



ROYAL
LIFE SAVING
SOCIETY UK

RLSS UK

Code of Practice

Organisational Standards,
Guidance Notes
and
Policy Statements

Guard Life Save Life

Code of Practice

Organisational Standards,
Guidance Notes and
Policy Statements

The Royal Life Saving Society UK



ROYAL
LIFE SAVING
SOCIETY UK

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NOTE

In this code the masculine shall include the feminine and vice versa.

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Foreword

All aspects of Lifesaving and Lifeguarding can and do have a powerful and positive influence on people; not only providing opportunities for enjoyment and achievement, but also developing valuable qualities such as confidence, self esteem, leadership and team work. These positive effects can only take place if Lifesaving is in the right hands and it is the duty of all those associated in leading activity whether it be as a Trainer, Assessor, Coach, Official Region, Branch or Club Officer or Volunteer to provide the correct environment.

The RLSS UK is committed to ensuring that everyone who participates in Lifesaving has a safe, positive and enriching experience. To achieve this, the Society is dedicated to developing and implementing policies and procedures which ensures everyone understands and accepts their responsibility in relation to their duty of care, behaviours and attitudes to others.

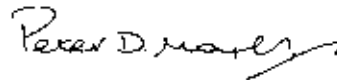
Anyone involved in conducting any activity on behalf of the Society should be clear that they are seen as representatives of the RLSS UK and they should ensure their conduct is of the highest standard and integrity.

Everyone involved in all aspects of the Society's work has the following basic rights:

- to be valued as a person
- to be treated with dignity and respect
- to have the right to participate in, and access quality and appropriate experiences within Lifesaving
- to be cared for and have their potential acknowledged
- to be kept safe
- to be treated equally and fairly regardless of their age, gender, race, cultural background, sexual orientation, disability, religion or political affiliation

All those involved in Lifesaving and Lifeguarding activity have a responsibility to ensure they are appropriately qualified for the task they are undertaking and should regularly seek ways of increasing their personal and professional development by accessing training and learning opportunities commensurate with their chosen areas of interest within Lifesaving.

RLSS UK is committed to maintaining the highest possible standards and behaviour and conduct in every aspect of it's work, programme and activities.



President
RLSS UK

RLSS UK Code of Practice

Organisational Standards, Guidance Notes and Policy Statements

1 Aims

1.1

This booklet sets out the principles and practices by which RLSS UK activities may be undertaken to ensure:

- common standards of training and assessing
- that activities promote the aims of the Society
- that activities project the Society as the leading authority on water safety and aquatic rescue in the UK

2 Objectives

2.1

To meet the aims of the Society, RLSS UK programmes and activities will:

- ensure that all agreed practices are implemented in lifesaving and lifeguarding activities
- encourage Trainers, and Assessors to maintain personal competences through participation in continuing professional development
- maintain high levels of performance through the application of quality assurance processes
- allow participants to achieve accreditation towards National Vocational Qualifications where appropriate
- be supported by comprehensive and verifiable training and assessment records for all courses and programmes
- be supported by a disciplinary procedure

Definitions:

- “The Society” means the Royal Life Saving Society UK.
- “The Member” means any person who undertakes activities for or on behalf of the Society or a UK branch.
- “The Code of Practice” means the Royal Life Saving Society UK Code of Practice, Organisational Standards and Guidance notes.
- “Course Director” means anyone coordinating the delivery of a course of study in Lifesaving or Lifeguarding.
- “Event Director” means anyone overseeing the delivery of an RLSS UK event.
- “Trainer” is used throughout these standards as a generic term that refers to anyone providing activity in the name of RLSS UK.
NB Activity is defined as, but not limited to; training, assessing, teaching, instructing and coaching.
- “IQL” is responsible for administering the Approved Training Centre Scheme for pools running the National Pool Lifeguard Qualification (NPLQ).

3 Training and assessing

3.1 Organising a course

3.1.1

The Society strives to ensure that its objectives in terms of high standards of consistent training and assessing are met whenever training courses take place, be they informal or structured and leading to independent or internal assessment of candidate competence.

3.1.2

The Society has identified a number of factors that, together, contribute to maintaining high standards of training and assessment, ensuring that candidates have the best possible opportunity to pass any end of course assessment.

3.1.3

When planning a course, Trainers will take account of and where appropriate, ensure the suitability of the following:

Facilities

classroom
pool or other aquatic requirements
changing rooms
waiting areas if required
hot refreshments for open water areas
protection against the weather for open water venues

Resources

syllabus
training supplementary texts if required
handbook
assessment criteria

Equipment

rescue devices
AV equipment
first aid materials where appropriate
manikins where appropriate

Staffing

class size
pupil:Trainer ratio
rescue requirements
personal membership
personal qualification
personal CPR updating

Risk Assessment

The Trainer has a duty to ensure that any activity delivered under the name of RLSS UK is risk assessed and an appropriate safety plan is maintained in operation.

3.1.4

Whenever a course is taking place, a named person or a person nominated by the organising group must be responsible for the conduct of the session and for ensuring

that training content and standards meet the criteria set by the Society for the course. The named Trainer is responsible, in consultation with each candidate, for assessing readiness for formal assessment.

3.1.5

To assist with this process, continuous candidate assessment is recommended with the Trainer keeping a written record of each candidate's progress through the course. As part of the Society's commitment to maintaining high standards, Trainers must make their training and assessment records available for review by an appointed RLSS UK representative and it is recommended that for lifesaving awards records are kept for the period of the validity of the award. For vocational qualifications records must be kept for seven years from the date of achievement.

3.2 Registering and notifying courses

3.2.1

Once arrangements to organise a training course have been made, you should refer to Appendix 1 to check the registration arrangements for the course. The most up-to-date registration arrangements are available from the Society's website, www.rlss.org.uk.

3.2.2

In all cases, where a course is to be notified locally or registered with RLSS UK Headquarters course details MUST be received at least 28 days in advance of the first session. If a registration fee is payable, this or an official order must accompany the registration form. Where later registration is made and course materials have to be sent to the course director, there may be an additional fee.

3.2.3

Registration fees and details about any additional charges are available from RLSS UK Headquarters and may be downloaded from the Society's website.

3.3 Promoting courses

3.3.1

Some courses may be arranged to be 'in-house' where all of the candidates come from one organisation or group and there is no need to promote the course. Equally, some courses may be open to anyone who can meet any necessary pre-requisites and may need to be publicised to maximize the potential for them to be fully subscribed. In either case, advertising courses is another way of promoting RLSS UK activities to a wider audience.

3.3.2

With sufficient notice, RLSS UK Headquarters can publicise courses to members through 'Lifesavers' magazine and across the UK via the Course Finder on the Society website.

In addition, it may be possible to circulate details through direct mailing to individual members, local authorities, leisure departments, libraries, schools, other voluntary and youth organisations. Many of these bodies have a means of circulating information, free of charge. Advertisements can be placed in local newsletters and newspapers, often at no cost and public venues such as swimming pool foyers and libraries are usually happy to promote the Society's training courses and programmes.

3.3.3

Where courses are advertised, the Course Director must take responsibility for ensuring that the details are factually correct and that sufficient information has been supplied to allow anyone interested to easily get more information and then pursue an application. NB: any prerequisite requirements must be clearly identified.

3.3.4

It is very important to understand that you the Course Director have a legal duty to ensure that the advertising is correct, most significantly when there is a course fee. When a candidate purchases goods and services by registering to attend a course, both the candidate and the Course Director are entering into a legally binding contract, which cannot be cancelled without both parties' agreement. Legal obligations are placed on both parties. When payment is exchanged a contract is made.

3.3.5

If claims are made about a product or service [in this case, a lifesaving or lifeguard course] before a contract is made [the point at which the person is accepted onto a course] which prove to be untrue and if the customer has based their decision to pay for a course as a result of the description, then they may have a genuine claim for misrepresentation. The same is true if the course does not meet the criteria that are described in promotional materials.

3.4 Using the Society's logo

3.4.1

The Society's logo and associated products are trademarked and protected by copyright. Their use must be approved by the Society prior to use by the Trainer, the Course Director or any other related organisation. An application form is available on the download section of the society website or by request from the Society's Headquarters.

3.5 Organisation of training

3.5.1

It is the responsibility of the Trainer to ensure that the course of study is complete and complies with Society guidance on minimum contact training hours for the award or qualifications being assessed.

