

LEISURE SAFETY

ISSUE 05 / AUTUMN 2013

Getting to grips
with safety

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Welcome

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- Safety in Education (health and safety management in schools and colleges and safety education).

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Welcome

Managing risk in the leisure sector is about striking the right balance between things that may cause harm and the benefit of doing an activity.

This risk-benefit analysis is crucial, otherwise risky activities could be unnecessarily stopped or, on the other side of the coin, unacceptable levels of harm could result.

In this edition of Leisure Safety journal, we take a look at what this means in practice, focusing in particular on gyms and leisure centres, and we are grateful for the input of Sportscover on this issue. You can also read about a new partnership we have entered into with Sportscover, with a key focus being to identify and analyse emerging risks that lead to injuries and accidents in the leisure sector, creating a better understanding of how to tackle them.

Elsewhere in the journal, you'll find plenty of news and updates from across the leisure and water safety sector, including details of recent prosecutions. There's also an opportunity to win items featuring artwork from RoSPA's vintage safety posters archive.

If you're a visitor to Leisure Industry Week at the NEC in Birmingham, there are details of what RoSPA's leisure and play safety teams are doing at the exhibition on page 10, and I'd like to extend an invitation to you to visit our Health and Safety Clinic in the Attractions Lounge and/or to join us at one of our presentations.

If you'll be attending RoSPA's National Water Safety Seminar at Salford Quays on October 17, you can find details of the programme on page 12. We're particularly looking forward to the launch of a national water safety strategy at this event. Places are still available and can be booked at www.rospa.com/events/watersafetyseminar/ or by calling **0121 248 2089**.

We hope that you enjoy reading this edition of Leisure Safety journal, particularly if it's your first time. Leisure Safety is a quarterly publication for RoSPA's water and leisure safety members, members of our partner organisations and other subscribers. Usually produced as a digital journal that is hosted online, it covers drowning prevention and other issues relevant to water, leisure and play safety management, with news and in-depth features highlighting activities and developments across the sector.

If you would like more information about becoming a RoSPA member, please visit www.rospa.com/joinrospa/, email leisurehelp@rospa.com or call **0121 248 2235**. Non-members can subscribe to Leisure Safety journal (at a cost of £15 + VAT per year) by calling **0121 248 2051**.

I look forward to seeing many of you during Leisure Industry Week or at the seminar.

David Walker

Leisure Safety Manager, RoSPA

September 2013

leisurehelp@rospa.com

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to **RAS**
management





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running**



**No
diving**

Gyms and leisure centres generally have a good record on safety. However, there are a few rare but serious incidents each year. In this article David Walker, RoSPA's leisure safety manager, Nathan Davies, RoSPA's water and leisure consultancy team leader, and Paul Thomas, Sportscover's business development director, look at some of the key risk management issues that leisure managers face and explore some of the strategies they can adopt to address these risks.



Guest feature

Leisure centres, gyms and sports facilities are on the front line in the battle against longer-term health killers that result from poor diets and sedentary and stress-filled lifestyles.

But at the same time we need to be sure that they don't introduce unacceptable risks to users and staff.

For many people, gyms are a place to set goals and targets for achievement. Gyms provide a place where people can challenge their physical and mental abilities and the very nature of striving to stretch one's abilities, and also the physical challenge of contact sports where these are played, are central to the appeal and motivation to take part.

Managing risk in the leisure sector is about striking the right balance between the health, wellbeing and challenge benefits and the potential injury-harm that could result.

So, how best can operators manage these challenges with duties in law and requirements from industry and others?

Establishing a risk profile

We often focus, rightly, on those incidents and events that can cause serious disabling injury or death, such as drowning. However, in practice, many sites or managers will never see an incident of this severity; the most common accidents are those that involve every day, simple activities such as walking or lifting.

According to the Health and Safety Executive's Labour Force Survey, staff in the leisure and caring sector have the highest average rate of work-related ill health at about 2,000 cases per 100,000 workers and moderate injury rates of about 1,250 cases per 100,000 workers, according to figures from 2009/10 - 2011/12.

Overall, managed facilities such as gyms and sports grounds are really quite safe environments with urban roads having three to six times more injuries than swimming pools or sports facilities.

Laws and guidance

General duties to identify, assess and manage workplace and visitor risks arise primarily via the Health and Safety at Work etc Act 1974. You should be heartened to know that the law has proportionality at its heart, requiring risks to be managed "so far as is reasonably practicable". These general duties are built upon with more detailed guidance on how to manage specific hazards such as chemicals and electricity and risks that might arise from particular activities such as swimming and events.

Failure to meet legal duties can lead to criminal prosecutions resulting in fines, the limiting or stopping of an activity or, in some cases, the loss of liberty for key individuals.

But, while prosecutions are undertaken and penalties can take the form of large fines or prison sentences, these are usually reserved for the worst offenders in cases where the failings are serious and fall far short of what can be expected. It is more common for injured parties to bring civil cases against the provider.

It is important to note that if an organisation is found guilty in a criminal prosecution, then it is very difficult - if not impossible - to avoid liability if a civil case is also brought. In this circumstance, both a settlement to an individual and fines payable to the state can be levied. This, however, may change in the future with changes to strict liability following the Löffstedt review of health and safety legislation.

Owners and managers need to be clear on the liability that arises from failing to provide safe premises and equipment and ensure that visitors are clear on how to operate equipment, behave and gain assistance. However, as the Poppleton case demonstrates, there is protection for those operators who manage risk appropriately (see case law box on page 08).

Industry good practice

In addition to the obligations set out in criminal and civil law, plus the supporting guidance documents, there are a number of voluntary schemes in existence that promote good risk management. Probably the two most widely adopted in the leisure sector are ukactive's code of practice and the Sport England Quest quality scheme, both of which consider safety as one part of a wider approach and commitment to quality that includes staff training and dispute resolution.

Insurers' expectations

There are a number of insurance providers whose policies can cover you for a range of losses, such as physical damage to property and assets, as well as responsibilities for damage to third party property and bodily injury to employees and, of course, users and visitors to the facilities.



Guest feature

To enable any adequate form of defence to incidents arising, particularly for bodily injury, the operator has to demonstrate that any form of risk has been considered and assessed and that reasonable steps have been taken to manage these with adequate recording procedures being in place.

Facility operators' obligations may not just rest with the product or activities they provide. A good insurance product will extend to include injury from advice given by instructors and also accidental injury caused by a member to another member, risks which may not be directly in your control but, nevertheless, could become your responsibility.

Being compliant and demonstrating compliance

One of the trickiest aspects of managing safety is determining if you are compliant with requirements while not defaulting into having management arrangements that are, in essence, restrictive and burdensome to staff, the business and to customers.

Key questions to ask here are:

What exactly is required for compliance?

How best can this compliance be demonstrated?

One unusual aspect of the Health and Safety at Work etc Act 1974 is that the burden of proof is reversed, meaning that the defendant has to meet the challenge of both being compliant and demonstrating this. The desired effect of this is to engender a systematic approach to identifying and managing the risks a company has.

Such an approach begins with risk assessment, but please do not fall into the trap of seeing a risk assessment as a tick box exercise undertaken merely to demonstrate compliance. A risk assessment - the identification of things that could cause harm (hazards) and their likelihood of causing harm and the potential severity of that harm (risks) - is far from being a hoop to jump through. It is actually a hugely important business tool, enabling you to focus your time and resources on significant issues rather than on a whole array of trivial matters.

However, demonstrating compliance is important. In the unfortunate event that you are prosecuted or a civil claim is made against you, it will be in your best interests to be able to show that you have done everything reasonable to manage a risk. Your insurer may also require you to demonstrate compliance from time to time. If you take part in industry good practice programmes or award schemes, you'll also need to demonstrate this compliance.

