

UK SAR OPERATORS GROUP
INLAND CONSULTATIVE COMMITTEE

Minutes of the meeting of the Committee held on Wednesday 17th December, 2003 at 11.00 hrs. The venue was The Stoddart Suite, Merseyside Police HQ, Canning Place Liverpool. L69 1JD

PRESENT

- 1 Supt. J. Darcy, Chairman, Northern Constabulary, ACPO(S)
- 2 Chief Supt. P. Forrester, Merseyside Police, ACPO
- 3 Mr. P. Bradley, RNLI, Maritime & Aviation Consultative Committee
- 4 Mr. T. Redfern, Association of Heads of Outdoor Education Centres
- 5 Dr. R. D. Mehew, National Caving Association
- 6 Mr. J. Muston, Scout Association
- 7 Mr. N. Owen, Youth Hostel Association
- 8 Dr. A. S. G. Jones, Secretary

1 APOLOGIES

Mr. Michael Vlasto, Maritime & Aviation Consultative Committee
Mr. Derek Stansfield, Duke of Edinburgh Award. He had had a heart by pass operation. The meeting wished him a swift and full recovery.
Mr. John Cousins, Mountain Leader Training (UK)

2 MINUTES OF THE MEETING OF 21st JUNE, 2003

The minutes of the meeting held on Saturday 21st June, 2003 had been circulated. They were taken as read and were accepted as a true record.

3 MATTERS ARISING

A) Item 5, A vi: UK SAR Web Site

The UK SAR Web Site became available in early October at:-

www.uk-sar.org

In agreement with the Chairman the following documents have been placed in the Inland Consultative Committee pages:

Organisational Membership

Terms of Reference

Confirmed minutes of the December, 2002 meeting.

It was agreed that confirmed minutes would be added to the pages as pdf files. It will require Acrobat Reader 5.0 or higher to access the documents.

The meeting was informed that Victor Gibson, RNLI, had given some assistance to setting up the Web Site.

A question was raised as to whether the PITO document on Interoperability and Interworking would be placed on the Web Site. The Secretary would discuss the matter with PITO.

B) Item 5 b: Emergency 999 calls

The Secretary informed the meeting that he had been sent a copy of the Scout Association's "*Talking Points*", No. 77, October 2003. The guidance discussed at the last meeting of this Committee had been published in "*Talking Points*". The meeting was told that "*Talking Points*" had a very wide circulation within the Scouting organisations.

There followed a discussion during which the following points were made:-

- i) Concern was expressed about the time taken on, occasions, to get the original message through to the police.
- ii) There was an apparent conflict in the information given on the Emergency Calls page of the BT Phone Book. It was felt that there was need for some revision.
- iii) The view was expressed that messages from phone boxes and landlines were less of a problem. The greater problem was messages from mobile phones.
- iv) It was suggested that the message should say:- Ask for the Police, then ask for Cave or Mountain Rescue.
- v) It was suggested that the Chairman could write to BT requesting a change of wording or suggest a training package for BT operators. The Chairman felt that a training package was the more difficult option.

2

At the conclusion of the discussion it was agreed that the Chairman and Secretary would compose some suitable words and take the problem to the next meeting of the Operators Group.

The problem of 999 calls from mobile phones has not yet been resolved.

C) Item 5 d: Health and Safety; Draft Directive on Working at Heights

The Secretary informed the meeting that he was on the e-mail circulation list for discussions and notes of meetings related to this subject.

A report was given to the Committee on the proceedings of a meeting held on Tuesday 18th November, 2003. Notes from that meeting are attached as APPENDIX 1 to these minutes.

During a discussion the following points were made:-

- i) Comments from the Solicitors' Office of the Health and Safety Executive indicated that the draft regulations did not affect the volunteers on search and rescue teams. They would only apply to paid employees. There was no intention of making the regulations applicable to volunteer teams.
- ii) These was a potential problem of "professionals" such as Paramedics working in their professional capacity with volunteer teams
- iii) A comment was made that legislation concerning employment seemed to offer areas of conflict.
- iv) The meeting was informed that the RNLI treated all their volunteers as employees.
- v) There seemed to be some confusion amongst teams as to the exact status of voluntary team members.
- vi) The full applicability to adventurous activities was questioned.
- vii) The problem of how to allow caving and climbing instructors to continue to use current best practice was mentioned.
- viii) It would seem that the draft regulations would only apply when a rope was being used for actual progression. e.g. abseiling, lowering etc. They would not apply when a rope was being used for safety as in free climbing.
- ix) Work was continuing on putting together a form of words to allow the continued use of current best practice whilst remaining within the framework of the legislation.
- x) A consultative document, 170 pages, was available on the HSE Web Site. The consultative period had been extended to April, 2004. The URL of the Web Site is:-
<http://www.hse.gov.uk/consult/condocs/cd192.htm>
- xi) It was agreed that the Secretary should attend a meeting on 14th January, 2004 at Plas y Brenin. The meeting was being convened to consider ways forward.