3.5.2

Contact time for candidates must not exceed 8 hours each day, not including breaks and time for organisational arrangements such as changing, moving from pool to lecture room etc.

3.6 Assessment of candidates

3.6.1

There are three aspects to the assessment process that must be followed:

- the Trainer's request for Assessors
- the conduct of the assessment by an independent Assessor (where required)
- processing the assessment paperwork within an acceptable time frame

3.6.2

Requesting an assessment and Assessors

3.6.2.1

How a request for Assessors is made will depend on the type of qualification or award that is being delivered. In general, the Trainer will make direct contact with the Assessors concerned; details of appropriately qualified Assessors in the area may be obtained from the Society's Headquarters or Branch Lifesaving Co-ordinators.

3.6.2.2

A full list of the Society's qualifications, together with details of who may provide training and how assessment is organised, is included at Appendix 1 and the most up-to-date list is also published on the Society's website at www.rlss.org.uk

3.6.2.3

In making a request for an assessment, the Trainer will be required to make a statement to the effect that, at the point of assessment, all elements of the course will have been completed, that on-going evaluation of performance has been undertaken and that the candidates are, in the opinion of the Trainer, ready to be assessed. The Trainer must also ensure that any records and assessment papers are ready and available.

3.6.2.4

A Trainer may not use the same Assessor more than 3 times in succession without prior written permission from RLSS UK Headquarters. Unless otherwise stated in the specific award/qualification guidance.

3.6.3

Independent assessment

3.6.3.1

The majority of the Society's qualifications and some awards must be independently assessed. In agreeing to undertake an assessment, an Assessor will expect the following to be in place:

- Trainer or affiliate membership details
- training records
- candidate course evaluation records – compulsory for some qualifications
- assessment report forms for signature
- safety arrangements appropriate to the environment
- adequate and appropriate rescue equipment, manikins and other resources
- any financial remuneration to have been agreed at the time of booking the Assessor
- a Trainer Assessor Card of Authority where required

3.6.3.2

The Assessor must have a personal copy of the syllabus for the programme to be assessed and ensure that their Trainer Assessor membership details and registration card are up-to-date and available for inspection. The Society reserves the right to return assessment report forms from Trainers or Assessors who are not in up-to-date membership or who have not completed the required Trainer Assessor update, or who do not hold a current Life Support 3 or equivalent qualification.

3.6.3.3

Assessors must have preliminary discussions with the Trainer before the assessment to ascertain the format for the assessment and whether any special conditions may be applicable.

3.6.3.4

Trainers and Assessors should note that where independent assessment is required, the Assessor should have had no contact with the candidates during their training. In addition, an Assessor must not be related to the course Trainer or to any of the candidates. The following examples are an indication of the circumstances where an Assessor would not be deemed to be independent:

- The spouse, partner, child, brother or sister of the Trainer or candidate.
- A person who works at the same facility or club as the Trainer or candidate.

3.6.4

Assessment paperwork

3.6.4.1

The Trainer is responsible for ensuring that the assessment paperwork is ready for signature on completion of the assessment. The Trainer is also responsible for ensuring that completed and signed assessment reports are submitted for processing.

3.6.4.2

Where a candidate fails elements of an assessment, some awards permit the credit of successfully completed sections to a new assessment form. Where this is allowed, the transfer of detail onto the new assessment report form will only be accepted as valid where the original, signed assessment form is attached.

3.6.4.3

Where a credit is given for any part of an assessment, the validity of the credit will be stipulated in the award syllabus. Where a vocational qualification is being renewed, the final assessment must have been completed within the validity of the existing qualification.

3.6.4.4

Where completed assessment forms must be posted, it is good practice, to send them by Recorded Delivery. Report Forms should be submitted only when the candidates have completed all tests set out in the assessment syllabus. NB: some awards require a copy of the Assessor's mark sheet to be retained.

3.6.5

Assessment standards and organisation

3.6.5.1

Where there is a prerequisite to taking an RLSS UK award or qualification, the Assessor will ask for original evidence that this has been satisfactorily completed prior to the start of an assessment. Assessors are required to liaise with course Trainers well in advance of a planned assessment to allow time for candidates to complete appropriate pre-requisites or to gather relevant evidence.

3.6.5.2

Where there is an age pre-requisite for a qualification or award, the Assessor will confirm with the Trainer that all of the candidates have attained the minimum age specified for the award by the date on which the assessment commences or for lifeguard qualifications that all candidates attained the minimum age before the start of the training course.

3.6.5.3

For RLSS UK Pool lifeguard qualifications, Assessors are permitted to conduct no more than 2 assessments in any 12 hour period.

3.6.5.4

Assessors may conduct no more than 3 consecutive assessments of the same qualification for the same Trainer without written confirmation from the Society nationally, unless otherwise stated in the specific award/qualification guidance.

3.6.5.5

When agreeing the arrangements for the assessment, the Assessor will agree the number of candidates to be assessed.

THE DEFINITION OF A SINGLE ASSESSMENT IS DETERMINED AS THE MAXIMUM NUMBER OF CANDIDATES THAT AN ASSESSOR IS PERMITTED TO ASSESS AS STATED IN THE GUIDELINES FOR EACH AWARD/QUALIFICATION. (APPENDIX 1 FOR FURTHER INFORMATION).

3.6.5.6

If unable, after appointment, to undertake an assessment, it is the Assessor's responsibility to notify the person who made the booking so that alternative arrangements can be made.

3.6.5.7

Assessments must be conducted strictly in accordance with the current award conditions. In advance of the assessment, the Assessor should discuss all procedures, distances, pool and open water depths with the Trainer. The ratio of candidates to Assessors must not exceed the maximum number specified in the syllabus; this is summarised at Appendix 1.

3.6.5.8

In the case of assessments for all open water awards and qualifications, it may be necessary to re-arrange the order of the syllabus to address the implications of tidal waters, changing weather conditions or for reasons of general safety.

3.6.5.9

Under normal circumstances, all parts of an assessment must be completed at one time unless split assessments are permitted and stated in the award or qualification conditions.

3.6.5.10

The Trainer is responsible for providing the appropriate resuscitation and equipment resources for an assessment. Where training resources are limited, Trainers may liaise with the Assessor regarding the provision of additional equipment. In such cases, candidates must be given time prior to the start of an assessment to familiarise themselves with any new equipment.

3.6.6

Carrying out the assessment

3.6.6.1

The conditions for each test, section or part should be clearly read to all of the candidates who, individually, must acknowledge that they understand the instructions prior to commencement. If there is confusion of any kind the test conditions will be read again.

3.6.6.2

The Assessor must follow the syllabus and test conditions as they are written.

3.6.6.3

Assessments should be conducted in English. Where an oral assessment is required, the Assessor will only ask questions on the syllabus of knowledge and skills appropriate to the award or qualification as contained in the current edition of the relevant Society handbook.

3.6.6.4

Candidates are not permitted to refer to any publication or memory aid during assessment.

3.7

Health and Safety

3.7.1

High standards of health, safety and hygiene must be maintained during all training and assessing activities and be conducted in accordance with current schedules and syllabuses. If the syllabus does not refer specifically to the responsibility for safety, during training sessions the Trainer will be responsible for ensuring that all aspects of the class safety are maintained. During assessments the Assessor has responsibility for safety.

3.7.2

At each training or assessment venue, adequate and appropriate supervision and safety provision will be provided in accordance with the Pool Safety or Beach Safety Operating Procedures. The precise nature of safety arrangements will be determined by a risk assessment.

3.7.3

A first aid kit and qualified First Aider must be available for all sessions throughout any course or assessment. This may also be necessary for pool and beach lifeguard courses in accordance with the Pool or Beach Safety Operating Procedures at the training or assessment centre and may be over and above lifeguard provision. Trainers and Assessors must confirm the arrangements prior to the start of a course or assessment. Acceptable first aid qualifications will be determined by a risk assessment relating to the award being trained and the candidate and casualty group.

3.7.4

Rescue and resuscitation resources and equipment

3.7.4.1

For Open Water courses an RLSS UK Registered Lifeguard Club or other appropriately qualified unit must be in attendance throughout the open water sessions. Consideration should be given to providing at least one paddle or powered rescue craft for the duration of the in-water element of all training and the assessment. Regular inspections and up-to-date records of all equipment should be maintained and made available for inspection as required.

