

## North Ayrshire Council – Water Safety Policy (updated 2021)

### 1. Introduction

- 1.1 Within North Ayrshire there are a number of public open spaces within the ownership of the Council that include areas of open water. Due to the diverse shape and size of these areas of water, their use is varied. The Council recognises the positive contribution that well managed water spaces can provide to the area; enhancing the environment, through leisure use, supporting tourism and healthy living objectives. The types of open water within the responsibility of the Council include:
- Lochs & Lochshores
  - Rivers & Riverbanks
  - Ponds
  - Streams
  - SUDS (Sustainable Urban Drainage Systems) Ponds
  - Drainage ditches
  - Beaches & Coastlines
  - Promenades
  - Slipways/Piers
- 1.2 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 or skate on ice in the winter. It is not practical to deny access to all water nor is it necessary to erect barriers at all locations. The Council in its risk assessment of open water will take all 'reasonable steps' to protect people from danger. This policy has been written in line with guidance provided by the Royal Society for the Prevention of Accidents (RoSPA).

### 2. Statement of Intent

- 2.1 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 open water facilities and other water based facilities for which the Council is responsible, are maintained in as safe a condition as is practicable, for the benefit of the users and the safety of employees.
- 2.2 This policy does not refer to the organisation of activities for individuals under the age of 18, this is managed separately and is provided for under the Activity Centres (Young Persons Safety) Act 1995.

- 2.3 This policy is in respect of areas of inland water and coastal areas that are the responsibility of the Council. It does not consider those within private ownership. In these cases, private owners must make appropriate arrangements to ensure that their legal obligations are adequately discharged.

### **3. Legal Responsibility**

- 3.1 There are a number of legal obligations in both Common Law and Statute upon the Council in respect of access to and the safe management of inland and coastal water sites for which it is responsible.
- 3.2 The public enjoys various rights of access over the sea, seabed and the foreshore and of navigation in inland waters through Common Law and the Land Reform (Scotland) Act 2003. The Scottish Outdoor Access Code accompanies the 2003 Act and is the key reference source for event organisers.
- 3.3 The following legislation places duties upon the Council in respect of the safe operation of waters for which it is responsible:-
- Health and Safety at Work Act (HASAW) 1974
  - The Land Reform (Scotland) Act 2003
  - The Management of Health and Safety at Work Regulations 1999
  - Health and Safety (First Aid) Regulations 1981
  - Public Health Act 1936
  - Occupiers 'Liability (Scotland) Act 1960
  - The Health and Safety (Safety Signs and Signals) Regulations 1996
  - Unfair Contract Terms Act 1977
- 3.4 The Council also has a 'duty of care' responsibility through common law. This requires the Council 'to take reasonable care to avoid acts or omissions which can reasonably be foreseen as likely to cause injury'. A certain 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. Similarly, users of waterways are expected to share the responsibility for their safe use by not ignoring hazards, abuse facilities or equipment or exercise ill-judgement.

#### **4. Inspection**

- 4.1 Risk assessments will be reviewed on a five-year cycle, in response to works at a site or location or immediately where an accident or incident has occurred. The assessment will identify the conditions at each site and the appropriate mitigating actions to enable the Council to meet its legislative responsibilities.
- 4.2 A regular inspection programme is in place to ensure that the mitigating actions put in place to manage the level of risk are well maintained and identify any changes to the site that will require a new risk assessment. Inspections will be taken at a frequency commensurate with the risk classification of the site as follows:-
- High Risk – areas identified as high risk or for some other reason recorded as warranting a higher level of inspection will be inspected four times annually in Spring, Summer, Autumn & Winter.
  - Medium to Low Risk – areas identified as medium to low risk will be inspected twice annually in Spring & Autumn.

Those sites where signage and or safety equipment and points have been installed will be inspected on a weekly basis to ensure that equipment is in good order.

