



Policy

31 **POLICY FOR SUPERVISION AND HIRING ARRANGEMENTS FOR COMMUNITY SWIMMING POOLS**

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Strategic Outcome: Good government

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Responsible Officer: Director Corporate Services

1. **POLICY STATEMENT**

Berrigan Shire Council is responsible for three community-run public swimming pools; one each at Berrigan, Finley and Tocumwal. These pools are operated by a volunteer committee of Council established under s355 of the *Local Government Act 1993* on behalf of the local community, with the Council acting as trustee of the land and providing a legal structure to the committee to operate.

These public swimming pools provide an important venue for many forms of water sports, fitness and other recreational activities, and are enjoyed by significant numbers within the community.

However, there are inherent dangers with aquatic locations. Berrigan Shire Council has a responsibility to ensure that adequate safeguards are in place to minimise the risks that can be associated with aquatic locations under its care and control.

2. **PURPOSE**

The purpose of this policy is to set acceptable standards for the use of the community swimming pools, including minimum terms for hire agreements and minimum supervision requirements.

This is in line with the Council's Risk Management Framework and guidelines set by the Office of Local Government and Royal Life Australia (RLSSA).

3. **SCOPE**

This policy applies to the use of Council-controlled community-run swimming pools at Berrigan, Finley and Tocumwal.



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4. OBJECTIVE

This policy is developed to assist the Council with:

Delivery Plan Objective 3.1.2.3:

Provide recreation facilities which support active lifestyle and ageing in place

and Delivery Plan Objective 2.2.2:

Council operations support ethical, transparent and accountable corporate governance

5. DEFINITIONS

Active Supervision – is defined by the RLSSA as

Active supervision at public pools consists of four key elements:

Be Prepared: *Ensure you have everything you need before getting into the water, such as towels and dry clothes.*

Be Close: *Always be within arms' reach of your child.*

All of Your Attention: *Focus all of your attention on your child and get into the pool and talk and play with them.*

All of the Time: *You should never leave your child alone in the water, nor should they be left in the care of an older child or with the assumption that your responsibility diminishes due to the presence of lifeguards.*

Committee of Management – A committee established under s355 of the Local Government Act 1993 to exercise a function of the Council. In this case, the volunteer committees of the Council delegated care, control and management of Council's community swimming pools.

6. POLICY IMPLEMENTATION

6.1 Delegation

The Council has delegated care, control and management of the swimming pools in its control to a volunteer Committee of Management. These committees are responsible for the day-to-day operations of these facilities.



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6.2 Specific requirements

The configuration of all of the Council's public swimming pools would see them classified as "Category 5" pools under Practice Note 15 released by the Office of Local Government. Given the use patterns and patronage of its public pools, the Council has taken a position that meeting the recommendations of Practice Note 15 would be cost-prohibitive and excessive.

Berrigan Shire Council has taken a risk-management approach to supervision at its public pools. As such, the Council has made a decision to vary from the recommendations of Practice Note 15 in some cases. In each case, a specific risk assessment has been undertaken to justify the variation in question.

6.3 Hire arrangements

Practice Note 15 states:

It is also a recommended practice that councils/delegated aquatic facility managers enter into formal agreements with user groups such as schools, swimming instructors, clubs and community organisations using the facilities.

The agreement should identify key responsibilities of both the council/delegated aquatic facility manager and the hirer, for example, in relation to supervision, emergencies and first aid. This ensures that all parties are aware of their roles and reinforces appropriate stakeholder responsibilities and general behaviours

Third-party users of the public swimming pools will be required to enter into a formal hire agreement with the Council.

For schools and swimming clubs, this will be entered into annually prior to the start of each swimming season. Casual hirers will enter into a single-use agreement.

The hire agreement will include specifics about:

- Dates and times of use
- Supervision requirements, etc.
- Insurances and indemnities
- User obligations

Schools and swimming clubs will also be required to advise the lifeguard and the Council about the activities to be undertaken at each session, the supervision arrangements in place and any details about users with special needs or requirements. For school groups, this may take the form of an in-house risk assessment



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Schools hiring a Council public swimming pool must have in place a coloured tag system to identify non-swimmers and weak swimmers in line with the Water Safety Guidelines for Unstructured Aquatic Activity issued by the NSW Department of Education and Communities.

Hirers will be expected to have Public Liability Insurance to the value of \$20 million and to produce a Certificate of Currency upon request.

6.4 Supervision

While open to the public, the minimum supervision requirements are:

- A lifeguard meeting the minimum qualification requirements of this policy
- While the pool is open to the public, the lifeguard's sole responsibility is active supervision of the water.
- There must be a minimum of one (1) qualified lifeguard per 100 patrons.
- Use of a diving board or other devices such as inflatable structures will require an additional qualified lifeguard whose sole role will be to supervise the use of the device.