3.7.4.2

For pool based courses, poolside rescue equipment in accordance with the Pool Safety Operating Procedures for the pool must be provided. Equipment that is used as part of the training course MAY be suitable but must not be the primary source of rescue devices.

3.7.4.3

Assessors must be satisfied that all manikins used during an assessment have been maintained in full working order and that they have been subjected to regular and thorough cleaning and disinfection. Where an Assessor can show that a manikin has not been properly maintained, the equipment shall be taken out of use.

3.7.4.4

Only manikins that meet RLSS UK guidelines may be used for training and assessment. The Society produces guidance on choosing suitable manikins. (see Guidance Note 2). NB. For the latest guidance check the Society's website for downloads.

3.7.5

Providing casualties; lifting and moving casualties

3.7.5.1

When arranging an assessment, the responsibility for the provision of casualties rests with the Trainer. Candidate and casualty should be similar size, weight and gender for all tests, with the possible exception of the initiative test or incident.

3.7.5.2

Casualties must be briefed by the Assessor on any action required during the test, prior to its commencement. Assessors must apply understanding when pairing candidates and casualties whilst undertaking rescue, resuscitation and first aid skills.

3.7.5.3

An Assessor must be satisfied that a candidate is competent in all aspects of the skills and knowledge required in any award or qualification syllabus. Casualties must not assist a candidate in any way other than by complying with instructions. Collusion is not to be confused with communication between candidate and casualty for carrying out a rescue.

3.7.5.4

The casualty is not usually permitted to give the candidate any assistance beyond carrying out instructions given verbally by the candidate. During swimming and towing rescues, including timed tests, any assistance by the casualty such as kicking their legs thereby potentially making the candidate's physical test easier is not permitted. Collusion between a candidate and casualty may result in the failure of the candidate. Nothing must be done by the casualty to aid propulsion in any way.

3.7.5.5

The Society does not support the use, during either training or assessment, of single person, unassisted lifting.

3.7.5.6

When lifting a casualty an assisted lift involving two or more trained people, shall always be demonstrated. Where an unassisted lift may be the only possible option such as may be the case when a candidate is demonstrating initiative during a rescue, this technique shall either be described or simulated without actually lifting the casualty. Assessors MUST read out the following safety warning prior to the commencement of the assessment:

"The Society does not support the use of single person, unassisted lifting during training or assessment. You must

recognize that any casualty lifting or moving carries with it an element of risk to you as the rescuer."

3.7.6

Diving

3.7.6.1

Lifesaving and lifeguarding awards specify "enter the water" rather than "dive into the water" to enable candidates to use a safe and appropriate method of entry.

3.7.6.2

Entering the water with a dive should only be permitted into water with a minimum depth of 1.5 metres and with a forward clearance of 7.6 metres. Entry should only be from a standing start. Where diving is restricted or prohibited at a training or assessment venue, notices at the venue must be complied with. This includes diving entries for lifeguards who must also abide by the regulations in force at their pool.

3.7.6.3

Inexperienced divers are at greater risk when learning to dive. If diving is taught it must conform to the rules in force at the venue. It is recommended that when diving skills are being taught in this situation, there must be a minimum water depth of 1.8 metres. For both lifesaving and lifeguard training, only shallow dives, as identified in the relevant training manuals, must be taught.

3.7.6.4

Trainers, Assessors and candidates must also be aware of the dangers of diving headfirst and jumping feet first into shallow water. The definitive safety guidance is published by ISRM and is entitled 'Diving and Jumping in Swimming Pools and Open Water Areas'.

3.7.6.5

Ear damage may result from diving to depths greater than 1.5 metres. All candidates must be warned of this prior to training by Trainers and prior to assessments by Assessors. The following statement must be read to all candidates:

"You need to be aware that there may be a risk of damage to your hearing by diving to depths greater than 1.5 metres. All dives are undertaken at your own risk".

3.7.6.6

Any candidate with a history of ear trouble should not be permitted to dive without previously consulting a medical practitioner.

3.7.6.7

If the minimum depth of water available is greater than the maximum depth laid down in the test conditions, the Assessor will check that the candidate can execute a surface dive and swim down to the depth specified in the test conditions.

3.7.7 Spectacles, goggles and contact lenses

3.7.7.1

To avoid injury to either a candidate or a casualty, the wearing of spectacles in the water by the candidate or his or her casualty is not permitted. The care of spectacles is the responsibility of the wearer at all times.

3.7.7.2

Spectacles may be worn during theory tests and to view practical tests. They may be passed to another person for safe keeping before entering the water. Spectacles should NOT be passed to the Assessor at any time.

3.7.7.3

Contact lenses may be worn for training and assessment at the discretion of the candidate. The Society recommends that candidates seek advice from their doctor or optician as to the suitability of any corrective eyewear.

3.7.7.4

Where a candidate elects to wear swimming goggles, these should comply with the British Standard specification for surface swimming goggles BS5883-1996. Swimming goggles, including those with ophthalmic prescription lenses, may be worn by candidates and casualties for most water based training and assessment sessions at the wearer's own risk, in accordance with the relevant assessment syllabus.

3.7.7.5

Goggles may be worn by candidates during both training and assessment for Lifesaving awards. The role of the Lifeguard however requires the ability to respond immediately to an emergency in the water. Candidates may wear goggles during training sessions if they wish, but the assessment must be conducted without candidates wearing goggles for the aquatic tests.

3.7.7.6

Trainers are responsible for ensuring that participants in their charge are aware of the relative risks associated with the wearing of goggles to include how to put them on and remove them.

3.7.7.7

The Society's members' personal accident insurance which covers individual and youth members for any injury sustained through using goggles does not cover members for an eye infection caused by contact with water.

3.7.7.8

For safety reasons jewellery, including body piercings and other than a plain band-style ring, should not be worn for any aspect of in-water training or assessment or where casualty handling may present a risk of injury. The removal and safe keeping of any jewellery is the responsibility of the wearer.

3.7.7.9

Wearing a wristwatch may be considered to be important for lifeguards when on duty. During the training and assessment of contact rescues, wristwatches present a small but significant injury hazard; candidates and casualties should not be permitted to wear a wristwatch during training and assessment.

4 Human resources

It is often said of organisations that people are their most valuable resource. This section looks at the roles and responsibilities of participants in RLSS UK activities and the procedures to be followed if something goes wrong.

4.1 Roles and Responsibilities

TITLE	ROLE	RESPONSIBILITIES
Individual member	Promote the aims of the Society	To support good practice in water safety education, rescue and resuscitation training through participation and/or promotion.
Assistant Instructor [Lifesaving]	Teach lifesaving, water safety and CPR to participants of all ages, levels and abilities under the supervision of a qualified RLSS UK Trainer	To focus on basic life support, basic lifesaving and water safety skills and knowledge; to assist with the development of performer knowledge and skills within a club or other group; to maintain personal skills, knowledge and competencies in all relevant disciplines.
Instructor (Rookie, Save a Baby's Life etc)	Teach, train and assess competence in all aspects of the designated programmes remit	To focus on basic life support, basic lifesaving and water safety skills and knowledge; to assist with the development of performer knowledge and skills within a club or other group; to maintain personal skills, knowledge and competencies in all relevant disciplines.
Trainer Assessor [all disciplines]	Teach, train and assess competence in all aspects of lifesaving or lifeguard skills and knowledge according to training.	To provide training for candidates in all aspects of the syllabus of skills for which a course has been organised; to assess skills and knowledge in accordance with the syllabus for which a course has been organised; to organise training courses and candidate assessment in accordance with the relevant syllabus; to maintain personal skills, knowledge and competencies in all relevant disciplines.
Mentor (all disciplines)	To provide advice and personal development support to anyone training or assessing lifesaving or lifeguarding skills and knowledge	To provide probationary Trainer Assessors with development support in order that they may become fully qualified; to provide guidance to Trainer Assessors on the development of their training and assessing skills; to ensure that standards of training and assessment remain consistent and in accordance with the practices, policies and procedures laid down by RLSS UK; to maintain competency in personal skills and knowledge in all relevant disciplines through participation in a continuing professional development programme.
Staff National Trainer Assessor (S)NTA / National Trainer Assessor (NTA)	To take the leading role in the development of RLSS UK training and assessing education programmes	To organise and direct foundation and specialist Trainer Assessor courses; to organise and direct training courses in accordance with the needs of the Society nationally and locally; to monitor and report on standards of training and assessing; to be a local knowledge and skills base for enquiries from Trainer Assessors; to assist in the implementation the Society's continuing professional development programme.

