



Lifeboats

Royal National Lifeboat Institution
West Quay Road, Poole, Dorset, BH15 1HZ
Tel 0845 122 6999 Fax 0845 126 1999
info@rnli.org.uk RNLI.org

Patron: Her Majesty The Queen
President: HRH The Duke of Kent KG

RNLI (Trading) Ltd 01073377, RNLI (Sales) Ltd 2202240 and RNLI (Enterprises) Ltd 1784500 are all companies registered at West Quay Road, Poole, Dorset, BH15 1HZ

From:
RNLI Chief Executive

[Redacted signature block]

Mr Alan Craze
H.M. Senior Coroner for East Sussex
31 Station Road
Bexhill-on-Sea
East Sussex
T40 1RG

13 September 2017

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

Thank you for your letter dated 24 July 2017 under Rule 43 regarding the above matter.

Background

The RNLI declares its lifeboat response to the UK Government through the UK Search and Rescue Strategic Committee. This forms a part of our Concept of Operations and its Strategic Performance Standards. The lifeboat service that the RNLI provides enables the UK Government to meet its obligations under International Conventions for saving lives at sea.

In our Concept of Operations, we also state that we will provide a lifeguard service on a seasonal basis, a prevention and education service along with a flood rescue capability.

The RNLI's lifeguard service was first trialled in 2001. This trial was successful and its wider introduction started in 2002. Since then, a progressive rollout plan has been followed and this year 249 lifeguard units were operational around the UK during the summer season. We plan to continue that roll out plan as a part of our strategy to reduce drowning but we can only establish new lifeguard units with the express permission of the relevant local authority, landowner, beach owner or operator. This is a limitation on our ability to provide the service.

In order to determine where lifeguard units should be provided and for what season length, the RNLI has developed a beach risk assessment service that is free to local authorities, land owners and beach owners/operators. However, the risk assessment and the outcome recommendations are purely advisory. It is for the local authority, land owner or beach owner/operator to then decide whether to implement the recommendations. There is no legal

The RNLI is the charity that saves lives at sea

Royal National Lifeboat Institution, a charity registered in England and Wales (209603) and Scotland (SC037736). Registered charity number 20003326 in the Republic of Ireland

X

obligation for the RNLI to provide the risk assessment service and we do not have any enforcement powers concerning whether its recommendations are implemented.

The current business plan sets out the RNLI's organisational strategic goal to reduce coastal fatalities by 50% by 2024 in the UK and Ireland.

The RNLI's response to your concerns and our action points concerning them are as follows:

a) There are possibly lessons learnt in the circumstances of and the issues surrounding these deaths which may be of help to others on a national basis.

The RNLI agrees and understands the importance of learning lessons that can be of help to others on a national level.

Action taken - The RNLI draws on fatality data and its root cause analysis from the National Water Safety Forum's (NWSF) Water Incident Database (WAID). The evidence from that database (and from our own and open source data) helps inform the content of our annual national drowning prevention campaign known as 'Respect the Water'. Learning also informs local campaigns and targeted messages to 'at risk' groups. This action has been underway for a number of years and also delivered through our membership of the NWSF, our support of the National Drowning Prevention Strategy and our other partnership and influencing work at a national and local level. Specifically, our campaign and messages content is updated on a continuous review basis, with improved data collection/analysis and impact metrics under development. We will continue with this work in pursuit of our strategic goal to reduce accidental coastal drowning by 50% by 2024. We share our findings with partner organisations, encourage them to support our national messaging and we support their prevention work too.

b) There appears to be no formal governance or control of risk management requirements. Should the present, virtually voluntary, structure be examined?

While there is significant governance around the requirements for risk assessment under the Health and Safety at Work Act; what is unclear is the question of who has responsibility for beach safety or, more specifically, the in-water safety of beach users.

There are no formal statutory requirements which prescribe required specific control measures. There is informal guidance in the form of ISO and British standards and publications such as 'Safety on Beaches'

Clarification of the responsibility for safety on beaches has previously been identified as an issue that needs to be addressed.

Greater clarity is needed about the duty of care owed by those responsible for beaches around our coastline and the RNLI would like government clarification concerning this.

Action taken - The RNLI is not in a position to examine the formal governance of beach safety risk management on behalf of the nation. We would welcome a review and believe that local authorities, landowners and beach owners/operators should have a more clearly defined obligation for the risk management of their beaches and to act on risk assessment outcomes. This, in our opinion would reduce the likelihood of accidental drowning occurring in the beach environment.

Could perhaps the Marine (*Maritime*) and Coastguard Agency, who have enforcement powers akin to those of the Police, be given more resources and take a bigger role than they currently have?

MCA enforcement powers relate to the Merchant Shipping Act and other legislation rather than for beach safety. The RNLI works closely with the MCA in promoting beach safety and drowning reduction efforts. If more resource for this effort was made available to the MCA then the RNLI would welcome that.

