing for centres and businesses providing adventure activities for young people. The chain of events, of both the incident and the subsequent court case, are laid out clearly by Reeder (1995).

The investigations into what became known simply as "Lyme Bay" involved not only the police but also a procedural review of the actions and operations of Her Majesty's Coastguard, which revealed shortcomings in the command and control systems of the station coordinating the search and rescue operation.

Within the canoeing world considerable unease was felt when it became apparent that the two instructors accompanying the group were neither qualified nor experienced enough for the task they had been given. As Geary (1996) wrote:

In the Lyme Bay case the jury heard evidence that there was no specific recruitment criteria to become an instructor at the centre and that the two 'instructors' were not qualified to lead a sea trip. Indeed, the only canoeing

qualification that they held was the British Canoe Union One Star certificate, the lowest level of competence that can be awarded and which is generally regarded as a mere encouragement test. (p. 6)

An internal review was held by the British Canoe Union (BCU), which resulted in a high-profile disagreement between some of the leading sea kayak establishment figures of the day. The nub of the disagreement was that Nigel Dennis, a leading sea kayak coach, was prepared to take the stand as an expert witness for the defence in the court case against the Managing Director of the St. Alban's Centre. The formal opinion of the BCU upheld the general feeling across the outdoor sector, that had the National Governing Body (NGB) (i.e., the BCU) guidelines been followed, the chances of the incident occurring would have been far lower, and indeed highly unlikely (Fisher, 1995, p.12).

In a similar vein, Everard (2000) discussed the application of the Health and Safety Commission (HSC) guidelines on risk assessment to outdoor activities. He commented:

I suspect that if a scientifically conducted opinion survey had been undertaken after the Lyme Bay canoeing tragedy, which after all was the result of criminal negligence, we should not have ended up with the MLA (*sic*) [AALA?] regulations. (p. 14)

At the time of the trial, the examination within the national and canoeing press of both the centre's managing director and manager generated considerable public comment and discussion. The government initially took the view that a combination of Health and Safety Executive (HSE) oversight and voluntary regulation provided sufficient safeguards for parents and pupils. Bradford (2000) quoted the government spokesperson's announcement of December 1994:

Since the Lyme Bay tragedy, the Government has taken wide-ranging action on the safety of outdoor centres. This includes a special two year programme of inspections and publication of guidance to centres was issued in September. It is the opinion of the Health and Safety Executive, on the evidence available, that further regulation or statutory accreditation is not necessary. The Government's view remains that there is no advantage to be gained from adding to the existing legislation and supports the voluntary accreditation scheme. (p. 3)

This statement did not, however, satisfy public opinion. Further publicity ultimately led to the Member of Parliament for Plymouth and Davenport,

David Jamieson, tabling a Private Member's Bill in the House of Commons that proposed the statutory regulation of the outdoor activity sector whenever it had dealings with young people (defined as those under the age of 18 years). In response to the perceived public concern over the incident, the bill received government support and, in 1995, the Activity Centres (Young Persons' Safety) Act was passed. Under this authority the Adventure Activities Licensing Regulations came into being in 1996. The scope of the regulations was defined in two pages of interpretive notes accompanying them; they applied only to operations in England, Scotland, and Wales (in other words Great Britain, not the United Kingdom). Whatever activities may or may not have been included within the scope of the regulations, kayaking on the sea most certainly was, as evidenced in the following excerpts from the regulations:

'Watersports' means the use on specified waters of:

- (a) canoes, kayaks or similar craft propelled or steered by paddles held in the hand (but excluding rowing-boats propelled or steered by oars)
- (b) rafts (including those which are inflatable or which are improvised from various materials but excluding those propelled by means of a motor or towed by a motor-boat); or
- (c) sailing boats, windsurfers, sailing dinghies or other craft whose principal means of propulsion is the wind but excluding craft the construction, equipment and use of which is subject to a requirement for a certificate issued pursuant to the Merchant Shipping Act 1995(b) or any regulation or order made thereunder.

and

'Specified waters' means:

- (a) the sea;
- (b) tidal waters;
- (c) inland waters at a location where any part of those waters is more than 50 metres from the nearest land excluding any island; or
- (d) inland waters where the surface of the water is made turbulent because of weirs, rapids, waterfalls or fast flowing currents