Table 1: Roles and Responsibilities

Trainers, Assessors, Mentors and (S)NTAs are required to maintain their competency in all relevant skill and knowledge areas through the participation in a Continuing Professional Development Programme.

4.2 Dealing with complaints

4.2.1

The Society has a Complaints Procedure relating to all RLSS UK activity and the conduct of members in relation to their role in promoting the aims and objectives of the Society. Whilst the majority of training courses, at all levels, are completed without difficulty, occasionally something will go wrong resulting in a candidate, Trainer or Assessor feeling aggrieved. It is for this reason that a Complaints Procedure is necessary and it encompasses the following areas:

- what to do if something goes wrong on a course
- what to do if you feel that the conduct of a Trainer or an Assessor is inappropriate
- what to do if you are not satisfied with the outcome

4.3 Activities that may warrant making a formal complaint

4.3.1

A candidate can complain about the conduct of a course if they believe that the course is not meeting its aims or the content is not complying with the syllabus. Depending on the type of course, they may have to act quickly and their first approach should be to the Trainer to try and resolve any difficulties. If the problem cannot be resolved the Trainer must advise them to take their complaint further; do not try and judge them as it may simply need a third person to clarify an issue and provide a solution.

4.3.2

For lifesaving courses, a candidate's approach should be to the local RLSS UK Branch Lifesaving Co-ordinator. For pool lifeguard courses, it should be to the Approved Training Centre Co-ordinator who has the day-to-day responsibility for ensuring that the Society's criteria are being met. For all other awards and qualifications if you do not have, or do not know the appropriate contact, you can advise the candidate that they can get the information from the RLSS UK Headquarters.

4.3.3

A candidate cannot complain about the outcome of an assessment, irrespective of the result but may have grounds for a complaint if they feel that the assessment has not been conducted in accordance with the Society's assessment criteria for that award or qualification. For lifesaving courses, the complaint should be made to the RLSS UK Branch Lifesaving Co-ordinator. For pool lifeguard qualifications, the complaint again should be made to the Approved Training Centre Co-ordinator. For all other awards and qualifications the complaint should be sent to RLSS UK Headquarters.

4.3.4

All complaints about the conduct of a member must be referred to RLSS UK Headquarters.

4.4 What happens next?

4.4.1

The local branch, ATC or Society will acknowledge the complaint and endeavour to respond to it within 10 working days.

4.4.2

If the branch, ATC or Society cannot give a complete answer they will tell the complainant what they are doing to investigate the complaint and how long they expect it to take.

4.5 Still not satisfied with the outcome?

4.5.1

If the complainant is still not satisfied with the outcome, they should write to the Chief Executive, RLSS UK, River House, High Street, Broom, Warwickshire, B50 4HN explaining why they are unsatisfied with the outcome. The complainant will receive a written response within 10 working days.

4.6 Taking disciplinary action

4.6.1

Very occasionally and invariably as a result of the investigation into a complaint, formal action against an individual becomes necessary. The Society has a formal disciplinary procedure that will be issued to any member who as a result of a complaint is subject to the disciplinary process.

4.7 Appointment as an Officer of the Society or an RLSS UK Branch

4.7.1

A Member shall only be permitted to carry out the activities of offices held by him for as long as he remains in fully paid up membership of the Society. In addition to the annual subscription, each member must remain updated and current for the office held as determined and required by the Society.

4.7.2

The Member, as a condition of his appointment to and continuation in office, agrees to be bound by the terms of this Code of Practice, the Memorandum of Articles and such further rules, directions and procedures as may from time to time be issued by or on behalf of the Society.

4.7.3

The Member is required to notify the Society forthwith and in writing of any criminal conviction or bankruptcy order made against him or composition with creditors made by him. Pursuant to The Rehabilitation of Offenders Act 1976 (Exceptions) Order 1975 as amended by the Rehabilitation

of Offenders Act 1974 (Exceptions) (Amendment) Order 1986 the Member is required to notify all convictions including 'spent' convictions.

4.7.4

Upon receiving notification from the Society that the member is no longer permitted to carry out the activities of the particular office held by him the Member shall immediately return to the Society any books, records, forms, equipment, money, document or other goods which are the property of the Society in a complete and undamaged condition.

4.7.5

The Member will be covered by the Society's public liability insurance policy and will be subject to the rules of the insurance scheme provided that the membership of the Society is current. A copy of the insurance details can be obtained from the Society's Headquarters. Members are under an obligation not to do anything to put the Society in breach of its obligations under the Society's insurance policy.

4.7.6

To the extent that the Member is not covered under the insurance policy, the Member shall at all times indemnify and keep indemnified the Society against all actions, claims, demands or proceedings which may arise as a result of the Member's activities.

Statement of Physical Competence

4.7.7

Prior to commencing any course or activity, Trainers for all awards and courses should be able to make the following declaration:

"I understand that in law I have a 'duty of care' to others, and this duty of care is enhanced with regard to my responsibility to those whom I teach because of the training and qualification I have. If I am unable to ensure the safety of the course members in my charge I will ensure that someone is always available who is suitably qualified and experienced to ensure such safety."

4.7.8

Declaration of a disability does not necessarily prevent a person from holding a Trainer qualification or running an RLSS UK course.

5 Financial Management

Sound financial management of every training course is essential for the continued success of any organisation or group. As a course director, it is essential to have a clear understanding of your financial roles and responsibilities.

5.1

An element of every Trainer Assessor's training incorporates the principles of managing the finances associated with a course and these include:

- the importance of having appropriate and independent bank or building society accounts for training and assessing purposes
- budgeting for courses and setting course fees to sensibly reflect costs
- paying for facilities, resources and where appropriate, postage
- organising the payment of registration, application and assessment fees
- managing invoices, receipts and payments by cheque
- ensuring appropriate audit accountability for any credit card payments
- employing national charges and fees for courses and expenses
- the organisation and presentation of financial records to include closing accounts at the end of a course
- confirming in writing and in advance any and all payments
- being in good financial standing with the Society and with no outstanding payments owing

5.2

The Society is committed to ensuring that all courses, training sessions, seminars, events and assessments organised as part of the promotion of its work comply with these standards and the related procedures.

5.3

When planning courses, Course Directors must set a budget for the course that reflects the administrative and resource costs for the unit or subject set by the Society nationally and also includes:

- hire of facilities
- hire of equipment
- insurance costs over and above those included in personal or group membership
- administrative costs due to RLSS UK
- training fees and expenses
- subsistence costs (food and drink)
- postage, printing and stationery
- handouts and other materials
- any other expenses
- assessment fees and expenses

5.5

To enable appropriate budgetary control, Course Directors should ensure that costs associated with the hire of facilities and any equipment are identified well in advance of the course and that cancellation dates are identified.

5.6

It is important that Course Directors know by an agreed date whether the planned course is viable to ensure no loss of deposits or other returnable payments in the event of the cancellation of the course. Where bookings involve non-returnable, advance payments, the implications for the course director must be clearly identified.

5.7

Course Directors should expect candidates to submit the full training fee with their application. In the case of Trainer Assessor courses and seminars, the Society sets the fee for resources, administration and follow up support and Course Directors must ensure that course fees reflect this or that additional funding is confirmed to cover the full organisational costs.

5.8

Course Directors must advertise a clear policy on the repayment of fees should the course be subject to cancellation.

6 Insurance

6.1

RLSS UK membership includes a range of insurance benefits (including civil liability and personal accident for RLSS UK related activities). RLSS UK members are issued with full details of insurance cover on joining (clarifying situations covered and levels of cover). Further details are available from the Society's Headquarters.

6.2

For some activities and events, it may be necessary to provide additional independent insurance cover to meet local 'hire' requirements. In such cases, the cost of this must be met by the Course or Event Director.

7 Safeguarding Children and Vulnerable Adults

The Society places the welfare of children and vulnerable adults involved in its programmes as being of equal importance as health and safety.

7.1

It is the policy of the Society to safeguard the welfare of children and others/vulnerable adults involved in its activities by protecting them from physical, sexual and emotional harm. In pursuance of this policy, all Branches, Clubs and Trainer Assessors are issued with a copy of the Society's safeguarding policy and procedures.