At the conclusion of the discussion it was agreed that this Committee would support the work of the group dealing with the matter.

4 CORRESPONDENCE

The Secretary reported that there had been routine correspondence with the Chairman. There was no outstanding correspondence to consider.

5 REPORT FROM THE UK SAR OPERATORS GROUP

A) Meeting of Thursday 9th October, 2003

The minutes of the meeting held in London on 9th October, 2003 had been circulated with the agenda for this meeting. Members attention was drawn to the following points:-

3

- i) Work was progressing on the identification of suitable MCA Staff for secondment to ARCC Kinloss. Consideration of a draft plan for the establishment of a Joint RCC was in abeyance for the present.
- ii) There had been no meetings of the Resource Tasking Group. Nick Forwood, Chairman of the MRC of S, has taken on the chairmanship of this Group. It was hoped that the Group would be reactivated.
- iii) The Communications Working Group had issued a revised *Implementation and Control Document, Ver. 4.5 - October 2003* and a revised application form. Both are available on the UK SAR Web Site. The 10 new VHF High Band frequencies for the use of Land SAR were released for application and use on 1st November, 2003.
- iv) Work was progressing on Offshore Firefighting. An important concern was the matter of insurance. It had been suggested that contingent liability could be a way forward.
- v) Concern had been expressed about interpretations of SAR in the context of the White Paper: *"Our Fire and Rescue Service"*. It had been reported that the Fire Service would take over responsibility for all SAR including mountain and cave rescue. The CACFOA representative advised that this was a misconception. The matter was being followed up and a brief prepared. The Chairman of the Operators Group would be writing to the President of CACFOA.
- vi) Work was moving forward on the SAR Helicopter harmonisation project.
- vii) Considerable concern had been expressed about the failure of the Ambulance Service Association to attend meetings of the Operators Group. In particular, concern was expressed that there was no contact with Air Ambulance Authorities. It was intended to make a ministerial submission to the DfT Ministers seeking appropriate action from the Home Office Ministers.
A question was raised as to the status of the MoU between ACPO(S) and the Scottish Ambulance Service. Discussions were continuing with one problem being the definition of hazardous terrain. In the draft MoU urban and semi-urban areas had not been considered within the description of hazardous terrain.
There was a short discussion on the situation in Scotland.
- viii) Frank Wall, Chairman of the UK SAR Strategic Committee would be retiring in December, 2003. He was one of those who were instrumental in getting the current UK SAR structure established.
- ix) The *UK SAR Framework Document* is due to be revised during the coming year. Any suggestions or comments should be forwarded to your Secretary by early February. Members attention is drawn to Chapter 3 and in particular, Section 3.3 et seq. (pages 32 - 34). Your Secretary had started drafting possible revisions. The map on page 42 had been revised. It was hoped that in the next edition of the *Framework Document* each operational team would be named in the appropriate sections.
- x) There was short discussion on the Draft Civil Contingency Bill. Voluntary organisations were not directly covered by the provisions of the draft bill. With

- regard to mountain and cave rescue, the primacy of the Police was not affected by the draft bill.
- xi) The Operators Group was informed that, in Northern Ireland, the Police Service of Northern Ireland (PSNI) had delegated the call-out of MRTs to HMCG.
 - xii) There was discussion on the proposals for reforming the law on Involuntary Manslaughter. Considerable concern was expressed about the possible deleterious impact on SAR and on the voluntary organisations. The meeting was informed that the RNLI was looking into the implications for a voluntary body. It was agreed that the MCA would seek to identify who had drafted the legislation and what its current status was. It was proposed that the MCA would draft a letter to the appropriate department of the Home Office. The letter would set out the Group's concerns.
 - xiii) The next meeting of the Operators Group was due to be held on 23rd February, 2004 in London.

