

Open Water Safety Guidance

March 2021

Document summary and control

Name of procedure
Open Water Safety Guidance
Purpose of the guidance
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 Policy • Open Water Safety Procedure • Open Water Safety Toolkit • Open Water Safety Frequently Asked Questions

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Guidance for completion of open water site risk assessment for members of the public

Introduction

This good practice guide discusses the reasons and motivations for managing risk to members of the public who visit open water sites. Understanding the risks experienced by visitors is the key to their effective management.

The assessment of risks by competent persons using available information will provide an understanding and the sound basis on which to make judgements on what, if anything needs to be done. There is no single 'correct' way of performing a risk assessment.

Good risk management processes are of considerable help in showing that the arguments have been considered in a consistent and rational way. They also enable members of the public to experience the health and wellbeing benefits of our open water sites at an acceptable level of risk

There are no prescribed 'easy' or 'best' methods to carry out risk assessments but risk assessments must be 'suitable and sufficient'. The risk assessment process must use the essential elements of information, knowledge and judgement available to identify hazards, and how likely harm is to come about. The elements are then used to reach judgements on appropriate risk controls. The role of the method is no more than to capture these essential elements in a way that is helpful and constructive.

To help with this choice, this part of the toolkit looks at some of the key elements of the risk assessment and control process and how these could be adapted for application by the authority.

Deciding on appropriate risk controls

Unlike occupational safety where there is a wealth of information and guidance available, there is less available on open water safety to aid the authority. Decisions on appropriate risk controls, if any, are therefore not easy.

Where risk control measures are not obvious or cannot be implemented for some time it is perfectly reasonable to record these planned actions as the response to that risk. Risk assessment and control is a dynamic process. Typical examples of risk control measures include:

- Fencing high risk structures
- Signs
- Publicity programmes (e.g. leaflets etc.)
- Education programmes

Risk controls need to be considered on what is reasonably practicable. This involves weighing a risk against the trouble, time and money needed to control it. Again, there are no hard and fast rules for carrying this out. However, having the competence in this area adds considerable weight to our judgements. It should also be remembered that higher risks demand more attention before costs and benefits can be said to be in balance.

The management of any given hazard should be treated consistently within the authority and take account of any published guidance; for example HSE, RoSPA, National Water Safety Forum, Association of Inland Navigation Authorities, The Outdoor Swimming Society, etc.

In considering the introduction of risk controls, assessors should take full account of the likely effects on other persons who may be affected. One person's risk control should not be another's hazard.

Which sites shall I look at first?

Risk assessments and decisions on risk control take time. The authorities' areas and range of operation are usually large in comparison to the staff and other resources available to carry out these assessments. It is therefore necessary to prioritise the order in which the work is done. This should be based on accident/incident history, visitor numbers and areas where the duty of care to users is particularly high. Above all, the judgement of the authority as to where the biggest risks lie will shape the plan for completion. For example, sites adjoining schools.

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.

The following suggested **control measures** are not intended to cover employee safety or the work of contractors. These activities should have their own assessments and further guidance can be sought from specialist bodies e.g. RoSPA, National Water Safety Forum, Royal Yachting Association, etc.

In addition to employee safety, public safety must also be considered. Therefore, risk assessment is required taking into account high risk areas and the likely actions of persons using the open water. For example, high risk areas such as culverts, spill ways, etc., may require fencing. Further precautions may also be required to discourage approaching deep water such as by the use of fencing or natural barriers e.g. 'hostile' vegetation between the water body and the footpath or place where people congregate.

The provision of rescue aids should be considered within the risk assessment. This will be dictated by the likely access to the open water. For instance, in the case of a remote open water site only visited by council employees, rescue aids such as throw lines only need to be taken to the site. Where members of the public regularly gain access, e.g. between the water body and place where people congregate in large numbers, rescue aids should be located at suitable points.

Warning and/or information signs should be posted at suitable locations such as official access points, entry pathways and car parks and high risk areas. It should be noted that although the council does not prohibit swimming and other water based activities it does discourage casual use of the open water. However, it does promote notification where information on risks can be provided and/or shared.