7.2

The RLSS UK safeguarding policy contains guidance on the recruitment and induction of adults working with children and vulnerable adults and deals with abuse and the action to take if abuse is suspected. It is essential that everyone involved in training and assessing activities is familiar with these guidelines and has a copy of the policy.

8 Equality and Diversity

8.1

The Royal Life Saving Society UK is committed to the principal of making Lifesaving and lifeguarding accessible and open to everyone who wants to be involved in our activities. RLSS UK will achieve this by upholding the principles of equal opportunities in every aspect of the work we do.

8.2

RLSS UK supports the development and implementation of practices that do not discriminate, either directly or indirectly. It is our policy to treat everyone fairly and consistently. RLSS UK will audit and monitor all aspects of our business activity and take appropriate steps if it appears that our policy is not fully effective.

8.3

It is the responsibility of everyone in RLSS UK that the Equality and Diversity Policy is understood and carried out. Everyone in RLSS UK has a personal responsibility for the implementation of the policy (see Policy Statement 1, page 19)

8.4

Participation in RLSS UK Education and Training programmes is open to anyone provided that they are able to meet any prerequisite requirements for participation at a particular level. Candidates for assessment are judged solely on their performance and abilities at the time of their assessment.

8.5 Managing special needs

8.5.1

RLSS UK takes great care to ensure the standardisation of all assessments.

8.5.2

Should any candidate require special assessment arrangements due to a disability or other special needs, approval for arrangements must be sought before the assessment takes place.

8.5.3

For Lifesaving courses approval must be sought from Society Headquarters and a minimum notice of 15 working days is required prior to the planned assessment date. Adequate notice is required to verify where and only if appropriate, special arrangements can be made.

8.5.4

For the delivery of vocational qualifications, IQL has a separate policy on Equal Opportunities that can be downloaded from www.rlss.org.uk. Please note that IQL has this separate Equal Opportunities policy to satisfy the additional requirements of the Qualifications Curriculum and Development Agency.

8.6 Complaints

8.6.1

In cases where a participant in an assessment programme feels that there has been discrimination against them, a complaint may be lodged. Complaints may be made over the conduct, but not the result, of an assessment and must be lodged within 28 days of the completed assessment.

8.6.2

All complaints appertaining to equality of opportunity will follow the procedures set out in sections 4.2-4.5 of this document.

RLSS UK AWARDS AND QUALIFICATIONS INFORMATION AND GUIDANCE

Vocational Qualifications

Award	Pre-course Registration required	Prerequisites	Teacher	Assessor	Independent Assessor required	No. of Candidates Teaching/Assessing	Syllabus/ Reference Material
Automated External Defibrillation (AED)	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 16 	<ul style="list-style-type: none"> Trainer Assessor with AED Trainer Endorsement 	<ul style="list-style-type: none"> Trainer Assessor with AED Trainer Endorsement 	x	6	<ul style="list-style-type: none"> Automated External Defibrillation (AED) Candidate Manual
Emergency Response – Activity Supervisor	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 16 Swim 50m continuously on front and back Open water experience 	<ul style="list-style-type: none"> Trainer Assessor with Open Water Endorsement 	<ul style="list-style-type: none"> Trainer Assessor with Open Water Endorsement 	✓	12	<ul style="list-style-type: none"> Emergency Response – Activity Supervisor Candidate Manual
Emergency Response – Open Water ATTENDANCE	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 16 	<ul style="list-style-type: none"> Trainer Assessor with Open Water Endorsement 	<ul style="list-style-type: none"> Trainer Assessor with Open Water Endorsement 	x	12	<ul style="list-style-type: none"> Emergency Response – Open Water Candidate Manual
Emergency Response – Open Water	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 16 	<ul style="list-style-type: none"> Trainer Assessor with Open Water Endorsement 	<ul style="list-style-type: none"> Trainer Assessor with Open Water Endorsement 	✓	12	<ul style="list-style-type: none"> Emergency Response – Open Water Candidate Manual
Emergency Response – Swimming Pool	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 16 Swim 20m continuously on front and back Surface dive to at least 1.5m Climb out of pool unaided 	<ul style="list-style-type: none"> Pool Trainer Assessor with ER – Pool Trainer Endorsement 	<ul style="list-style-type: none"> Pool Trainer Assessor with ER – Pool Trainer Endorsement 	x	12	<ul style="list-style-type: none"> Emergency Response – Swimming Pool Candidate Manual
National Beach Lifeguard Qualification (NBLQ)	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 16 Physically fit Swim 100m on front and 100m on back Swim 400m in under 8 min Good eyesight and hearing 	<ul style="list-style-type: none"> Beach Trainer Assessor 	<ul style="list-style-type: none"> Beach Trainer Assessor 	✓	12	<ul style="list-style-type: none"> Beach Lifeguard Life Support
National Pool Lifeguard Qualification (NPLQ) – without AED	x	<ul style="list-style-type: none"> Age: 16 (at assessment) Sufficiently fit Swim 100m on front Swim 100m on back Swim 50m in 1 min Surface dive to a depth of at least 1.5m Good eyesight and hearing See Red Stripe 	<ul style="list-style-type: none"> Pool Trainer Assessor 	<ul style="list-style-type: none"> Pool Trainer Assessor 	✓	12	<ul style="list-style-type: none"> The Lifeguard

RLSS UK AWARDS AND QUALIFICATIONS INFORMATION AND GUIDANCE

Vocational Qualifications (continued)

Award	Pre-course Registration required	Prerequisites	Teacher	Assessor	Independent Assessor required	No. of Candidates Teaching/Assessing	Syllabus/ Reference Material	
National Pool Lifeguard Qualification (NPLQ) – with AED	x	<ul style="list-style-type: none"> • Age: 16 (at assessment) • Sufficiently fit • Swim 100m on front • Swim 100m on back • Swim 50m in 1 min • Surface dive to a depth of at least 1.5m • Good eyesight and hearing • See Red Stripe 	<ul style="list-style-type: none"> • Pool Trainer Assessor with AED Trainer Endorsement 	<ul style="list-style-type: none"> • Pool Trainer Assessor 	✓	12	4	<ul style="list-style-type: none"> • The Lifeguard
National Pool Management Qualification (NPMQ)	Contact IQL	<ul style="list-style-type: none"> • Age: 18 • Pre-course online learning 	<ul style="list-style-type: none"> • RLSS UK Approved Trainer 	<ul style="list-style-type: none"> • RLSS UK Approved Trainer 	x	15	15	<ul style="list-style-type: none"> • NPMQ Candidate Study Programme
National Rescue Award for Supervisors of Swimmers with Disabilities	www.rlsscourses.org.uk	<ul style="list-style-type: none"> • Age: 16 • Swim 20m continuously on front and back • Surface dive to at least 1m • Climb out of pool unaided 	<ul style="list-style-type: none"> • Trainer Assessor with Disability Endorsement 	<ul style="list-style-type: none"> • Trainer Assessor with Disability Endorsement 	✓	12	4	<ul style="list-style-type: none"> • Syllabus
National Rescue Award for Swimming Teachers and Coaches (NRASTC)	www.rlsscourses.org.uk	<ul style="list-style-type: none"> • Age: 16 • Physically fit • Swim 20m on front and back • Surface dive to at least 1m • Climb out of pool unaided 	<ul style="list-style-type: none"> • Trainer Assessor with NRASTC Endorsement 	<ul style="list-style-type: none"> • Trainer Assessor with NRASTC Endorsement 	✓	12	4	<ul style="list-style-type: none"> • National Rescue Award for Swimming Teachers and Coaches Candidate Manual
National Water Safety Management Programme (NWSMP)	www.rlsscourses.org.uk	<ul style="list-style-type: none"> • Levels 1 and 2 • Age: 16 • Level 3 • Swim 100m on front and 100m on back • Surface dive and tread water for 2 mins 	<ul style="list-style-type: none"> • NWSMP Instructor 	<ul style="list-style-type: none"> • NWSMP Instructor 	x	12	4	<ul style="list-style-type: none"> • NWSMP Candidate Resources
Police Life-saving Certificate	www.rlsscourses.org.uk	<ul style="list-style-type: none"> • Serving Police Officer or Cadet 	<ul style="list-style-type: none"> • Trainer Assessor • Approved Police Trainer 	<ul style="list-style-type: none"> • Trainer Assessor 	x	12	4	<ul style="list-style-type: none"> • Survive & Save Programme Candidate Manual • Life Support Candidate Manual