- 4.3 Action to address any issues identified during the routine site inspection will be prioritised as follows:-
- Priority 1: action to be taken within 2 working days or as soon as practicable – any change in the condition of the site which by its nature constitutes a high risk to users e.g. significant deterioration of the surface adjacent to water, damage to safety equipment.
  - Priority 2: action to be taken within 5 working days – any change in the condition of the site that by its nature has the potential to increase the risk to users within the immediate future. This includes the theft and/or damage to safety appliances and signs.
  - Priority 3: action to be taken with 4 weeks – any change to the condition of the site which by its nature if not put right has the potential to increase the risk to anticipated users e.g. erosion of footways.

## 5. Education & Awareness

5.1 The Council recognises that the provision of literature and pertinent information on water safety to both the public and staff can enable the prevention of accidents and drowning. Appropriate information can 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 development of this information will be continuous, in order to fully engage the safety message to people and will include the following:

- Provision of water safety information on the Council's website
- Provision of timely information through social media and other media routes in response to seasonal events e.g. hot weather, ice, high tides etc.
- Design and subsequent distribution/display of literature amongst users
- Presentations to school children
- Provision of on-site warning signs and information
- Provision of rescue equipment at key locations

## 6. Risk Assessment (categorisation of sites)

6.1 Unsupervised open water can present a high level of risk due to the nature and use of adjacent walkways. The level of risk at each site will be assessed through the Risk Level Classification matrix attached at Appendix 1. Those sites identified as 'high risk' will require a separate site-specific water safety strategy.

6.2 The risks identified in this assessment will be mitigated through a range of actions and safety measures including signage, equipment and physical barriers.

### 6.3 Site Signage

6.3.1 Where necessary, three forms of site signage will 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:

- Location
- Map of the site with lifesaving points and help points identified (where such equipment is installed)

- Do not enter the water
- No swimming
- Action to be taken in an emergency
- Location of nearest telephone
- Space should also be provided for the positioning of temporary notices (e.g. Danger – ice take care!)

Multi-signs will be provided at each key site (category High Risk 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.

Safety Points – Lifebuoy covers repeating key information from Multi-signs (details of emergency telephone numbers, for example).

Nag Signs – These are smaller signs displayed in key locations, again repeating key information from the multi-signs e.g. Danger No Swimming, Deep Water.

6.3.2 Warning signs will be in accordance with 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.

6.3.3 The Council will erect additional temporary signage where appropriate to alert the public to short-term or seasonal hazards e.g. ice.

## **6.4 Rescue Equipment**

6.4.1 The provision of site rescue safety equipment will be identified through the Risk Classification process. Site rescue equipment, if required, will comprise of Lifebuoys and Throw lines. Lifebuoys are generally considered suitable for areas having steeper banks and deep water such as adjacent to quay sides or rivers. Throw lines, however, are more suitable where the gradient is shallow and directional suitability is required.

6.4.2 Where appropriate, rescue equipment will be combined with safety signage and located into a position known as a safety point. Where a number of safety points are located on one site, each will be identified by a number, recorded on a site plan and monitored. The location of 'safety points' will be determined by the risk assessment process and will likely reflect probable points of access to the water and where there maybe a rescue attempt. A safety point should be visible from any point around the potential risk.

- 6.4.3 Rescue equipment is often subject to vandalism and theft. In those locations where the continued integrity of equipment cannot be maintained consideration will be given to alternative safety methods such as increasing the physical level of edge protection.

## **6.5 Edge Protection**

- 6.5.1 Natural edge protection is a low cost and effective method to control access to water. In order for it to be effective, it should consist of at least a 1-metre gap of dense and/or hostile vegetation (weed, scrub, nettle and brambles for example) from the water body (lake, stream, river etc) to a designated path used by the public. If it is necessary to carry out any work to edge protection vegetation, this will generally be carried out as part of the winter maintenance and planting programmes with the following exceptions:

- Maintenance to areas required for the safe operation of the onsite sporting concessions, including angling, swimming and sailing;
- Work required at the earliest opportunity for the health and safety of the general public.

