Nuneaton and Bedworth Borough Council

Water Safety Policy

Dec 2022

Nuneaton & Bedworth

United to Achieve

Contents

Why is site safety important?

The Council has a moral and legal duty[1] to ensure, so far as is reasonably practicable, the safety of both our employees and visitors whilst on the land we are in control of. This is particularly pertinent on publicly accessible land, where we are actively inviting public access.

The statement "so far as is reasonably practicable" is the balance of the risk on one side and the time, money, and effort (sacrifice) required to avert that risk. The presumption is weighted toward taking measures to remove or minimise risk unless the sacrifice is grossly disproportionate.

The Council must therefore risk assess and appropriately manage the green spaces we are in control of and work with our partners and contractors in such a way as to ensure that those working, visiting, travelling through, and living adjacent to our greenspaces are safe from harm.

What does the Health and Safety Executive say we should do about managing safety?

The HSE says that you should do the following

- identify what could cause injury or illness (hazards)
- decide how likely it is that someone could be harmed and how seriously (the risk)
- take action to eliminate the hazard, or if this is not possible, control the risk

Why are we writing a policy about water safety?

Many of our Greenspaces across the Borough are enhanced by the presence of water in the form of waterbodies - lakes, pools, and wet marshland and watercourses - streams, rivers, and canals.

Water has been identified as a significant hazard on some of the greenspaces we manage because it is the only site hazard to have been related to deaths within our parks in the last 20 years.

This policy is therefore focused on this element of site safety and on exploring and determining how we can manage the risk that our water bodies could pose to the public, our employees, and contractors.

To help us formulate this policy we have consulted ROSPA's current guidance on inland waters.

What risk does water pose on our land?

Risk is determined by the likelihood and severity of harm that could occur because of a hazard.

[1] The Management of Health and Safety at Work Regulations 1999. The Occupiers Liability Act 1957. The Health and Safety at Work Act 1974

Water related risk will be dependent on the site's particular water feature, its location, design, any protective measures in place, its maintenance, inspection and repair, people's behaviour (contractors, members of the public and staff) and level of use.

The only way to really determine the level of risk posed is to risk assess our sites and the water related assets they contain.

What harm could be caused by the water on our land?

Intentional or accidental entry into our waterbodies and water courses has the potential to lead to drowning, injury, hypothermia, and illness. Water can also cause damage to property.

The severity of harm likely to be caused if you accidentally or intentionally enter the water in our sites will be dependent on how you enter it and the characteristics of the waterbody or watercourse.

Severity of harm may be affected by

- Depth of water
- Depth of Silt
- Strength of Currents
- Water Quality (biological factors/pollution etc)
- Underwater hazards
- Temperature (of water and wider environment)
- Bank steepness or shelving

The potential for harm presented by the water related features on our greenspaces will consequently vary between different sites and at various times of the year.

In what ways can the Council reduce the harm potentially caused by existing and new water features?

Existing water features

Design

The Council is limited in the way that it can change many of the physical features of our existing waterbodies and watercourses. This is because changing the water depth, bank steepness, silt depth, temperature and current is often not practical or deliverable or, if it is physically possible, it can be prohibitively expensive. Any improvements that are possible and reasonable should however be identified within the sites risk assessment.

Maintenance, Inspection and Repair

We can however limit or manage some of the contributing features which may increase severity of harm e.g.,

- Keeping water courses and water bodies and their associated grills/inlets/outlets clear of debris build up in areas that may increase the risk of flooding or lead to higher water levels
- Keeping water courses and waterbodies clear of fishing line and other debris that may increase the risk of entanglement, injury and drowning should someone enter the water
- Reporting any pollution incidents to the Environment Agency
- Managing rat infestations where they pose a risk to health.

These elements can be addressed via scheduled maintenance, via monitoring/inspection and via remedial works/repairs where necessary.

Providing lifesaving equipment on site e.g., life rings.