RLSS UK AWARDS AND QUALIFICATIONS INFORMATION AND GUIDANCE Non-Vocational (Community) Awards

Award	Pre-course Registration required	Prerequisites	Teacher	Assessor	Independent Assessor required	No. of Candidates Teaching/Assessing	Syllabus/ Reference Material	
Assistant Beach Lifeguard	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 12 Physically fit Good eyesight and hearing 	Elements A and E <ul style="list-style-type: none"> Lifesaving Instructor or any Trainer Assessor with Open Water Endorsement 	Elements A and E <ul style="list-style-type: none"> Trainer Assessor with Open Water Endorsement 	✓	12	4	<ul style="list-style-type: none"> Beach Lifeguard
Community Outreach Programme (Community Life Support and Save a Baby's Life)	www.rlsscourses.org.uk	None	<ul style="list-style-type: none"> Community Instructors Lifesaving Instructors (and Tutors) Trainer Assessors (and higher) Rookie Lifeguard Instructors (who hold RLSS UK membership and Life Support 3) 	<ul style="list-style-type: none"> Community Instructors Lifesaving Instructors (and Tutors) Trainer Assessors (and higher) Rookie Lifeguard Instructors (who hold RLSS UK membership and Life Support 3) 	✗	20	20	<ul style="list-style-type: none"> Community Life Support Candidate Pack Save a Baby's Life Candidate Pack
Cricketer Coaches	✗	None	<ul style="list-style-type: none"> Approved Teacher 	<ul style="list-style-type: none"> Approved Teacher 	✗	12	12	<ul style="list-style-type: none"> Syllabus and information sheet
Life Support and Life Support 3	www.rlsscourses.org.uk	None	<ul style="list-style-type: none"> Approved Teacher 	<ul style="list-style-type: none"> Lifesaving Instructor (and higher) Trainer Assessor (and higher) 	✗	12	4	<ul style="list-style-type: none"> Life Support Candidate Manual
Rookie Lifeguard Programme	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Guidance age: 8-12 	<ul style="list-style-type: none"> Rookie Lifeguard Instructor 	<ul style="list-style-type: none"> Rookie Lifeguard Instructor 	✗	12	12	<ul style="list-style-type: none"> Rookie Lifeguard Progress Booklet Winter Smart Pack Water Smart Pack (all optional)
Survive & Save Programme	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 12+ Life Support (can be completed during the course) 	<ul style="list-style-type: none"> Lifesaving Instructor Open Water Endorsement required for Open Water awards 	<ul style="list-style-type: none"> Lifesaving Instructor Open Water Endorsement required for Open Water awards 	✗	12	12	<ul style="list-style-type: none"> Survive & Save Programme Candidate Manual
Young Leader	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 12+ 	<ul style="list-style-type: none"> Young Leader Tutor 	<ul style="list-style-type: none"> Young Leader Tutor 	✗	12	12	<ul style="list-style-type: none"> Young Leader Candidate pack

RLSS UK AWARDS AND QUALIFICATIONS INFORMATION AND GUIDANCE

Trainer Assessor, Instructor and Sport Qualifications

Award	Pre-course Registration required	Prerequisites	Teacher	Assessor	Independent Assessor required	No. of Candidates Teaching/Assessing	Syllabus/ Reference Material
AED TA	IQL registration form	<ul style="list-style-type: none"> Trainer Assessor 	<ul style="list-style-type: none"> RLSS UK Appointed National Trainer Assessor 	<ul style="list-style-type: none"> RLSS UK Appointed National Trainer Assessor 	x	8	<ul style="list-style-type: none"> The Lifeguard or AED Standalone Manual
Assistant Lifesaving Instructor	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 14 Life Support 3 (or equivalent*) RLSS UK Membership Experience of Lifesaving (or complete additional course element) 	<ul style="list-style-type: none"> Lifesaving Instructor Tutor 	<ul style="list-style-type: none"> Lifesaving Instructor Tutor 	x	6	<ul style="list-style-type: none"> Assistant Lifesaving Instructor Candidate Pack
Beach Lifeguard Trainer Assessor	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 18 Current NBLQ RLSS UK Membership Relevant Experience, approved by RLSS UK 	<ul style="list-style-type: none"> Beach National Trainer Assessor 	<ul style="list-style-type: none"> Beach Mentor or National Trainer Assessor 	✓	12	<ul style="list-style-type: none"> Trainer Assessor Units 1,2,3, (if they do not hold already) and Trainer Assessor Specialist Unit 6 Beach
Community Instructor	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 16 Life Support 3 (or equivalent*, can be achieved on course) 	<ul style="list-style-type: none"> Lifesaving Instructor Tutor 	<ul style="list-style-type: none"> Lifesaving Instructor Tutor 	x	12	<ul style="list-style-type: none"> Community Instructor Course Pack
Disability Endorsement	In development	In development	In development	In development	In development	12	In development
Lifesaving Instructor	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 17 (18 to work alone) Hold/have held Heritage Bronze medalion, Silver Level Survive & Save award, NRASTC, or higher (or complete additional training) Current Life Support 3 (or equivalent*) RLSS UK Membership (also see APL options for current teachers and TAs) 	<ul style="list-style-type: none"> Lifesaving Instructor Tutor 	<ul style="list-style-type: none"> Lifesaving Instructor Tutor 	x	12	<ul style="list-style-type: none"> Lifesaving Instructor Course Syllabus, Presentation and Candidate Packs

RLSS UK AWARDS AND QUALIFICATIONS INFORMATION AND GUIDANCE

Trainer Assessor, Instructor and Sport Qualifications (continued)

Award	Pre-course Registration required	Prerequisites	Teacher	Assessor	Independent Assessor required	No. of Candidates Teaching/Assessing	Syllabus/ Reference Material
National Water Safety Management Programme Instructor	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 18 Current NWSMP RLSS UK Membership Trainer Assessor (from an approved organisation) Relevant experience, approved by RLSS UK 	<ul style="list-style-type: none"> NWSMP Tutor 	<ul style="list-style-type: none"> NWSMP Tutor 	x	12 12	<ul style="list-style-type: none"> NWSMP Instructor Pack
Open Water Endorsement	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Trainer Assessor or Lifesaving Instructor Open water experience 	<ul style="list-style-type: none"> Trainer Assessor or Lifesaving Instructor Tutor with Open Water Endorsement 	<ul style="list-style-type: none"> Trainer Assessor or Lifesaving Instructor Tutor with Open Water Endorsement 	x	4 4	<ul style="list-style-type: none"> Open Water Workshop Tutor Pack
Pool Lifeguard Trainer Assessor	TA Form IG1	<ul style="list-style-type: none"> Age: 18 Current NPLQ RLSS UK Membership 	<ul style="list-style-type: none"> Pool National Trainer Assessor 	<ul style="list-style-type: none"> Pool Mentor or National Trainer Assessor 	x	12 12	<ul style="list-style-type: none"> Trainer Assessor Course Manual
Rookie Lifeguard Instructor	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 16 (Also see APL options for current teachers and TAs) 	<ul style="list-style-type: none"> Trainer Assessor or Lifesaving Instructor Tutor with Rookie Lifeguard Instructor 	<ul style="list-style-type: none"> Trainer Assessor or Lifesaving Instructor Tutor with Rookie Lifeguard Instructor 	x	12 12	<ul style="list-style-type: none"> Rookie Lifeguard Instructor Training Pack
Timekeeper	www.rlsscourses.org.uk	<ul style="list-style-type: none"> Age: 12 	<ul style="list-style-type: none"> Timekeeper Instructor 	<ul style="list-style-type: none"> Timekeeper Instructor 	x	12 12	<ul style="list-style-type: none"> Timekeeper Candidate Pack
Timekeeper Instructor	x	<ul style="list-style-type: none"> Rookie Lifeguard Instructor, Lifesaving Instructor or Trainer Assessor School Teacher Any Level 2 teacher/coach 	<ul style="list-style-type: none"> Distance Learning Pack (www.lifesaversdirect.co.uk) 	<ul style="list-style-type: none"> Distance Learning Pack (www.lifesaversdirect.co.uk) 	x	N/A N/A	<ul style="list-style-type: none"> Timekeeper Instructor Pack
Young Leader Tutor	x	<ul style="list-style-type: none"> Rookie Lifeguard Instructor, Lifesaving Instructor or Trainer Assessor School Teacher Any Level 2 teacher/coach 	<ul style="list-style-type: none"> Distance Learning Pack (www.lifesaversdirect.co.uk) 	<ul style="list-style-type: none"> Distance Learning Pack (www.lifesaversdirect.co.uk) 	x	N/A N/A	<ul style="list-style-type: none"> Young Leaders Tutor Pack

* Life Support 3 equivalent: NRASTC (with infant Life Support), NPLQ, NBLQ

POLICY STATEMENT 1

RLSS UK Equality and Diversity Policy

RLSS UK recognises the importance of, and is committed to, equality and diversity, equal opportunities and fair treatment to all involved and employed in lifesaving and lifeguarding.