Checking compliance on a regular basis means that you are not waiting for problems and accidents to make it clear that there are unsafe activities and that your management arrangements are not delivering a safe gym.

You could build a regular "health check", audit, inspection or review of risk assessments into your business processes. Not only will this mean that you will be ready to demonstrate how well you are managing safety, if asked, but it will also flag up any areas where effort is being wasted or that time and resources can be spent more effectively.

In conclusion

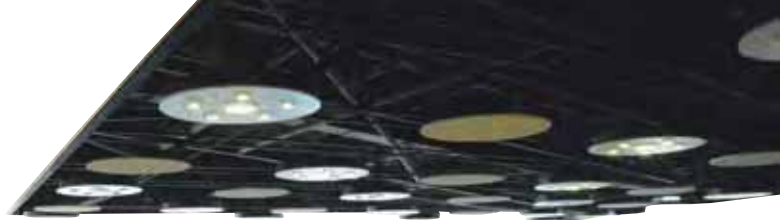
Legal duties, guidance, industry good practice and insurers' requirements all come together to promote risk management in the leisure sector.

Of course, there is also a significant ethical prompt for preventing unacceptable harm to staff and clients and also a strong business case.

On the business case, accidents and ill health are incredibly costly, not only in terms of the legal fees, but also in terms of the effect on reputation. If you want to avoid accusations of poor customer service, you should definitely be keen to prevent avoidable injuries, which could be considered the most serious form of poor service.

- David will be hosting two workshops at Leisure Industry Week to discuss some of the issues raised in this article. The sessions, called "Learning the lessons - turning safety failings around", will take place on Tuesday, September 24 from 2.30-3.15pm in the Keynote Theatre, and on Thursday, September 26, from 12.30-1.15pm in LIW Theatre 2.





Case law

Many of the incidents we come across in the leisure sector have common themes including: failure to assess risks properly; failure to do the actions identified in the risk assessment or policy; and failure to check/maintain premises and systems. Two recent examples are:

- Virgin Active Limited was fined £20,000 at Edinburgh Sheriff Court in June after it failed to adequately control hazardous substances at its premises in the Omni Centre, Edinburgh. Edinburgh City Council's Food, Health and Safety Team investigated an incident in February 2010 in which polyaluminium chloride was wrongly mixed with a swimming pool disinfectant, sodium hypochlorite, producing toxic chlorine gas. Several people had to be treated in hospital. The investigation showed that there had been serious failures in the way the hazardous substances were managed and controlled, including failure to identify the risks posed by the chemicals. Virgin Active Limited admitted breaching the Controls of Substances Hazardous to Health Regulations.
- Following the drowning death of a young girl at the Blackwater Leisure Centre in Maldon, Essex, in June 2008, the centre operator, Leisure Connection Ltd, admitted breaching Section 3(1) of the Health and Safety at Work etc Act 1974. It was ordered to pay £190,000 in fines and costs. At a hearing in July, the prosecution noted that "the company procedures were inadequate and failed to note that the centre in question was not compliant with its own procedures." See page 19 for the full story.

However, there is also a growing body of case law that supports an individual's right to take informed and challenging risks, without penalising a good operator:

- In *Poppleton v Trustees of the Portsmouth Youth Activities Committee*, the Court of Appeal found that the centre (Portsmouth) was under no duty to prevent adults from voluntarily undertaking inherently risky activities, nor was it required to train or supervise people who engaged in those activities. Mr Poppleton, a relative novice climber, fell while bouldering (low level climbing without ropes), resulting in serious and disabling injury. He claimed a breach of common law duty of care, primarily citing the centre's failure to warn that the matting provided would not prevent injury - this argument was dismissed by the Court. However, the finding has limitations, including towards children or adults of not full capacity where an operator's responsibility could be assumed, such as providing training or supervisory situations. It would also not stand in cases where defective equipment was used.

Unsupervised gyms

There is a developing trend for unsupervised gyms and sports facilities which meet flexible lifestyle demands at a lower cost.

However, the responsibilities and expectations on these gym owners and managers are, essentially, the same as on those running supervised facilities, although these responsibilities are discharged differently, for example:

- Higher risk groups may be excluded from certain activities or equipment
- The range of equipment provided may be restricted to those that are easy to operate and where the risk of injury is known to be low
- The users must be made aware of the safety risks, the expected behaviours and how to gain assistance, particularly in the event of an accident
- Facilities must be suitable for the activities taking place and suitable access provided with welfare facilities available.

It could be more difficult to achieve a defensible position in the event of a claim or injury, but not impossible. Critical aspects will relate to the monitoring and supervision of the facility, the recording of these checks and how issues are rectified. Many users' concerns in these areas relate to personal safety, what happens in an emergency and levels of service.



Top tips for leisure safety management

1. Leadership - it has to be consistent, strong and clear on what is expected.
2. Consider whether you're aiming for compliance or striving for excellence.
3. Be sure of the standards you need to meet and how these add to the company's aims. Identify whether the standards are legal duties, voluntary guidance, industry good practice etc.
4. Be clear about your company standards. Are they being followed? Are they appropriate? How do they relate to the above?
5. Risk registers and/or developing a risk profile are great tools. Essentially, they should help you work out how good/bad you are at managing chemicals or contractors, for example, or if you have all the necessary risk assessments in place, or if you are spending too much money on one issue.
6. A risk assessment is just the beginning of the process. It should drive an action. This doesn't always mean that you need to do more, but it should never be the end of the process.
7. You don't need a risk assessment for everything! Focus on the significant harms - of course, this means that you have to work out what is significant and what isn't.
8. Guidance, codes of practice and what your peers are doing can help, but these need to be tailored to your circumstances.
9. Do not consider safety in isolation from other business drivers - understand how it links to other issues, like protecting the bottom line and reputation. Safety is a priority, but it is not the only one.
10. Seek help. You are not alone when it comes to health and safety. RoSPA offers advice on proportionate risk management. Visit www.rospa.com/leisuresafety/ for more details or email leisurehelp@rospa.com.

Partnership to improve sport and leisure safety

RoSPA is partnering with Sportscover in a bid to boost quality and safety across the UK's sport and leisure industry.

RoSPA, a safety charity that has been at the heart of accident prevention in the UK and around the world for nearly 100 years, and Sportscover, which was established in 1986 as a worldwide specialist sports and leisure insurer and has an insurance syndicate at Lloyd's of London, will collaborate on safety campaigns, policy and industry initiatives.

A key focus will be on identifying emerging risks leading to injuries and accidents in the sector to create a better understanding of what is at the root of these problems and how to tackle them.

David Walker, RoSPA's leisure safety manager, Matthew Riley, Sportscover's chief executive, Errol Taylor, RoSPA's deputy chief executive, and Paul Thomas Sportscover's business development director.

RoSPA also hopes the partnership will encourage the sport and leisure industry to embrace its ethos of being "as safe as necessary, not as safe as possible".

Sportscover and Active (Sportscover's leisure brand) policy-holders will benefit from priority access to RoSPA's risk management information and services, including a helpline offering free water and leisure health and safety advice and support following accidents and deaths, as well as preferential rates on RoSPA consultancy, membership and playground inspections.

David Walker, RoSPA's leisure safety manager, said: "Sportscover is a trusted name with an expert insight into sport and leisure management in the UK and abroad, which shares RoSPA's commitment to improving safety.

"We are confident that this partnership will help spread the benefits of good risk management and high quality expertise across the sector with the help of Sportscover's huge reach of clients, whether it be individual participants, coaches, instructors, facility operators, event organisers or indeed national governing bodies."

Paul Thomas, business development director at Sportscover, said: "We are delighted to be working with RoSPA. Its name is synonymous with health and safety in the sectors we accommodate through our Sportscover and Active product range.