(Health & Safety Executive, 1996, p. 3)

Thus the Adventure Activities Licensing Authority (AALA) came into being to apply the act and to licence centres and businesses that fell within its scope. The passing of the act itself and the introduction of the AALA were not universally welcomed by the outdoor sector. Considerable disquiet was expressed because of the perception that the AALA had chosen to ignore

'appropriate experience' as a measure of instructor suitability and was concentrating instead on NGB standards and awards. In fact, instructor qualifications were, and are, by no means the sole criterion for assessment (AALA, 2002, p. 21), but even 10 years later, the perception still existed:

When the Lyme bay [*sic*] incident happened, the outdoor industry was so far down the road of mutual back slapping and complacency that it had to abdicate all responsibility for regulating itself and subjugate itself to 'centre-accreditation'. The result was a rush for paper qualifications and the loss of many experienced, but unqualified, instructors. This abdication of responsibility extended to centre managers looking for qualifications over experience, despite this not being a legal requirement. People I know who run outdoor centres would rather employ experience over qualification any day but, because of the implied or assumed legal liability, they feel they cannot afford to take this risk! These centre managers now have to live with questionable appointments; they know that accidents will happen in the hills and on the lakes and on the rocks. But they have to be able to show that the correct pieces of paper are in place when the questions have to be answered after an accident. However, a more experienced, less qualified instructor might have had the intuition to have foreseen and prevented the accident. And then the outdoor industry has the gall to talk about risk management! (Manby, 2003, p. 21)

This echoes opinions expressed by Loynes (1996, p. 2) at the time of the introduction of the regulations:

In the last analysis it is not rules that will make people safer it is the judgement of the leader in the field constantly assessing a dynamic range of factors that make the difference. Their [*sic*] is no substitute for experience.

Over the next few years, several million pounds will be spent on the scheme. This will be funded by the user in the last analysis. This money would be far better spent on staff development and, especially salaries to ensure that experienced people remain working in the field. Instead salaries and experience will go down and our scope will be reduced to a theme park approach. Woe betide us.

It is therefore perhaps unfortunate, if only in presentational terms, that the guidance document for AALA inspectors (AALA, 2002) continues to *appear* to give precedence to the NGB qualifications of activity leaders:

Nowadays it is expected that leaders and instructors will not only **be** competent, but that employers will also be able to provide clear **evidence** of that competence. For the leader this means holding either:

- a relevant NGB award (or an acceptable equivalent);
- an explicit statement of competence from a technical advisor following a formal process of in-house training and assessment;
- an explicit statement of competence from a technical advisor verifying adequate relevant experience, both personal and instructional;
- an explicit statement of competence from a technical advisor verifying observation of one or more sessions run satisfactorily, together with an understanding of the appropriate response to a range of foreseeable emergency situations;
- any combination of these.

(AALA, 2002, p. 21) [original emphasis]

Sea kayaking is an entirely justifiable vehicle for outdoor education. Its loss would not of itself cause detriment to the main thrust of outdoor education but would certainly lessen the diversity of means by which young people may be developed through education in the outdoors. The present study investigated the extent of the opportunities offered to young people to experience sea kayaking, comparing levels in 1992 to 2002, and also considered whether the introduction of the licensing scheme actually had a negative effect on such provision. As part of this second aspect it sought opinions of centres and businesses involved in sea kayaking with young people.

This paper concentrates on the perception of licensing of commentators in the outdoor literature, comparing it with that of the NGB and its reception by practitioners in the field.

Methodology

This research was an inductive process working toward the position where it might become possible to comment regarding influences of the AALA on activity levels. The study gathered quantitative and qualitative data within an overall descriptor of having exploratory, descriptive, and explanatory aims.

In order to examine the provision of sea kayaking opportunities for young people over the decade spanning 1992 to 2002, it was apparent that people, businesses, and centres involved in such provision would need to be approached. Ideally, such respondents would have been involved throughout the entire period; this would enable a comparison of either end of the time period from their perspective. It was inevitable that some

providers who were operating in 1992 would no longer be in business and their absence from the sector at the end of the period may be as a result of the influences we sought to research.