RLSS UK aims to ensure that all people (irrespective of their age, gender, disability, ability, race, religion, ethnic origin, creed, colour, nationality, social status or sexual orientation) have a genuine and equal opportunity to participate in lifesaving and lifeguarding, at all levels and in all roles.

It is the aim of RLSS UK in its relationships with its members, associates, employees, job applicants and in the provision of its services, not to place any individual at a disadvantage by imposing any conditions or requirements which cannot be justified. Failure of an individual or organisation to comply with this policy may result in disciplinary action being taken.

Direct discrimination is defined as treating a person less favourably than others are, or would be, treated in the same or similar circumstances.

Indirect discrimination occurs when a requirement or condition is applied which, whether intentional or not, adversely affects a considerably larger proportion of people of one social group than another and cannot be justified.

We will take positive action to promote participation of under represented groups in lifesaving and lifeguarding.

Objectives

The RLSS UK Equality and Diversity Policy has the following objectives:

- to adopt a planned approach to eliminating barriers which discriminate against targeted groups;
- to ensure that no-one volunteering/working or wishing to volunteer/work for or on behalf of the Society receives less favourable treatment on the grounds outlined in the Policy;
- to give clear guidance to individuals working within RLSS UK, either employed or as volunteers, on the commitment to equality and diversity;
- to ensure that all those who participate in lifesaving and lifeguarding, at all levels and in all roles, receive fair and equitable treatment and deliver these principles on behalf of RLSS UK through everything we do;
- to ensure that the format and content of all competitions, regulations and assessments provide equality for all; and

- to ensure that all materials prepared, produced and distributed by or on behalf of RLSS UK promote a clear and positive image of the profile of all those who are a part of our activities.

Implementation

RLSS UK will seek to promote equality and diversity through:

- the monitoring of practices, procedures and data relating to the operation of courses, competitions, programmes, employment practice and resource materials;
- a regular review of existing policies, rules and regulations to ensure that they do not inhibit the participation of people from groups who may be excluded;
- increasing collaboration with partner organisations to ensure fair and consistent treatment of all members;
- the provision of relevant training for all employees and members of RLSS UK Committees and sub groups to raise awareness of both collective and individual responsibilities, to support their progress within RLSS UK and, where appropriate, provide specialised facilities, equipment and individual training; and
- make available the Equality and Diversity Policy to all employees, members, key volunteers, affiliated clubs and branches.

In the pursuance of this Policy, RLSS UK may take measures or positive action in favour of any group which is currently under-represented in its membership, representative bodies or its workforce. In taking this action, RLSS UK will comply with all current relevant legislation, which at the time of writing includes, but is not limited to:

- Equal Pay Act as amended 2003;
- Rehabilitation of Offenders Act 1974;
- Sex Discrimination Act 1975 as amended 2003;
- Race Relations Act 1976 as amended 2000, and Amendment Regulations 2003;
- Disability Discrimination Act 1995 as amended 2001, 2005;
- Prevention from Harassment Act 1997;
- Employment Act 2002;
- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2000;
- Employment Equality (Sexual Orientation) Regulations 2003;
- Employment Equality (Religion or Belief) Regulations 2003;
- Employment (Age) Regulations 2006;

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- The NHS Community Care Act 1990;
 - The Asylum and Immigration Act 1996;
 - The Human Rights Act 1998;
 - The Sex Discrimination (Gender Realignment) Regulations 1999;
 - The Gender Recognition Act 2004;
 - The Employment Equality (Sex Discrimination) Regulations 2005;
 - The Equality Act 2006; and
 - The Equality Act (Sexual Orientation) Regulation 2007.

From April 2010 the Equality Bill will come into force that will replace all existing discrimination legislation and the above listed Acts. RLSS UK will comply with all current and relevant legislation and this policy will be monitored and reviewed annually.

Monitoring

RLSS UK Management Board will be responsible for the monitoring of all Society activities to measure the effectiveness of this Policy.

Exemptions

RLSS UK reserves the right to limit competitions to persons of specific age, gender or disability groups where this is necessary to ensure equitable, safe and equal competition.

Responsibility

RLSS UK expects all those working and acting on behalf of the organisation to adhere to this Policy. In pursuance of this Policy RLSS UK reserves the right to discipline (in accordance with its procedures) any of its members or employees who practise any form of discrimination on the grounds of a person's age, gender, disability, ability, race, religion, ethnic origin, creed, colour, nationality, social status or sexual orientation.

POLICY STATEMENT 2

Policy on lapsed TA status

1 Membership

Where an RLSS UK TA has lapsed membership and wishes to reinstate their status, there is no requirement for collecting back dated membership fees unless the TA has been active in any RLSS activity requiring “current” status.

The lapsed member will receive 12 months membership from the time of re-affiliation.

2 Pre-requisites

Lapsed TAs must hold the required prerequisite qualification Life Support 3 or equivalent.

Following a lapse in membership of more than 12 months the TA is required to re-qualify with the prerequisite qualifications for attaining initial TA status.

If the TA has not been updated for a period of 12 months after the last designated TA update, applicants will be guided to re-train in any disciplines they wish to re-instate and this is wholly at their own cost. TAs may pursue a pathway via mentoring but this can only be activated by a payment of £100 direct to RLSS UK (to cover initial administration). TAs will then have to cover the cost of all Mentor expenses incurred through this process.

All TAs are subject to the current RLSS UK guidelines on Safeguarding Children, including criminal records screening.

3 CPD/Updates

Where a TA has missed a CPD/Training update during any period of lapsed membership, before the TA can be reinstated the TA is required to attend and/or complete the designated update process (at cost to the returning TA).

The Branch Management Committee, RLSS UK or IQL appointed representative (as appropriate) is required to verify that the TA has, following the update process, acquired the level of knowledge and understanding to be re-instated to full TA status. Normal probationary conditions apply during this period.

The cost of facilitating the mentoring of a TA lies with the TA concerned.

4 Training and Assessing when not in membership or updated as required

Where a TA with lapsed membership or who has failed to update has undertaken training or assessing activity the TA is deemed to be wholly responsible for the cost of any awards or qualifications that are re-assessed and processed on their behalf.

TAs undertaking training or assessing activity whilst not affiliated or without the minimum prerequisite standards will be subject to the current disciplinary and grievance procedure before reinstatement can be confirmed.

GUIDANCE NOTE 1

Asthma

Guidance for Trainer Assessors and Lifesaving Activity Organisers

What is it?

When a person with asthma comes into contact with something that irritates their airways (usually called an asthma trigger), the muscles around the walls of the airways contract so that the airways become narrower. At the same time, the lining of the airways becomes inflamed and starts to swell. Sometimes sticky mucus or phlegm builds up which can further narrow the airways.

As these reactions cause the airways to become narrower and irritated. Breathing then becomes more difficult and this leads to symptoms of asthma.

What do I need to know?

Make sure you know which participants have asthma. Swimming is generally a good form of exercise, especially for children and young people with asthma as the warm humid air in the pool is less likely to trigger symptoms. However, this is not the case for everyone and the by-products of some swimming pool disinfection systems can sometimes act as a trigger.

Cold water immersion can also act as a trigger. Where open water activities are being considered, ensure that any participant with asthma has been given consent by their GP before the activity. To minimise the effects of inhaling cold air, ensure that everyone is warmed up thoroughly and that those with asthma have used their inhalers beforehand if appropriate.