4

6 MATTERS FROM MARITIME AND AVIATION CONSULTATIVE COMMITTEE

The Maritime and Aviation Consultative Committee had met on Tuesday 9th December, 2003. The minutes of that meeting would be circulated when available.

members were informed of the following points:-

- i) There had been a discussion on the question:- Was the Committee doing the work that was required?
- ii) There had been a discussion on the MCA's SAR prevention strategy.
- iii) Work was progressing on the collection of incident data from inland waters. A number of organisations were contributing to this work.
- iv) There had been some discussion of Safety programmes.
- v) The subject of marking and lighting of Off Shore Wind Farms had been discussed

7 SCOTTISH MOUNTAIN SAFETY FORUM

The minutes of the meeting to discuss the UK Mountain Safety Message held on Wednesday 22nd October, 2003 had been circulated with the agenda for this meeting.

The Chairman drew members attention to the following points:-

- i) The Mountain Safety Advisor's post had been made a full time post
- ii) With regard to 999 calls concern had been expressed about the potential problem of flooding of calls, particularly from mobile phones.
- iii) It had been proposed that leaflets with safety messages and procedures to be followed when requesting assistance would be made widely available to the general public.
- iv) The point had been agreed that if there were any injuries within a party requesting assistance, the party should ask the police to call the Ambulance Service.
- v) There was a short discussion about "Statutory" versus "Common Law" in respect of police primacy in land SAR.
- vi) At present the matter only referred to the situation in Scotland.
- vii) The question was raised as to whether there was contact between the Scottish Mountain Safety Forum and the BMC.
- viii) The problem of funding was mentioned.

8 ANY OTHER BUSINESS

A) Use of SAR Team Members as "Expert" Witnesses

The meeting was informed that the BCRC had raised a problem with ACPO. The problem concerned the use of voluntary members of a cave rescue team as "expert" witnesses after they had dealt with a fatal incident. The ACPO representative to the BCRC had written to the Chief Constable of the Force concerned. It was perceived that there

was a real threat to the impartiality of volunteer rescue teams. There was a need to protect the volunteer teams. The subject would be raised at an ACPO forum.

B) Classification by the Community Fund of Mountain Rescue as a Statutory Service

The MRC had informed the ACPO representative that the Community Fund had made a policy decision that Mountain and Cave Rescue was a "Statutory" service and, therefore, ineligible for funding. A grant application had been turned down. The Legal Services Dept. of the Merseyside Police were drafting a letter for the MRC.

There was further discussion on "Statutory" as against "Common Law" responsibilities

C) Northern Constabulary Review of Mountain Rescue, 2002/03

The Chairman spoke on the review, a copy of which was passed to the ACPO representative. He went on to mention Scottish Executive funding for mountain rescue in Scotland. He reported on the outcome of a meeting held on 3rd October, 2003 between the Scottish Executive, the Northern Constabulary and representatives of Scottish Mountain Rescue Teams. The following points were made:-

5

- i) The Police would retain their current legal responsibility for mainland Search and Rescue.
- ii) Under the new Power to Advance Well-being (in the Local Government in Scotland Act 2003), Police Authorities have the right to fund any aspects of MR costs if they choose to do so. In effect this provision makes obsolete the 1974 circular, which had listed particular types of costs for which MR could seek reimbursement from their local Police Authority.
- iii) The main types of expense which MR teams had incurred were team equipment, personal clothing, vehicles, insurance, running costs, training and (where necessary) loss of earnings.
- iv) Any Scottish Executive funding to MR would continue to be routed via the Police Authorities. There was no proposal to fund teams directly, as this would be incompatible with point (i) above.
- v) Currently each force decides for itself how much of its general funding it wishes to make available to MR teams. However, the Scottish Executive was now considering providing a ring-fenced total funding amount ("the budget") each year, which would be provided to Police Authorities on condition that it was spent on mountain rescue.

The meeting was informed that the Scottish Executive had made available £300,000 for new communications. This was a direct grant to the MRC of S. A further amount of £300,000 for equipment had been made available. These additional monies were granted to the Police Authorities and were to be ring-fenced. The funding would be reviewed in April, 2004.

The Secretary summarised the situation within England and Wales and mentioned the problem of devolution with respect to the National Assembly for Wales.

D) Insurance

There was short discussion on problems of insurance. The Secretary suggested that there was need for clarity as what type of insurance was being discussed, i.e. personal injury, medical emergency and third party liability and who provided the cover

This discussion led onto a broad ranging discussion on standards and assessment of SAR teams. The question was raised as to who could adequately accredit SAR teams. The point was made that there was a very considerable difference between established

SAR teams who had a proven track record of achievement and a new SAR team seeking recognition.

The meeting was informed that the NCA had lost insurance cover for a few months. Members should be aware of increasing pressure from insurance underwriters. Further information was available from the representative of the NCA.

