

# **WATER SAFETY POLICY**

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## 1.0 Introduction

Within the Council's boundary there are a number of Public Open Spaces within the ownership of Council that has areas of inland open water.

Due to the diverse shape and size of these areas of water, their use is varied. The Council recognises the need for open water for both environmental reasons, recreation and leisure activities. Types of open water within the ownership of the Council include:

- Lakes
- Rivers
- Ponds
- Streams
- Balancing Ponds
- Drainage ditches

Open water can present significant risks that may vary in response to environmental changes, for example, the desire to swim in cold water on a hot day or the attraction to walk on ice in the winter.

The Council in its risk assessment of open water will take all 'reasonable steps' to protect people from danger. This water safety policy has been designed and developed with advice and guidance from the Royal Society for the Prevention of Accidents (RoSPA), 'Safety in Inland Water Sites – Operational Guidelines' (RoSPA documents) and @The Visitor Guide to the Countryside' ([www.vscg.co.uk](http://www.vscg.co.uk)).

The Leisure and Cultural Services Department will designate Officer's to implement and direct any actions within the water safety policy in liaison with the Council's Health and Safety Advisor.

## 2.0 Statement of Intent

The Council will provide appropriate arrangements for the management of areas of open water under its control. These measures should ensure that, 'so far as reasonably practicable' all inland open water facilities and other water based facilities for which the Council is responsible, are maintained in a safe condition for the benefit of the users and the safety of the staff.

## 3.0 Legal Responsibility

Various parts of legislation place statutory duties on owners of inland water sites, or the person responsible for the site, to provide for the safety and the wellbeing of visitors, which includes employees and members of the public. Both statute and common law have a relevance to the operation of inland waters.

### 3.1 Statutory Health and Safety Requirements

The following legislation will need to be considered:

- Health and safety at Work Act ( H&SAW) 1974
- The Management of Health and safety at Work Regulations 1999 (previously 1992).
- Health & Safety (First Aid) Regulations 1981
- Public Health Act 1936
- Occupiers Liability Act 1999
- The Health & Safety ( Safety Signs and Signals) Regulations 1996

### 3.2 Other Occupational Health and Safety Duties

Operators to whom the 1974 Act applies also have various duties, including the recording, notification and investigation of accidents to the enforcing authority (e.g. HSE or Local Authority environmental health departments). The appropriate enforcing authority must be notified where a member of the public has drowned or has been taken to hospital for medical treatment, i.e. following a near drowning incident.

### 3.3 Common Law Duty of Care

Although there is lack of legislation in this area, responsible bodies do have powers to effect preventative measures and the site owner must ensure that all facilities and equipment are suitable and safe to use. Under common law, liability to negligence may arise from the breach of fundamental duty, known as a 'duty of care'. The duty is described as follows, and applies to members of the public as well as operators – 'To take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to cause injury to your neighbour'.

This can be defined as 'what the reasonable man/woman would have foreseen as being necessary'. Ascertain level of risk is acceptable and it is expected that safety measures will be applied 'as far as is reasonably practicable'. In other words, practicable measures have to be technically feasible, and costs in time, money and effort are reasonable.

In the case of safe management of inland water sites, the duty of care means that the burden of taking adequate precautions falls on the site operator.

### 3.4 Exclusion Clauses

Civil liability can to some extent be passed on to a tenant or club; but liability for negligence resulting in death or personal injury cannot be avoided by exclusion clauses (Unfair Contract Terms Act 1977).

## 4.0 Provision of Off-Site Information

This section highlights the Councils commitment to providing safety information to staff and the public.

The Council understands that providing literature/information on water safety to both the public and staff can help in the prevention of accidents and drowning. The development of this information will be ongoing, in order to fully engage the safety message to people.

The purpose of such information is to heighten people's perceived risk of open water and its surroundings to match that of the real risk. This is particularly important when considering children around open water as often their perceived risk of a hazard is very low.

The Council will provide information to the public as follows:

- A water safety webpage – This webpage provides water safety information, drowning statistics, teacher lesson guides, posters for children to colour in and other key water safety information.

## **5.0 On-site Safety Provision**

The following section identifies how each open water site is risk assessed and identifies key issues for consideration.

### **5.1 Risk Assessment (categorisation of sites)**

Unsupervised open water can present a high level of risk due to the nature and use of adjacent walkways and surrounding area. In order to assess the level of risk at each site, the Council will categorise sites to identify the highest and lowest risk areas so the appropriate action can be implemented. Sites have been categorised using the Risk Level Classification and effectively gives each site a Risk Level and places the water body into 3 distinctive categories from 'A' (lowest) to 'C' (highest). This categorisation will then dictate the appropriate safety measures that will need to be implemented.

### **5.2 Inspection Frequency**

The Leisure and Cultural Services Department has developed a Normal Operating Procedure which provides guidance to staff, in what to inspect, what is expected of their inspections to ensure a consistency of recording frequency and relevance, training, and a framework for targeting remedial works.