The Committees of Management will also endeavour to have another person in the pool area with NSW WorkCover approved Senior First Aid, including CPR, Schools Emergency Care and CPR or an equivalent qualification that is acceptable to the Council.

A third-party hirer of the pool must meet the following supervision requirements:

- A minimum of two (2) people on supervision duty at any one time
- At least one of the supervisors must be a qualified lifeguard under this policy, inducted into the specific pool in question and be capable of supervising the water
- The sole role of the qualified lifeguard must be to provide active supervision of swimmers in the water and no other task. The lifeguard must not be coaching swimmers in the pool or supervising patrons out of the pool.
- There must be a minimum of one (1) qualified lifeguard per 100 patrons.
- Another person in the pool area with NSW WorkCover approved Senior First Aid, including CPR, Schools Emergency Care and CPR or an equivalent qualification that is acceptable to the Council
- Use of a diving board or other devices such as inflatable structures will require an additional qualified lifeguard whose sole role will be to supervise the use of the device.



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6.5 Supervision of children

Berrigan Shire Council is committed to the safety of children at its public pools and as such its supervision requirements are in line with the RLSSA Keep Safe @ Public Pools program.

- Children under the age of 10 will not be permitted to use the pool unless they are accompanied by a person responsible for their supervision. This person must be aged over 18 and be actively supervising the child at all times.
- Parents and guardians should actively supervise their children at all times and be dressed ready to enter a pool. For 0–5 year olds and non-swimmers, a parent or guardian needs to be in the water at all times and within arms' reach of the child.
- Constant active supervision is required for children aged 6–10 years old. Parents and carers must be prepared to enter the water with this age group.

The lifeguard on duty has an obligation to ensure that children are being adequately supervised and is authorised to take action where supervision is inadequate, including asking the patron to exit the water and/or leave the pool grounds.

The Council acknowledges that these requirements may contravene the strict requirements of the *Anti-Discrimination Act 1977* but it has taken the position that any contravention is justified in order to protect the life and safety of its pool patrons, following an assessment of the risks involved.

6.6 Equipment

While open, each public pool will have the following equipment available for use:

Lifesaving equipment

- Spinal board
- Neck collar
- Board straps
- Reach pole
- Kick board

Resuscitation equipment

- Oxygen unit
- Pocket mask and latex gloves

Other equipment



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- Mobile telephone (at the pool deck)
- First aid kits x 3
- First aid room (Type A)
- Pool deck (Type B)
- Bum bag carried by the pool lifeguard (Type C)

6.7 Qualifications

A person acting as a lifeguard at a public pool must at a minimum have a RLSSA NSW Pool Lifeguard Licence (updated annually) including:

- RLSSA Bronze Medallion,
- NSW Workcover approved Senior First Aid (updated every 3 years) and
- RLSSA Oxygen Equipment;

The lifeguard must also be specifically inducted into each pool that he or she will supervise.

Lifeguards must also have a current "Working with children" check meeting the requirements of the *Commission for Children and Young People Act 1998*

The Council will not employ lifeguards aged under 16. Lifeguards aged between 16 and 18 will not be rostered to work alone; they must be under the supervision of another lifeguard on duty aged over 18.

6.8 Volunteer lifeguards

The use of lifeguards not employed by the Council on a volunteer basis is permitted.

Volunteer lifeguards, including lifeguards on duty when the pool is being used by a third-party hirer, must have the same qualifications and undertake the same inductions as a Council-employed lifeguard.

In addition to these requirements, the Pool Supervisor must assess each volunteer lifeguard and explicitly approve the use of that lifeguard at each event. The Pool Supervisor will keep adequate records of the qualifications of each volunteer lifeguard.

Volunteer lifeguards are to act within the requirements of this policy and other Council requirements and under the direction of the Pool Supervisor.

Volunteer lifeguards must be aged over 16. Volunteer lifeguards aged between 16 and 18 may be used, but only under the supervision of another qualified lifeguard on duty aged over 18.



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6.9 Inspections

Formal inspections of the pool will be conducted on a regular basis in line with the Pool Operating Manuals. These include pre-season, weekly and daily checks

Third-party hirers will also inspect the pool area on each occasion before taking control of the pool facility.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Work Health and Safety Act 2011*
- *Anti-Discrimination Act 1977*
- *Commission for Children and Young People Act 1998*

7.2 Other documents

- Office of Local Government Practice Note 15 – Water Safety
- RLSSA Guidelines for Safe Pool Operation
- RLSSA Keep Safe @ Public School program
- Office of the State Coroner NSW – Inquest into the death of Armani Dirani
- New South Wales Department of Education and Communities - Water Safety Guidelines for Unstructured Aquatic Activity

7.3 Council policies

- Berrigan Shire Council Risk Management Framework
- Risk Management Policy
- Pool Operation Manuals