"We have enjoyed considerable dialogue with RoSPA during the past 18 months and it has become clear that the partnership will be of considerable benefit to both parties and, more importantly, our existing and prospective policy-holders. We continue to look forward to assisting RoSPA in their mission to improve safety."

For more information about Sportscover, visit www.sportscover.com



We're at Leisure Industry Week. Are you?



24-26 Sept 2013 - NEC Birmingham UK

If you're a visitor to Leisure Industry Week (LIW) at the NEC in Birmingham, we would love to meet you!

RoSPA will once again be hosting a Health and Safety Clinic in the Attractions Lounge during the three days of the exhibition, which runs from September 24-26. Here, you can meet members of RoSPA's leisure and play safety teams who will be on hand to give tailored advice on the challenges affecting your facility. Advice will cover play safety, swimming pools, activities for young people and more.

David Walker, RoSPA's leisure safety manager, will be hosting two workshops entitled "Learning the lessons - turning safety failings around". The sessions will take place on Tuesday, September 24 from 2.30-3.15pm in the Keynote Theatre and on Thursday, September 26, from 12.30-1.15pm in LIW Theatre 2.

LIW is the annual meeting place for the entire leisure industry and the ideal place to see what's new, keep up with the latest trends and explore everything the market has to offer. It covers every aspect of leisure from health and fitness, to food and drink, wellbeing and the latest in family entertainment. If you haven't already registered for free entry to attend LIW, you can do so online.

Visit www.liw.co.uk for full details of the event and to register for entry.

Special offer!

To mark RoSPA's attendance at Leisure Industry Week, RoSPA Play Safety is offering a five per cent discount on inspections and training courses. Please quote "LIW13" when booking.

Sue swims Windermere for RoSPA

An open water swimmer tackled the waters of Windermere to raise more than £1,000 in support of RoSPA's mission to save lives and reduce injuries.

Sue Mullarkey, who is married to RoSPA's chief executive, Tom Mullarkey, swam the challenging mile-long course of the Great North Swim in June.

She said: "When I learnt that accidents are the biggest killer of children by far, it just seemed obvious that supporting RoSPA is the best way to do good with a charitable donation. I hope that others will take this on board too and that we can start to build up a groundswell of supporters who really want to make a difference by saving lives and reducing injuries. In taking part in this open water event and swimming across Windermere, I hope to have helped in my own small way."

Michael Corley, RoSPA's head of campaigns and fundraising, said: "As a charity with a very big job to do, we were really buoyed by Sue's offer to make waves for RoSPA."

"The chances are that we all know someone who's been killed or had their life changed by an accident. That's because accidents are the leading cause of preventable early death for most of a person's life in the UK."

"So if you're thinking of running a marathon or staging a coffee morning, why not do so to raise life-saving money for RoSPA? After all, prevention is far better than cure."

To help increase Sue's fundraising total further, visit www.justgiving.com/suemullarkey

Errol Taylor, RoSPA's deputy chief executive, also raised money for the charity recently, cycling a 140-mile coast to coast route from Whitehaven in Cumbria to Gateshead, Tyne and Wear. He raised more than £3,000. You can read his blog at <http://safetygonessane.wordpress.com/2013/06/18/cycling-the-coast-to-coast-for-rospa/> (<http://bit.ly/15fU6Kt>).

For more information about raising money for RoSPA, an accident prevention charity with a history dating back nearly 100 years, see www.rospa.com/fundraising/donations



Vintage posters, but messages remain relevant

RoSPA has released 22 additional images from its vintage safety poster collection and Tufty archive, all of which are now available to purchase in a variety of forms, from prints and cards to mugs and fridge magnets.

The images are from the 1950s-1970s, and cover a variety of safety topics including beach safety and cycling safety. Artists include Gus and Leonard Cusden. It is the first time that artwork featuring Tufty Fluffytail, the road safety squirrel who is celebrating his 60th birthday this year, has been made available at www.rosaprints.com

Prints, canvases, mugs, fridge magnets, greetings cards and postcards are all available to purchase. Visitors to the website can preview their chosen items and add messages inside greetings cards.

The release of the new images takes the total number available from The RoSPA Collection to 62.



COMPETITION

Because this edition of Leisure Safety is the last one before Christmas, we have a special competition. First prize is a mug featuring Learn to Swim artwork from 1970 and two runners-up will receive a pack of four Christmas cards featuring artwork from 1951.

To enter, simply answer the following question.

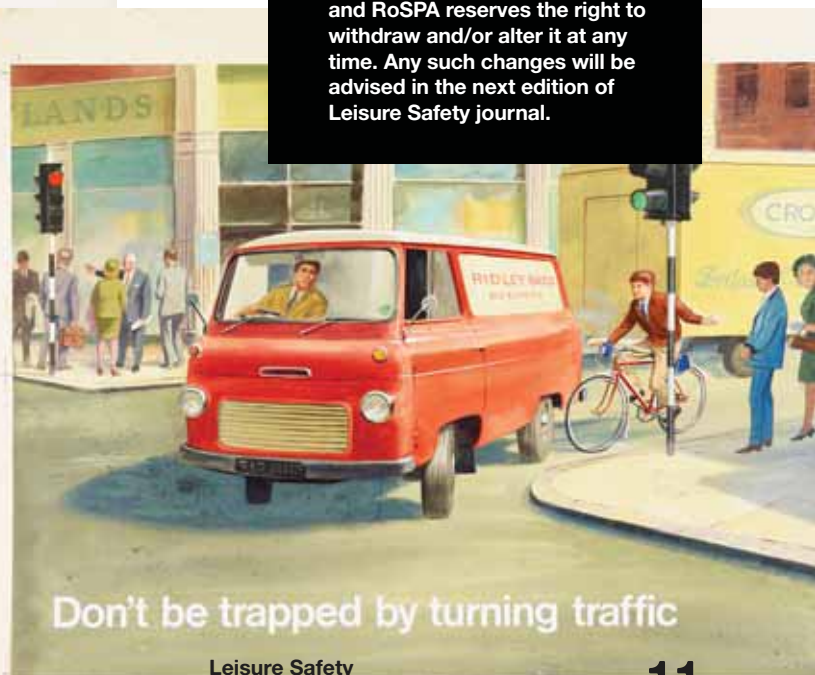
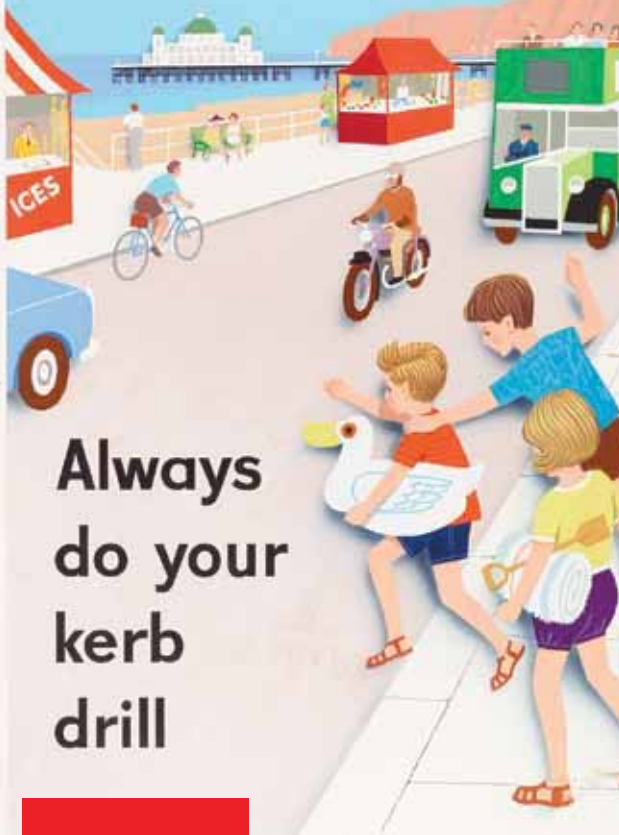
How many images are now available from The RoSPA Collection? Is it:

- a) 52
- b) 62
- c) 72?

