

Health & Safety Report

Health & Safety (Property)



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| Report author | Matt Green. Health & Safety Manager (Property) |
| Date of report | 23 rd October 2013 |
| Date of site visit | 26 th September 2013 |
| Building name | Ladies' Pond. Hampstead Heath |
| Report requested by | Sue Ireland. Director Open Spaces |
| Reason for the report | Overview of safety at Hampstead Heath Ponds |



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Background information

On Monday 5th August 2013, tragically the body of Suzie Ahlberg (deceased) was discovered in the Ladies' Pond on Hampstead Heath.

The cause of death remains unclear; however as part of the City of London's (the City) commitment to safety, external consultant Mr Peter MacGregor (who has particular competency in swimming pool safety) was commissioned to carry out a review of safety arrangements.

The purpose of this report is to take an overview of safety arrangements at Hampstead Heath swimming ponds.

Observations

The swimming ponds at Hampstead Heath provide a unique and highly valued resource to the local community and the Health and Safety Team within the City is committed to do all we can to support the use of the ponds by swimmers.

As with any natural swimming experience, the ponds pose natural hazards which are clearly identified through signage. It could be argued, and it is an important consideration that it is the presence of these hazards which makes using the ponds attractive as they provide a 'natural' swimming experience.

The main piece of safety legislation covering the ponds is the Health and Safety at Work Act 1974. The Act places duties upon the City to ensure (so far as is reasonably practicable), the health, safety and welfare of employees and those not in the City's employment but affected by the City's undertaking (swimmers). It is in consideration of this legislation and the duties it places upon the City that this report is written.

Mr McGregor's Report

It is not the intention of this report to critique Mr McGregor's report or recommendations but provide advice on how the report should be taken forward. However it should be noted that Mr McGregor's report is highly supportive of safety arrangements at the ponds and comments that the City is 'meeting its *Duty of Care* to swimmers taking into account the best practice guidance provided by the HSE.'

While extremely positive, Mr McGregor does make a number of suggestions to be considered. It is important that local management consider the recommendations in light of

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local knowledge and in consultation with relevant stakeholders. This process should be documented outlining for each recommendation whether it is accepted, rejected or partially accepted and why.

General observations / discussion

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.

Responsibilities of each side can be summarised as:

The City of London

- Through risk assessment, identify hazards that the ponds pose to swimmers and employees and take all reasonably practicable steps to ideally eliminate or if not possible reduce and control them.
- Clearly advertise the natural hazards that swimming in the ponds pose to swimmers.
- Ensure staff are appropriately trained to deal with emergencies.
- Provide suitable equipment to enable employees to carry out their duties effectively.

Swimmers:

- Comply with on-site instructions, including those given by life guards.
- Undergo health checks to ensure that swimming in the ponds is appropriate to their level of fitness and health.
- Accept there are hazards inherent in swimming in the ponds which are outside of the reasonable control of the City of London, including:
 - Variable water temperature which can become particularly cold in winter.
 - The presence of water borne pathogens.
 - The poor clarity of the water makes visibility difficult.
 - The ponds are deep with no shallow areas where swimmers can stand and rest.

The professionalism and commitment of the staff is to be commended and the number of rescues over the recent hot summer indicates that swimmers can underestimate the hazards the ponds present.

Recommendations

- Local management consider the recommendations made by Mr McGregor in light of local knowledge and in consultation with relevant stakeholders. This process should be

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documented outlining for each recommendation whether it is accepted, rejected or partially accepted and why.

- Local management continue to balance the needs of swimmers to use the ponds with the City's duty to protect its employees (lifeguards).

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