



Wildlife and Natural Environment Bill Team
Landscapes and Habitats
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RESPONSE TO CONSULTATION DOCUMENT – WILDLIFE AND NATURAL ENVIRONMENT BILL

This document expresses the views of Deer Management Qualifications (DMQ) in response to the consultation document regarding the proposed Wildlife and Natural Environment Bill published on 15 June 2009.

INTRODUCTION

DMQ was formed in the 1990s under the chairmanship of the Deer Commission for Scotland (DCS) [see supporting paper: DMQ3f/09 for details], and with membership and support from all the leading organisations [see supporting paper: DMQ3.1g/09 for list] with an interest in raising the standard of deer management in the UK, not just Scotland. It is a non-profit making company, limited by guarantee, with representative board members as shown on paper DMQ3.1g/09, which exists solely to create and maintain standards in the field of deer management, to assess knowledge and practice against those standards, and to make awards to those whose performance has been successfully assessed. The awards are the Deer Stalking Certificate (DSC) at levels 1 and 2.

The important facts to note about DMQ, and to support the assertion that it is the leading provider of proof of competence in the deer management field in the UK, are as follows:

- The DMQ standards are maintained in concert with the relevant National Occupational Standards (NOS), so that they remain synonymous. In general it is the same cadre of experts which maintains both.
- Assessment routines, and the qualifications of Assessors and Verifiers, are the same or exceed those required for vocational awards (VQs/SVQs). For example the DSC at level 2 requires 3 times the volume of assessed evidence than the equivalent VQ at level 3.
- DMQ is, naturally, very supportive of training, providing systems training and guidance, but does not provide training itself. Where training is required it may be provided by DMQ supporters; in the main, but not exclusively, these are the sector

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colleges, the British Deer Society (BDS) and the British Association for Shooting and Conservation (BASC).

- Of the widely accepted estimated 20,000 stalkers in the UK, to date over 14,500 have registered for the Deer Stalking Certificate (DSC) at level 1, and nearly 5,500 at level 2, with over 13,500 and nearly 3,000 respectively having gained the award.
- As evidenced by the recently introduced new food hygiene regulations, DMQ can and does react swiftly to such changes, providing effective practical solutions to the satisfaction of Government Agencies; in this case the Food Standards Agency.

While DMQ holds more than enough expertise to give sound comment on much of what is contained in the consultation document, DMQ's primary field is concerned with the second of your five key issues: competence; our comment will, thus, be limited to this. DMQ's member organisations will, no doubt, make their own comment on many of the remaining issues.

PART II - OPTIONS FOR LEGISLATIVE REFORM – COMPETENCE (pages 14, 15)

In this section we answer the posed questions in regard to competence.

Q8. What is your view on the proposal that further action is required to improve the skills and competence of those involved in taking/killing deer?

It is DMQ's view that a distinction should be made between "those involved in taking/killing deer" who have already demonstrated their skills and competence through an established mechanism, and those who have not.

Assessed performance. In the case of those who have made some demonstration through programmes such as the DSC, their skill and competence should be acknowledged within the confines of what has been assessed. In such cases it is unlikely that they will require "improvement", rather they may need to continue in practice. It is acknowledged that there may be further skills and competencies required, as yet unspecified, but which may not yet have been acquired or assessed.

Un-assessed performance. In the case of those whose skills and competence have not been assessed, it is impossible to know whether they need to be improved. Programmes such as the DSC provide a ready means of doing this.

Further action. The DSC already provides assessment of knowledge and competence (depending on the level) against standards synonymous with the NOS. If these fail to match the requirements, there are robust mechanisms in place to amend the standards, and then amend assessment routines to match them. New requirements for assessment of competence, such as that which might be required for night shooting, may already be in the NOS and, therefore, relatively easy to accommodate without amendment.

Summary. The DSC provides a comprehensive and responsive framework. While further action by DMQ may be appropriate, there is no need for new structures or programmes.

Q9A. Do you consider that everyone who shoots deer unsupervised in Scotland should first have to demonstrate that they have skills and knowledge in public safety, deer welfare and

food safety? Yes/no/don't know.

DMQ, as a consortium of member organisations, leaves this to members to express their view. DMQ provides a service to all those who wish to have their skills and knowledge assessed against a comprehensive best practice standard.

Q9B. If not, do you consider there is a better way to safeguard the welfare of deer than requiring stalkers to demonstrate a minimum level of skills and knowledge?

A demonstration of skills and knowledge is a good way to show that practitioners are aware of, and can operate with best practice in safeguarding the welfare of deer; this is an excellent first step. It is only continued adherence in operation that ensures it however.

Q10. What is your view on the proposal that it should be an offence to take/kill deer unless you have demonstrated skills and knowledge, or are supervised by someone who is on the register?

As with Q9A, DMQ leaves this for member organisations to express their views, but finds no evidence that an offense would be helpful.

Q11. What level of practical and theoretical skills and knowledge do you consider should have to be demonstrated by those who shoot deer unaccompanied?

DMQ believes that the NOS (and consequently the DSC standards) are the foundation expression of requirement, and that all should stem from them; all changes through better practice or legislation should be reflected in the NOS. We consider that the DSC and the relevant VQs/SVQs create suitable levels of achievement against the standards. The DSC at level 1 assesses a broad range of knowledge and some simulation (shooting, safety, and recognition), while level 2 assesses practical performance, using the knowledge gained, and simulation used at level 1 (Combined, these equate to a VQ/SVQ at level 2). As mentioned in the introduction, it should be noted that the evidence required to achieve DSC 2 is significantly greater than that required for a VQ/SVQ level 2, but they both assess practical performance.