Please email your answer to jbullock@rospa.com, including "Leisure Safety competition" in the subject line and your name, UK postal address, telephone number and the organisation you work for in the email. The closing date is October 28.

Terms and Conditions

- Entries must be received by 11.59pm on October 28, 2013. The winners will be selected at random on October 29, 2013 and notified on October 29, 2013
- The prizes can only be sent to a UK address
- The prizes cannot be used in conjunction with any other offer and no cash alternatives are available
- RoSPA employees and their families, agents or anyone professionally connected with the competition are excluded from entering
- RoSPA's decision is final in all matters relating to this competition and RoSPA reserves the right to withdraw and/or alter it at any time. Any such changes will be advised in the next edition of Leisure Safety journal.



Drowning prevention strategy on agenda at **RoSPA** seminar

The UK's first water safety and drowning prevention strategy will be introduced at RoSPA's National Water Safety Seminar, which takes place on October 17 at The Lowry, Salford Quays.

With more than 400 drowning-related deaths in the UK each year, the strategy will look at how the figure can be reduced and how water safety professionals can play a collective part in driving change.

It will be introduced by Di Standley, chief executive of the Royal Life Saving Society UK (RLSS UK) and new chairman of the National Water Safety Forum (NWSF), and Michael Vlasto, operations director at the Royal National Lifeboat Institution (RNLI) and outgoing chairman of the NWSF (see page 14).

Following the presentation of the new strategy, Sir Alan Massey, chief executive of the Maritime and Coastguard Agency (MCA) will give the event's keynote address.

The overriding theme of the seminar - entitled Risk research and reality: empowering local prevention - is how evidence about water safety can be transformed into action to save lives and reduce injuries. The event, which is organised with support from the NWSF, will be attended by professionals from across the water safety sector.

Presentations will include a progress report on the Amateur Swimming Association's (ASA) school swimming campaign, given by John Glenn, head of learn to swim and young people at the ASA, and a series of quick-fire updates from representatives of the NWSF covering sea, beach, inland, swimming pool and watersports safety.

The majority of the day will be handed over to parallel topic tracks and workshops, from which delegates can choose in order that they benefit from content most relevant to their roles.

The parallel topic tracks, which will run during the morning, are as follows:

Track 1: Updates

- New guidance: Safety at Inland Water Sites - update launch (David Walker, RoSPA, and Adrian Lole, RLSS UK)
- New guidance: Creating safer venues for organised open water swimming (Ian Lole, Nortofo)
- Legal review: Still safe to dive in? Looking back and looking forward - 10 years after Tomlinson v Congleton (Luke Bennett, Sheffield Hallam University).

Track 2: Prevention in action

- Case study: Urban water safety in central Manchester (Martin Blake, Manchester City Council)
- Case study: Swim Safe at Bude Sea Pool (John Glenn, ASA)
- Case study: Public safety challenges (Nathan Davies, RoSPA).

Track 3: Risk insights

- Using WAID data: Risk analyses from Water Incident Database (WAID) data (Mike Barrett, NWSF)
- Behavioural insight: Why did they do that? Profiling those who might be at risk (Will Stevens, RNLI).
- Data analysed: Coastal/inland risk reviews (Michael Wright, Greenstreet Berman Ltd)
- A new national strategy - what do you think?

The workshop sessions, which will run during the afternoon, are as follows:

Workshop 1: Guided boat tour of Salford Quays - commentary on the public safety challenges connected with the environment and the day-to-day management of this busy regenerated waterfront.

Workshop 2: Walking tour of Salford Watersports Centre - looking at the challenges and tensions of promoting activities such as open water swimming and the positive benefits of working with the local community (Geoff Stones, Salford Watersports Centre).

Workshop 3: Survival swimming and life jackets - the latest research into survival techniques when swimming in clothing, swimming versus resting in cold water and the benefits of crotch straps on life jacket performance (Professor Mike Tipton, University of Portsmouth).

David Walker, RoSPA's leisure safety manager, said: "RoSPA's National Water Safety Seminar is held every 18 months, providing a great opportunity to meet up with fellow water safety professionals and to hear about the latest developments in the sector. With a toll of around 400 water deaths in the UK each year, plus many more injuries, it's really important to be able to discuss how we can move forward to tackle this issue together. The new water safety strategy will play an important role in this and we are delighted that it will be introduced at the seminar."

When RoSPA's National Water Safety Seminar was last held in 2012, the event was a sell-out. At the time of going to press with this edition of Leisure Safety journal, places at this year's event were still available (RoSPA members: £110 + VAT; non-members: £130 + VAT). You can book online at www.rospace.com/events/watersafetyseminar/ or by calling **0121 248 2089**.

To enquire about exhibiting at the seminar, please call Matt Cryer, in the RoSPA events team, on **0121 248 2143** or email mcryer@rospace.com.





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All change at helm of NWSF

By Nathan Hazlewood,
RoSPA's leisure information officer

RoSPA's National Water Safety Seminar will mark a significant change at the top of the National Water Safety Forum (NWSF).

Michael Vlasto OBE, FRIN, FNI, operations director at the Royal National Lifeboat Institution (RNLI), will step down as chairman of the NWSF - an association of organisations with a wide variety of interests and responsibilities for water safety - at October's event.

Di Standley, chief executive of the Royal Life Saving Society UK (RLSS UK), will take over as the forum's chairman.

Michael has supported the NWSF since its inception in 2004. He was elected as the first chairman of its co-ordinating group in that year, following seven years as chairman of RoSPA's Water Safety Committee, the forum's precursor. He has led and driven efforts to improve arrangements for water safety, from the government down to grass-roots level, and has championed a co-ordinated approach across the sector.

Under his stewardship, one of the most important achievements of the NWSF was the creation of the Water Incident Database (WAID), which brings together the most comprehensive range of water-related incident data ever collected for the UK. The UK water-related fatality reports for 2009-11 have offered insights that have led to the development of the first National Drowning Prevention Strategy.

Di, who has been chief executive of RLSS UK since 2001 and is also involved in lifesaving at an international level, was elected to become the next chairman of the NWSF's co-ordinating group in May. Before joining RLSS UK, she had a successful career in the leisure industry, a period as a freelance consultant and worked for the Audit Commission.

In her role at the NWSF, she will have support from the co-ordinating group's vice-chairmen - Jim Watson, safety and development manager at the British Sub-Aqua Club, and Anthony Stammers, head of health and safety for the Canal and River Trust.

Tom Mullarkey, chief executive of RoSPA, which provides the secretariat for the NWSF, said: "Michael Vlasto is a major player in water safety, both nationally and internationally, with many significant achievements to his name. We are incredibly grateful for the hard work, determination and support he has demonstrated throughout his time as chairman of the National Water Safety Forum. His purposeful and focused leadership of the forum during its formative years has made a major contribution to helping the group develop its identity and work plan - leaving a tremendous legacy for Di Standley to build upon as she takes up her new role at the helm.

"We look forward to working with Di to continue to improve water safety across the UK."

For more information about the NWSF, visit www.nationalwatersafety.org.uk

New code for rescue boats

The Maritime and Coastguard Agency (MCA) has published a new Rescue Boat Code - The Code of Practice for Open Rescue Boats of Less Than 15 Metres in Length (MGN 466 (M)).