- 6.5.2 Where the requirement for edge protection has been identified but where natural vegetation cannot be grown or where it cannot provide the required level of protection consideration will be given to the erection of suitable structures such as railings, walls etc.

## **7. Ice**

- 7.1 The Council will erect additional temporary signage where identified through risk assessments to alert the public the hazards associated with ice. This will be supplemented by the release of timely information through the Council's communication channels.
- 7.2 As a general rule, ice will not be broken when it forms, however where safe, consideration may be given to the limited breaking of ice in prolonged cold weather situations for environmental/wildlife reasons.

## **8. Pollution**

- 8.1 Any instances of water pollution (oil/blue green algae for example) should be reported at the earliest opportunity to enable appropriate actions to be implemented. 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 directed by the Scottish Environment Protection Agency. Any remedial actions dictated by them will be implemented under their direction.

## **9. Employees and Contractors**

- 9.1 All Council employees and appointed contractors working on or in the vicinity of 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.
- 9.2 It is neither reasonable nor practicable to provide full-time supervision to areas of open water and is not the most effective reaction to a water hazard. However, where employees are present on site, they may take a proactive approach in educating the public and highlighting the common dangers around open water.

## **10. Use of Open Water for Activities**

- 10.1 Where a group or organisation wishes to use an area of water for an approved activity, an application must be made to the Council. This does not apply to normal arrangements of a club or group using the water by lease, licence, or any other formal agreement.
- 10.2 Applications must be made at least four weeks in advance of the proposed event activity. When large events are being proposed more advance notice would be preferable.
- 10.3 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 manager in liaison with the Council's Health and Safety Officer. Copies of all the documents will be made available to all staff involved in managing or working at the site.

## **11. Recording and Reporting of Accidents**

- 11.1 Where a member of the public or staff is involved in a water-based accident or sustains an injury, the incident must be reported and recorded in accordance with Council procedures. Members of the public will be encouraged to report any incidents to the Council.

## Appendix 1

## Risk Level Classification

A progressive programme of Risk Assessments will be undertaken to determine conditions at each site in accordance with are policy.

The following

Severity	Rating	Definition
Near Miss	1	No injury incident, minor property, vehicle or plant damage
Minor	2	A minor injury, such as cuts and bruises which can be dealt with on site by administering first aid
Non –reportable	3	A major injury to person/s requiring more than minor first aid. May require trip to casualty
Reportable	4	Critical injury to person/s e.g. broken limbs, major cuts. An essential need for medical help and possible hospitalisation. More than 3 days required off work.
Specified Major Injury	5	Permanent or life-threatening injury to a person/s e.g. loss of limb.
Fatal Injury	6	Immediate loss of life or lost person/s at sea or in waterway

Likelihood	Rating	Definition
Unlikely	1	Not to be expected
Improbable	2	Unusual/rare – an event that is so unlikely that it should not be considered as possible
Occasional	3	Could happen
Probable	4	Not a surprise – unlikely to occur often but may occur several times during the season under normal weather conditions
Likely	5	To be expected – likely to occur under normal conditions but is possible under extreme weather conditions
Certain	6	Likely to occur under all weather conditions throughout the year

### Inland Water Safety Risk Assessment Proforma

<b>Site Name:</b>		<b>Grid Ref:</b>	E	N
<b>Type of Water Course:</b>				
<b>Description and specific location of Area Assessed:</b>				

<b>1. Physical Assessment</b>			
1.1	Water type		
1.2	Depth		
1.3	Width		
1.4	Banking		
1.5	Gradient		
1.6	Edge Growth		
1.7	Paths		
1.8	Fencing		

<b>1.9 Overall Assessment</b>

<b>1.10 Risk Potential</b>	
Low	
Medium	
High	

<b>2. Environmental Assessment</b>			
2.1 Detail	Distance to Water	Intervening Area	Access Type e.g. remote/limited

