

BINEGAR PARISH COUNCIL

Clarke's Pool safety assessment

Severity of risk

The main risk is to children. The *Royal Society for the Prevention of Accidents* (ROSPA) advises (in relation to garden ponds):

"Children aged between one and two are particularly at risk. As the child increases in age, the risk decreases. There are three main reasons for this profile:

1. Between the ages of one and two, infant's mobility increases at a terrific, but irregular rate, such that they can escape parents' supervision and get into difficulties unexpectedly quickly.
2. Whilst mobility may increase, stability and co-ordination remain poor.
3. It is not until the age of four or five that children begin to understand the concept of danger, and begin to heed warnings given to them.

"Even the shallowest of ponds can be lethal. From a child's perspective, a 500mm deep pond is equivalent to an adult falling into 1800mm of water – the child being unable to climb out of the water."

The severity of risk is high for children aged 0-4 years.

Probability of risk

There have been no reported fatality or injury at Clarke's Pool.

The *National Water Safety Forum* recorded 338 fatalities in 2014. Aged 0-4 years, there were two (0.6%) in ponds.

The probability of risk appears low.

Occupier's responsibilities

Country Sports South West advises:

"Visitors - A land occupier must take all reasonable steps to ensure a visitor to the premises (which would include a pond and surrounding land) is safe for the purposes of that visit.

"Others - A land occupier has a duty to take reasonable care in circumstances where the landowner is aware of a danger, and believes people may be in the vicinity of that danger.

"Fencing – there is no automatic duty to fence a pond. Fencing for the safety of any nearby livestock should be considered to minimise the risk of any potential liability and artificial ponds can require fencing especially if they are near a highway.

“Warning signs and Lifesaving Equipment – there is a duty to warn visitors where, without a warning, a visitor would be unaware of a risk. For example, that the water is unexpectedly deep or there are submerged objects that could cause injury. There is no statutory duty to warn where a person voluntarily accepts a degree of risk, for example the usual risks associated with a particular sport like canoeing, however it is still good practice and goes a long way in minimising potential liability resulting from accidents. A structured approach to hazards and accidents should be adopted: identify hazards, identify those at risk from hazard, assess whether reasonable steps can be taken to minimise the risk posed by the hazard and record all findings and policies implemented.”

Warning signs and rescue equipment

BS2499-11 (2002) is the standard to which signs should conform. This is the appropriate hazard sign.



The signs at Clarke’s Pool do not comply with the standard.

The *National Water Safety Forum* advises that the focus of safety should be on prevention. Rescue equipment should only play a minor role. Installation of lifebuoys should only result from a need identified in a risk assessment.

Given the low probability of risk, rescue equipment appears to be inappropriate.

Assessment

The water level of the pond varies. In summer, the water may only be in the centre of the pond, the sides becoming banks (below road level).

With the pond full of water, the severity of risk for children aged 0-4 years is high. The pool is located beside a major road, however. Combined with this, the Pool’s owner can reasonably expect parental supervision for children (particularly 0-2 years who are most at risk). This and summer falls of water level mitigate the severity of the risk.

Given this, and with a low probability of risk, the current railings appear adequate to alert visitors, pedestrians and others to the risk. A compliant hazard sign is required with, possibly, a second within the seating terrace.

Action

The Council considered and approved this assessment at its October 2015 meeting and agreed to purchase new hazard signs.

October 2015