The Rescue Boat Code, which was published in July, offers a more appropriate standard, on a voluntary basis, to rescue boat organisations for their inshore rescue boats that might otherwise be subject to the Small Commercial Vessel and Pilot Boats Code (SCV Code, published as MGN 280).

It covers both the use of the rescue boat for rescue purposes and also the work of the boat in support of activities, such as training, trials and ancillary publicity and fundraising for the rescue boat organisation. The code does not apply to rescue boats carried on ships as part of their life saving appliances required under SOLAS or national regulations.

The code can be accessed at www.dft.gov.uk/mca/466.pdf



Deadly gas warning for boaters

The Boat Safety Scheme (BSS) is urging boaters to avoid using portable gas camping stoves, lamps and heaters on board because of the risks of explosions, fire and carbon monoxide poisoning.

Graham Watts, BSS manager, said: "When the liquefied fuel in the canister escapes, it re-forms as a gas and its volume expands 250 times, so even portable gas equipment can cause a powerful explosion, easily big enough to send people to hospital. The inherent risks with escaping gas, fire breaking out or carbon monoxide in the poorly ventilated, tight confines of a boat is greatly magnified compared to the open air on land."

The BSS, which is a public safety initiative owned by the Canal and River Trust and the Environment Agency, recommends that: if all you want is a hot drink aboard, a flask is probably the simplest and safest way; if you want light, the latest battery powered or wind-up LED lights will last for ages and are far easier to use than gas lanterns; and where a simple cooker is needed aboard, think about installing a marine spirit stove as an alternative to a portable gas stove.

And it says that any boater deciding to use portable gas appliances needs to be completely familiar with the correct and safe way of operation - from taking it out of its storage case to fitting new fuel canisters.

BCU signs up to WAID

Analysis into accidental drownings is set to be enhanced with the involvement of the British Canoe Union (BCU) in the Water Incident Database (WAID).

As the leading British body for canoeing and kayaking, the BCU has agreed to contribute to WAID, which is operated by the National Water Safety Forum (NWSF) and records data on drownings in the UK.

Drowning remains one of the leading causes of accidental death in the country with more than 400 fatalities every year. But WAID is helping experts identify common causes of the tragedies, so targeted prevention campaigns and strategies can be created to reduce the number of preventable deaths in and around water.

WAID was launched in November 2009 to record all fatal and non-fatal drownings, near misses and other water-related injuries.

David Walker, RoSPA's leisure safety manager, said: "Managing risk is about working together and sharing insights.

"Working in partnership with the British Canoe Union will help us have better data and a greater pool of expertise when we go to analyse these incidents. This is a real benefit to enhancing WAID and further research that could ultimately save lives."

The BCU is an umbrella organisation for Canoe England, Canoe Wales, Canoe Association of Northern Ireland and the Scottish Canoeing Association, which helps and inspires people to go canoeing. Set up in 1936 to send a team to the Berlin Olympics, the BCU has since grown considerably as the range of canoeing opportunities has also increased.

For more information about WAID, visit www.nationalwatersafety.org.uk/waid/

MAIB annual report

The Marine Accident Investigation Branch (MAIB) has published its Annual Report for 2012. The document covers leisure, merchant and fishing vessel accident investigations conducted by MAIB, report publications, recommendations and statistics. It is available to download from www.maib.gov.uk/cms_resources.cfm?file=/MAIBAnnualReport_2012.pdf (<http://bit.ly/17vp2Jb>).

Howard Jeffs, the BCU's senior approval officer, Mike Devlin, the BCU's UK director of coaching, and David Walker, RoSPA's leisure safety manager.



HSE busts some myths

The Myth Busters Challenge Panel established by the Health and Safety Executive recently considered cases related to a bowling alley and marathons.

On the former, it received an enquiry after a bowling alley refused to switch off foul-line detection during a children's party due to "health and safety".

The enquirer had asked for the detection to be switched off because the young children could not appreciate that if they strayed slightly over the line (or inadvertently allowed the end of the bowling chute to stray a little too far) then they would get zero points for that turn. It is possible to de-activate this detector, however the staff on duty refused to do so, saying that it was a matter of health and safety.

The panel responded: "There is a good reason for having a foul-line detector because it warns players who are getting close to bowling lanes, which are oiled and are very slippery. The bowling hall says it is possible to take another turn if the detector is accidentally set-off but doing this every time for a children's birthday party would be unmanageable. Depending on the circumstances, the detector can be switched off and the safe use of a lane managed by other means, for example closer supervision. The bowling hall agreed it would have been helpful if the staff member had explained things more fully and staff at the venue will be briefed to provide better explanations."

Meanwhile, on marathons, the panel was contacted after an event organiser banned the use of MP3 players and similar devices using earphones for reasons of health and safety.

The panel said: "There are no specific health and safety rules that ban the wearing of earphones/MP3 devices during running events. However the organisers of such events are entitled to make their own assessments and it does not seem unreasonable that earphones are not allowed because they would impair competitors' ability to hear any public announcements."

Scotland launches play strategy

Scotland has launched its first national Play Strategy.

An action plan will follow this autumn, setting out how the strategy will be implemented.

The strategy, launched by the Scottish Government, recognises that, as well as being fun, play is integral to a child's development and their physical, emotional, social and brain development is linked to it. It is also a right enshrined in article 31 of the UN Convention on the Rights of the Child.

Marguerite Hunter Blair, chief executive of Play Scotland, said: "Every child needs to play freely in order to grow into a healthy, happy, creative and confident adult and children and young people tell us that they want more time and space to play at home, at school and in the community. Scotland's new national Play Strategy aims to sort this out by increasing awareness and understanding of children's play needs, and the health, wellbeing and child-development benefits of play."

The strategy is available at www.scotland.gov.uk/Publications/2013/06/5675 (<http://bit.ly/14PVZE2>).

Sports participation on the up

The Sport and Recreation Alliance's (SRA) biennial Sports Club Survey has found that membership levels and income rose by a fifth over the last two years.

Between 2011 and 2013, the survey found that adult participating membership levels rose by 20.6 per cent.

And the average sports club's income rose by 19.9 per cent to £42,845 compared to £35,736 in 2010.

However, the SRA said that clubs need more support to sustain increased membership, with only 34 per cent of mainstream sports clubs reporting that they have access to appropriate equipment for both non-disabled and disabled members to participate fully.

Andy Reed, chairman of the SRA, which received nearly 3,000 responses to its survey, said: "We need to do more to support growth now. There's an open invitation from sport to those responsible for health and education to see how they can support growth in sports clubs. But it's not an invitation that has yet been widely accepted."



Sector news

“A co-ordinated long-term strategy for sport coming from across government will be key, as well as ensuring that we invest in facilities to maintain them - keeping the cost to use them at an affordable rate.”

On the effect of London 2012, 38 per cent of clubs who experienced increasing numbers of adult participants between 2012 and 2013 said that there had not been a noticeable increase after the Olympics, suggesting that in many cases membership levels were already on the increase.

Meanwhile, SkillsActive, which is the sector skills council for active leisure, learning and wellbeing, welcomed figures about sports participation following London 2012, but called for more to be done to continue the Olympic legacy.

The Sport England figures said that 15.3million adults now play sport at least once a week - 1.4million more than in 2005/6, when the Olympic bid was won. But it also set out that 52.3 per cent of adults still play no sport at all.

Ian Taylor, chief executive of SkillsActive, said: “We know children and young people were inspired by the examples of Team GB’s athletes at the 2012 Olympics. Better access to sport and physical activity is the start, but to engage this group of people, a quality experience is needed, and this can only be delivered by appropriately qualified coaches, providers and staff.

