

Use of External Providers and Operators

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The Outdoor Education & External Visits website is at
<https://slp.somerset.org.uk/sites/sccoea/SitePages/Home.aspx>

INTRODUCTION TO THE USE OF EXTERNAL PROVIDERS AND TOUR OPERATORS

There are a large number of providers in the UK and abroad offering a range of adventurous and other activities. Turnover of these companies can be high, with many new operators each year. Such a situation makes it impossible for the Local Authority to maintain a register of all organisations.

Many operators offer services at a very acceptable level but wide variation exists with evidence of poor practice from some external providers. Visit Leaders are strongly advised to apply the following guidance and assess the suitability of a venue and an external provider's services to ensure that it meets the needs of your educational and development objectives.

It is imperative that appropriate checks are made before groups commit themselves to working with any external organisation.

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USING AN EXTERNAL PROVIDER OR TOUR OPERATOR AND THE REQUIREMENTS REQUIRED BY THE LOCAL AUTHORITY

Somerset County Council maintains a register of external providers endorsed to provide visits or activities. These organisations/third party providers have been approved by the Local Authority to provide adventurous/residential activities by completion of an EV4 form, or through a national provider assurance scheme (e.g. Adventurous Activities Licencing Authority (AALA) or Learning Outside of the Classroom Quality Badge (LOtC). Details of the three schemes are further described in this document.

FORM EV4

1. Somerset County Council's OEA manages an External Provider Endorsement process using an EV4 form. The EV4 document is sent to external providers to complete and return confirming that they provide adventurous activities to a range of conditions set by Somerset County Council/National Guidance. The external provider will be required to complete the form in full, but can also confirm whether they hold an Adventurous Activities Licencing Authority (AALA) or Learning Outside of the

Classroom Quality Badge (LOtC). The Corporate Health and Safety Unit will issue an EV4 form on behalf of a school or educational establishment that is seeking to employ the services of an external provider and where there is an element of instruction, supervision, or guiding provided. An external provider must successfully complete and return the EV4 form to the Corporate Health and Safety Unit before the trip or activity takes place (time consideration for this process must be allowed for by visit leaders).

2. The EV4 form sets out a range of conditions that the external provider has to meet to be endorsed as an approved provider on the SCC Outdoor Education/EEC Health and Safety website provider list. These conditions cover the areas of Health and Safety Management, Staffing, Insurance, Inclusion and Environment, Vehicles, Accommodation and Activity Management and help to ensure the safety of the participants and the level of service provided is to Local Authority/Outdoor Education National Guidance standards.
3. Appendix B of the document '[What are the Key Requirements for Enabling an External Visit to Take Place?](#)' found in the [Start Here](#) section of the SCC Outdoor Education & External Visits website contains a list of current providers/tour operators who have completed an EV4 applicable for this academic year. The EEC Health and safety website also contains the same provider/operator lists. Endorsed External Providers are required to confirm that their service meets the requirements of an EV4/AALA/LOtC standard annually to remain on Somerset's Endorsed External Provider register.

Procedure If An Ev4 Needs To Be Sent To The Provider

- Firstly confirm that they are not already on either the list of providers that have completed an EV4 or the list of providers which have been sent an EV4 but have not yet returned it to the Corporate Health and Safety Unit.
- If your chosen provider is not on either list:
 - Do not send an EV4 yourself.
 - Please contact the Corporate Health and Safety Unit directly on 01823 355089 or by email at oea@somerset.gov.uk with the provider's details. Alternatively, if you are using EEC to complete your external visit application click on 'Add New Provider' from the Provider's list (this will then automatically contact the Corporate Health and Safety Unit on your behalf with the details that you have provided).
 - The Corporate Health and Safety Unit will send an EV4 form to the provider once the provider's details has been provided by the requester.
 - Once the provider has successfully completed and returned the EV4 they will be added to the SCC list of registered providers (shown in Appendix B of the document [What are the Key Requirements for Enabling an External Visit to Take Place?](#)' or from the provider list of the EEC website.
 - The Corporate Health and Safety Unit will hold the original signed EV4s. Should any visit leader require a copy of an EV4 specific to their visit they can request this by contacting 01823 355089 or by email: OEA@somerset.gov.uk .

The EV4 procedure alone is **not** sufficient for Overseas Expeditions (i.e. those which typically take place in remote areas of the world and/or in developing countries), for which separate arrangements should be discussed with the Corporate Health and Safety Unit.