Where a group, organisation or individual wishes to use an area of water for an activity, the council should be notified so that exchange of information pertaining to each respective waterbody can be provided to the prospective users. The council will reserve the right to impose restrictions on use of any open waterbody under its own control at any time.

Environment (Where the risk arises from natural features (unless a work activity is taking place) e.g. cliff edge, lake, falling trees, falling rocks.)

Many sites contained in the list of sites, in the 'Open Water Safety Toolkit', are natural features, albeit created by human activity e.g. mineral extraction and have been established for many years e.g. several decades.

When people enjoy the countryside or other open spaces they owe a duty to themselves and their dependents to take proper care. Save in special circumstances e.g. managed landscapes such as parks, it is not desirable that access is restricted or that other measures be taken that diminishes the amenity from fear that an accident may result in prosecution.

Avoid restrictions on access

Access should only be restricted as a last resort. The public may need to be excluded due to natural processes or weather, for example when paths have eroded or heavy flooding has occurred or to carry out repairs or other operations. If so, keep restrictions as short as possible. Avoid giving visitors a long list of dos and don'ts, and remember that disclaimers do not provide legal protection.

Hazardous leisure pursuits e.g. water sports, etc.

Responsible risk-taking should be regarded as normal, and we should not discourage members of the public from undertaking certain activities solely on the grounds that there is an element of risk. Excessive paternalism and concern with safety may lead to infringements of personal rights. Those who are competent to judge the risk to themselves should be free to make their own decisions so long as they do not threaten the safety of others.

The council does not encourage swimming or other water activities by members of the public, particularly children, and is actively discouraged, as evidenced by information signs posted at official access points, entry pathways and car parks and high risk areas. However, this does not apply to those involved in a supervised activity under the control of a duty holder, such as a school or club (e.g. sailing clubs, Ironman, etc.).

Council work activities and leisure activities where the council is the duty holder, must be risk assessed in line with council policy by either a risk assessment or event assessment. Supervision and training should be appropriate to the activity.

Public (visitor) awareness

Our aim is for the public to be aware of significant risks they face and to have the chance to decide whether or not to accept them. There should be no nasty surprises. Visitors may arrive with full knowledge of all the risks. Sometimes the risks, such as open water and drowning, are apparent on arrival at a site. In other cases, information about risk may be provided on signs at official access points, entry pathways and car parks and high risk areas.

It is reasonable to expect visitors to recognise the hazards from natural features in the landscape, such as cliffs. Once the visitor is aware of the nature of the risk, for example an unfenced drop, he or she can then decide whether to accept it and go near the edge. We may, however, need to warn of less obvious hazards. For example the cliff edge and potential drop might be obvious, but the visitor might need to be made aware if the cliff edge was undercut or unstable.

Usually it is reasonable to expect people to be aware of the normal risks associated with the sports and activities they are carrying out. However, users may need to be informed of additional hazards specific to the site. For example, an open water swimmer should have knowledge of the normal risks of the sport, but should be made aware of less obvious hazards, say from blue/green algae.

Risk can be managed or reduced through information and education rather than by physical intervention on site. High risk groups can be targeted. Children might be informed through schools. Participants in sport and recreation may receive information through event organisers, governing bodies and local user groups, and by information issued with licences, or permits.

Consideration should be given to providing advice on websites, social networking media, as well as at the site itself. Signs can be erected in car parks and at other main access points.

Where it is known, the nature of water and underwater hazards should be made clear through unambiguous signage. RoSPA provide guidance on warning signage compliant with the Health and Safety (Signs and Signals) Regulations 1996.

There are information signs posted at sites listed in the 'Open Water Safety Toolkit'. These are the Greater Manchester Fire and Rescue Service (GMFRS) and Wigan and Leigh Community Safety Partnership information signs 'Stay safe this summer' and 'Stay alive this winter' which provide information on both summer and winter water hazards including ice and cold water.

