

Summary of Relevant Legislation and Guidance and Implications for the Water
Safety Policy

Legislation	Key Implications
Health & Safety at Work etc. Act (1974)	Council has responsibility for the management of sites with water bodies so measures must be taken to minimise the risk to the health and safety of employees and members of the public.
Management of Health & Safety at Work Regulations (1999)	Requires that H&S is managed to control risks effectively to prevent harm to employees and visitors. Imposes a requirement for the Council to assess and manage risks associated with water hazards on council land. Duty to record, notify and investigate accidents to the enforcing authority (e.g. HSE or Environmental Health).
The Occupiers Liability Scotland Act (1960)	Imposes a duty of care upon the occupier (the Council) to any visitor to premises/ land (including trespassers). Reasonable steps must be taken to ensure the safety of visitors. This is particularly onerous where children are concerned. Risk assessment procedure provides the means of carrying out this duty. Through the risk assessment the occupier may be relieved of liability, if the danger is clearly brought to the attention of visitors.
Common Law Duty of Care	Applies to both public and staff. Site owners (PKC) have to assess risks and put reasonable safeguards in place where risk is deemed necessary. <i>'Duty is to take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to cause injury to neighbour'.</i>
Civic Government (Scotland) Act 1967	Permits the Council to provide public rescue equipment at locations they consider suitable.
Public Health Scotland Act (2008)	Gives Council the power to regulate water users and to take any appropriate action to protect human health for example by provision of signs or rescue equipment on private land.
National Water Safety Signs 1987 Water Safety Signage Standard - BS5499 -11: 2002	This sets standards for the shape and colour of warning signs. RoSPA recommends all new signage conforms and existing signage is reviewed and any illegible or unclear signs are replaced immediately.
Land Reform (Scotland) Act (2003)	Provides statutory right of access to most land and water. Applies to non-motorised users only and to most water where responsible access can be taken. Restricts the circumstances where preventing access (for example swimming) is reasonable. Council power to warn public of danger by signage. Places responsibility for safety largely on individual.
The Nature Conservation (Scotland) Act 2004	Places a duty on the Councils to further the conservation of biodiversity. This implies we should manage water habitats for wildlife as well as for people. Although there is no duty on councils to kill invasive weeds, there is an expectation that we will do what we can to control them.

Guidance	Key Implications
National Water Safety Signs. (RoSPA) Sept 2011. BS ISO 20712-1-2008 & BSO 3864-1-2011	Gives specifications, symbols, shape and colours for water safety signs. Useful easy visual reference guide to national standards. Use makes signs easy for most people to understand.
Assessing Inland Accidental Drowning Risk (RoSPA) (undated)	Analysis of drowning risk possible using Water Incident Database (WAID) managed by National Water Safety Forum (NWSF) provides complete database for UK. Assessment looks at 2009-2011 and shows of 260 accidental drowning's per year highest incidents are in men and those taking part in water sports. Shows higher rates for young (15-30yrs) Scottish men and recommends actions are taken to reduce drowning in this group.
Scottish Local Authority Approaches to Managing Water Safety (RoSPA) (undated)	Results of a survey of 32 local authorities in Scotland regarding their approaches to managing water safety. Lists key findings and draws recommendations based on the benefits of joint working including the need to develop policies and identify key high risk groups to communicate key risks effectively. This has led to the launch in Aug 14 of the Scotland Water Safety Reference Group to which PKC contributes. It operates through meetings and website www.watersafetyscotland.org.uk
Water Safety Policy in Scotland – A Guide (RoSPA) (undated)	Framework for LAs to use when making own policy to help provide strategic and consistent national approach which takes account of geographical areas and issues. Produced through consultation with Scotland Water Safety Reference Group.
Water & Leisure Report for PKC 1993 & 2006 (RoSPA)	PKC commissioned these report from RoSPA to review water safety arrangements. Report proposed a water safety strategy & specific recommendations regarding risk assessed sites.

PKC Policy	Key Implications
Community Plan for Perth & Kinross 2006-2020 Community Planning Partnership	The Community Plan is a collaborative document between the Council and its key partners and sets out a vision and aims towards achieving desired outcomes as follows: <i>“Our vision is of a confident and ambitious Perth and Kinross, to which everyone can contribute and in which all can share. We will create and sustain vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.”</i> It also states <i>“Perth and Kinross is synonymous with quality of life - renowned for its scenery, accessibility, history, quality local services, facilities, products and strength of community. A key challenge will be to ensure that all our citizens benefit from the quality of life the area has to offer.”</i> In relation to water safety the Council would aim to ensure maximum benefit from water bodies while encouraging everyone to respect the water and risk assessing land in Council ownership.
Community Safety Strategy for Perth & Kinross 2007-2012 Water Safety	Developed by the Community Safety Partnership. Lists 3 key long term outcomes with corresponding actions, indicators, target groups and targets. Final targets for 2012 in all cases is a 30% reduction in number of accidental drownings. Specific target groups include young males using alcohol and those using Council fishing permits.
PKC Corporate Plan 2013-2018	Plan builds on five outcome focussed strategic objectives to provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows: 1. Giving every child the best start in life 2. Developing educated, responsible and informed citizens 3. Promoting a prosperous, inclusive and sustainable economy 4. Supporting people to lead independent, healthy and active lives 5. Creating a safe and sustainable place for future generations Providing information and equipment to help ensure people of all ages are aware of the potential for harm around water bodies will contribute to delivering objectives 1, 2 and 5.
PKC Place making Guide Vision for water – rivers, burns, pools & lochs (PKC website)	Vision to make the most of rivers, burns and lochs provide for nature, people (encourage safe use), reduce flood risk and maintain. The Council will warn public of hidden dangers but public have duty to have regard for their own safety.