

Understanding our duties

Virtual presentation to Water Safety Scotland
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accidents don't have to happen

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Four questions in 20 minutes:

What does the regulatory landscape look like?

What test does the inspector apply?

What advice should I pick up? And what should I maybe set aside.

What does good look like?



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What does the regulatory landscape look like?

Short answer: The burden is ultimately low, but the landscape is complex, penalty for failure can be acute.



What test does the inspector apply?

Health and safety at work etc. Act, Section 3 – ‘Risks to others thereby affected, including public’

Guidance for inspectors:

Some factors tending away from investigation

- a) There was no duty holder or undertaking (or it is difficult to define duties) for example a beach or other natural feature where the public have open access; or
- b) Swimming and/or water access was either not encouraged or was actively discouraged; or
- c) The affected person was not involved in a supervised activity under the control of a duty holder such as a school or club; or
- d) Evidence suggests that the affected person (or their parent or guardian) was able to make a risk-based decision and took a risk they were made aware of or should have been aware of and causation was due to individual choice or error; or
- e) The nature of water and underwater hazards was made clear through unambiguous signage; or
- f) Supervision and training provided to the affected person were appropriate.

Reader note: You are advised to check the source link for updates, and particularly the comments on page one of the document. HSE version 10, March 2015.³²

Some factors tending towards investigation

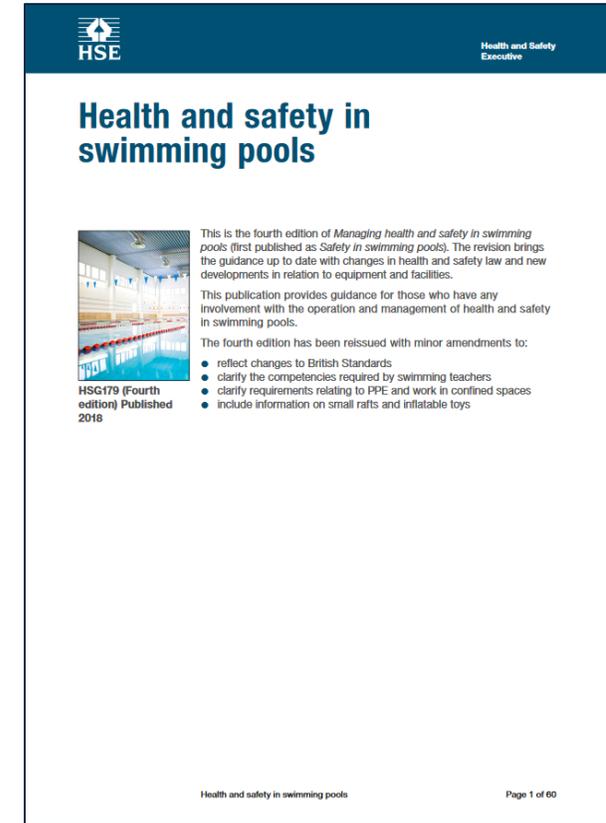
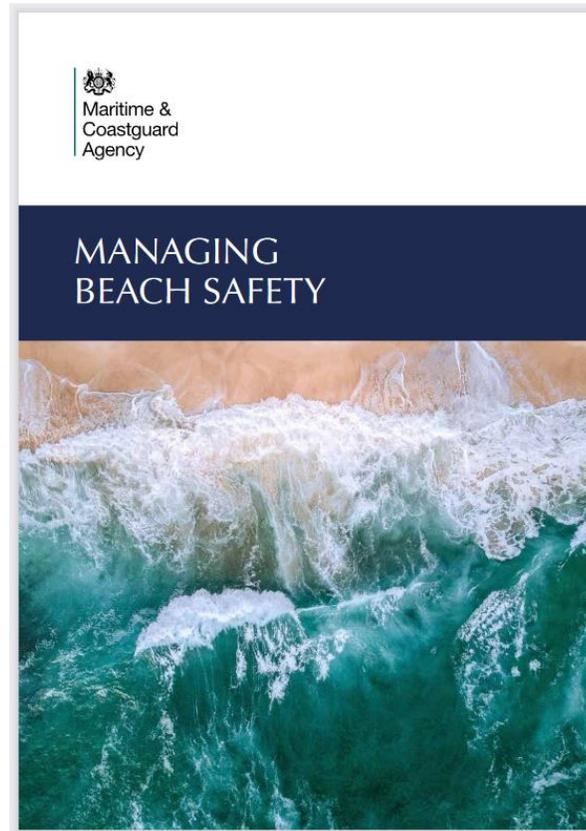
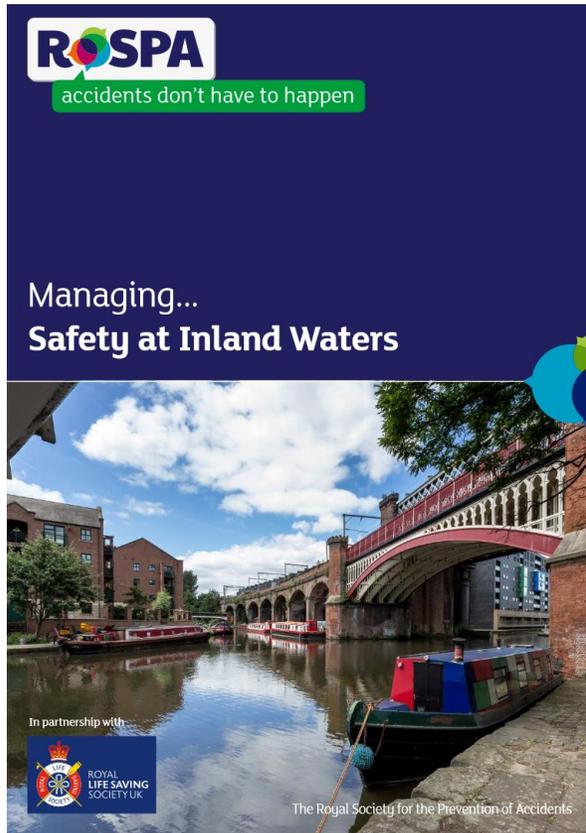
- a) There was a clear undertaking or employer with duties under the HSWA; and
- b) Swimming and/or water activity was actively encouraged; or
- c) The affected person was a child or other vulnerable person cared for as part of a work activity; or
- d) There was evidence of hazards that are uncontrolled or unmanaged (this includes hazards the duty holder was aware of and those they should have been aware of had they carried out a suitable and sufficient risk assessment); or
- e) The activity and the competence of the affected person required a level of training and/or supervision and that training/supervision was either not provided, or was inadequate.

