

**All Party Parliamentary Group 'ARISc' – Adventure and Recreation in Society
5pm Wednesday 11th February 2009**

The Peel Room, 9, Committees Corridor, Main Building, Westminster Palace

Julian Brazier TD MP Frank Dobson MP Lembit Opik MP, Co-Chairs 'ARISc' and Lords Erroll, Chorley, Haworth invited members of both houses to the All Party Parliamentary Group 'ARISc' – Adventure and Recreation in Society 5pm Wednesday 11th February 2009, in Westminster.

Roy Amlot QC, past Chair, The Bar Council, addressed members on

“Changes in Law of Compensation in Sport, Play, Education, Recreation and Communities”.

“Teachers, sports instructors and workers with our children and young people, including parents, are at the heart of UK society and all our futures. Freedom to explore, to experience and to take healthy risks has been under threat for many years. ARISc, which championed the 2006 Compensation Act now wishes to update members on the recent legal cases which have changed substantially how we can better support our adventurous, enterprising society.”

Mr Amlot's presentation made reference to recent cases emphasising how appellate courts have clarified the importance of protecting the right of individuals to experience adventure and take risks, provided the risk involves only the risk-taker. He said there was ample evidence of support for personal freedoms which should not be restricted and that self responsibility should be celebrated.

Some cases show how the obviousness of the risk is central to a case. An important measure is that it should be voluntary and obvious to a reasonable person – age, maturity and mental ability are factors. This is based on the individual having choice, even when a payment is present. Where risk is so obvious, it would be tragic to impose restrictions on all.

Attention was called to the booklet 'Managing Risk in Children's Play' indicating that a clear picture of benefit should exist alongside the clear picture of risks. This is a call for Risk and Benefit Assessments! Campaign for Adventure supporter, Professor John Adams, said “I am in favour of the risk and benefit approach, but not of the paperwork it could generate!”. It was confirmed that a clear defence is where a public benefit is intended or exists for our culture and society at large, and this defence would be strengthened where the benefit was understood, clarified or was obvious in advance.

Mr Amlot said the decisions have shown there is nothing wrong with children playing alone and that supervision had to be realistic, not excessive. Where children are concerned the duty of care continues, but several cases make clear: “Children playing by themselves is subject to a dearth of judgement, but an unreasonably high standard of care is not sought, demanded or expected, because it will reduce access to freedoms and fun of society at large.” He continued: “Giving young people a legal outlet for their energies is an important benefit to society.”

Further details of this discussion is available from Ian Lewis, CfA, www.campaignforadventure.org
0845 345 7423

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During the debate that followed it was noted that managers often fail to trust enough, causing additional safety to be built in to that which is justified. A number of moves had been made to better support trust in our society, so avoiding unnecessary procedures and monitoring.

1. Self-responsibility and obvious risks are thus more likely to form successful defences.
2. Giving young people a legal outlet for their energies is an important benefit to society.
3. Children playing by themselves is not an unreasonable risk unless an unacceptable risk is present.
4. There is no duty to protect people from obvious risk when the risk is taken by choice. "It would be unreasonable to impose on public authorities a duty to protect persons from self-inflicted harm sustained when taking voluntary risks in the face of obvious dangers."
5. The capacity of the person to appreciate the risk does form part of the case. How young do you have to be to not connect height with risk of injury if you fall, heat with risk of burns, speed with risk of injury or water with risk of drowning?
6. A number of comments were made about current issues:
 - a. Extinction of experience is where people are protected from risk, typically in early life [the opposite of Real World Learning], which creates a time-bomb of accidents which are often more serious later in life. These are caused because experience is lacking and thus judgement undeveloped. The dumbing down of society and extinction of experience are related to this
 - b. RoSPA were complimented on their initiative to develop risk education for young people which compliments the 'Learning Outside the Classroom Manifesto' being promoted by the DCFS.

Ends