“Ensuring the workforce in this sector is sufficiently qualified and capable of performing to high expectations will fully engage and reconnect these people and ensure they commit to a fit and healthy lifestyle.”



Dedicated to play

Intolerant attitudes and a lack of dedicated community spaces are preventing children from playing out where they live, a survey conducted to mark Playday 2013 found.

The survey, commissioned by Play England, Play Wales, Play Scotland and PlayBoard Northern Ireland, found that more than 50 per cent of adults reported playing out at least seven times a week when they were growing up, compared to less than a quarter of children (23 per cent) today. Of the children surveyed, 40 per cent said they wanted to play out more.

Concerns about traffic were cited by 53 per cent of adults as a barrier to children playing out where they live, and 40 per cent cited “stranger danger”.

More than a quarter (28 per cent) of parents said that they feared being judged by neighbours if they let their children play unsupervised outdoors, while almost a third (32 per cent) believed allowing their children to play ball games or make noise outdoors would cause problems with other residents. A quarter of adults felt that a more friendly community and better relationships with neighbours would encourage young people to play outside more often.

In addition, a lack of dedicated community space was cited as hampering children’s opportunities to play, with almost a third of adults (32 per cent) and a fifth of children (20 per cent) saying that more spaces to play within their local community would get more children playing out.

However, the research also showed that play has the power to bring communities together; with 40 per cent of adults saying that children playing out where they live improves community spirit, and almost half (45 per cent) saying that it helps families to get to know each other.

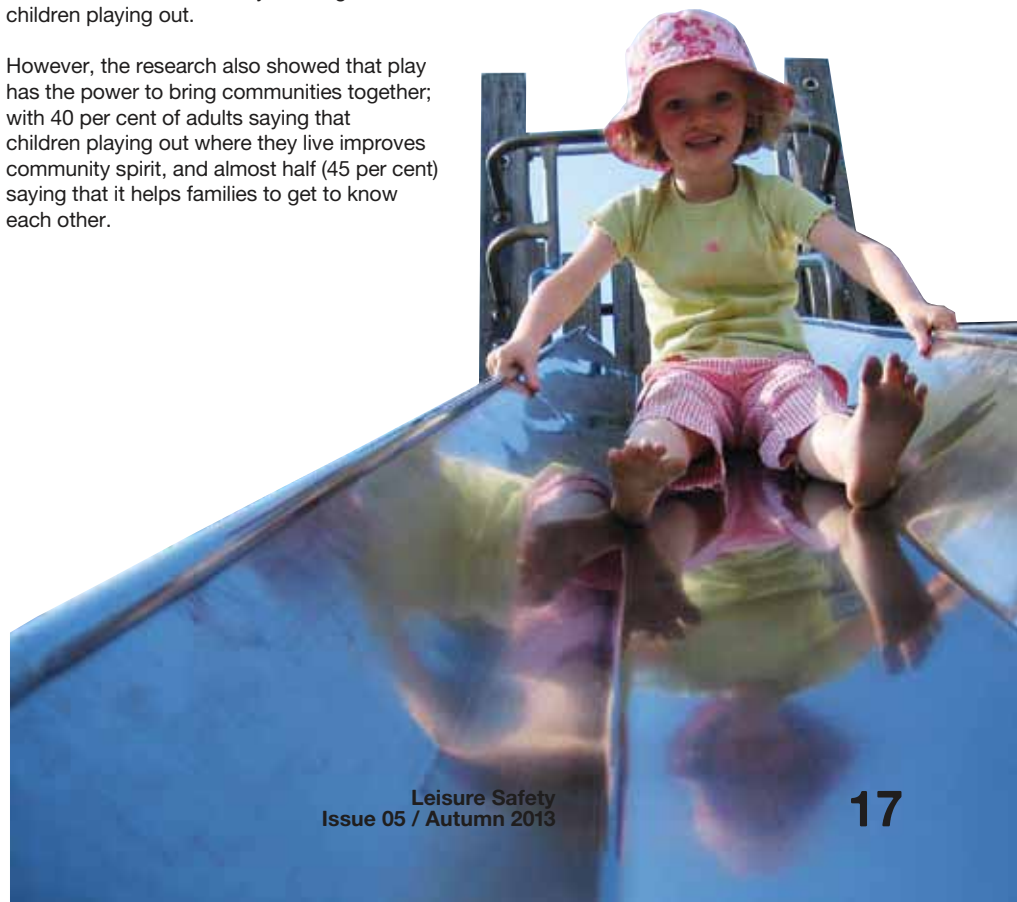
Results from the survey of 3,000 children, adults and parents were released to mark Playday 2013 in August - the national day for play in the UK.

Mike Greenaway, director of Play Wales said: “We need to recognise the importance of providing children with time, space and freedom to play in their own way. We need to support them and recognise that for their health, wellbeing and long-term development, children need playful places and opportunities to play outside.”

David Yearley, RoSPA’s play safety manager, said: “Fears over safety and community concerns should be put into the correct perspective and not used as reasons why children should be denied their basic rights and needs. Of course, every day should be “playday”, but this annual event can help to tackle the issues that prevent that being the case.

“Initiatives such as Playday are an important opportunity to highlight the importance of play in the lives of children. It not only allows us to focus on the child’s right to play as a fundamental human right, but it gives parents and local councillors a chance to see just what fun children can have if allowed to exercise this right in their own way.”

See www.playengland.org.uk, www.playwales.org.uk, www.playscotland.org and www.playboard.org for more information about encouraging play.



School fined over climbing wall fall

An Essex high school has been fined for safety failings after a 14-year-old boy fell more than four metres from a climbing wall.

The teenager was one of four pupils selected to try their first-ever lead climb - a more advanced, mainly rock-climbing technique - during a PE lesson at Manningtree High School on October 17, 2012.

He had managed to clip on to three points as he ascended the climbing wall but struggled with the fourth. A fellow pupil, similarly inexperienced, had been told to belay the rope for the boy, keeping it taut or feeding more as necessary. After the climber grew tired, the instructor told him to let go of the climbing wall, which he did.

However, instead of being supported by the belay technique, he fell unrestrained more than four metres and hit the safety mat on the floor. The pupil, now 15, suffered a fractured heel bone, which was later pinned and plated.

An investigation by the Health and Safety Executive (HSE) found that prior to the lesson, none of the four pupils were aware what lead climbing was or the risks involved and none had been properly trained or prepared for the more advanced type of climbing that was being attempted.