What advice should I pick up? (And maybe set aside)



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Key guidance (Compelling advice)



9 The guidance may also apply in other non-conventional settings, such as to holiday lets in residential complexes. It has limited application to pools which consist of segregated areas of rivers, lakes or the sea.

What does good look like?



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Leadership

Issue ownership & Authority to act

Clarify scope of responsibilities

Budget & Resource allowance

Systematic approach & Assurance thereof

Culture & Policy (Document and guide)

Manager

Articulate adequate risk/issue identification

Risk assessment & Profiling

Incident profiling

Clear on trigger limits

Scope and coordinate re. Assets

Action/delivery plan (with funds)

Demonstrate adequate risk control (Incl. Audit)

Control/intervention in place(s)

Unwanted/spinoff effects

Control/intervention to standard

Delivery

Inspection

Remedial works

Documentation

Subject to external/peer review & audit (System)

Learn, Adjust, Improve

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National Water Safety Conference
RoSPA organises conferences and seminars throughout the year, right across the spectrum of health and safety. Our programmes draw together influential figures and leading experts from their respective fields.
Every 18 months, we hold the **RoSPA National Water Safety Conference** to keep water safety professionals up to date with the latest research and developments.

National Drowning Prevention Strategy and Policy
In 2016 there was a significant step forward for water safety in the UK, with the publication of the first National Drowning Prevention Strategy. Produced by NWSF, which RoSPA hosts, the strategy aims to cut water-related deaths by 50 per cent by 2026.
In March 2018 RoSPA helped to launch the **Scottish Drowning Prevention Strategy** from Water Safety Scotland.

Case studies
Developing water-safe communities in Durham City

Incident and drowning data
RoSPA manages and jointly contributes data towards WAID. This services captures and reports upon drowning incidents and other water-related harm. Data is available to members of NWSF and duty holders upon request.
Fatality incident data is released on an annual basis, and reports are available for UK geographies back to 2013. Historical data from the RoSPA drowning statistics reports are available upon request.
The **assessing inland risk report** provides an overview of relative risk by location and activity.

Safety at Inland Waters

Inland water locations consistently account for more than half of all accidental drowning deaths in the UK, on average 250 each year. In almost half of these incidents the person had no intention of being in the water. Site managers have a pivotal role in ensuring that the number of inland drowning deaths is reduced.

This page contains advice and resources for site managers and duty holders at UK inland water sites: our lakes, rivers, canals, reservoirs and harbour areas.

Managing safety at inland waters guidance

Reflecting recent developments in criminal and civil case law, this is the principal RoSPA guidance. Topics include advice and practical examples on risk assessment, selecting and evaluating controls, creating and aligning water safety policies.

This second edition, published January 2019 reflects the deeper insights afforded by the Water Incident Database (WAID) and the development of collective principles to better manage water safety risks.

Drafted with the support of the National Water Safety Forum (NWSF) inland waters group, this edition aligns with the UK Drowning Prevention Strategy objectives.



Sign up to receive Safety at Inland Waters:

First Name

Surname

Email Address

If you'd like RoSPA to keep you informed on accident prevention and safety-related matters by e-mail, telephone and post then please tick here:



Water safety reviews and assessments

Our consultants have considerable experience in assessing and managing water safety risks, working with local authorities and private landowners from a first principles basis. Our consultants have held senior positions as landowners and recreation managers, in enforcement and lead investigation.

Services we offer:

- Accident investigation
- City and community-level reviews
- Design and planning reviews
- Risk assessment development/review



Water safety training

Risk assessment is often the critical first step in making required safety improvements. Our safety at inland waters training course will equip you with the knowledge and techniques to identify and manage risks in a manner that is compliant with your legal duties, while recognising the wider values that make our waterways unique places.