ROSPA guidance states that providing life rings may, in limited circumstances, afford the victim extra time or support to enable rescue. It explains that the design intention for rings is to be 'dropped' to casualty rather than thrown horizontally which means that they are most usefully placed near vertical drops and deep water rather than in areas where you need to throw them any distance to the person in the water. Their guidance also states that the use of life rings requires a high degree of maintenance and that they are very susceptible to theft or vandalism. ROSPA also explains that there is also the risk that placement may be seen as creating a permitted swim spot or inducement to swim, i.e., the belief that "this is a safe space to enter"

Due to the elevated level of vandalism experienced on all our sites, the limited resources available for regular inspection and equipment replacement and the unsuitability of many of our water bodies, the Council has decided not to use life rings to reduce the potential severity of injury.

New water features

The Council has enormous potential to influence the design of new water bodies and water courses both on our land and on the land of others. This influence could potentially limit or reduce the degree of hazard posed.

To develop this, the Council have recently adopted a Supplementary Planning Document - Open Space and Green Infrastructure Supplementary Planning Document (SPD) 2021 which is, amongst other things, intended to influence the design of new water bodies/courses in the Borough. The safety principles of this SPD focus on developers identifying and designing out hazards where possible and it also requires individual risk assessments of designs, signage, and stipulates gentle slopes and ideally shelving to all water bodies and water courses wherever feasible. These general principles will also be adopted in the design of any future water bodies or water courses we create.

Why do people enter our waterbodies and watercourses and how can this be managed?

There are 2 predominant ways that the public/visitors, staff, volunteers, or contractors could potentially enter our water bodies i.e., through accidental or intentional entry into the water.

ROSPA state that of the accidental drownings by month (Average 2013-2019) 46% had no intention to enter the water and 54% had intended to enter the water.

Unintentional/accidental entry into our water bodies

- Falling into the water body or water course e.g., slipping down the bank
- Collapse or failure of structure e.g., bridge, bank or fencing leading to unintended entry into the water body
- Flooding issue that leads to unusual and unexpected areas being under water e.g., roads/houses/paths

Intentional entry into our water bodies

- To perform a maintenance activity
- To carry out a permitted recreational activity e.g., boating, fishing
- To carry out an activity that is not permitted e.g., swimming, walking on ice etc

How can the Council reduce peoples' accidental entrance into the water?

The Council can do the following things to limit accidental exposure to waterbodies and watercourses. Further/different actions may also/alternatively be identified by the sites' risk assessment.

Warn people of the danger

- Provide signage at entrances to the site to warn the public of what hazards the site contains and what the site rules are using words and standard symbols.

Allow people to anticipate the hazards' specific location

- Improve visibility of the hazard e.g., by cutting back overhanging vegetation so people can see and therefore anticipate the hazard and for example keep children away or under control.
- Provide 'nag' signage at the hazard location to highlight the hazards position (e.g., danger deep water/steep drop) and remind the public of any site rules (e.g., stay out of the water) – this is particularly important where the hazard is significant and/or where it may not be anticipated – e.g., hidden/not very visible steep banks

Move people away from the hazard

- Set footpaths back from the edge. Before installing new or renewing existing facilities/infrastructure review its position – can it or should it be moved away? Consideration should be given to desire lines if a path is moved too far away people may still walk near the waterbody or watercourse, so a balance needs to be met. The SPD recommends that paths are setback at least 3m from the edge of banks where practical to allow for a path grass verge (that is safe to maintain) and rough edge to the bank to deter entry/improve wildlife value. Greater distances may be needed where horse riders or cyclists are anticipated. Where bank erosion is a problem greater distances may be needed.
- When installing new facilities set them back from water if appropriate/practical – follow guidelines included in the adopted Supplementary Planning Document - Open Space and Green Infrastructure Supplementary Planning Document (SPD) 2021 and risk assess new installation designs as appropriate.
- Tailor the required maintenance so that contractors are not unnecessarily exposed or are less frequently exposed to the hazard. Is it necessary to maintain the site right up to the edge of the bank? And if it is how can this be made safer? This can be done in a physical way on site but should also be done by the contractor in the form of a risk assessment/changing operation etc.