(Please refer to the document [What are the Key Requirements for Enabling an External Visit to Take Place?](#) (see Appendix C) from the [Start Here](#) section of the [Outdoor Education & External Visits website](#).)

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ADVENTURE ACTIVITIES LICENSING REGULATIONS (AALA)

The Adventure Activities Licensing Regulations (AALA) was introduced in 1996, arising from the Activity Centres (Young Persons' Safety) Act 1995.

In brief, any provider offering, within the UK, any of the licensable activities for a fee to young persons under 18 years of age, is legally required to be inspected by the Activity Activities Licensing Service and licensed by the Adventure Activities Licensing Authority (AALA) part of the HSE.

Licensable activities are:

- trekking - foot, cycle, horse or off-piste skiing in remote or high country
- climbing - climbing, traversing, abseiling, scrambling except on purpose-designed walls or towers
- watersports - canoeing, sailing, rafting and related activities undertaken on "specified waters"
- caving - underground exploration in natural caves and mines, excluding show caves and mines open to the public

Visit leaders are required to ascertain:

- whether a provider is legally required to hold a licence for the activities offered before any financial commitment is made and, if so,
- that the provider holds a current licence.

The Adventure Activities Licensing Regulations 1996: Further Information

- [Introduction](#)
- [The Licensing Authority](#)
- [Activities Covered by the Regulations](#)
- [Which Providers Need a Licence?](#)
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Introduction

These Regulations came into effect in April 1996, passed under the Activity Centres (Young Persons' Safety) Act 1995. Together with the Adventure Activities Licensing Regulations 2004, they provide the legal requirement for providers that plan, organise, lead or provide certain adventure activities to inspect their safety management systems and hold a licence.

In brief, any provider offering within the UK any of certain specified activities for a fee to young persons under the age of 18 is legally required to be inspected and licensed by the Adventure Activities Licensing Authority (AALA).

The Adventure Activities Licensing Scheme (AALS) website allows you to search for Activity Providers who are registered with The Licensing Authority as licence holders. On the [Looking for a provider?](#) page simply select the area of Britain which you are interested in and a list of activity providers will be displayed on screen. You can use this search page to view all the current Adventure Activity Licensing Authority (AALA) licensed providers based in Somerset.

[< AAL Regulations 1996: Further Information](#)

The Licensing Authority

Under the 1995 Act a Licensing Authority was established. In addition, the **‘Guidance from the Licensing Authority on Adventure Activities Licensing Regulations 2004’** sets out the legal framework within which the Licensing Authority must work. The Health and Safety Executive is the current designated Licensing Authority and has to consider applications for licences from providers, carry out an inspection, and decide whether to grant a licence. Conditions may be attached, such as restrictions on activities and the duration of the licence, and there is also the power to revoke a licence.

The governing legislation is the Health and Safety at Work Act 1974, as updated, and the emphasis is on the evaluation of the provider’s risk assessment and management when considering an application. Such aspects as instructor qualifications and experience, supervision ratios for parties, first aid and emergency policies and procedures, accident records, and the equipment and facilities of providers, are all taken into account. There is an inspection cycle and a licence renewal system at expiry, as well as a complaints system.

[< AAL Regulations 1996: Further Information](#)

Activities Covered by the Regulations

The following activities are within the scope of the Regulations:

Climbing (see below)	Watersports (see below)	Trekking (see below)	Caving (see below)
Rock climbing Abseiling Gorge walking Ice climbing Sea level traversing Ghyll scrambling	Canoeing Kayaking Dragon boating White water rafting Sailing Sailboarding Windsurfing Wave skiing	Mountaineering Hill walking Fell running Orienteering Pony trekking Off-road cycling Off-piste skiing	Caving Cave Diving Potholing Mine exploration

These activities are subject to detailed definition in the Regulations, which should be consulted directly in cases of doubt. In their publication *Guidance on Regulations to the Licensing Authority* the Health and Safety Commission provide further details as to the hazard levels within each of these activities, and the corresponding qualifications required of group instruct/leader and the technical expert advice available to the provider.

The Act only applies to activities within Great Britain; however, reputable UK providers will operate to similar standards where they provide activities in other countries.

[< AAL Regulations 1996: Further Information](#)

Climbing

For the purposes of the licensing scheme this covers most activities involving movement over difficult terrain which requires the use of hands as well as feet and where safety requires either the use of the equipment or the skills and techniques of a rock or ice climber.