Providers were found through two main sources: information from the AALA and the *Outdoor Source Book*, a publication that lists centres, businesses, and providers who have opted to advertise their involvement in various activities. The publication classifies providers by different categories such as training course provider and outdoor learning provider. Many of the centres and businesses opted to display the AALA symbol, indicating that a licence had been gained. Given that we aimed to research the involvement with young people, such a licence would now be mandatory, and this was therefore a convenient way of identifying potentially appropriate respondents. Although AALA information and the *Outdoor Source Book* were starting points, we also employed the snowball sampling technique (Creswell, 2005, p. 149), inviting respondents to suggest other potential respondents of whom they were aware.

At this stage it was not possible to detect whether all these centres and businesses were likely to have been active over the whole period being researched. Telephone approaches were then made to the 33 centres and businesses to see whether a representative would be prepared to participate in the research by completing a questionnaire on the subject. The telephone approaches also allowed confirmation, or otherwise, that it was appropriate for the organisation to be involved. In three cases the inference drawn from the *Outdoor Source Book* entry (a coastal location, an indication of watersports activities, and an AALA licence) proved incorrect, as centres were not involved in paddlesports of any variety. Additionally, some nine centres and businesses were not contactable or did not wish to be involved. The baseline for this phase of the research therefore became the remaining 21 centres and businesses. At best this represented 100% of those centres and businesses listed in the *Outdoor Source Book* and involved in the appropriate activities for this research; at worst, assuming that the nine from which no answer could be obtained would all have been willing to respond, it represents 70% of the appropriate field. It should be noted that the range of centres and businesses involved cover the full spectrum of activity, including extremely busy Local Education Authority (LEA) centres, commercial operations, and independent activity providers who were unsure of their relevance to the research. The overarching criteria applied were:

- the involvement of people under the age of 18;
- a sitting position in a kayak;
- the use of a double-ended paddle for propulsion; and
- the activity taking place on salt water.

Any centre or business whose activities included all four of these criteria was deemed eligible for inclusion in the research.

Given the geographical spread of the centres and businesses that agreed to respond, it was impractical in terms of time and expense to travel to each of them to conduct face-to-face interviews. There was a similar expense barrier to conducting extended interviews by telephone, so a postal questionnaire was used. According to Silverman (2000), questionnaires have an attraction in terms of the presentation of their findings: "For instance, in survey research one is usually satisfied by achieving significant, non-spurious correlations. So, if nearly all your data supports your hypothesis, your job is largely done" (p.180).

Like all research methods there are limitations and these have been detailed in literature by, among others, Mehan (1979) and Silverman (2000). It was therefore apparent that the compilation of any questionnaire would need to be an iterative process, with review and revision at all stages (McMillan & Schumacher, 2006). Further, where possible, the results of any such questionnaire ought to be presented in a manner that reflects the respondents' input rather than the researcher's interpretation. These aims were kept in mind throughout the compilation, proofing, and results presentation stages.

The questionnaire was devised initially by compiling a list of questions considered to be appropriate for the identification of activity levels and staff qualifications at either end of the time period. These were then piloted with postgraduate students (studying outdoor education). This process led to the refining of questions, the omission of some considered more contentious, the breaking down of questions into their constituent parts to allow clearer interpretation and answers, and the elimination of ambiguity.

The results of this initial pilot exercise led to a second version of the questionnaire that was circulated for comment to four members of the above-mentioned student group who had agreed to assist, and copied to two long-term kayakers with no previous involvement in this research, for their views on how it read from a kayaker's perspective. The final questionnaire was circulated to the 21 participating centres and businesses.

In addition to seeking data from providers, other sources were also approached. This is sometimes referred to as triangulation design (see Creswell, 2005; McMillan & Schumacher, 2006). Our intention was that the opinions gained from the questionnaires sent to centres and businesses would form the basis of interview discussions with these key organisations and individuals, and prompt further avenues of inquiry.

The postal survey of the centres and businesses resulted in 18 returned questionnaires (a response rate of 86%). This of itself represents a coverage of between 60% and 86% (as discussed earlier) of those appropriate centres and businesses listed in the *Outdoor Source Book 2002-3*, and may thus be

considered as representative of that portion of the outdoor sector involved in the provision of sea kayaking opportunities for young people.