Prevent or physically deter people from coming too near the hazard

- Provide barriers to exclude the public where the risk is high or very high e.g., via fencing even if paths are not nearby
- Consider providing barriers/fencing to exclude the public where you cannot avoid them coming in proximity with a moderate hazard e.g., where an existing path or recreational facility comes close or immediately adjacent to a moderately risky watercourse or waterbody
- Let the vegetation grow longer alongside water courses and water bodies to deter entry and to limit required access by maintenance staff/contractors. This is often the best approach in areas of lower risk or in areas where other measures would be unaffordable.

Encourage the reporting of any safety issues

- Provide contact details on site entrance signage so that the public – who use the site know who to contact in the case of a problem.

- Provide an issue reporting mechanism on the Council's website and via phone (this is provided for via our customer services enquiry/complaint processes - DASH)
- Ask contractors to report issues – this is done by our maintenance contractor via GLIVE and by them via phone calls/emails if more urgent

Inspect hazards and associated safety precautions to identify any escalating risk factors

- Inspect water related structures and facilities to ensure that they are fit for purpose and that there are not any factors that could increase the risk. The inspection frequency will be based on the sites or group of items originally assess risk level.

Respond to safety issues and make repairs in a timely manner

- Respond to repairs identified by the public, contractors or via inspections in a risk-based order and agreed time frame.
- In addition, identify any items that are likely to escalate to higher risk and maintain/repair as necessarily to prevent risk escalation.

How can the Council reduce the risk to those we permit into our waterbodies and watercourses?

As a Council we have taken the decision to not to encourage people to enter our waterbodies or watercourses unless they absolutely need to. This means that swimming, boating, diving, and other recreational activities, including events that require entrance into the water are not encouraged on any of our sites. This is with the general intention of limiting numbers in the water and therefore limiting risk in this way. It also allows us to have one clear message of 'stay out of the water' that we consistently give out to the public.

Contractors, staff, and supervised volunteers will on occasion however need to work in it or alongside water. In cases where this happens the activity will need to be risk assessed first and be covered by appropriate insurance before permission is granted for that activity.

How can the Council reduce the number of people intentionally entering our water without permission?

We are aware that people do go into our watercourses and water bodies on occasion without specific permission. This most commonly happens in warmer weather however it is something that does happen year-round including when ice is present.

This is extremely difficult to manage as none of our sites have a routine on-site presence and we do not have the resources to do this or to provide a regular enough presence on site to make a real difference to people's behaviour. As these activities are most common outside of normal working hours (evenings and weekends) it is likely specific staff with enforcement powers would need to be employed to influence the behaviour of the public in this way.

To attempt to manage this unpermitted access into water and to warn the public we commit to making timely press releases at key times of the year to warn of relevant specific dangers, e.g., thin ice, dangers of swimming in unsupervised waters, underwater hazards, deep water/strong currents etc.

These press releases should be released prior to significant periods of extremely hot weather, at the beginning of the school holidays and prior to periods of extremely cold/freezing weather (targeting school holidays).

The Council is also in the process of establishing a Public Space Protection Order that makes it an offence to be in the water without our permission. This order will follow the stay out of the water messages we have provided on signage and through the media and will allow our partners - the police - to take enforcement action where necessary.

We will also work with community and friend's groups in such a way that the stay out of the water message is passed onto these groups as appropriate.

Determining the specific hazards on our sites and the level of risk posed via site-by-site risk assessments

The Council will assess and subsequently regularly review, risk assessments for all greenspaces containing waterbodies.

These site risk assessments will outline what water related assets these sites contain, their individual assets risk score (based on the below matrix, general asset information/categorisation and individual site accident/incident knowledge) and the site managing officers' determination of the sites overall risk score – normally based on the highest scoring asset.

The overall site risk score may vary from the highest asset score where a site is large or where risk levels vary greatly. In these cases, the sites may be split into zones with similar risk, for example Whittleford Park will be split into Barpool Valley, Claypool and Marsh, and with much less/or no water and both with lower risk Gorse Valley and Vale View. The overall site score may also vary if the combination of assets present combine in such a way that in the officer's opinion it changes the overall site risk, or that the asset that scores highest is not significant enough to directly dictate site overall score.

