

Open Water Safety Policy

March 2021

Document summary and control

Name of policy
Open Water Safety Policy
Purpose of the policy
To safeguard the health of employees and others by introducing formal measures to control associated risks of open water safety. Support managers in discharge of their responsibilities for completion of open water safety assessments.
Related documents
<ul style="list-style-type: none">• Open Water Safety Procedure• Open Water Safety Guidance• Open Water Safety Toolkit• Open Water Safety Frequently Asked Questions

Approval process	
Approved by	
Policy owner	Corporate Contracts and Assets
Approval date	TBC

Consultation and engagement			
Version	Date	Amended by	Comments
V1	November 2017		Draft submitted to Corporate Contracts and Assets
V2	Nov 2020		Draft signed off by cross-dep working group on OWS
V3	March 2021		Final draft for review by relevant officers

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1. Introduction

This policy should be read in conjunction with the associated procedure and toolkit.

This Open Water Safety policy defines the council's approach to the management of open water sites under council control. By implementing this policy, the intention is to improve the council's consistency of approach at all areas of open water, together with better standards that will lead to an improvement in the health and safety of employees and visitors.

As part of the council's approach to health and safety management, risk assessment procedures will determine suitable control measures that will be adopted. The aim of this policy and the associated procedure is to formally identify and explain the reasons behind particular control measures and to set out an appropriate approach to risk assessment that is specific to open water sites.

The policy refers to a number of hazards associated with open water sites, but its main focus is the potential for people to suffer serious incidents including drowning.

Within Wigan borough there are a number of open water sites under the ownership and management of Wigan Council, including some water-based activities under the management of the council's leisure department. The policy also includes water bodies that, although not owned by the council, do border on council owned land. These will be given careful consideration, in particular where access is encouraged.

Due to the diverse shape and size of the areas of water within the borough, their use is varied. The council recognises the need for open water for both environmental reasons and for recreation and leisure activities.

This policy sets out measures available in reducing the risk of accidents at open water sites but does not give a definitive list of actions that will be taken. Each site will be assessed as part of a consistent risk management approach that will identify the appropriate and reasonable individual site requirements to reduce the risk of accidents including people drowning.

2. Purpose

The purpose of this policy and supporting procedure is to protect employees and non-employees alike; to ensure satisfactory measures for safety in which all can function, work and use safely the open water aspects of Wigan borough.

3. Scope

The scope of this policy applies to all staff employed by Wigan Council. The policy also extends to non-employees including public and partner organisations using or visiting land that include water features either owned or under the management of Wigan Council.

4. Policy statement

Wigan Council will provide appropriate arrangements for the management of areas of open water on or adjacent to sites owned by the council. These measures will ensure, so far as reasonably practicable, that all open water facilities and other water-based facilities for which the council are responsible for, are maintained in a safe condition for the benefit of the users and the safety of employees. Not all areas of open water will be risk assessed but the council will take reasonable steps to assess any identified significant risk or hazard.

Legal responsibilities

Wigan Council acknowledges the statutory duties placed on the organisation for the management of open water under its control, and for the need to provide for the safety and the wellbeing of employees and non-employees, including visitors. Both statute and common law have a relevance to the operation of inland waters. Wigan Council must ensure compliance, so far as is reasonably practicable, with relevant legislation, examples listed below. In addition to the duties under the Health and Safety at Work etc. Act (HSWA), the council manages its open water to control the risk of civil liabilities contained the Occupiers' Liability Acts 1957 and 1984.

Health and Safety at Work Act 1974:

The council will ensure compliance with the Act, in particular section 3 which specifically requires every employer to ensure, so far as is reasonably practicable, that the necessary steps are taken to ensure the safety of non-employees affected by its undertakings.

The Management of Health and Safety at Work Regulations 1999 (as amended):

The council will provide suitable and sufficient assessments of work-related hazards to determine the preventative and protective steps that must be taken.

The Health and Safety (First Aid) Regulations 1981:

The council will ensure that an assessment of first aid needs is completed to determine the type of first aid provision needed and the type of equipment that should be provided for employees.

Public Health Act 1936:

The council will discharge duties offered under the Act to local authorities to regulate where deemed necessary, for example, water users (including prohibition of water activities).

Occupiers Liability Acts 1957 and 1984:

The council will ensure that reasonable steps are taken to ensure the safety of visitors on council owned land or premises. The council acknowledges that this duty will extend to trespassers.

The Health and Safety (Safety Signs and Signals) Regulations 1996:

Where it is identified that safety signs are required following risk assessment, the council will ensure correct implementation of European Directive 92/58/EEC in conjunction with the Standard BS 5499 published in 2002 specific to water safety signage.

5. Accident prevention - breaking the drowning chain

Risk assessment

Wigan Council will ensure that risk assessments are completed for each active open water site that is either owned or managed by the council. Council owned open water sites not managed by the council will also be routinely assessed.

The council will ensure that suitable and sufficient assessments are completed to evaluate risk against the following factors as to the likelihood and severity of someone falling into water and will identify any action required to reduce the risk.

- The nature of the water
- Behavioural factors
- The proximity of deep water to water's edge
- The water's edge itself
- The accessibility of the water
- Known accident history
- Activity in the surrounding area (hinterland activity)

Mitigating ignorance, disregard or misjudgement

Raising awareness

The council understands that providing literature/information on water safety to both the public and employees can help in the prevention of accidents and drowning. In conjunction with council partners the development of this information will be ongoing, in order to fully engage, and keep afresh 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. The council recognises the importance when considering children around open water as often their perceived risk of a hazard is very low and will support initiatives to increase awareness of open water safety.