Successful level 1 practitioners have shown sufficient knowledge and simulation to give confidence that they can operate unsupervised, but it is clear that a novice will be less confident than someone with prior experience. Successful level 2 practitioners have demonstrated field application of **all** the skills and knowledge learned at level 1 on at least three separate occasions, and may be trusted to act unsupervised.

Q12. Should exemptions from demonstrating skills and knowledge (“grandfathers’ rights”) be available to those who have substantial experience of deer management? How might this be defined?

While many experienced practitioners will have followed best practice, there are always some who have been doing the wrong things in blissful or even wilful ignorance. DMQ has long held the view that experience alone does not necessarily lead to competence, and has,

therefore, ceased any form of “grandfathers’ rights” in relation to the DSC. If competence is to be established it should at least be verified.

It is occasionally observed that cost is an issue when considering any form of performance assessment, but figures quoted often, mistakenly, include a training cost. Assessment of performance is a relatively low cost activity, thus those with significant experience, who may not consider training as a requirement, may avail themselves of assessment alone at minimal cost.

Q13A. Should the names of those who have demonstrated the required level of skills and knowledge be held on a register, administered by DCS?

All 14,578 DSC candidates, as at 1 Aug 09, are registered with DMQ.

Q13B. Do you have other suggestions for how such a register could be administered?

DMQ has an adequate register.

SECTION 8 – PARTIAL REGULATORY IMPACT ASSESSMENT

(1) PARTIAL RIA – DEER MANAGEMENT (page 78 et seq) Purpose and intended effect of deer management measures; rationale for government intervention (page 79/80)

Before looking at the options laid out in the document, we feel compelled to make three observations:

- The third paragraph in this section states that “The Scottish position on competence for shooting deer is anomalous within Europe, where systems of hunting licences and tests are in place”, but offers no evidence that such systems are better than those of the UK, and no comparable statistics are given of the type mentioned in this paragraph. In the European context, it is pertinent that the Republic of Ireland’s Hunter Competence Assessment Programme (HCAP) is modelled on the DSC.
- The fourth paragraph offers the opinion that there is “a gap in competence”, suggesting that this “gap” has been filled “in an ad hoc way”. DMQ utterly refutes this assertion. The NOS are shaped by best practice and the needs of the deer “industry”; the DSC has been put together on the basis of these in an entirely pragmatic and by no means ad hoc way; it is a system which rewards competence alone, and the statistics for take up given in our introduction are, surely, impressive, as well as comprehensive, if not complete.
- The final paragraph references the DCS advice to Ministers, which was dated 13 January 2009.
 - In this document, at Annex C, was listed a number of principles, including that of “Raising standards among those who shoot deer and manage a natural resource”; DMQ’s contribution is “to maintain a set of standards for practitioners to meet, and a system of awards to indicate when they have met the standards through the acquisition of knowledge, and witnessed,

documented and assessed best practice”. These appear well synchronised.

- It is interesting that in the paragraph devoted to “process and stakeholder consultation”, although several DMQ member organisations were consulted, there is no record of consultation with DMQ, despite having been formed under the chairmanship of the DCS, the DCS being a member of the company, and having a DCS staff member observing the DMQ QAG and Board.
- Finally, and maybe as a result of the lack of involvement in the formal process of consultation, we find some of the advice offered in Table 3 may be misleading.

COMPETENCE – OPTIONS (pages 83/4)

Our comments on the three options are as follows:

Option 1: Do nothing Our position has been made clear in what we have said so far. This option asserts that over half of stalkers remain unqualified. The statistics suggest that less than half remain unqualified, although we recognise that any figures quoted for the total number of stalkers is far from authoritative, whatever the source. It should be noted that unqualified does not necessarily mean incompetent, particularly if there are many experienced but un-assessed stalkers.

Option 2: Stalkers must demonstrate skills and knowledge. Mention is made of a Code of Practice. It should be noted that there is a well established Code of Practice for Deer Stalking, published and maintained for many years by the BDS and BASC jointly, and with endorsement from both the DCS and the DI for England & Wales. Although this is so, it has largely been superseded by Best Practice Guides, published by the DCS in Scotland and the DI in England & Wales.

With regard to cost, also mentioned in this option; for the record, the common fees charged by DMQ to all approved Assessment Centres for registration, assessment materials, external verification and award are £30 for a DSC1 candidate, and £35 for a DSC2 candidate. Assessment Centres have the commercial freedom to charge what they wish for the assessment process and any training they may offer, either separately or together. In addition, any organisation may offer training, whether a DMQ approved Assessment Centre or not; it is this free and wide market which limits costs to candidates.

Option 3: Compulsory training. We disagree with this proposal; while training is, of course valuable, quality will vary, and it is the application of the training (and education) in practice which is the key. However knowledge and skills are attained, the leveller is assessment of its practical application. DMQ favours a free training market, but with a common assessment regime for knowledge and skills, whether this be voluntary as at present, or compulsory.

FINALE

DMQ fully acknowledges the complexity of the proposals contained in this bill, and the emotive nature of some. We trust that we have been positive in exposing our views on the issue of competence, and that we have made clear our support for the

principle that competence may only be assured by assessment of performance. It should be stressed that DMQ holds no view on the key issue of compulsion, but will continue to provide support for the most robust standards, founded on best practice, and sound quality assurance of the assessment process.