Risk Assessment Matrix

			Scores in the report are multiplication factors of Likelihood x Severity					
			Severity>>					
Likelihood	Very High probability, if the situation is not addressed an accident is almost certain.	5	Very High	VL (5)	L (10)	M (15)	H (20)	VH (25)
	High probability an accident is probable without any added factor.	4	High	VL (4)	L (8)	M (12)	H (16)	H (20)
	Moderate probability an incident is foreseeable.	3	Moderate	VL (3)	L (6)	L (9)	M (12)	M (15)
	Some probability, requires a combination of factors to take place.	2	Low	VL (2)	VL (4)	L (6)	L (8)	L (10)
	No significant probability; lightning strike, freak accident.	1	Very Low	VL (1)	VL (2)	VL (3)	VL (4)	VL (5)
				Very Low	Low	Moderate	High	Very High
				1	2	3	4	5
				No injury likely e.g. damaged or soiled clothing, minor bruising, grazes	Minor injury, laceration or bruising requiring first aid only	Injury requiring medical intervention e.g. cuts requiring stitches	Serious injury including concussions or fracture of long bones	Severe injury involving a potential life changing injury or fatality
				Severity>>				

Note 1: The total risk scores included within our reports are a multipication factor of the calculated Likelihood and Severity of each finding. Both Likelihood and Severity are given a number between 1 - 5 as shown on the matrix above and these two numbers are then multiplied together to give the total risk score that is shown against defects on the report. Total risk scores can be divided in both directions, i.e. a total risk score of 12 could be a Likelihood (3) x Severity (4) or Likelihood (4) x Severity (3).

Note 2: When we inspect we only see a snapshot of the current condition of the equipment. It is the operators responsibility to ensure that there is a continuing level of maintenance to keep the equipment in good working order and the site fit for use.

How often should we formally inspect the assets that the site contains?

It has already been determined that the formal inspection of our assets is unlikely to influence unauthorised entrance into our water bodies as the frequency, day and time of day is unlikely to coincide with most unauthorised activity on site and even if witnessed by officers their presence is unlikely to change this behaviour to any noticeable degree. Officer presence is unlikely to influence behaviour because officers do not have enforcement powers and, they will be working alone. Perpetrators of unauthorised activities including swimming may also stop and then carry on with their activity after the officer has left site.

With over 300 Parks & Greenspace sites, covering approximately 151 hectares of land and with around 50% of this containing water, it is also unlikely that inspecting officers will happen to visit a particular area of a site at the time when a serious defect occurs, e.g., via failure or vandalism. We therefore rely heavily on the public and our

maintenance contractors, who are out on the sites on a more regular basis, to report these more obvious issues to us via our customer enquiries system (DASH) and GLIVE, our grounds maintenance contractor reporting system.

What is the purpose of the formal inspection?

The formal inspection process is designed to identify the more subtle issues that may, over time, lead to increases in risk. These inspections may also identify serious defects. These formal inspections should be undertaken alongside periodic specialised inspections, as required by the asset, such as bridges, to ensure all subtle defects are identified before they progress to a serious fault.

More subtle defects may include but are not limited too; bridge decking that is approaching the end of its useful working life or needs cleaning to prevent or extend its lifespan. Water courses becoming blocked with debris which requires clearance by our contractors, protective fencing or guard rails that are damaged or loose and missing or defaced safety signage.

What format should these formal inspections take?

We will formally inspect our site's water assets using an existing asset management system that is date and time stamped and unalterable after inspection, to provide a robust audit trail. This inspection software allows the inspector to assess the current risk associated with the asset(s) on site leading to a live risk assessment based on the last recorded inspection. It is anticipated that over time more of the sites assets (that fall outside of water safety, but which also carry their own risk) will be added to this monitoring system.

How often should we formally inspect our sites/site assets?

How often we formally inspect should be related to site and asset risk and so we should visit higher risk sites more frequently than lower risk sites. It must also be deliverable and allow sufficient time to respond to the findings of both the formal inspections and the other defect reports e.g., the DASH enquiries, GLIVE reports and other structural surveys that are completed on our assets.