A licence is not required for scrambling where injury would not occur if equipment or special techniques to protect the individual from falling are not used and where other hazards which might cause injury are everyday hazards which would be obvious to and surmountable by someone with no previous experience of rock or ice climbing.

Climbing walls, abseiling towers and similar manmade structures designed for practising climbing techniques are excluded from licensing but this does not extend to other outdoor manmade structures such as railway viaducts.

[< Activities Covered by the Regulations](#)
[< AAL Regulations 1996: Further Information](#)

Watersports

For the purposes of the licensing scheme this covers most activities involving un-powered craft on certain specified waters.

The specified waters include any place within the territorial limits of Great Britain on the sea or any other tidal waters, including estuaries, the tidal reaches of rivers, sea lochs and harbours. The term also includes any body of inland water in which it is possible to be more than 50m from the nearest perimeter bank; and any inland waters where the surface is turbulent because of weirs, rapids, waterfalls or fast flowing currents (white water).

A licence is not needed for use of craft on inland lakes, lochs or other bodies of placid water which are less than 100 m wide throughout their length and where surface turbulence is limited to the regular wave produced by wind action. If a lake or loch is greater than 100 m wide, use of craft on any part of that body of water would be subject to licensing; a river or canal connected to it would be a separate body of water there.

Any stretch of inland water which is categorised at Grade II or above according to the International Canoe Federation classification would be subject to licensing, but unlicensed providers will not be able to use them when they are turbulent at times of spate flow.

The craft subject to licensing, if used on specified waters, are:

- canoes, kayaks or similar craft
- rafts (inflatable or improvised)
- sailing boats, windsurfers, sailing dinghies or other wind-propelled craft.

A licence is not required for the use of rowing boats, powered or towed inflatables or rafts, and the larger sailing vessels which go to sea and are subject to Merchant Shipping Act certification.

[< Activities Covered by the Regulations](#)
[< AAL Regulations 1996: Further Information](#)

Trekking

For the purposes of the licensing scheme this covers walking, pony trekking, mountain biking or off-piste skiing in remote open country.

Travelling in any place which is moorland (open uncultivated land at any height above sea level) or on a mountain above 600 m and from which it would take more than 30 minutes' travelling time to walk back to an accessible road or refuge is subject to licensing, except for on-piste skiing.

Woodland, forests and other cultivated land is excluded from the definition only where it is less than 600 m above sea level.

A road, which does not have the width or surface to be used by an ordinary road going ambulance, would not be an accessible road.

A refuge is a building offering shelter for the party in an emergency and it must either be occupied or have some means of summoning help.

The distance which can be covered in the 30 minutes travelling time will never be more than 2.5 km and will be less if there are uphill sections on the route back. It must also be over a route which can be walked safely so must not have any unfordable rivers or precipitous ground on it. Time of year and weather conditions may mean that a road is not an accessible road or a seasonally open or occupied building is not a refuge at some times of the year. The distance calculated by reference to travelling time is a standard one not dependent on weather conditions or the capabilities of the part.

[< Activities Covered by the Regulations](#)

[< AAL Regulations 1996: Further Information](#)

Caving

For the purposes of the licensing scheme this covers most activities done underground in natural caves or in mines, including potholing, cave diving and mine exploration.

It does not include visits to the parts of show caves or tourist mines, which are open to the public or to the parts of mines (underground excavations made for the purpose of getting minerals) which are still being worked.

[< Activities Covered by the Regulations](#)

[< AAL Regulations 1996: Further Information](#)

Which Providers Need a Licence?

Anyone who provides adventure activities within the scope of the scheme in return for payment (which does not have to be aimed at profit making) must have a licence and abide by its conditions. The scheme applies to all who sell adventure activities to Schools/establishments and to the public for young people under 18. This can include both commercial and voluntary bodies. So a school/establishment needs to check whether any provider it is using for regulated activities is licensed for those activities. A provider can be an individual, a group, a company, a local authority, a school, a service, a society, trust, partnership, or club.

Schools do not need a licence for provision to young people who are currently at the school but would be expected to apply the same standards of leadership, management and care as are required for licensable organisations. Schools do need a licence for provision to young people of another school, or to other members of the public, for activities covered by the Regulations. This includes the Duke of Edinburgh Award when ex-pupils take part or young people from another school or other under-18 year olds are also provided for.

Outdoor Education Centres run by LAs are required to have a licence for any activities covered by the Regulations. The Youth Service needs a licence if, for example, it is a direct provider of Duke of Edinburgh Award expeditions to independent young people not in school or from various schools.

A Youth Centre is regarded by the Department of Education (DfE) as a 'voluntary association' for purposes of the Regulations and as such would not need a licence for regulated activities unless it provides for non-members. The Armed Forces can be providers but have Crown immunity from the Regulations.

A full list of current AALA licence holders together with useful advice for providers and clients is available at www.aals.org.uk.

[< AAL Regulations 1996: Further Information](#)

Implications

Activity organisers:

- must comply with LA safety requirements as set out in this guidance.
- must ensure that they do not offer defined activities in return for payment to anyone under 18, except to their own members, unless they are either licensed or are using a provider who is licensed for the activities on offer. To do so is a criminal offence.
- should understand that the term 'payment' is construed as being any financial transaction between the parties, even where the instruction or leadership is nominally free but would not be available to anyone who has not paid for transport, accommodation, catering or some other part of the provider's package.
- must avoid using any provider of licensable activities unless they hold a licence from the Licensing Authority and can provide a licence number. It is strongly recommended that this be checked on the AALA website, www.aals.org.uk, or by contacting the Adventure Activities Licensing Service, 44 Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff CF14 5GG - telephone 02920 755 715 - email: info@aals.org.uk.
- should recognise that the licence held by a provider will only apply to specified activities from those detailed above. In other words, a provider can be licensed for one or more of these activities and can only offer those licensable activities that are specified on the licence. Most providers offer an additional range of activities which are outside the scope of the Licensing Regulations and for which they do not, therefore, need a licence.
- should recognise that most 'adventure activities', whether falling into the licensable category or not, should only be provided by individuals who are appropriately qualified and experienced in the activity in question.
- should note that the employment of unlicensed, freelance activity instructors as supply teachers to provide licensable activities to young people is legal, providing the school/establishment meets the normal regulations for employing teachers and other staff. Schools/establishments should ensure that any such staff are appropriately qualified, are police-checked where necessary, and provide instruction only to young people at the employing school/establishment.

[< AAL Regulations 1996: Further Information](#)

General

A copy of the full regulations (Guidance to the Licensing Authority on the Adventure Activity Licensing Regulations, 1996) can be obtained from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS - Telephone: 01787 881165; or downloaded from the HSE website.

[< AAL Regulations 1996: Further Information](#)

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LEARNING OUTSIDE THE CLASSROOM (LOtC)

The Council for Learning Outside the Classroom was incorporated in December 2008 and formally accepted leadership and responsibility for Learning Outside the Classroom in April 2009.

The Learning Outside the Classroom Quality Badge is a nationally accredited scheme that recognises good quality educational experiences and effectively manages risk. The Council's aim is to promote opportunities for all children to experience life and lessons beyond the classroom, enhancing a young person's development and experiences to adventure, the environment, culture and heritage.

External Providers seeking to gain the Learning Outside the Classroom (LOtC) Quality Badge is assessed against the following 6 quality indicators:

1. The provider has a process in place to assist users to plan the learning experience effectively;
2. The provider provides accurate information about its offer;
3. The provider provides activities or experiences which meet learner needs;
4. The provider reviews the experience and acts upon feedback;
5. The provider meets the needs of users; and
6. The provider has safety management processes in place to manage risk effectively.

Eligibility

In addition to meeting the 6 quality indicators, external providers must also meet the eligibility criteria which include:

- Direct engagement with schools/education establishments to provide good LOtC experiences.
- Providers must be accessible to schools/educational establishments who are seeking providers with a LOtC Quality badge.
- Schools can only apply for the LOtC badge if they can demonstrate that they provide LOtC activities accessible to other schools/educational establishments or community groups.
- The service/activities provided by the external provider complement and supports teachers with the curriculum.
- The service/activities provided by the external provider complies with all relevant UK & EU legislation.

Registration with SCC

External Providers that hold the Learning Outside the Classroom Quality Badge will not need to complete the EV4 form, but will confirm on the form that they are registered LOtC Quality Badge holders. As well as being listed on the SCC Outdoor Education (see below) or EEC Health and Safety website, LOtC Quality Badge holders can also be found on the LOtC website: <http://lotcqualitybadge.org.uk/search>.

LIST OF PROVIDERS WHO ARE REGISTERED WITH SCC AND HOLD A CURRENT EV4/AALA LICENCE/LOtC

Please refer to the document [What are the Key Requirements for Enabling an External Visit to Take Place?](#) (see Appendix C) from the [Start Here](#) section of the Outdoor Education & External Visits website.)

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