<b>2.2 Overall Assessment</b>

<b>2.3 Risk Potential</b>	
Low	
Medium	
High	

<b>3. Behavioural Assessment</b>			
Detail types and frequency of use of the area including identification of vulnerable groups			
3.1 Type of use	Frequency	High/Medium/Low	Vulnerable Groups

<b>3.2 Risk Potential</b>	
Low	
Medium	
High	

<b>4. Preventative Measures Existing</b>
Details of existing preventative measures

<b>Preventative Measures</b>	<b>Detail</b>	<b>Condition</b>
4.1 Fencing		
4.2 Walkways		
4.3 Edge Treatment		
4.4 Signage		
4.5 Location		
4.6 Ice Management		

<b>5. Preventative Measures Recommended</b>		
<b>Detail</b>	<b>Location/Comment</b>	<b>Date Completed</b>

<b>6. Inspection Schedule Recommended</b>	
<b>High Risk – Quarterly</b>	
<b>Medium to Low Risk – 6 monthly</b>	
<b>Signage/Safety Appliances – weekly</b>	

<b>Assessment Completed By:</b>	Name: Designation: Date:
<b>Checked By:</b>	Name: Designation: Date:

<b>7. Notes</b>

**Coastal Waterways Risk Assessment**

<b>Grid Reference:</b>	<b>E</b>	<b>N</b>
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<b>Completed By:</b>	<b>Designation:</b>	<b>Date:</b>
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<b>Responsible Body</b>	
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**General Description of Area Boundaries:**

**Assessment Notes**

<b>Beach Name</b>	
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<b>Month</b>	<b>Number of Visitors per Month</b>
<b>April</b>	
<b>May</b>	
<b>June</b>	
<b>July</b>	
<b>August</b>	
<b>September</b>	
<b>October</b>	

**Appendix 3**

**Any further notes/comments:**

**Beach Plan identifying the following:**

- Local Landmarks

- Hazards
- Area of Concern

**Coastal Water Risk Assessment Proforma**

<b>ENVIRONMENTAL</b>				
<b>Hazards</b>	<b>Severity (S)</b>	<b>Likelihood (L)</b>	<b>S x L</b>	<b>Incidents</b>
Rip Currents				
Underflow				
Longshore Drift				
Estuarial Currents				
Tidal Cut Off				
High Seas, Heavy Surf Conditions				
Plunging/Dumping Waves				
Surging Waves				
<b>Weather</b>				
Winds & Chills				
Sun				
Poor Visibility				
Changeable/extreme conditions				
Cliff Fall/Landslip				
Sandbars/Sandbanks				
Unsafe Beach Access				
<b>Hazardous Substances</b>				
Fuel Oils				
Waste				
Sharps				
Other				
Sharps				
<b>Water Quality</b>				
Industrial Plant				
Sewage Outfall				
Agricultural Run Off				
Microbiological				
Other				
<b>Beach/Marine Envenomation</b>				
Bee/Wasp				
Weever Fish				
Jelly Fish				
Sun				

<b>PHYSICAL</b>				
<b>Hazards</b>	<b>Severity (S)</b>	<b>Likelihood (L)</b>	<b>S x L</b>	<b>Incidents</b>
<b>Natural Structures</b>				
Cliffs				
Large Rocks				
Promenade				
<b>Man Made Structures</b>				
Harbour Walls				
Piers				
Jetties				
Buildings				
<b>Coastal Defences</b>				
Sea Walls				
Wave Breaks				
Groynes				

<b>HUMAN</b>				
<b>Hazards</b>	<b>Severity (S)</b>	<b>Likelihood (L)</b>	<b>S x L</b>	<b>Incidents</b>
<b>Activity Hazard</b>				
Swimming				
Surfing/Body Boarding				
Sailing				
<b>Windsurfing</b>				
Snorkeling				
Climbing				
Inflatables				
Powered Craft				
Kite Surfing				
Walking				
Other				
<b>Behavioural Hazards</b>				
Bravado				
Alcohol				
Drug Abuse				
Violent/Threatening Behaviour				
Other				
Vulnerable User Group				