It has been determined that we have the capacity to formally inspect sites based upon 2 x 0.8 (FTE) Officers, at the following frequency.

- 2 yearly inspections for very low risk sites/assets
- Annual inspection for low-risk sites/assets
- 6 monthly inspections for moderate risk sites/assets
- Weekly inspection for high-risk sites/areas/assets
- Daily inspection for very high-risk sites/areas/assets

What other additional specialised inspections related to water safety should we complete?

The most common specialised inspection that is often related to water safety is the inspection of our bridges – the need for specialised bridge inspections is, however, also applicable outside of water safety sites.

There are four levels of Bridge Inspection.

- **Routine Visual Safety Inspection** – A routine visual inspection undertaken by non-engineers, such as Parks & Greenspace Officers as part of a formal water safety inspection.

- **General Inspection** – Is a bridge inspection undertaken by a qualified engineer* typically at not less than two-year intervals unless otherwise specified. This is a general examination of the structure to detect evidence of distress that might require repair or maintenance attention.

- **Principal inspection** - This consists of a more detailed inspection of the structure from within touching distance, typically at not less than five-year intervals unless otherwise specified and may involve a certain amount of non-destructive testing. This will normally be undertaken by qualified bridge engineers* either from a consultant or the Bridges Unit at WCC (Warwickshire County Council).

- **Special Inspection/Engineers Report** - This carried out to investigate a specific problem, after a major accident or event, such as ground movement or flooding, or passage of unusually heavy loads. This will normally be undertaken by qualified bridge engineers* either from a consultant or the Bridges Unit at WCC.

Responding to defects

How we respond to defects identified by inspections and via customer and contractor reports is crucial to the managing of risk on our sites. If more time is spent inspecting and less time is spent on the follow up repair and preventative process, it may be counterproductive and even reduce site safety.

The extent & availability of resources to undertake repairs also requires that we adopt a triage approach.

General Principles of defect/risk management

Using the risk assessment matrix previously shown to risk assess the site, the following response to risk/defects will be implemented.

1 – 5 Very Low Risk The site/asset(s) is in good condition, fit for purpose and no remedial work is required. (Unless otherwise indicated) There may be some non-compliances with current standards*. Sites/asset(s) in this category will be formally inspected at intervals not exceeding 2 years.
6 – 10 Low Risk The site/asset(s) may not comply with current standards but is generally in good condition. Minor works may be required and these should be completed within the next 6 - 12 months. Sites/asset(s) in this category will be formally inspected at intervals not exceeding 1 year.
11 – 15 Moderate Risk The site/asset(s) has a fault or number of faults that require attention. These faults should be rectified within the next 2/3 months to ensure the continuing safe use of the site by users. Sites/asset(s) in this category will be formally inspected at intervals not exceeding 6 months.
16 – 20 High Risk The site/asset(s) has serious defects that require immediate attention. This level of risk will normally result in the site/asset(s) being taped off with hazard tape to warn the public & a telephone call from site by the inspector, requiring that a maintenance team be sent to site within 24 hours to make safe/repair. 'Make Safe' may include the installation of temporary cage type fencing to prohibit access by the public until repairs can be made. These faults should be rectified within 2 months or must be escalated to the Director – Public Services for further action. Sites/asset(s) in this category will be formally inspected at intervals not exceeding 1 week.
21 – 25 Very High Risk The site/asset(s) is in a dangerous condition. Further public access must be immediately prohibited, or the asset must be removed from service ('Made Safe') until such time as it is repaired or safely removed from site. In this instance the inspector would remain on site until a maintenance team was sent to attend to the item. 'Make Safe' may include the installation of temporary cage type fencing to prohibit access by the public until repairs can be made. These faults should be rectified within 2 months & must be escalated to the Director – Public Services immediately. Sites/asset(s) in this category will be inspected daily, by the maintenance team to ensure that temporary safety measures remain in place & are effective. Sites/asset(s) in this category will also be formally inspected at intervals not exceeding 1 week to monitor progress until work is completed.

*Refer to Open Space & Green Infrastructure Supplementary Planning Document(s) (2021) & Parks & Countryside Office Std. Specification (2019)