Following the dispatch and receipt of questionnaires, three interviews were conducted with people considered key to the activity of sea kayaking in Great Britain. The format and style of each interview was different: one was conducted face-to-face with concurrent note-taking; another was conducted over the telephone (see Creswell, 2005; Leedy & Ormrod, 2005), making short notes as the interview progressed; and the third was conducted by e-mail. Time pressures on the third interviewee meant that the preparation and presentation of material had to be left to him to complete in his own time, in response to open-ended questions raised by the interviewer.

This method was appropriate as all three respondents were known to the researchers and the interview aimed to allow them to freely express their opinions rather than be constrained by tightly structured questions. For this reason, there is no 'list of questions' asked of each respondent, and accounts of the interviews are narrative in style (see Cohen & Manion, 2000).

The first interview, carried out on 10th May 2003, was with Mike Devlin, the Director of Coaching of the BCU. Devlin was involved with the administration and operation of the BCU throughout the entire 1992-2002 period and is well placed to comment on matters pertaining to sea kayaking throughout Great Britain. The interview took the style of a wide-ranging discussion, with the starting point being the question of the BCU's position or opinion on the need for, and effectiveness of, the introduction of the licensing process and of AALA itself.

The second interview was conducted with Dave Evans by telephone on 3rd July, 2003. In addition to being the head of one of the centres responding to the questionnaire, Dave Evans was a member of the BCU Sea Touring Committee closely involved with the BCU internal review carried out at the time of the Lyme Bay accident. He is also a long-standing member of the Association of Heads of Outdoor Education Centres North Wales (AHOEC) in North Wales, and fronted the Channel 4 Dispatches documentary into all matters surrounding Lyme Bay.

The final interview, conducted by e-mail, was with Stuart Fisher, editor of *Canoeist* magazine, which until recently was the only generalist paddlesport magazine in wide circulation in Great Britain. He is a sea kayaker and a long-term commentator on all matters relating to canoeing and kayaking.

By triangulating the views from three standpoints, the aim was to gain as clear a picture as possible of the state of sea kayaking opportunities for young people. The achieved degree of reliability, by which we mean the consistency with which observers described observing the same position, would then enable us to ascribe a degree of generalisability from the observed instances to the whole sector.

Perceptions

Loynes (1996) wrote on the imminent introduction of the AALA in his editorial, setting out his views on why the licensing scheme should not be introduced, primarily because it seemed likely to fail to meet the objective it was set up to achieve, but also because of the secondary effects it would have throughout outdoor education. A major concern of Loynes was that:

...any prescription of our work will narrow our potential. Outdoor experiences are being increasingly narrowly defined by the rules of the game applied to a small number of sports that take place out of doors. As these rules are hardened the opportunity for creativity and invention in our relationship with the countryside and the sea is reduced. Some, perhaps much, of the sparkle becomes lost as instructors become preoccupied with ropes and belays instead of climbing. The rules will come between us and the experience. (p. 2)

This sets out a philosophical argument against licensing, and exposes some of the practical reasons why it did not receive a general welcome from the outdoor sector.

The Specialist Press Perspective

The editor of *Canoeist* magazine, Stuart Fisher, has firmly held views on matters surrounding Lyme Bay and the introduction of the AALA, often taking issue with the position held by the BCU. His position as editor of *Canoeist* has provided a platform for the expression of those views and these inevitably have been influential in the formation of the widely held perceptions surrounding the AALA and certification. He made the following commentary about the incident and its aftermath:

Four people died because someone did not obey the existing rules, for which he was sent to jail. That did not mean the existing rules were inadequate. Look in your paper today and you will see people who have been punished for breaking the law. That does not mean the law needs to be changed. In this case there was a knee jerk reaction to show that something was being done, that something being the setting up of the AALA. In our 130 year history it was the only fatal accident of canoeing pupils under instruction. I contend this shows a very high safety record and an industry working very safely within existing Health & Safety regulations.

The AALA would not be a problem were it not for the requirement for centres to pay for their own inspections. Large commercial companies

such as the one in the Lyme Bay case have the advantage of being able to spread the cost over many customers. Those hard hit have been the small centres, often run by skilled enthusiasts already sailing very close to the wind financially. We have driven out the small experts and retained larger profit driven companies. In the early days there were reports of centres being inspected by inspectors with only a few hours of briefing and no other experience, telling long established centres how they should be running things.