9 DATE, TIME AND VENUE OF NEXT MEETING

The next meeting of the Committee will be held on **WEDNESDAY 16th JUNE, 2004** at 10.30hrs. for 11.00 hrs. The venue will be:-

**The Stoddart Suite
Merseyside Police HQ
Canning Place,
Liverpool. L69 1JD**

A light lunch will be provided.

Any items for the agenda of the next meeting should be sent to the Secretary by 14 May, 2004.

Marine Science Labs.,
Menai Bridge,
Anglesey. LL59 5EY

Dr. A. S. G. Jones, MBE,
Secretary.

Appendix 1. Meeting of 17/12/03 - Item 3C

Note of meeting with Adventure Activities interests to discuss implications of draft work at height regulations.

Date of Meeting: Tuesday 18 November 2003.

Those Present

John Cousins -	Mountain Leader Training UK
Tom Redfern	Association of Caving Instructors and National Caving Association
Simon Waring	Outward Bound
Marcus Bailie	Adventure Activities Licensing Authority
Carl Wilson	Health and Safety Laboratories
Mike Merrill	Health and Safety Laboratories
Gavin Howat	HSE Entertainments Section
Phil Papard	HSE Field Operations Safety Unit
Richard Hooker	HSE Solicitors Office
Gwyneth Deakins	HSE Work at Height Policy Team
Robert Vaughan	HSE Work at Height Policy Team
David King	HSE Work at Height Policy Team

Introductions

- Discussions were based around the paper circulated in preparation for the meeting.
- John Cousins commented that his counterparts in other Member States were not aware of the TWAH Directive and did not expect it to impact upon their activities.
- Gwyneth Deakins explained that the HSE had written to the European Commission to clarify application and that the response had been that the Directive would have the same scope as the framework directive – applying to all those at work.
- Other Member States had different approaches to implementation and it might well be that in due course the requirements of the Directive would filter down to those working in adventure activities in other parts of Europe. In the UK more time was spent on consultation prior to implementation and this had brought issues to the surface more quickly.
- Climbing and caving had a very good safety record for workers. It was also understood that to train climbers and cavers effectively, instructors and leaders had to use the same techniques as they were teaching to maintain credibility; the regulations as drafted presented difficulties in achieving this.
- HSE was not seeking to eliminate risks from activities but wanted to ensure they were properly managed. It was theoretically possible to pursue an exemption but this would present political difficulties and we would need to demonstrate that we had explored all other options first.
- Marcus Bailie confirmed that the vast majority of the Work at Height draft regulations should present no difficulties to climbing and caving but the prescriptive detail did appear to cut across safe practices in the industry. The wide range and extremes of conditions in climbing made it difficult to follow such prescriptive requirements.

- Both climbing and caving had evolved from the need to keep safety systems simple and flexible and to rely upon the experience and judgement of those involved rather than prescription, which might give illusory feelings of safety. Risk assessments were made on the basis of selecting the most suitable equipment in a dynamic changing environment; judgement and competence were essential.
- HSE agreed that good risk assessment relied upon the competence and judgement of those on the ground and it was essential for the regulations to support this rather than to pull against recognised good practice.

Discussion of Key issues

Persons in control to the extent of their control

- HSE confirmed that this requirement was primarily intended for situations where there were multiple contractors and others employed on a particular site. In such situations there was often a potential for uncertainty as to where health and safety responsibilities rested.
- For instructors leading members of the public or students this duty and the regulations would not apply to the clients as these persons were not at work, unless they were required to carry out the activity as part of their work (e.g. a team building exercise) in which case the regulations would apply.
- Volunteers in Mountain Rescue. Better to clarify the fact that the regulations would not apply to volunteers such as most rescue teams here, rather than under weather conditions.

Action

- HSE would consider revising the guidance to make the extent of this duty clearer for persons leading groups including members of the public.

Weather Conditions

- Climbing and caving have a different perspective on what is extreme weather conditions compared to other activities.
- Training for working in climbing and caving takes account of risks arising from weather conditions and the need to act accordingly. Weather conditions are constantly reassessed as part of a dynamic risk assessment and judgements made on the basis of this.
- It is essential to make sure workers are adequately equipped and understand the risks arising from weather through appropriate training and experience. HSE guidance should encourage workers to follow established procedures and refer to National Governing Body (NGB) guidelines.
- Similar considerations would apply to mountain and cave rescue – although as most involved are volunteers the regulations would not normally apply.