The key elements of the Normal Operating Procedure are:

- Methodology/Procedure
- Prioritisation for Asset Registration
- Training
- Inspection Frequency and Type
- Remedial Action Triggers

### **5.3 Site Signage**

Where necessary resulting from inspections, three forms of site signage may be used to improve and ensure greater awareness of the potential dangers of water on the Council's public open spaces. These are:

**Multi-signs** – Signage outlining key dangers and key safety information, for example:

- Site Name & Location Address
- Pictorial warning & instruction information which are appropriate and site specific
- No swimming
- Action to be taken in an emergency
- Emergency Location Grid Reference Number

Multi signs will be provided at each key site (category '**B & C**' sites) with positioning of these being determined through the site specific safety strategies. It is important that this signage relates exclusively to safety and that it is kept simple and does not include any other information.

**Rescue Aid Signs** – Rescue Aid signs will be positioned close to the relevant Multi-sign but as close to the points of known access and egress points to the water body, for example:

- Pictorial instruction graphics on equipment use
- Contact numbers for the public to report missing equipment during normal working hours
- Contact numbers for the public to report missing equipment outside of normal working hours

Rescue Aids will be provided at key sites where all other solutions have been explored and there is no other solution open to the Council.

**Nagging Signs** – These are smaller signs displayed in key locations, again repeating key information from the multi-signs e.g. Danger No Swimming, Deep Water and may be temporary in nature e.g. Danger Thin Ice

### 5.3.1 Warning Sign Specification

Warning signs will be in accordance with the recommendations of the RoSPA water safety committee and the requirements of the Health and Safety Signs and Signals Regulations (amended 2002). All new signs erected will meet the BS 5499 – 11:2002 BSI Standard.

### 5.3.2 Ice on open water

When ice develops on any Council's principle sites of open water, the Council will ensure that temporary signs (public reinforcement signs) highlighting the hazard to people are displayed where required.

The requirement to put up and take down these signs will be carried out by the Officer or the contractor in charge of monitoring, inspection, grounds maintenance and repair.

It is the Council's policy not to break ice when it forms, however consideration may be given to breaking ice in prolonged situations for environmental/wildlife reasons only.

## 5.4 Rescue Equipment

Site rescue equipment will only be provided as a very last resort.

The provision of rescue equipment at Council sites, if required, is identified following consultation and advice from RoSPA. Where equipment is required a monitoring regimes will be establish and undertaken by the Leisure and Cultural Services Department.

Where appropriate, signage and lifesaving equipment will be in a position as close to the access and egress point of the water body. The location of life saving equipment and signage will be determined by the risk assessment process and will reflect probable points of access to the water and where there may be a rescue attempt.

#### 5.4.1 Vandalism and Rescue Equipment

Rescue equipment can often be targeted for vandalism, graffiti and theft. Where rescue equipment is prone to vandalism and their integrity cannot be guaranteed, the Leisure and Cultural Services Department will be undertaking an inspection programme supported by a Normal Operating Procedure.

### 6.0 Future Design of Water Edges

In the development of any new sites containing water a number of factors need to be taken into consideration in their design. Design guidance can be found with the RoSPA publication 'safety in inland water sites' – operational guidelines. Leisure and Cultural Services Officers will liaise with the Planning Department and North Worcestershire Water Management on all future Council wide inland waterway developments.

### 7.0 Environmental Management

All pollution (oil/blue green algae for example) of water should be reported to the Leisure and Cultural Services team. In such cases the Council will ensure that suitable warning signs are displayed around the affected area and that water based recreational activities are appropriately restricted until water conditions improve.

When a potential risk to human health, associated with aquatic wildlife is identified, the Council will execute appropriate monitoring and reporting regimes as are directed by DeFRA or the Environment Agency. Any remedial actions dictated by these authorities will be implemented under their direction.

### 8.0 Staffing and Contractors

All Council staff and contractors responsible for inland open water sites are required to implement the Council's Health and safety Policy and to undertake suitable and sufficient risk assessments in relation to activities carried out adjacent to water. All Council staff and contractors working in close proximity to open water will undertake National Water Safety Management Course by the Royal Life Saving Society or equivalent before undertaking any works

## 8.1 Site Supervision

On areas of inland waterways, full time supervision is deemed to be neither reasonable nor practical and is not the most effective reaction to a water hazard. Where staff are present on site, they may take a proactive approach in educating the public and highlighting the common dangers around open water.

## 8.2 First Aid Provision at Open water Sites

First aid equipment will be provided where there is staff presence on site. All contractors with a formal agreement to use water bodies at Council sites must provide sufficient first aid equipment for their staff.

## 9.0 Use of Open Water for Activities

On any open water in the Council stewardship suitable for a groups or organisation to use an area of water for an approved activity. An application must be made to the Council or approved contractor. This does not apply to normal arrangements of a club or group using the water by lease, licence or any other formal agreement. Applications must be made at least six weeks in advance of the proposed event activity. When large events are being proposed more advance notice would be required.

The event organiser will be responsible for organising the event in line with the sites normal operating procedures. Risk assessments will be required for each event and will be checked by the site contractor.

## 10.0 Recording and Reporting of Accidents

Where a member of the public or staff are involved in a water based accident or sustains an injury, the incident should be recorded in accordance with Council procedures. Members of the public will be encouraged to report any incidents to the Council. Leisure and Cultural Services Officers will ensure that all know inland water incidents are recorded onto the Water Incident Database (WAID).