Off-site information

The council will provide off-site information to the public as follows:

- **Water safety internet information** – will provide water safety information, drowning statistics, guides, leaflets, signs and other key water safety information.
- **ROSPA Water Safety Advice and Information**
- **Media** – timely press releases will feature in local newspapers and relevant council publications.
- **Schools** (primary and secondary) – a programme highlighting water safety to schoolchildren will be investigated in partnership with schools and Greater Manchester Fire and Rescue Service.

On-site information

Subject to individual site risk assessments, site signage will be used to improve and to help ensure greater awareness of the potential dangers of water. These signs will provide general safety information and/or warn of specific hazards.

Mitigating unrestricted access

Wigan Council recognises that it is neither reasonable nor practical or desirable, to attempt to prevent drowning by denying access to water, or by providing supervision along every water's edge. However, the council accepts its responsibility to play its part in controlling the risk to a reasonably practicable level. Risk assessment will help to determine if restricting access is practicable or desirable and it will help to identify appropriate risk control measures.

The council recognises that protective measures should always be supplemented by adequate information and warnings, including education of visitors and where appropriate, rescue equipment and supervision. It also recognises that it is not possible to totally deny access to water. The provision of edge protection and whether it is required will be decided subject to individual site risk assessments.

The council in undertaking site improvements or implementing specific projects associated with open water will consider the following:

- Where the water's edge is open and accessible and is to remain so, consideration will be given to grading the edge profile appropriately to reduce the risk to an acceptable level.
- Where development work is being undertaken and there are opportunities to provide a graded entry into the water for safety reasons, the council will endeavour to ensure that shallow water of a depth of less than 0.65m will extend to a minimum of 2m from the land water edge with a gradient of a maximum of 1 in 3 (33%).

- Where the edge is not steep and the risk of falling into the water is not so serious, the planting of water plants (reeds, willows, etc.) will discourage swimmers. Alternatively, where access to the water's edge is not required but either a steep gradient (risk of falling) or very shallow gradient (swimming temptation) exists, the planting of 'hostile' vegetation will give some provisional protection.

Mitigating absence of supervision

With the exception of water-based activities organised by the council or partner organisations, supervision at areas of open water will not normally be provided. It is intended that visitors are encouraged to supervise themselves by virtue of the measures outlined in this policy.

Safety inspections and hazard identification

The council will ensure that routine safety inspections are carried out for all council managed open water sites where the need is identified by risk assessment. The frequency of the inspections will be specified and reasoned as part of the site-specific risk assessment and will take into account known characteristics and issues, for example, swimming locations, signage, vandalism, local knowledge etc.

Inspection records will be completed and any issues highlighted and recommendations implemented following each site inspection.

Environmental management

Environmental hazards can incorporate both natural and man-made pollutants. Natural pollutants, such as blooms of blue green algae, that form during periods of warm weather and man-made pollutants such as oil or similar products that are discharged into areas of open water present a range of hazards to visitors.

Where wildlife, visitors or domestic animals are considered to be at risk as a result of natural or man-made pollution, the council will determine appropriate control measures in conjunction with key partner agencies.

Water quality is not routinely tested by the council. Testing will only be carried out in line with specific requirements for water activities or if specific hazards are identified during the risk assessment process.

First aid provision at open water sites

First aid arrangements will be provided when there are employees on site, but outside those times no first aid provision is made at open water sites. All contractors with a formal agreement to use council owned areas of open water must provide sufficient first aid equipment for their employees.

Use of open water for activities

Register of users

The council will make available arrangements for any a group, organisation or individual to notify the council of their intention to use an area of water for an activity. The council will reserve the right to impose restrictions on use of any open waterbody under its own control at any time.

Notification will also apply when use of open water falls outside of the normal arrangements of a club or group using the water by lease, license or any other formal agreement, i.e. a club requiring use of the water for activities not specified by agreement. For example, a sailing club requiring use of the water for an organised swimming event.

The council will maintain a register of organisations or individuals that notify their intention to use any open waterbody for water-based activities, for example, sailing, wind surfing, swimming and fishing etc.

Upon notification, the council will provide all known relevant information, guidance and assessments relating to the respective waterbody so that appropriate arrangements can be made by users to manage associated risks safely.

The council will maintain a record of all information provided to respective users but is not in a position to monitor arrangements or recommendations for use of each and every waterbody throughout Wigan borough.

The event organiser will be responsible for organising event activities in line with the site's normal operating procedures. Risk assessments should be available if requested in advance of each new event, including the provision of an emergency action plan and details of the supervision and rescue arrangements that might be needed. Although not enforceable, it is strongly recommended that organisations using council open water have an appropriate level of public liability insurance in place; the council's responsible person should advise users to this effect.

Open water sites not under Council Jurisdiction

Although the council holds the land management responsibilities for a number of sites within Wigan borough, there are also areas of open water within the borough that are not owned by the council. In such circumstances the council will encourage riparian landowners (owners of land with water) to adopt a similar open water safety policy where practicable.

Monitoring

It will be the responsibility of the respective site manager(s) of the council to implement and monitor all actions that have been identified within the site-specific water safety risk assessment.

This open water safety policy will be reviewed on a regular basis and amended in line with significant change by the policy owner.

6. Responsibility

Responsibility for correct implementation of this policy and supporting procedure is delegated to the managers and staff that have direct responsibilities for the management of a council owned or controlled open waterbody and adjacent land.

7. Further information

This policy has been produced in support of the following legislation and approved guidance:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations