

Commercial pools: a look at the law

Leisure facility managers need to keep abreast of a wide range of legislation relating to their workplace. Jim Gordon, a specialist in swimming pool construction and a member of the SPATA technical committee, takes a whistle-stop tour of the more relevant laws relating to commercial pools.

Managers can keep updated on legislation both by being well read themselves and by tapping into the wide range of colleagues with expertise in their local authority, trust or other relevant company. There are a number of professional organisations active in the wet leisure sector that may be able to help. This list is not exhaustive but try the Amateur Swimming Association (ASA), the Association for Physical Education (AFPE), the British Swimming Coaches Association (BSCA), the English Schools' Swimming Association (ESSA), the Institute for Sport, Parks and Leisure (ISPAL), who are soon to merge with the Institute of Sport and Recreation Management (ISRM), the Pool Water Treatment Advisory Group (PWTAG), the Royal Life Saving Society (RLSS), the Royal Society for the Prevention of Accidents (RoSPA), the home nation sports councils, the Swimming Teachers Association and, of course the Swimming Pool and Allied Trades Association (SPATA).

For the leisure operator, historically, one of the main sources of knowledge has been the Managing Health and Safety in Swimming Pools publication, often referred to as HSG 179 which provides invaluable information. Its aim is to "provide guidance on the risks associated with swimming pool operation and the precautions which may be taken to achieve a safer environment for people who use swimming pools and employees who work at them" but while HSG 179 is a very important document it now shares centre stage with some European legislation on the safety requirements for the design of swimming pools (BS EN 15288-1:2008) and the safety requirements for the operation of swimming pools (BS EN 15288-2:2008). There is also useful information about safety requirements for swimming pool equipment in the 11 parts of (BS EN 13451:2001).

Pools come in a massive range of types from water parks with thousands of visitors per day, through community pools, to pools in hotels and guest houses. Such a wide range entails a gradation of the safety requirements, taking into consideration the specific level of hazard. The BS EN 15288:2008 standard classifies pools into three types: Type 1, where the water-related activities are the main business (such as communal pools, leisure pools, water parks and aqua parks) whose use is "public"; Type 2 where the pool is an additional service to the main business (as in hotels, campsites, clubs and therapy centres) and whose use is "public"; and Type 3 which are every other kind of pool except those in private use.

It should also be considered that in Type 1 pools, the user expects poolside supervision, while in other types, they may not. Based on regular risk assessment, the operators of swimming pools should take reasonable measures to ensure the safety of users taking into consideration the risks as well as the restrictions imposed by technical and commercial factors. Pool operators should also consider BS EN 15288, a European Standard which includes requirements, recommendations and notes, when carrying out risk assessments. While compliance with requirements is mandatory the recommendations indicate best practice and the notes give additional information and explanations.

Having carried out a general risk assessment operators can decide how to deploy and train pool supervisory, technical and other staff if they are responsible for the safety of a group of users staff such as swimming teachers, how to structure the duties, duty spells, job rotation of those staff, how to choose and use personal protective equipment (PPE) in accordance with the relevant 89/686/EEC directive and how best to record incidents and accidents.

In the past standards for commercial swimming pool construction were covered

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by BS 8007:1987 which dealt with the design of concrete structures for retaining aqueous liquids. This has now been replaced by BS EN 1992-3:2006 Eurocode 2 – design of concrete structures – Part 3: liquid retaining and containment structures. However, for the inspection and testing of liquid retaining and containment structures, you need to refer to section 9 of BS 8007:1987 where it does not conflict with the requirements of BS EN 1992-3:2006 Eurocode 2, as stated in NA to BS EN 1992-3:2006, in accordance with Section NA4.

British Standards that impact on swimming pool operation are being produced at regular intervals and the latest one due out is BS 8580:2010 risk assessment for Legionella control. It will deal with risk assessments for the control of Legionella in water systems and provides independent risk assessors, regulators, facility managers and other duty holders with a guide describing the processes required to produce a Legionella risk assessment for artificial water systems.

Other important information on swimming pools can be gleaned from Building Regulations Part L in relation to swimming pool shell insulation and from other regulations, such as BS 7671:2008 which deal with requirements for electrical installations and make specific reference to section 701 on special installations or locations including swimming pools which have particular requirements.

The assiduous operator should also refer to the ISRM and SPATA both of which produce their own technical fact sheets on a number of topics, but only for their respective members. The ISRM provide guidance with titles such as: Health & Safety in Pools and the Corporate Manslaughter Act, an information note which explains that, although the chances of being prosecuted for manslaughter are slim, all people involved in the operation, management and lifeguarding of swimming pools could potentially be subject to criminal charges in the event of an accident. Similarly, SPATA has provided its members with details about the implications of Part L and is also currently in the process of providing guidelines to its members on the wide variety of commercial legislation that may impact its members while PWTAG produce the Swimming Pool Water Treatment and Quality Standards for Pools and Spas publication, which covers many subjects concerned with hygiene for swimming pools and spas.

The national sports development agency for England, Sport England, has produced design guidance notes for swimming pools which contains some excellent advice for anyone concerned with the design of commercial pools and they have also produced an audit checklist in order to make sure that nothing is omitted from the design process for commercial swimming pools. This will be extremely useful to architects and other professionals.

For leisure managers who run activities in their centres there are a number of helpful documents including BSi PAS 81:2008 which is a publicly available specification (PAS) produced by the British Standards Institution (BSi) that sets out the minimum requirements for the effective development, management and operation of UK swimming schools schemes and provision of swimming tuition. PAS 81 has been developed in partnership with key industry stakeholders, such as the STA with the primary aim to increase safety and disseminate best practice in the provision of swimming programmes in the interest of both the customer and the sector as a whole, by providing a blueprint for all organisations engaged in the operation of swimming programmes. It covers nine key areas: managing health & safety, pool safety operating procedures (PSOP), normal operating procedures (NOP), emergency action plan (EAP), documented systems and procedures, customer care, staffing and management development, service planning and site specific environmental protocols

There are wider issues facing the leisure industry, such as the government's Vetting and Barring Scheme (VBS). This is currently under review to identify whether it will continue in its current format. The government has announced the terms of reference for the review of the scheme and the process will allow time to consider afresh the fundamental principles and objectives of the VBS regime. The scheme needs to strike the right balance between protecting children and vulnerable adults while maintaining a sensible and proportionate approach to vetting people who work with them. The outcome of the review is expected early in the new year, and more information will be available on the Criminal Records Bureau website.

Lord Young's report on general health and safety has a variety of implications for our sector, including RIDDOR, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. These are part of the working life of many leisure operators and thankfully while incidents in any particular location should be small, there have been between 18,000 and 26,000 reports in each of

the last three years across all industries. Lord Young is recommending that RIDDOR should be amended so that businesses that record workplace accidents and send returns to a centralised body, should have additional time (up to seven days) before an injury or accident needs to be reported. He also recommends that the Health and Safety Executive should re-examine the operation of RIDDOR to determine whether this is the best approach to providing an accurate national picture of workplace accidents.

The reader should note that this information is not all inclusive and other standards and recommendations will need to be considered depending on the actual facility and project in question and any specifications that might be required in the overall design, or intent, of the project. Developing a greater understanding can only come with time, but also with collaborating with colleagues to make sure that you get up to speed more quickly with what is required and always bear in mind that the requirements are changing all the time!

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