Action taken -The RNLI's charitable activity to improve safety at Camber Sands has led to the provision of a 2017 lifeguard service there which we are able to provide next year and well into the future on the proviso that Rother District Council requests us to and supports our service. This service includes offering face to face beach safety information and literature as well. Other aspects of beach safety there are informed by the risk assessment and we believe it is for them to ensure the necessary resource is available to implement the identified risk control measures.

Changes include:

- 1. Possible climate change effects;**
- 2. Differences in ethnic origins and language spoken by current visitors;**
- 3. Constant and fast changes in means of communication with the public, which was agreed to be crucial to the educative process;**
- 4. Improvement; which is considered vital for education and awareness of coastal dangers amongst children, and those who live far from the sea.**

Climate effect

The evidence would suggest that annual fluctuations in weather and daily/weekly local weather conditions have a greater influence on beach safety than changes in climate change.

Action taken – The RNLI monitors weather and works with the Met Office. Weather dependant messaging is already in use and we actively work with media outlets that are able to distribute weather dependent messages to beach users.

Ethnic and language barrier considerations

Action - The RNLI is already taking action to identify at risk groups, and the most effective means of communication of safety messages. At risk groups include ethnic groups and those that are likely to have language barriers.

Communication

Action taken – The RNLI uses digital platform tools, modern advertising methods and face to face communication as methods to communicate with the beach going and wider public. We monitor the effectiveness of our communications and work with other organisations to make the best of combining our resources with others.

Education and awareness of coastal dangers

Evidence from countries that have introduced comprehensive programmes to improve the populations swimming ability demonstrates a significant reduction in the risk of drowning.

Action taken - The RNLI and its partner organisations that support the National Drowning Prevention Strategy are committed to increasing education and awareness programmes. Particularly to children and their knowledge of coastal and inland water dangers. The RNLI is an advocate of this target in the National Drowning Prevention Strategy and supports the Schools Swimming Review recommendations that have been presented to Government this year. The RNLI has comprehensive educational and awareness programmes which are delivered through the RNLI staff and volunteer network and in partnership with others. This work will continue and grow in order to reduce the likelihood of accidental drowning, both inland and at the coast.

The RNLI would also add that the way that people are using the sea appears to be changing, with more people engaging in a wider variety of water-based activities in, on and around the water.

The RNLI has already created a series of evidence based 'activity risk profiles' to identify the at risk groups. Messaging to these groups is in progress, raising awareness and influencing behaviour change. This work will continue and develop further over the coming years.

- c) Inevitably resource and monetary considerations affect decision making by those charged with safeguarding people like the seven who died here. Perhaps that is another reason why a review of the current system may well be needed.**

Resource and monetary considerations will always be a factor in decision making.

Action taken - The RNLI carries out the risk assessment of beaches free of charge. If the risk assessment outcomes lead to the RNLI providing a lifeguard service, then the RNLI will fund the provision of that service but with a contribution from the local authority, landowner or beach owner/operator to an agreed level of service. No direct overhead, training or equipment costs are passed on. We believe appropriate budgets for beach safety should be set by those responsible for their beach operation, in order to implement the necessary control measures identified by the risk assessment.

- d) There was pessimism expressed at the inquest that any measure could prevent most deaths, only reduce them. In those circumstances, should there be consideration by central government of taking powers to restrict public use, according to daily circumstances, of part or all of certain beaches? Certainly a localised study, on a national model, should be carried out. I believe it has elsewhere in the world.**

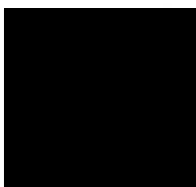
Lifeguards already utilise a 'red flag' option which works effectively in informing swimmers of the dangers of entering the water. This procedure has a very high level of compliance. Closing a section of beach carries the risk of transferring the problem to other beaches; where no beach safety services may exist, and is therefore used sparingly. Large scale beach closures would be difficult, if not impossible, to enforce, and would require supporting legislation. It would be reasonable to question the appetite of law-makers to pass legislation that would restrict people from accessing the beach.

Action taken - The RNLI recommends that landowners are responsible of implementing a range of appropriate control measures at beaches. If lifeguards are present as a part of these control measures, the areas outside of the lifeguarded area must be given due consideration too. It is very important to recognise that a lifeguard service cannot be the only preventative measure on UK beaches.

There is no absolute guarantee that control measures (such as lifeguarding) could prevent any particular incident. But it is crucial to recognise that lifeguards, where identified as a control measure, significantly reduces risk to those who 'swim between the flags'.

Thank you for the opportunity to respond to your concerns. I believe the actions already underway through the Institution's work will lead to fewer drownings and serious incidents on the nation's beaches.

I would like to stress though that it is imperative that risk assessments are undertaken and acted on, with those responsible for the implementation being clearly identified and held to account for inaction. Without this imperative being achieved, people will needlessly and tragically lose their lives.




Chief Executive