

Mr David Place,  
His Majesty's Senior Coroner for the City of Sunderland

Chief Executive

Redgrave Court  
Merseyside L20 7HS

By email:

<http://www.hse.gov.uk/>

02 June 2025

Dear Mr Place,

## **REGULATION 28 PREVENTION OF FUTURE DEATHS – OPEN WATER SWIMMING**

Thank you for your Regulation 28 report in relation to the death of Mr Joel Kenneth Ineson, who sadly died while participating in an open water swimming event at Hetton Lyons County Park on 31st May 2023.

Your report raises as matters of concern, that:

- there is no established body for regulation of the activity;
- there is no specific health and safety guidance for the activity; and
- there is no licence from the Adventure Activity Licencing Authority (AALA).

I will address each of these points in turn.

Organisers of open water swimming events for the public are required to comply with the Health and Safety at Work etc. Act 1974 (HSWA) and the Management of Health and Safety at Work Regulations 1999 (MHSWR). As set out in the Health and Safety (Enforcing Authority) Regulations 1998, this legislation is enforced by either HSE or the local authority, depending upon where the event is taking place and who is organising it. HSWA and MHSWR provide a framework for securing health, safety and welfare by requiring businesses organising such events to identify risks to their workers and customers/competitors from their activities and to take action by putting in place suitable measures to manage those risks.

Businesses are also required to appoint one or more competent persons with the skills, knowledge and experience to recognise hazards and to assist with putting into place effective measures to protect workers and others from harm.

When assessing and managing risk, businesses should take account of relevant guidance. To help businesses comply with the law, HSE provides general guidance on health and safety such as HSE's health and safety basics for your business (<https://www.hse.gov.uk/simple-health-safety/index.htm>) as well as targeted guidance for higher-risk industries and activities. HSE does not seek to provide guidance for all industries and activities as it is often the case that others are more knowledgeable or better placed to provide such guidance.

The risks associated with open water swimming are well known and relevant guidance is available from multiple authoritative sources such as the Amateur Swimming Association (ASA) and British Swimming ([The management of open water swimming events.pdf](#)), the National Water Safety Forum (<https://www.nationalwatersafety.org.uk/adviceresources/open-water-swimming>) and British Triathlon ([Microsoft Word - British Triathlon Open Water Swimming Safety Guidelines 08.doc](#)). In addition, guidance is available from some local authorities such as that provided by Wigan Council ([Open Water Safety Guidance](#)).

The Adventure Activities Licensing Regulations 2004 have a very specific purpose and were never intended to apply to all adventure activities or adult adventure activities. The Adventure Activities Licensing Authority (AALA) licence is aimed at those who provide tuition in specified adventure activities to children, and therefore it was not relevant to a swimming event for adults.

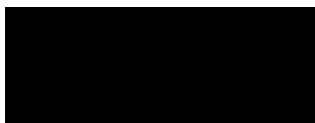
It is HSE's view that the regulatory provisions in place requiring those organising open water swimming events for the public to manage risks, together with the guidance available from multiple sources on the main risks involved, provide a suitable basis for businesses to provide activities safely and for regulators to take action where required. Consequently, HSE will not be publishing specific guidance at this time for open water swimming events for the public.

HSE will continue to support and liaise with our regulatory partners in local authorities who are predominantly responsible for the enforcement of work related health and safety legislation in this area.

To increase awareness among local authority enforcement officers I have asked that this matter is raised at the national Local Authority Health and Safety Practitioner Forum (<https://www.hse.gov.uk/lau/national-committees.htm>).

I hope that the above information addresses the matters raised.

Yours sincerely

A black rectangular box used to redact the signature of the Chief Executive.

Chief Executive