If centres are closed down or their costs rise to the point where customers can no longer afford to go, those customers will not necessarily go to the large centres. Taken with the cutbacks in local authorities spending on youth outdoor activities and cutbacks in education spending plus the ever increasing threats to teachers if anything goes wrong, less young people are being introduced to activities in a safe fashion. Where they are still given a chance, the legal safeguards are so stringent that they do not have to make realistic risk assessments because no pupil is allowed to make an unsafe judgement without being aware that somebody else will be responsible for providing a safety net.

Some of those who now are excluded from safe or even relatively safe teaching of outdoor activities have become couch potatoes in front of computer screens and will develop illnesses from unhealthy lifestyles. Some have turned to the dangers of such activities as drugs. Others have made their own adventures, sometimes far more risky than they would have faced with even a poor outdoor instructor. There are probably far more deaths as a result of regulations than ever there were before but now there is nobody who will be directly blamed.

(S. Fisher, personal communication, e-mail, 11 July, 2003)

This is a powerful statement of belief from someone in an influential opinion-forming position. The degree to which it is backed up by the experiences of the centres and providers themselves will be examined later.

NGB Perspective

This perspective was gained through an interview with Mike Devlin, then-Director of Coaching of the BCU. When asked about the immediate effect of Lyme Bay, Devlin responded he had seen an increase in the numbers of people seeking to revalidate their coaching awards and of first-time

recruits to the coaching scheme. In Devlin's words, the BCU's overall position is that AALA has made a difference—even if it is only a perception of improvement. When asked to define 'improvement,' Devlin replied that providers of the activity were relatively comfortable with the operations of the AALA and that licensing had been successful in making centres and providers think about their operations in the round. It was considered that the AALA ought to have a wider remit to look at the operation of centres as a whole rather than just the activities themselves. There was a perception that the NGBs ought to have been more closely involved in the preparation of the AALA inspection process (and this is echoed later by the comment that AALA and NGB inspections have evolved to be duplicates of each other to the extent that some providers are questioning whether both are required). When considering the question of the overall state of sea kayaking within Great Britain, Devlin stated that the BCU felt that there was greater participation in sea kayaking in 2002 than in 1992, but it did not prove possible to extract hard data from BCU archives to support this assertion. Devlin considered that, allied to the requirements for certification at both the centre and an individual level, the increasingly professional approach to coaching had engendered a feeling of alienation among those who introduce young people to the activity because of their own love of it rather than for reasons of employment. The BCU was aware that this change in operation and the overall management system required careful handling if it was not to turn away long-standing voluntary coaches (which would decrease the overall availability of opportunities for young people to experience the activity).

Head of Centre Perspective

A telephone interview (noted contemporaneously) with the head of an Outdoor Activity Centre based in North Wales was undertaken. As well as being the head of one of the centres responding to the questionnaire, this person was a member of the BCU Sea Touring Committee closely involved with the BCU internal review carried out at the time of the Lyme Bay accident, has been a long-standing member of the North Wales Association for Heads of Outdoor Education Centres (AHOEC) panel, and fronted the Channel 4 television documentary *Dispatches* into matters surrounding Lyme Bay. He commented that at no stage was there any criticism of the BCU's system of awards and qualifications, primarily because it was apparent at an early stage that the centre involved did not use them as a yardstick for assessing staff suitability for involvement with the activity. He added that at the time of the inquiry and subsequent introduction of the AALA, the HSE did not want nor see the need for a new licensing authority (HSE felt that any apparent breaches of the law could have been dealt with under the existing Health and Safety at Work Act). He stated that centres and providers were broadly

content with the style and aim of the inspection and licensing process but were less happy with the costs involved (this is borne out by the general tenor of responses to the questionnaire). He felt that gaps in the scheme allowed voluntary bodies to escape full scrutiny and that there could be better oversight of school-led activities. He concluded the interview with the familiar comment that the greatest threat to the safety and well-being of young people lay in their journeys to and from centres and activities and from poor accommodation. For these reasons he and other heads of centres would actually welcome a widening of the remit of the AALA, provided that other, duplicating inspections could be done away with.

