

City of London Corporation Open Spaces Department-
Hampstead Heath

Review of the lifeguarding and infrastructure arrangements at the
swimming ponds following a fatal incident at the Kenwood Ladies'
Pond 4th August 2013

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1. Executive Summary

The cause/s of the tragic incident involving Sussie Ahlburg on Sunday 4th August are, at the time of this report, still unknown and by the very nature of drowning incidents this may never be fully understood.

This report has reviewed the lifeguarding arrangements, physical arrangements and control of swimming numbers at the three swimming ponds on Hampstead Heath with a view to understanding if additional refinements need to be made to the existing Risk Assessments (RA), Normal Operating Procedures (NOP) and Emergency Action Plans (EAP).

In the authors opinion, the COL is meeting its ‘duty of care’ to swimmers taking into account the best practice guidance provided by the HSE to assist in the development of Risk Assessments.

However in the light of the inconclusive circumstances of this incident and that, it is the first drowning in 37 years in the lifeguarded facilities, I feel it is important to review the existing procedures and controls with particular reference to the unique nature of the swimming ponds.

The observations and recommendations which follow are an opportunity to further enhance the already excellent safety record of these lifeguarded ponds.

2. Introduction

Following the incident involving Sussie Ahlburg (SA) at the Hampstead Heath Ladies’ Pond on Sunday 4th August 2013, I was requested by the Superintendent of Hampstead Heath Simon Lee to undertake a review of the lifeguarding and infrastructure arrangements at the ponds in general and the Ladies’ Pond in particular. The purpose of the review was not to apportion blame but to learn from any lessons identified, staff interviews were approached on the basis of this principle.

I was asked by Sue Ireland, Director of Open Spaces for the City of London Corporation (COL) who was coordinating the COL's response, to address the following issues:-

- Were there any higher risk areas, which could have led to the incident?
- Should the COL ask potential swimmers about their medical conditions?
- Am I satisfied about the arrangements for monitoring water quality and are there any issues relating to the alleged length of time SA was in the water.

These and other issues are addressed in the body of the report.

3. Background

There are no swimming pool specific health and safety laws; however swimming pool operators must comply with general duties under the HSWA 1974 and associated regulations. Operators must make suitable and sufficient risk assessment of the risks to make staff and users safe. The law does not state what safety measures should be in place - judgements are by each operator based upon particular local circumstance.

*Guidance has been produced- **Managing Health and Safety in Swimming Pools HSG 179**- to help pool operators comply with health and safety law, although not mandatory they are free to take other action based upon local risk assessment. The guidance is meant for swimming pools used by the public but also covers segregated areas of rivers, lakes, the sea and other **non-standard swimming facilities**. It applies anywhere swimming is actively encouraged. **However, it does not apply to swimming in open water** (e.g. a lake or pond), which is **not maintained as a swimming facility**.*

The decision to designate the ponds, used as such since Victorian times, as **swimming ponds** was decided in conjunction with the Amateur Swimming Association. That decision led to control measures being put in place using the guidance published in - **Managing Health and Safety in Swimming Pools HSG 179** and guidance provided by the **Institute of Sport and Recreational Management**. This advice introduced amongst other controls the introduction of Royal Life Saving Society (RLSS) trained lifeguards, documented risk assessments, Normal Operating Procedures (NOPs) and Emergency Action Plans (EAPs).

These arrangements were regularly reviewed and expanded in the late 1990s in the development of a general water safety policy for the Heath to include all areas of open water. The water safety policy has been annually audited by the author since that time and the policy is constantly developed in line with best practice and the results of accident investigations in other places. It is worthy of note that although there have been a number of deaths on the Heath, there have been no drownings involving the monitored swimming facilities in the last 37 years in the lifeguarded ponds.

4. Report

This section of the report reviews the existing NOPs, EAPs and physical arrangements at the ponds, relating to swimmer safety.

4.1 Lifeguarding Arrangements

The NOP-EO1.5 Kenwood Ladies' Pond reflects the thorough training for COL lifeguards that apply to all the designated swimming areas on the Heath. All permanent lifeguards undergo the RLSS –National Pool Lifeguard Qualification and are assessed at least every two years; temporary /casual staff are assessed on a monthly basis during the summer. Training is carried out by the COL's own lifeguards who are qualified assessors by the Royal Lifesaving Society (RLSS) who in turn are annually audited by the RLSS. Lifeguards carry out additional on-going induction training which highlights the specific hazards on the ponds and the additional rescue equipment and techniques that are in place to address these.

The effectiveness of this training is reflected by the fact there have been no drownings of swimmers in any of the ponds during the last 37 years and that there have been very effective responses to rescues. During the recent heat wave there were over 18 rescues carried out by lifeguards across the ponds.

The design of the Kenwood Ladies' Pond in particular does create more hazards around the ladders, where swimmers can swim underneath the jetties. The lifeguards are very aware of these areas and actively monitor them, in particularly by very specific observation. During peak periods these areas are taped off, to prevent swimmers entering the ponds at these points.

The opaque nature of the water makes observation of the swimmers at all times critical and although the lifeguards use recommended RLSS observation techniques, together with a very mobile approach to their role, I have made additional recommendations (see below) to further enhance this.

All lifesaving equipment is in good condition and fit for purpose and relative to the risks presented by the ponds.