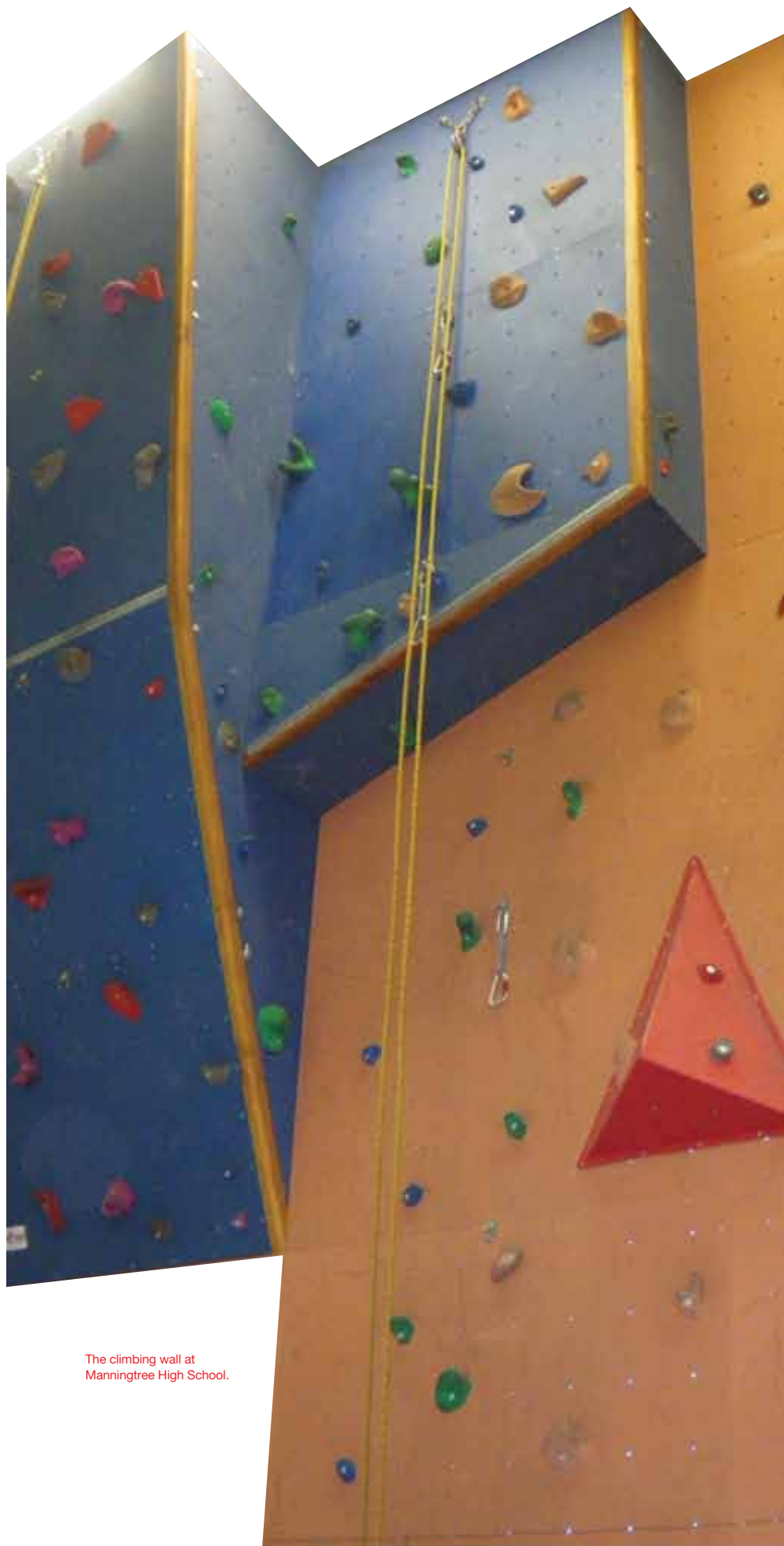
In addition, the school failed to have an adequate safety management system in place for lead climbing, and the instructor was not competent to teach or supervise lead climbing.

Appearing at Colchester Magistrates' Court in June, Manningtree High School was fined £9,000 and ordered to pay £1,641 in costs after pleading guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 for failing to adequately protect the pupils against the risk of falls.

HSE inspector Glyn Davies said:

"Inexperienced pupils receiving climbing instruction during PE lessons are completely reliant for their safety on the competence of their climbing instructor and the adequacy of the school's safety management system.

"Unfortunately in this case pupils were let down by Manningtree High School's failure to ensure the climbing activity was carried out safely and sadly this resulted in one pupil getting hurt."



The climbing wall at Manningtree High School.



Leisure operator fined after girl drowns

The operator of an Essex leisure centre has been ordered to pay more than £190,000 in fines and costs after a seven-year-old girl drowned in a swimming pool.

Michelle Gellard, from East London, died after she went swimming with other children at the Blackwater Leisure Centre in Maldon in June 2008.

Bedfordshire-based Leisure Connection Ltd, which operates the pool, appeared at Chelmsford Crown Court in July this year.

The court heard that there were two lifeguards on poolside duty on the day, increasing to three lifeguards when members of the public found Michelle at the bottom of the pool's deep end.

One of the lifeguards retrieved Michelle from the water with the assistance of another swimmer. Despite resuscitation attempts, she was later pronounced dead at Colchester General Hospital.

A Health and Safety Executive investigation concluded that Leisure Connection Ltd failed over a period of time to ensure that sufficient, suitably positioned lifeguards were always on poolside duty to ensure the safety of pool users.

The court was told that it had failed to identify that this leisure centre was not compliant with its own procedures, and that the procedures in place at the site were inadequate.

Leisure Connection Ltd, of Pottton House, Wyboston Lakes, Great North Road, Wyboston, Bedfordshire, was fined £90,000 with costs of £101,663 after admitting breaching Section 3(1) of the Health and Safety at Work etc Act 1974.



After the hearing, HSE inspector Antonina Drury said: "Members of the public visiting leisure centre swimming pools have an entitlement to expect that the operator paid to run them will deploy and train its staff so as to provide sufficient numbers of lifeguards in the right places so as to operate the pool safely."

"In this case, Michelle Gellard was robbed of her chances of rescue and survival by Leisure Connection's failures."

Rope maker prosecuted following instructor's parafan plunge

A Southampton-based rope-making firm was fined £20,000 and ordered to pay costs of £6,348 after an outdoor activity instructor suffered life-changing injuries when he fell nine metres from a climbing tower.

Pfeifer Rope & Tackle Ltd, of Marchwood, Southampton, had supplied batches of ropes for use in a "parafan" device - which simulates parachute landings - but it had used the wrong components when making one of the batches.

In August 2010, an experienced instructor at a Kent activity centre was testing the new equipment. He fitted the first rope of the new batch, which goes from the user's harness to the shaft of the parafan, and carried out all the tests prescribed by the parafan manufacturer before performing the final test using the equipment itself. However, instead of allowing him to descend in a measured way, the wrong components used in the rope eye-end terminations supplied by Pfeifer Rope & Tackle Ltd meant that the rope simply unravelled as he stepped off a platform for a practice descent.

The 25-year-old suffered a broken back and was paralysed from the waist down for six months. He slowly regained some use of his lower limbs over the following year with the help of Stoke Mandeville Hospital. As he was regaining movement, it became clear his ankle had been crushed and his right foot had to be amputated.

Pfeifer Rope & Tackle Ltd admitted breaching Section 3(1) of the Health and Safety at Work etc Act 1974 at a hearing at Southampton Magistrates' Court in August. The court was told that the firm had not operated its quality control system and that there had been a failure by the company to perform a simple measurement check on the end terminations to confirm that they had been fully crushed.

HSE specialist inspector Steve Simmons-Jacobs said: "Rope and sling manufacturers have a duty to their customers and others to ensure that the product is suitable for the designed loads and that their quality control systems are robust and effective at all times. Companies must realise that their systems may be critical to the health and safety of the people who use their products."

From other journals

These pages contain a selection of items of interest from some of RoSPA's other journals.

FOR DETAILS ABOUT HOW TO SUBSCRIBE TO THESE JOURNALS, PLEASE SEE PAGE 03.

NEW BOOKLET

The International Seafarers' Welfare and Assistance Network (ISWAN) has published a new booklet designed to assist in the medical assessment and treatment of seafarers.

Multilingual questions for the medical assessment and treatment of seafarers covers a range of medical areas, including cardiac events, injuries to different parts of the body and pain relating to specific conditions, and it aims to help medical professionals, first officers, port health authorities and welfare workers with assessing and treating seafarers in both emergency and non-emergency situations.

The booklet contains pages in English which can be folded to sit alongside corresponding pages in ten languages (including Arabic, Chinese, Spanish, Russian and Thai), while questions line up with their translations in order to aid quick and clear communication. In addition, there is a range of diagrams that aim to help patients and assessors to indicate the areas of concern.

