



**national
water safety
forum**

National Water Safety Forum
Secretariat c/o
The Royal Society for the Prevention of Accidents
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Mr Alan Craze
H.M. Senior Coroner for East Sussex
31 Station Road
Bexhill-on-Sea
East Sussex
T40 1RG

14 September 2017

Dear Mr Craze,

Re: **ARC/MAO/** [REDACTED] **Kenugen SATHTHIYANATHAN (deceased)** [REDACTED]
[REDACTED] **/Nitharsan RAVI (deceased)** [REDACTED]
[REDACTED] **/Kobikanthan SATHTHIYANATHAN (deceased)** [REDACTED]
[REDACTED] **/Inthushan SRISKANTHARASA (deceased)** [REDACTED]
[REDACTED] **/Gurushanth SRITHAVARAJAH (deceased)** [REDACTED]
[REDACTED] **/Gustavo SILVA DA CRUZ (deceased)** [REDACTED]
[REDACTED] **/Mohit DUPAR (deceased)** [REDACTED]

Thank you for your letter dated 24 July 2017, under rule 43 concerning the above matter.

The National Water Safety Forum was formed in 2005 in response to a governmental enquiry into water safety. It is a voluntary organisation funded by its members and a grant from the Maritime and Coastguard Agency (MCA). Governance is provided through a coordinating group with the Royal Society for the Prevention of Accidents (RoSPA) fulfilling the role of secretariat.

The Forum's aim is to develop, promote and share best practice in water safety and risk management to reduce accidental death, accidents and water related self-harm. To help achieve this it established a water accident and incident database, WAID and actively curates and maintains a variety of data sources populating it. The MCA, RoSPA and the RNLI support the administration of WAID through the provision of staff time.

Each year a drowning report is published providing the UK's definitive record of drowning fatalities and causal analysis. This intelligence and further research commissioned by the Forum informed the development of the UK's first National Drowning Prevention Strategy published in February 2016 (www.nationalwatersafety.org.uk/strategy). With the support of UK Government a strategic target was set to reduce drowning in the UK by 50% by 2026. The Forum does not have any legal, regulatory or enforcement powers vested in it. In response to your letter of 24 July the NWSF co coordinating group has the following comments:

Your matters of concern

There are definitely lessons to be learned from this accident and the outcome of your inquest has proved very valuable indeed concerning that.

X

Notwithstanding the depth and scope of your inquest investigation as a requirement of the legal system, the forum is not aware of any other formal or legal requirement for any organisation to investigate such incidents, in the way that, for instance, a road traffic accident or house fire fatal accidents are investigated. But with improvements to investigations the root causes and full range of lessons could be identified even more effectively. The forum would welcome any improvements that could be made into drowning fatality investigations. This would help ensure all lessons are identified, that can be taken account of by landowners when deciding what risk control measures should be put in place to prevent drowning in areas under their jurisdiction. Such a requirement could be of benefit to you and your colleagues as well as a source of evidence in the conduct of inquests.

Governance and control of risk management

The forum believes that governance and risk management requirements for beach safety are not satisfactory. There should be an increased onus and clarification for local authorities, beach owners and operators (generically referred to as 'landowners'), to ensure that they have in place a beach safety governance framework and current risk assessment for their area of responsibility and this should be a statutory obligation especially where their beach facilities are advertised as available to the public. The forum would support a review of the governance and risk management arrangements for beach safety in order to answer the question 'who has responsibility for beach safety and how is that responsibility met?' The answer should set out the legal and duty of care requirements. The forum believes that if landowners are obliged to comply with governance and risk management requirements then the likelihood of accidental drownings would decrease. The forum believes that this principle holds good for all water frontage with public access, be it inland and coastal, not just beaches.

National Water Safety Forum action taken to prevent future deaths

The publication of the National Drowning Prevention Strategy was a 'call to action' to those organisations, local authorities and government, that are in a position to make changes in order to reduce the risk of accidental drowning and water related self-harm. It's 5 targets set out how this can be achieved.

The forum itself is actively promoting those targets and endeavouring to track and report on progress. We are due to publish a report covering progress since the strategy was published.

For ease of reference the targets are set out below with an example comment on each, further details concerning progress are contained in our soon to be published annual report.

Every child should have the opportunity to learn to swim and receive water safety education

We support the 'schools swimming review' which has been presented to government. We would like the recommendations of this review to be accepted.

Every community with water risks should have a community level risk assessment and water safety plan

Through our network and direct with the Local Government Association we are influencing communities to carry out community level risk assessments and to have a water safety plan. There are some excellent examples of best practice but these are far outweighed by those who have not given this matter the vital attention it deserves.

To better understand water related self-harm

One of our coordinating group organisations had led on this target and the results will help the nation's interested organisations better understand water related self-harm to such an extent that we will soon be in a position to review this target and be more specific with it.

Increase awareness of everyday risks in, on and around the water

The forum's network has helped organisations work more closely together to promote awareness of the risks associated with water and influence behaviour change among the general public.

All recreational activity organisations should have a clear strategic risk assessment and plans that addresses key risks


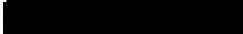
The leadership of the forum's group, which will spearhead the promotion of this target, is being reviewed in preparation for action. To date we have spread best practice examples of recreational governing body organisations that have produced guidance and codes for their members.

Additionally, the forum is intending to update and expand the use of the WAID database in order to produce even more compelling evidence that can be used by various organisations in order to target their resources to prevent drowning. A barrier to progress is finance; the forum is seeking to identify suitable sources of funding for this WAID development work.

The forum's work is helping to raise awareness of beach safety and through our network, communication and conference channels we are promoting examples of best practice. Our real strength and greatest opportunity is to influence others and this is what we are doing.

But in summary we would urge the chief coroner to call for clarification concerning 'who is responsible for beach safety' and 'how must that responsibility be met'. We believe by answering this question the landowner will be much clearer about their obligations to conduct and act on a risk assessment of the shoreline, shallow water and water based activity that takes place within their jurisdiction. For instance, if the risk assessment identifies a lifeguard unit as a control measure, they should be obliged to ensure that service is provided. This will be supported by a robust investigation requirement for when things go wrong. This change will save lives.

Thank you for writing to the Forum and giving us the opportunity to comment and outline how our work and the National Drowning Prevention Strategy can contribute to helping to ensure the risk of these tragic accidental fatalities is reduced.



Chair of the National Water Safety Forum