

Committee(s):		Date(s):
Hampstead Heath Sports Advisory Forum	For Information	12 th May 2014
Hampstead Heath Consultative Committee	For Information	2 nd June 2014
Hampstead Heath, Highgate Wood and Queen's Park Committee	For Information	9 th June 2014
Subject:		Public
Ladies' Pond Fatality Report		
Report of:		For Information
Superintendent of Hampstead Heath.		
<u>Summary</u>		
<p>This report reviews the fatality that occurred at the Ladies' Pond on the 4th August 2013, and gives details of the response to this incident by the City of London.</p>		
Recommendations		
<ul style="list-style-type: none"> • That the Hampstead Heath Consultative Committee notes the contents of this report. • That the comments of the Hampstead Heath Sports Advisory Forum are conveyed to the Hampstead Heath Consultative Committee at their meeting on 2nd June 2014. 		

Main Report

Background

1. Hampstead Heath has numerous open-water sites, including three that are designated for swimming. The Highgate Men's and Kenwood Ladies' Bathing Ponds are open all year, and the Mixed Bathing Pond is open for swimming from May to September. The Ponds provide a highly valued and much-loved resource to the local user groups and are supervised by qualified Lifeguards.
2. Peter MacGregor, an independent Risk Management Consultant, undertakes an annual Water Safety Audit across all the open-water sites on Hampstead Heath, including the Bathing Ponds and Lido. The Audit also reviews the Hampstead Heath Water Safety Policy, including written Normal Operational Procedures (NOP) and Emergency Action Plan (EAP).
3. At closing time on 4th August 2013, Lifeguards found clothing and a mobile telephone in the changing rooms of the Kenwood Ladies' Pond. A call was made to the last dialled number, which was answered by the daughter of the telephone's owner. She informed the Lifeguards that her mother had gone swimming at the Ladies' Pond on Hampstead Heath earlier that day.

4. The Hampstead Heath Constabulary and the Metropolitan Police Service (including air support unit) carried out an initial search of the facility and surrounding area on the evening of the 4th August 2013. However, the search was abandoned due to fading light.
5. The next day, the Marine Policing Unit Dive Team retrieved a body, which was later confirmed as that of Sussie Ahlburg. A Police investigation immediately took place, the Lifeguards who had been working at the Ladies' Pond on 4th August were interviewed, and statements were taken.
6. At the request of the Superintendent of Hampstead Heath and the Director of Open Spaces, Peter MacGregor was instructed to undertake an independent review of the lifeguarding and infrastructure arrangements at the Ponds in general and the Kenwood Ladies' Pond in particular – Appendix 1. In addition, an internal health and safety report was undertaken by the City of London Health & Safety Manager (Property) – Appendix 2.
7. A Coroner's inquest was held on 19th December 2013 at St Pancras Coroners Court. The Senior Swimming Facilities Supervisor and the two Lifeguards on duty on 4 August 2013 were called to give evidence at the inquest. The Coroner concluded a verdict of accidental death, owing to the deceased having suffered a cardiac arrhythmia caused by cardiomyopathy of undetermined type. Lifeguards at the Kenwood Ladies' Pond have received overwhelming support from the various user groups during this difficult period.
8. The summer of 2013 was an extremely busy period at all three bathing ponds on Hampstead Heath. Lifeguards had made numerous in-water rescues over the summer period prior to the fatality.

Current Position

9. On 7th October 2013, Peter MacGregor presented his draft report at the Swimming Facilities Forum, which was attended by City of London Officers, members of the United Swimmers Association, Parliament Hill Lido Users Group, Hampstead Heath Winter Swimming Club, Kenwood Ladies' Pond Association and Men's Pond Association.
10. Peter MacGregor's report – which was fully endorsed by the City of London Health & Safety Manager (Property) – made six recommendations, three of which may form part of the Hampstead Heath Ponds Project in the future. An update of actions taken so far by the City of London is appended to this Report – Appendix 3.
11. Peter MacGregor is scheduled to undertake his annual review of all the open-water sites on Hampstead Heath on 7th May 2014, prior to the start of the busy summer season, which will include the Bathing Ponds and Lido.
12. Full-time Lifeguards continue to carry out monthly training sessions in line with the Royal Life Saving Society's on-going Competence & Assessment Programme, while fixed-term contract and casual staff receive at least two hours' training each month. All Lifeguards have the National Pool Lifeguard qualification, which is renewed every two years. Parliament Hill Lido is an

accredited training centre that is verified each year by the Institute of Qualified Lifeguards.

Corporate and Strategic Implications

13. The management of the swimming facilities on Hampstead Heath supports the **City of London Corporate Plan 2013-17: Key Policy Priorities (KPP4)** *“Maximising the opportunities and benefits afforded by our role in supporting London’s communities”* and **KPP5** *“Increasing the impact of the City’s cultural and heritage offer on the life of London and the nation.”*
14. One of the three strategic objectives in the **Open Spaces Business Plan 2014-17** for the forthcoming financial year involves *“Successfully developing and managing hydrology projects at Hampstead Heath and Epping Forest.”*
15. The management of swimming facilities supports the **Overriding Policy S1** in the **Hampstead Heath Management Plan Part 1 – Towards a Plan for the Heath 2007-2017**: *“Work collaboratively in maintaining and developing the existing sports facilities and activities in response to changing demands, ensuring appropriate provision for all sections of the community”*.
16. The main piece of safety legislation is the **Health and Safety at Work etc Act 1974**. This Act places duties on the City of London to ensure (so far as is reasonably practicable) the health, safety and welfare of its employees at work, and that visitors to the Heath are not exposed to risks to their health or safety.

Conclusion

17. This *“accidental death”* was the first to occur in over 37 years at any of the swimming facilities on Hampstead Heath, while Lifeguards have been on duty.
18. Peter MacGregor’s independent report states that the City is meeting its ‘Duty of Care’ to swimmers, taking into account the best practice guidance provided by the Health & Safety Executive.
19. The City of London Health and Safety Report by the Health & Safety Manager (Property) similarly comments that the safe enjoyment of the Ponds is achieved through a partnership approach between swimmers and the City. The City does all it reasonably can to control the natural hazards present at the Ponds and swimmers take responsibility for their decision to swim where such hazards are present.

Appendices

Appendix 1: Peter MacGregor Report.

Appendix 2: Report of the City of London Health & Safety Manager (Property).

Appendix 3: Kenwood Ladies’ Pond Action Plan.

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