Roger Harris, executive director of ISWAN, said: "Seafarers having access to medical help is a vital part of ensuring their welfare. *Multilingual questions for the medical assessment and treatment of seafarers* will improve communication and help seafarers receive the treatment they may need. We were pleased to have been able to collaborate with the International Maritime Health Association and the UK Merchant Navy Welfare Board in the production of ISWAN's first publication."

For more details, visit:
www.seafarerswelfare.org

From: **Safety Express, July/August 2013**

NEW WEBPAGE

The Health and Safety Executive (HSE) has launched a new webpage on shipbuilding and ship-repair.

The publication of the page, which is part of HSE's Engineering website, follows the revocation of the Shipbuilding and Ship-repair Regulations 1960 under the Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations 2013, which came into force on April 6 this year.

The new webpage aims to offer information about the hazards and risks that could be encountered in shipbuilding and related industries, with a frequently-asked questions section covering issues such as working in confined spaces, providing sufficient lighting on ships and employing young workers.

There is also more detailed guidance available on the storage and use of oxygen and fuel gases on board ships and the Memorandum of Understanding between HSE and the Maritime and Coastguard Agency and Marine Accident Investigation Branch, plus links to further information and resources.

Access the shipbuilding and ship-repair webpage at: www.hse.gov.uk/engineering/shipbuilding.htm

From: **Safety Express, July/August 2013**



From other journals

PUBLICATIONS

Swanland Accident Investigation Report: Marine Accident Investigation Branch

www.maib.gov.uk/publications/investigation_reports/2013/swanland.cfm

A marine accident report into the catastrophic structural failure and foundering of the general cargo ship Swanland has revealed cost-cutting practices, poor maintenance and a weak safety culture that led to the loss of six crew members' lives.

The accident happened on rough seas in November 2011, when the cargo ship, fully laden with limestone, was making a routine journey in the Irish Sea.

The Marine Accident Investigation Branch (MAIB) found that the limestone had been loaded close to the centre of the ship. The unsafe loading practice put pressure on the structural stability of the 34-year-old ship, which was already weakened and near the end of its working life.

The accident report found that no structural repairs had been carried out by the ship's managers, Torbulk Ltd, since an intermediate survey in 2009. Annual surveys conducted in 2010 and 2011 "lacked rigour" and the maintenance and repair of the vessel "lacked focus and oversight," the report says.

"The lack of maintenance and oversight of Swanland is likely to have been a major contributing factor to the vessel's structural failure."

The evacuation itself was badly co-ordinated because the crew did not conduct regular "abandon ship" drills. Crew members also struggled with poorly-matched immersion suits and gloves that hampered finger movement.

Other failings flagged up by the investigators included non-compliance with the International Maritime Solid Bulk Cargo Code, insufficient loading information, ineffective safety management, poor quality surveys and audits and financial pressures associated with operating general cargo ships in the economic downturn.

"Sadly, none of these factors are new," the report says. "...Concerns surrounding the safety and high loss rates of similar general cargo ships have been repeatedly raised at the International Maritime Organization. However, progress to address the problems appears to be slow.

"It is hoped that the loss of Swanland and her six crew will be a catalyst for the work already being undertaken by the International Maritime Organization to tackle the global issue of general cargo ship safety."

The foundering is one in a long line of general cargo ship accidents worldwide over the past decade. A total of 248 general cargo ships have foundered worldwide since 2002 with the loss of more than 800 seafarers. Almost all of the vessels were 15 years old or more, and more than half were at least 27 years old.

From: **The RoSPA Occupational Safety & Health Bulletin, July/August 2013**



From other journals

NEWS

Drowning campaign

An annual drowning prevention campaign run by the Royal Life Saving Society UK (RLSS UK) has been hailed a success.

Now in its second year, Drowning Prevention Week aims to create an intensive, targeted period of water safety promotion in an effort to reduce the number of drowning and near-drowning incidences that occur in the UK every year.

Di Standley, chief executive of RLSS UK, said: "More than 15million people were reached with water safety messages during the week, which ran from June 22-30, and thousands of schools, leisure centres, local authorities, community clubs and businesses used the extensive resources we provided. We were absolutely delighted with the response.

"Also, thanks to money raised through the campaign, RLSS UK is building a support system for anyone who has been affected by drowning or near drowning incidences. Working in conjunction with families who have suffered such tragedies, we plan to bring together all the specialist help and information to help people through their difficult time, including a support forum and counselling."

Drowning Prevention Week will next take place from June 21-29, 2014. For more information, and to access the resources produced for this year's campaign, which include lesson plans and pool sessions, visit www.drowningpreventionweek.org.uk or contact dpw@rlss.org.uk.

RLSS UK is a member of the LASER Alliance, a nationwide network of individuals and organisations who are committed to helping people learn how to make responsible decisions about safety and risk. See www.lasersafety.org.uk for more details.

From: **Safety in Education, Autumn 2013**

NEWS

Trips paperwork

Teachers have pointed to red tape as the single greatest burden when it comes to organising study trips.

In a recent survey carried out by the School Travel Forum (STF), a total of 994 secondary schools were asked to rate their top priorities when organising school trips.

The removal of burdensome paperwork was the top item on their wish list.

Other factors which were considered important were 24-hour emergency support while on the trip and enlisting companies that facilitate good learning experiences. However, the majority of teachers were not aware of, or had very limited awareness of STF Assured Members and the Learning Outside the Classroom (LOtC) Quality Badge.

Ian Pearson, general manager of the STF said: "Serious accidents on school trips are very rare, but do grab headlines when they occur. Despite government reassurances, teachers still require noticeable good practice in this area. We have to let them know that use of an STF member and LOtC Quality Badge holder provides reassurance, effective due diligence and good practice."

RoSPA has produced a free guide called *Planning and Leading Visits and Adventurous Activities*, which puts safety concerns into perspective and offers practical advice on leading school trips. It is available to download from www.rosipa.com/schoolandcollegesafety/teachingsafely/

From: **Safety in Education, Autumn 2013**

NEWS

Boatyard fined after crane overturns

An Isle of Wight boatyard business has been fined for safety failings after a poorly maintained mobile crane overturned during a lifting operation at Yarmouth Harbour.

The crane was being used to lift a yacht into a cradle for the winter months when its controls locked up during the derigging phase of the operation. The crane driver retracted stabilising outriggers in order to physically move and free the controls, and although this worked, the crane overbalanced and toppled because the jib was still extended.

Isle of Wight Magistrates' Court heard that no-one was injured in the incident at Harold Hayles Ltd in November 2011, but a car was badly damaged by the jib of the 35-tonne machine.

An investigation by the Health and Safety Executive (HSE) established that the controls were prone to locking up and that the crane was overdue its annual examination. All lifting equipment is required by law to undergo a thorough yearly examination, but the crane had missed its latest annual test three weeks prior to the incident because of a mechanical failure when an engineer visited the boatyard.

The HSE also found that Harold Hayles Ltd had not provided a suitable lifting plan for the yacht operation. Magistrates were told the company had failed to heed a previous HSE warning about the planning of lifting operations after concerns were raised following a routine inspection in February 2009.

The company was fined a total of £4,000 and ordered to pay £4,000 in costs after pleading guilty to two breaches of the Lifting Operations and Lifting Equipment Regulations 1998, a breach of the Health and Safety at Work etc Act 1974, and a breach of the Provision and Use of Work Equipment Regulations 1998.

After the hearing, HSE inspector John Caboche, said: "This was a serious incident that could have ended in tragedy had the crane toppled onto a person and not an empty car. It was wholly preventable and could have been avoided had the crane been better maintained and had the lifting operation been better planned and managed."

From: **The RoSPA Occupational Safety & Health Journal, May 2013**



From other journals



For information on how to subscribe to any of RoSPA's other publications, see page 03



Leisure, Water and Play Consultancy

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