Action

- HSE agreed to consider the wording for this section of the Guidance and to emphasize the need to consider weather conditions as part of an ongoing dynamic risk assessment, referring to NGB guidelines as appropriate.

Fragile Surfaces and danger areas

- The initial duty to prevent persons falling through a fragile surface was absolute but this could be qualified by so far as is reasonably practicable (SFAIRP) if there was demand during consultation.
- Natural features such as snow cornices, snow bridges, etc could be classed as fragile surfaces as there was a risk that a person might fall through but would a scree slope or similar be considered a fragile surface?
- Not all fragile surfaces found in caving and climbing are natural, e.g. "deads" and other fragile floors in disused and abandoned mines, and old access platforms/walkways.
- This part of the regulations came from construction regulations rather than TWAH Directive so there was more scope to modify what was said to assist clarity – although current standards in construction had to be maintained.
- Most other duties were qualified by SFAIRP but further guidance on what was expected might be helpful.
- For many natural features risks changed from day to day and season to season. Placing warning notices next to fragile surfaces and danger areas was therefore impractical in most cases and if followed through might lead to less vigilance where these signs did not exist. It is also highly inappropriate to litter the mountains with signs, destroying much of their appeal as natural places.
- There might be some circumstances where it would be necessary and appropriate to rope off high-risk areas and to provide signs e.g. where persons may be building structures such as for ski lifts or cable cars. Also on managed ski slopes it might be possible to restrict access but it in the majority of natural environments this would be very difficult if not impossible.

Action

- HSE would revisit the Regulations and guidance and consider what further changes could be made to clarify what was expected in different circumstances. One option might be to limit any requirement for signs to situations where a risk assessment showed they were necessary or it was a clearly defined worksite.

Schedule 5 – single rope working and two rope working

- The general requirements of Part 1 of this schedule could be applied to caving and climbing without too much difficulty, although there were some points which might benefit from guidance e.g. "where safer work equipment was not justified" and what was meant by "available persons"
- In climbing and caving the use of ropes needs to be kept simple, using more than one rope might add to complexity and confusion and increase risks to no safety benefit. Also having to carry the extra weight might also increase risks.

- In climbing personal fall protection was used as fall arrest rather than rope access and positioning and therefore Part 3 should not apply to these activities. However for abseiling and for caving, especially, rope access and positioning techniques were more commonly used for access in which case Part 3 would apply.
- Techniques in caving had developed from best practice and experience and now operated at high degrees of safety with very small numbers of incidents each year – to require changes might introduce new hazards. For example, using double ropes even if this might be practical in some parts of cave exploration might increase risks and complexity overall.
- In caving two anchors were generally the rule but in climbing additional anchors were in some instances impractical and would not add to safety. Furthermore, the method outlined in the schedule for working with two ropes did not sit well with the two rope systems generally used in climbing and caving.
- NGB guidelines were the main reference for leaders and trainers in climbing and caving but there might be benefits in cross-referring this with guidance, which HSL could develop, on how requirements from WAH might apply in practice.
- Using the climbing and caving expertise present in the NGBs, HSL could work with AAs to collate good practice, with a view to developing generic risk assessments for rope working which would be linked to AALA and NGB guidelines.
- The requirements (Schedule 5 part 3 1 c & d) for the abseil device to be self locking and for it and the safety device (e.g. Shunt) to be with the climber may also cause problems in some areas – e.g. taking children abseiling, cliff rescue.

Actions

- HSL would explore with John Cousins and other representatives from the adventure activities industry options for developing generic risk based guidance for rope working to assist in compliance. This would cross-refer to AALA/NGB guidance.
- John Cousins and others as appropriate would write to HSE detailing circumstances when/why; the two rope requirements including the specifications for the climber to have control of the safety and climbing/abseiling device in Schedule 5 part 3 were not relevant/practical for climbing, caving and similar activities.

Conclusions

1. It was agreed that HSE would during the consultation phase revisit the regulations and guidance and clarify wording in light of the points raised in the meeting – these revised wordings would be shared with AA interests around the table.
2. It was agreed that John Cousins and HSL would work bilaterally to explore the development of generic risk assessment guidance using NGB and other information as necessary.
3. Those attending the meeting were reminded that the consultation document on work at height would be published in December and whilst this would not reflect the discussions held HSE welcomed comments and would continue to work to improve the regulations and guidance during consultation.
4. It was agreed that the outcomes of the meeting should be shared openly so that those not able to attend or in the wider AA community would be aware that HSE and AA

interests were working together to address concerns and that this joint work would be fed into the final regulations and guidance following consultation.

Robert Vaughan