Reception

Using a combination of questionnaires, face-to-face interviews, and telephone and e-mail interviews, and having established the credibility of responses by examining the respondent's position in the organisation and his/her knowledge of developments over the period since the introduction of licensing, the research addressed practitioners' reception of the introduction of licensing. Eighteen centres, businesses, and providers were involved in the research, covering the full spectrum of sea kayaking involvement in outdoor education across providers with independent, local education authority, national centre, commercial, and charitable status. In this section each survey question is introduced and the quantitative data presented. Following this, qualitative data are given and some analysis offered.

Question 1: Have your operations, courses, or business been constrained by the licensing requirements of the AALA?

Sample size, 18; number of responses, 18
Yes - 3 (17%); No - 15 (83%)

Comments from those who responded "yes":

- "There has been greater restriction on the specifications for certification" [*It is possible that this indicates that procedures had to be tightened to gain a licence at this centre.*];
- "We no longer offer sea kayaking as a stand-alone activity";
- "We now have increased usage of specialist sea kayaks" [*the use of more appropriate kayaks for the activity?*]

Comments from those who responded "no":

- "We have always operated to NGB standards";
- "The Centre operated a technical qualification system pre-Lyme Bay";

- “The Centre already had high requirements”;
- “Our standard procedures were already compiled prior to AALA”;
- “AALA has helped”;
- “LEA centres are viewed as safer than private ones”;
- “We operated to NGB standards anyway”;
- “But – some experienced people could not guide until they got NGB awards”;
- “But – there has been a greater emphasis on NGB awards;”
- “The County’s operating procedures led the legislation”.

This very direct question was intended to put respondents on the spot as to their formal reaction to the introduction of the AALA. Only three of 18 respondents (17%) felt that the AALA licensing process had been a constraint and, as can be seen from the comments, two of those respondents may be indicating that operations had changed for the better. The remainder of the respondents were apparently unaffected by the introduction of the AALA, with nearly all emphasising their adherence pre- and post-AALA to NGB standards and norms of operation (e.g. the use of qualified staff and the application of coaching and leadership ratios).

Question 2: Have you found it easy to maintain instructor qualifications at the level required for licensing by the AALA?

Sample size, 18; number of responses, 18
Yes - 16 (89%); No - 2 (11%).

Question 2a: If you have not found it easy, how do you get round the problem?

Responses for 2a:

- “We restrict the activities or venues”;
- “We ignore it.”

Sixteen of the 18 respondents (89%) considered that they had experienced no difficulty in maintaining instructors suitably qualified; of the two that had experienced difficulties, one addressed the problem in an appropriate manner by restricting activities or venues to those in line with the remit of the award holder. The remaining respondent merely ignored the problem.

Question 3: Has the introduction of the AALA affected the level of safety or approach to safety in your sessions on the sea?

Sample size, 18; number of responses, 18
Yes - 1 (6%); No - 17 (94%)

Comments of those who responded “no”:

- “Sessions have always run to BCU guidelines and the AALA has only reinforced this”;
- “We operate to NGB standards anyway”;
- “Has not affected my personal approach”;
- “We already had high safety requirements in place”;
- “We are expected to be exemplary”;
- “No more effect than Royal Yachting Association (RYA) requirements’ (*an interesting comparison across activities*);
- “It is just shared good practice”;
- “The process made us think everything through”;
- “The similarities between the AALA and [business title] requirements reinforce confidence in our own systems.”

This question was another check on whether respondents considered that the introduction of the AALA had had the effect of making operations with young people on the water safer than before. Seventeen of the 18 respondents (94%) considered that they were already safe (only one centre stated that there was subsequently greater consideration of safety matters than before). It is noteworthy that the majority of those seemingly unaffected in this aspect by the introduction of the AALA tended to emphasize the cross-reference to NGB qualifications and procedures.

Question 4: Have the requirements of licensing ever led you to consider ending your involvement in the provision of sea kayaking experiences for young people?

Sample size, 18; number of responses, 18
Yes - 1 (6%); No - 17 (94%)

Although one respondent stated that the variety of courses previously offered had been cut back, the vast majority (17 of 18 respondents [94%]) stated that, effectively, the introduction of AALA and licensing had not caused them a problem. One unsolicited comment was made: “AALA is seen as an opportunity, not a threat.”

