
REPORT TO:	ETWALL JMC	AGENDA ITEM: 9
DATE OF MEETING:	26 TH JANUARY 2009.	CATEGORY: DELEGATED
REPORT FROM:	CENTRE MANAGER	OPEN:
MEMBERS' CONTACT POINT:	STEVE WRIGHT	DOC:
SUBJECT:	HEALTH & SAFETY IN SWIMMING POOLS	REF:
WARD (S) AFFECTED:	ETWALL, HATTON, NORTH WEST, HILTON & WILLINGTON	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Committee approve the new lifeguarding arrangements for programmed pool sessions.
- 1.2 That the Committee approve the charges to recover the cost to provide additional lifeguard.

2.0 Purpose of Report

- 2.1 To update members about Health & Safety in pools and the new Corporate Manslaughter law.
- 2.2 To provide background information to support the changes to the way the current pool is staffed with lifeguards and the way lifeguards receive ongoing training.
- 2.3 To provide background information to support the recommended staffing structure for the new leisure centre.

3.0 Detail

- 3.1 Under the Health & Safety at Work Act 1974 (HSWA), all pool owners and managers have general obligations to protect the public. Responsibility for health and safety in swimming pools falls upon a wide range of organisations and individuals who have involvement with their management and operations; including local authorities, senior staff and employees, such as lifeguards.
- 3.2 There are no specific health and safety regulations governing swimming pools. As far as public safety is concerned, the HSWA is the principal legislative provision. The HSWA require all employers to conduct their undertaking in such a way as to ensure, so far as is

reasonably practicable, that their employees and members of the public are not exposed to risks to their health and safety. Employees must do all that is reasonable to take care of their health and safety, and that of others.

- 3.3 This general duty is supplemented by the requirement under the Management of Health and Safety at Work Regulations 1999 that employers make a suitable and sufficient assessment of the risks employees and members of the public face to help decide what measures need to be taken.
- 3.4 Public pools are one environment where the risks to the customers exceed the risks to employees. There are many risks associated with pools including slips, trips, diving (risk of spinal or head injuries), drowning and chemicals which if incorrectly used or mixed may lead to burns or the liberation of dangerous gas.

Corporate Manslaughter

- 3.5 It is not only individual lifeguards who may face prosecution for manslaughter if there is a death in the pool. All organisations need to consider their potential liabilities as corporations or similar bodies. The Corporate Manslaughter Act 2007, which came into force throughout the UK in April 2008, will make it easier for organisations to be prosecuted for manslaughter.
- 3.6 Each year there are approximately 10 deaths (2-3 % of total deaths through drowning) in UK pools. It is important to consider this in the context of the fact that there is an estimated 350 million visits to swimming pools each year. A higher percentage of people drown in the bath than drown in swimming pools (about 10% of total drownings each year).

Lifeguard numbers: basic guideline

- 3.7 As a starting point the Managing Health and Safety in Swimming Pools (HSG179) document sets out suggested minimum numbers of lifeguards for certain standards sizes of rectangular pools, when used for unprogrammed swimming and without the use of special equipment. Further consideration will need to be given to increasing the numbers of lifeguards on duty if special features are in operation, or for example when the pool is close to capacity or where peak loading is expected.

Approximate pool size: m	Area: m ²	Minimum number of lifeguards	Recommended minimum number of lifeguards in busy conditions
Current pool: 25 x 10.0 (10.5)	250 (262.5)	1	2
New pool: 25 x 12.5	312	2	2

Size in brackets is actual size of current pool.

Teachers and coaches of programmed sessions

- 3.8 Where teachers/coaches are directly responsible for supervising the swimming pool, performing the role of lifeguards in an unprogrammed pool session, they too should have the competencies and skills required of a lifeguard.
- 3.9 Staffing the current pool during unprogrammed (public) swimming is in line with the above guidance. Education swimming, Etwall Eagles Swimming Club and most of the JMC teachers are also qualified lifeguards. Due to the large number of swimmers per teacher/coach ratio, Education swimming and Etwall Eagle club session should be supported with a spotter. On a few occasions a teacher/coach is used without a lifeguarding qualification. In this situation, a qualified lifeguard is used to supervise the session. The canoe club and triathlon club pay an additional hire fee to include the services of a qualified lifeguard.
- 3.10 Along side the new Corporate Manslaughter law the Royal Lifesaving Society has reviewed its guidance to pool operators regarding in-service and ongoing staff training. The new monthly ongoing Training and Competency Assessment (T&CA) is to be introduced at Etwall for all lifeguards from January 2009. Monthly T&CA has been held for many years on a Saturday evening between 6.30 – 8.30p.m, so any changes will only affect the way the new T&CA is delivered and recorded. However, tightening up on procedures will have some impact on our casual teachers and club coaches who train at other pools because they have other regular commitments on Saturday evenings, and are unable to attend regular ongoing T&CA at Etwall.
- 3.11 To overcome this problem, most pool operators are now only using in-house staff to lifeguard all pool sessions. This ensures all lifeguards receive the same regular ongoing T&CA supplemented by a two-yearly, external assessment, at the pool they are lifeguarding.
- 3.12 Employing additional lifeguards to cover all pool sessions will incur additional costs to the JMC at a rate approximately ten pounds per hour from April, including oncosts. In a separate report to the JMC on fees and charges it is being recommended to members that the 'Learn to Swim Programme' be increased by an additional 20p per lesson on top of the 10p inflation increase to cover the cost of a lifeguard. Etwall Eagles Swimming Club are prepared to pay for JMC lifeguarding services in line with other regular clubs with effect from April 2009 at a cost of £10 per hour. It is recommended that the education users JPS and DCC review their policy on lifeguarding and consider replacing their spotter's with a qualified lifeguard.
- 3.13 It is worth noting, that the proposed new staffing structure for the new centre includes the services of one lifeguard during all non-programmed public sessions, including education use. A new risk assessment will be required when the pool is further advanced to fully ascertain the lifeguarding requirements.

4.0 Financial Implications

- 4.1 Any additional expenditure incurred by the JMC for additional lifeguarding of Etwall Eagles Swimming Club and the JMC Learn To Swim Programme will be met by proposed increased charges from April 2009.

5.0 Conclusion

- 5.1 Constant poolside supervision by lifeguards who receive regular, ongoing training and assessment, provides the best assurance of the pool users' safety. Using JMC lifeguards for all pool sessions ensures continuity of competency and level of training throughout.
- 5.2 For the new pool it is assumed at this stage, the risk assessment will determine circumstances where the balance of cost and risk makes it possible to provide a safe swimming environment with the need for one lifeguard on duty. For example, a programmed session whose members are all strong swimmers, or clubs where some of the members are the JMC lifeguards. The proposed staffing structure for the new centre reflects this.

6.0 Background Papers

- Managing Health & Safety in Swimming Pools (HSG179)
- ISRM – Health & Safety in Pools & the new Corporate Manslaughter Law.
- RLSS – Ongoing Training & Competency Assessment Programme