Some waters have fishing rights leased to angling clubs. Fishing leases are agreed and tailored to individual sites. Arrangements are included making the tenant responsible for adhering to the lease. The management of the water is also monitored by the Environment Agency (EA) and Lancashire Wildlife Trust (LWT) where appropriate.

Conditions within the agreements include requirements for maintaining all waters and surrounding areas e.g. putting and keeping in repair banks and fishing pegs and keeping them in a clean and tidy condition. In addition, tenants must not cut down or damage any vegetation or remove any soil, clay, sand or other materials from the site and surrounding areas and must maintain and keep in good condition the banks immediately adjacent to the water. Tenants are also required to notify the council of any waters where swans nest.

Open water site based risk assessment guidelines

The open water site based risk assessment sheet provides a table that considers suggested hazards e.g.:

- Environmental factors
- Behavioural factors
- Ease of access to waters' edge,
- Type of edge
- The water
- Known accident history
- Personal Rescue Equipment (PRE)

- Further control measures
- Evaluation of risk

As with all risk assessments they should be reviewed at regular intervals or when significant change takes place.

Environmental factors

Site specific risk assessment will take into account issues such as known swimming locations, signage, vandalism, local knowledge, e.g. known underwater hazards, falls from height, etc.

Organised swimming

Where a group, organisation or individual wishes to use an area of water for an approved activity, the council should be notified so that exchange of information pertaining to each respective waterbody can be provided to the prospective users. The council will reserve the right to impose restrictions on use of any open waterbody under its own control at any time.

Casual swimming

Information can be provided by signs e.g. Greater Manchester Fire and Rescue Service (GMFRS)/Wigan and Leigh Community Safety Partnership information signs placed at suitable locations such as official access points, entry pathways and car parks and high risk areas

Swimming and/or water access should not be encouraged but actively discouraged. Although organised events may take place, organising bodies and individuals are encouraged to notify the council of any events, casual swimming is not encouraged. This is supported by the information signs and web page information.

Behavioural factors

Risk assessment will help to determine if restricting access is practicable or desirable and it will help to identify appropriate risk control measures. Generally, it is not practicable or desirable to restrict access as the council cares for large expanses of open water in the borough. Not only is it not feasible to fence off whole areas, there are also many other things to consider. For example, thousands of anglers need clear and direct access to the water; for the council to care for the sites and for people to access the water for supervised activities, direct access to the water and other water structures is required.

It is reasonable to expect parents, guardians and leaders to supervise people in their care. For example, stopping children rolling stones over cliff drops or supervising children near water. The result is that there may be no need to erect signs forbidding the rolling of stones, or fences to prevent access to water. However the parent, guardian or leader may need to be informed of unexpected or hidden risks.

Ease of access to waters' edge

Edge protection is generally either a fence line or at least a one metre band of 'hostile' vegetation between the water body and the footpath or place where people congregate.

The provision of edge protection and whether it is required will be the subject of individual site risk assessments.

Type of edge

The type of edge and the proximity of deep water to the edge should be considered. Features such as culverts may create a fall from height hazard. Consideration should be given to providing suitable edge protection or fencing where required.

The water

The accessibility of the water should be considered. There may be 'authorised' paths around the open water sites that, when used as intended, do not necessarily provide access to the water. However, unmade paths may provide access for anglers. Where right to fish has been authorised, those organisations are responsible for the provision and maintenance of access to fishing pegs.

Known accident history

When evaluating risk, consideration should be given to previously reported incidents or accidents.

Personal rescue equipment (PRE)

The provision of PRE should not be discounted just because it is difficult to provide and maintain. However, consideration can be given to historical vandalism and/or abuse of the equipment. Where such equipment is provided it will require an inspection and maintenance regime.

Similarly to the provision of fencing, due to the extent of the open water in our care, it may not be reasonable to put personal rescue equipment e.g. life rings or throw lines at open water sites. Sadly such equipment such as life rings which were once available were often vandalised or stolen.

Further control measures recommended

Consideration should be given to other control measures taking into account site specific factors.

Evaluation of risk

Based on the findings of the risk assessment the assessor should determine the risk rating for the open water as being either; high, medium, or low.