Question 5: Has the introduction of AALA had a beneficial effect on your centre/business?

Sample size, 18; number of responses, 17
 Yes - 13 (76%); Maybe - 2 (12%); No - 2 (12%)

With this question, the respondents were invited to make a value judgement on whether the introduction of AALA had had a beneficial effect on their centre/business, asking them to decide exactly where they stood in considering the worth to them of the AALA.

Comments from those who answered “no”:

- “There has been no beneficial effect”;
- “We believe 99.9% of AALA input is commonsense and that it would have occurred without AALA.”

Comments from those who answered “maybe”:

- “It is difficult to assess AALA’s impact on a growing industry”;
- “Difficulties of compliance elsewhere may have encouraged attendance at [title of business].”

Explanatory comments from all correspondents:

- “The introduction of the requirement for specific qualifications has been good”;
- “It put the systems in writing and, in so doing, makes you think about the procedures”;
- “An annual external inspection is considered very beneficial”;
- “There has been a greater demand from industry for our output”;
- “It provides a system check across the Centre, but the limit on activities in scope is misleading to parents”;
- “Quality control would be a natural progression of the inspection service”;
- “It provides reassurance to parents”;
- “It tidied up the industry and got rid of some of the cowboys” [sic];
- “It is good to know you were doing the right things”;
- “It is expected as part of our marketing (but we could do without the paperwork and expense)”;
- “Looking from the outside, it gives us professional standing”;
- “It gives clients confidence (even the over-18s!)”;
- “It has helped turn the outdoor industry into a profession.”

Perception Versus Reception

Within the research, respondents were asked to state whether the introduction of licensing and the AALA had changed their centres' or businesses' approach to safety; whether they considered that the introduction had, on balance, been a good thing; and whether the requirements imposed upon them to gain a licence had ever led them to consider ending their involvement in the provision of opportunities for young people to experience sea kayaking.

The overwhelming majority response to the question regarding safety was that nothing had changed because of the introduction of licensing. The tone of some comments suggested that some respondents felt affronted at the suggestion that it would take a change in the law to make them consider the safety of their operations. Most respondents emphasised that they had complied with the NGB staffing ratios and procedural requirements before Lyme Bay, and that little or nothing had changed afterward. One typical comment was, "Sessions have always been run to BCU guidelines; AALA has only reinforced this." Contrary to a perception that the AALA licensing process was a burdensome imposition, many centres and businesses spoke positively of being made to think through procedures against a formal measure. In a similar vein, the fact that operations had now been found to measure satisfactorily against *two* yardsticks (AALA and BCU) gave centres and businesses renewed confidence in the propriety of their operations.

When asked whether the introduction of licensing had ever caused them to consider ending their involvement in this part of the outdoor sector, 17 of 18 respondents replied in the negative. The single centre that replied in the affirmative had not withdrawn from the activity but had cut down on the courses offered, which could be interpreted as reconsidering their operations and now only offering courses lying within the remit of the qualifications held by the centre's staff. It is interesting to compare this response with one of the unsolicited comments raised in answer to the question, "Overall, do you consider the introduction of the AALA to have had a beneficial effect on your centre/business?" We refer here to the comment, "It tidied up the industry and got rid of some of the cowboys [*sic*]."

When addressing the core question directly—the effect of the introduction of the AALA—15 of 17 respondents (one centre opted not to respond to this question) considered that there had been either "definitely" or "maybe" a beneficial effect. Only one respondent opined that, "There has been no beneficial effect" and "We believe 99.9% of AALA input is commonsense and that it would have occurred without AALA." However, the many comments complimentary to both the process and image presented externally as a result of being licensed suggest that across the outdoor sector there is no great level of resentment at being made subject to an

inspection and licensing procedure. One comment represented a common theme, however, and that was a feeling that the paperwork burden, although understood, weighed heavily on centres and businesses with small staffs and that the process was expensive. From the perspective of the AALA, comments such as “looking from the outside, it gives us professional standing,” and “it is good to know you were doing the right things” can only be reassuring that, at least in this time frame, positive impacts and outcomes were achieved.

Conclusion

At the start of the study we expected to expose a decrease in the opportunities for young people to experience sea kayaking and that this decrease would have a clear link to the introduction of licensing and the AALA in the aftermath of the Lyme Bay incident. These feelings were based on personal observations and the views expressed in the canoeing and outdoor press between 1992 and 2002.

Instead, what was found was an activity that was healthy, at least at the introductory level. The centres and businesses (of both the outdoor education and activity sectors) contacted during this study had, on the whole, embraced licensing favourably and with little if any adverse effect. Specifically, not one responding centre or business had been driven to cease the provision of sea kayaking experiences for young people. It was appreciated that those operating on the fringes of acceptable activity may have quietly withdrawn from the scene and were thus no longer there to interview and question, and that some other centres and businesses might well have closed as a result of the pressures resulting from licensing. Because of this, we are cautious about drawing too wide an inference across the whole of the outdoor sector from the results of those centres and businesses contacted. However, if the introduction of licensing has indeed “driven the cowboys out [*sic*],” this can only have been a good outcome—although it is also reasonable to wonder whether the time, effort, and expense of the entire legislative and licensing process was justified as a response to an act of such a nature that it could have been dealt with (and was) under extant legislation.

Overall, however, we have confidence that there is evidence of there being an ongoing involvement of young people in sea kayaking, and that if a problem exists with keeping those young people involved in the activity, this is not for want of introductory opportunity nor as a result of any adverse effects of legislative measures.

Bearing in mind the limitation that these results apply only to those centres and businesses that we have been able to study, our overall conclusion from this research is that the introduction of licensing and the AALA as a result of the Lyme Bay incident does not appear to have adversely affected the provision of opportunities for young people to experience

kayaking on the sea. Contrary to the perception held in the canoeing and outdoor press and among onlookers of the outdoor sector, not only does the scale of opportunities seem to have increased at the centres and businesses studied but they have also, in the main, positively embraced the introduction of licensing.

Bradford (2000) concluded a review of the foundation and operations of the AALA with the following remark on the future:

Beyond 2002, the challenge to all involved will be to find a credible, acceptable scheme, which continues to provide an assurance to the public that their children are in safe hands, and which does not reduce the opportunities for young people to participate. (p. 5)

That challenge remains. Ironically the hardest people to convince may be those who, in a range of contexts, claim to speak for outdoor education.

Acknowledgements

The authors would like to thank the University of Edinburgh, which partially funded this research.

References

- Adventure Activities Licensing Authority. (2002). *Good practice in adventure activities within the education sector*. Retrieved February 3, 2004, from: www.aala.org.uk
- Bradford, J. (2000). *From Lyme Bay to licensing*. Retrieved February 3, 2004, from: www.aala.org.uk
- Cohen, L., & Manion, L. (2000). *Research methods in education* (4th ed.). London: Routledge.
- Creswell, J. W. (2005). *Educational research*. London: Pearson.
- Everard, B. (2000). Danger and risks. Balancing risks and benefits. *Horizons*, 9(Spring), 13–14.
- Fisher, S. (1995). Incident file. *Canoeist*, February, p. 12.
- Geary, R. (1996). The Lyme Bay canoeing tragedy and the criminal law. *Journal of Adventure Education and Outdoor Leadership*, 12(4), 4–7.
- Health and Safety Executive. (1996). *Statutory instrument 1996 No. 772. The adventure activities licensing regulations 1996*. United Kingdom: HMSO.
- Leedy, P. D., & Ormrod, J. E. (2005). *Practical research* (8th ed.). London: Pearson.
- Loynes, C. (1996). Why I think the licensing scheme should be scrapped (editorial). *Journal of Adventure Education and Outdoor Leadership*, 12(4), p. 2.
- Manby, D. (2003). Outdoor education is failing. *Canoe & Kayak UK*, April (25), p. 21.
- McMillan, J. H., & Schumacher, S. (2006). *Research in education* (6th ed.). London: Pearson.
- Mehan, H. (1979). *Learning lessons: Social organization in the classroom*. Cambridge, MA: Harvard University Press.
- Reeder, J. (1995). *Lyme Bay 22nd March 1993. Loss of four teenage canoeists. Review of coastguard actions and search and rescue procedures*. Personally held photostat copy of Review Findings.
- Silverman, D. (2000). *Doing qualitative research*. London: Sage.