The lifeguards in the Ladies' and Men's Pond know their regular swimmers very well. If they know an individual has a problem which could affect their ability to swim, they would intervene, providing informal advice. However, it is a swimmer's personal responsibility to determine their fitness to swim, including obtaining any medical advice from their doctor or qualified medical practitioner. It is not recommend that the COL adopts a policy of asking about medical conditions.

The entrance information boards provide comprehensive advice to swimmers and the potential risks to swimmers. Unsupervised children, poor or non-swimmers are not allowed to swim in the lifeguarded ponds. It is recommended (see 5.1 below) that signage is positioned in the changing areas at each pond stating:-

'Help us to look after you! - tell us if you are going swimming.'

It is noted that there are specific arrangements for monitoring the winter swimming.

4.2 Control of Swimmer Bathing Load.

There is a clear policy which states that there is a maximum bathing load (in the water) of 100 persons at peak times applicable to each pond. However there could be many other persons at the facilities, sun bathing and generally using the facilities as a base for their

other recreational activities and taking advantage of secure cycle parking and changing facilities. For these peripheral activities there is a maximum limit of 1000 in the Kenwood Ladies' Pond and 200 for both the Mixed and Men's Ponds.

There is always a minimum of 2 lifeguards on site, with one lifeguard always on deck when there are up to 10 swimmers. Two lifeguards are always on deck when there are more than 10 swimmers. The Duty Lifeguard will then determine whether to call in additional lifeguard support as bather loads increase. Depending on the circumstances at the ponds lifeguard numbers are regularly increased to 3 or 4 when the weather is good and bather numbers are high. This can be increased to 5 or 6 lifeguards if the Duty Lifeguard deems it necessary. On the day in question there were 2 lifeguards on duty who indicated that there was a steady load of swimmers throughout the day but that at no time did swimmer numbers exceed 10. Records indicate that at 18.30 the late shift was increased to 3 lifeguards due to an increased bathing load.

The nature of the ponds lead to very poor visibility and it was noted on the day of the review that water clarity was totally obscured 6" from the surface. Although there are robust procedures in place for controlling numbers in the ponds and increasing lifeguard cover as necessary within your NOP, however consideration should be given to adding mobile patrols. Providing a lifeguard with a different vantage point to assess the situation when there are larger number of people swimming would improve the scanning opportunity. Numbers in the water are assessed by a physical head count; however I have made a recommendation (see 5.2 below) to further enhance the accuracy of this procedure.

4.3 Physical Arrangements and Infrastructure for the Ponds

The general arrangements for the swimming ponds have remained unchanged for many years. However the recent incident has identified that there are a number of issues that should be reviewed as part of the changes to the Ladies' Pond facilities, during the wider Ponds Project.

The major issue with the Kenwood Ladies' Pond is that the jetties are very high above the water (in some cases 2 metres, dependant on water levels) creating potential hazards:-

- a) There is no hand rail for swimmers to hold onto whilst waiting to exit the pond. This has led to situations where swimmers have had to wait 10 minutes to exit the water by one of the two raking ladders.
- b) The height of the jetty doesn't prevent swimmers from getting underneath the jetty.
- c) The design of the current facilities doesn't significantly separate the lifeguard observation area from swimmers or observers. The lifeguards report that at the Kenwood Ladies' Pond, their attention can be seriously distracted, by 'chatty' swimmers.

Although specific lifeguarding techniques and observations have been developed to address these hazards I have made a number of recommendations (see 6.3 – 6.8 below) which I feel should be considered.

Water quality results are now carried out monthly by the Environment Agency (EA) and the results published for users to read. The last promulgated reports are for June although the EA took further sampling on 8/08 2013 (3 days after the incident) which were acceptable-

these results have not yet been made known. The Superintendent will be approaching the EA to see if the delay in reporting results can be addressed.

In view of the unknown cause of the incident, it is recommended that the opportunity is taken to totally separate fishing and swimming and that fishing is banned from the Men's and Mixed Pond areas, with all fishing pegs removed. This would remove any potential issue that might distract the lifeguards.

5. Recommendations

As identified elsewhere in this report, the Normal Operating Procedures and Emergency Action Plans have been developed following risk assessment on each site using the guidance in the approved code of practices (ACOP):-*Managing health and safety in swimming pools* and guidance for the Institute of Sport and Recreational Management (ISRM). However, the opportunity has been taken in line with normal risk assessment protocols to review the existing arrangements and risk assessments following the incident, to see if any additional control measures or lessons need to be put in place. The recommendations which follow are designed to form a basis for discussion with the stakeholders so that an informed view can be taken:-

1. It is recommended that signage be positioned in the changing areas at each pond stating, *'Help us to look after you! - tell us if you are going swimming.'*
2. It is recommended that you revise your NOP to reflect that when the additional lifeguards are called in they are specifically tasked to carry out mobile patrols both on and off the water, to further improve the scanning of persons in the water.

6. Recommendations for the future:-

3. It is recommended that the ponds project considers a redesign of the Ladies' Pond jetty to make it much easier for swimmers to enter and exit the water.
4. It is further recommended that to improve visibility of swimmers potentially under the jetties, that you install a surface that can be seen-through, as well as being non-slip.
5. It is recommended that in any redesign of the jetties that there is separation between the lifeguard observation area and the area provided for swimmers and spectators.
6. It is recommended that the opportunity is taken to totally separate fishing and swimming and that fishing is banned in the Men's and Mixed Pond areas and that the fishing pegs are removed.

Peter MacGregor 18.08.2013