General safety advice

- If swimming makes a participant's asthma worse always ensure that they use their reliever inhaler immediately before they warm up.
- Always start your session with warm-up exercises.
- Before swimming, try to avoid the more common things that trigger asthma.
- Ensure that the participants always have their reliever inhaler with them by the side of the pool and that it is labeled with the owner's name.
- If they have asthma symptoms when they are swimming, ensure they stop, take their reliever inhaler, and wait five minutes (or until they feel better) before starting again.
- Always end your session with warm-down exercises.
- Ensure 'at-risk' participants, particularly children, have an 'asthma attack card' with them by the pool. This is especially important while swimming and is a reminder for the participant and those around them about what to do if they are experiencing severe asthma symptoms.

Adapted from advice given by Asthma UK (www.asthma.org.uk)

GUIDANCE NOTE 2

Choosing and maintaining manikins for Lifesaving and Lifeguard CPR Training

Guidance for Trainer Assessors and Lifesaving Activity Organisers

A wide range of manikins are available in the UK that will allow training and assessment of skill, knowledge and understanding of all aspects of CPR. The Society does not publish an 'Approved List'. However, a number of basic criteria need to be met in order for a manikin to be considered suitable.

What do I need to know?

The American Heart Association, at the conclusion of the 1992 Conference on Cardio Pulmonary Resuscitation and External Chest Compression, published basic criteria that have been adopted by the Society and remain contemporary.

Resuscitation manikins should meet the following basic criteria:

- have human like chest compliance
- be hygienic
- be able to demonstrate controlled opening of the airway
- be able to demonstrate rising of the chest
- be able to simulate human like exhalation

Where you are unsure as to the general suitability of a manikin, you should confirm with the manufacturer that all of the above can be met.

In addition and where child or infant CPR is to be taught, you should be aware that some manikins, whilst meeting all of the above, do not have a nasal orifice and you should ensure that candidates are able to satisfactorily demonstrate mouth-to-nose ventilation.

Manikins that are equipped with positive feedback devices may be used for both training and assessment.

Keeping manikins hygienic

In spite of on-going concerns relating to communicable infectious diseases, resuscitation manikins are in widespread use throughout the world and there has been no case documented of the spread of these types of infection through their use for rescue breathing training.

However, it must be presumed that some infections [viral, bacterial, fungal] may be spread through contact with manikins and some basic hygiene measures are necessary to minimise the likelihood of this occurring.

Always follow the manufacturer's guidelines on cleaning and maintenance. Below are some points deemed to be good practice.

- participants with colds or similar symptoms or who have sores or broken skin around the mouth should not share manikins with others during training;
- where manikins have a detachable face piece and/or single use lung, the Society recommends that one should be provided for each candidate;
- manikins with damaged facial areas should be discarded as infected matter is difficult to remove from the damaged areas;
- for all other manikins, cleaning using propriety disinfecting materials, should take place between each use by students;
- at the end of a training session and before storage, manikins should be cleaned in accordance with the manufacturer's requirements and all used materials should be disposed of hygienically.

GUIDANCE NOTE 3

Communicable Diseases and Rescue Breathing Guidance for Trainer Assessors and Lifesaving Activity Organisers

These guidelines are based on available evidence and authoritative medical opinion. As HIV continues to be the subject of considerable research worldwide, and as new information is continually emerging, the Society will monitor closely all developments, and issue further guidance and information as and when necessary.

- Other diseases, such as herpes simplex (cold sores) and TB, have, occasionally, been spread by person-to-person contact during resuscitation procedures.
- In order to avoid direct contact between rescuer and casualty, RLSS UK advocates the use of resuscitation barrier masks. It must be remembered that special skills are needed to use these devices safely and effectively; in any case, they do not guarantee protection from the interchange of secretions.
- There is no doubt that mouth-to-mouth rescue breathing is an effective and easy-to-learn form of ventilation. The technique has been responsible for saving countless numbers of lives in the past and it is important that it remains an essential part of the standard first aid treatment given to non-breathing casualties.
- Resuscitation training involving the use of manikins is not regarded as likely to lead to the acquisition of any diseases, provided that the manufacturer's recommended hygiene and cleaning procedures are followed.
- Direct person-to-person contact is not recommended during resuscitation training involving live simulated casualties. The Society's current resuscitation teaching is contained in "Life Support" which is obtainable from RLSS UK Branches or Lifesavers Direct (Lifesaversdirect.co.uk). Contact details are available from the Society's Headquarters.
- HIV is a serious, and frequently fatal, disease. It is transmitted through intimate sexual contact, by contaminated blood or blood products, or from mother to unborn child.
- There is no evidence HIV can be acquired through casual contact with a carrier or victim.

Whilst the virus of HIV has been isolated from saliva, there is no evidence that the disease can be transmitted by this route. No cases of HIV have been reported in the UK or elsewhere as a result of mouth-to-mouth, or mouth-to-

nose rescue breathing. This form of resuscitation does not, therefore, appear to carry any measurable risk of transmitting the disease.

- HIV can, however, be spread by contact with body fluids, particularly blood, as can other communicable diseases such as hepatitis. For this reason, lifeguards and lifesavers should avoid contact with blood, particularly if they have any breaks in their skin (i.e. cuts and grazes).
- The Health and Safety Executive has issued the following advice:

"Any exposed cuts and abrasions should be covered with a waterproof dressing before treating a casualty whether or not any infection is suspected."

"Whenever blood or other body fluids have to be mopped up, it is strongly recommended that disposable plastic gloves and an apron be worn and paper towels used. These items should then be placed in plastic bags and safely disposed of, preferably by burning."

"The HIV virus is killed by household bleach, and the area in which any spills have occurred should be disinfected by using one part of bleach diluted with ten parts of water. Caution should be exercised since bleach is corrosive and can be harmful to the skin."

"If direct contact with another person's blood or body fluid occurs, the area should be washed as soon as possible with ordinary soap and water. Clean, cold tap water should be used if the lips, mouth, tongue, eyes or broken skin are affected, and medical advice sought."

GUIDANCE NOTE 4

Diabetes

Guidance for Trainer Assessors and Lifesaving Activity Organisers

What is it?

Diabetes is a medical condition in which the body does not produce or properly use insulin. Insulin is a hormone that is needed to convert sugar, starches and other similar carbohydrates into energy needed for daily life. The cause of diabetes continues to be a mystery, although both genetic and environmental factors, such as obesity and lack of exercise, appear to play roles.

What do I need to know?

The main concern is that people with diabetes may develop a low blood sugar level during aquatic or poolside activity. This complication is usually only seen in insulin-dependent diabetes, often called Type 1 diabetes. Anyone who wishes to participate in lifesaving or lifeguard activities should do so only on the advice of their GP.

People with diabetes treated by diet alone (often called Type 2 diabetes), or who take tablets are unlikely to develop a low blood sugar during exercise and, in many cases, may not even make the condition known to you. There is no reason why people with Type 2 diabetes should not participate in lifesaving and lifeguard activities. If you are asked, you should advise the participant to check with, and take the advice of, their GP.

Summary

1. The presence of diabetes should not preclude a person from lifeguarding or poolside activities.
2. The International Lifesaving Federation recommends that anyone whose diabetes requires insulin therapy should only participate in aquatic activity if they have the approval of their medical practitioner.
3. It is strongly recommended that people with insulin-dependent diabetes should wear a bracelet or necklace advising others of their condition and any medication they are taking. They should also inform their group leader, those with whom they are swimming, or the class trainer. They should ensure that a ready supply of sugar (or equivalent) is available should hypoglycaemia develop.
4. When a person with diabetes takes part in lifesaving or lifeguard training you should ask them to remove their medical alert bracelet or necklace for the duration of any in-water activity, and then ensure that it has been returned to them after the session finishes.

GUIDANCE NOTE 5

Epilepsy

Guidance for Trainer Assessors and Lifesaving Activity Organisers

What is it?

Epilepsy is currently defined as a tendency to have recurrent seizures (often called fits). A seizure is caused by a sudden burst of excess electrical activity in the brain, causing a temporary disruption in the normal passage of messages between brain cells. This disruption results in the brain's messages becoming halted or mixed up.

A person who has epilepsy should not necessarily be excluded from participating in lifesaving and lifeguard activities and training. As with many other medical conditions, all that is required are a few sensible precautions.

What do I need to know?

Because there is always the possibility that a seizure could occur, it is important that, as a trainer or course organizer, you do not underestimate the potential risks.

You must ask the candidate to seek advice from their doctor, encouraging them to discuss issues such as the specific type of training they intend to complete, their seizure type and frequency, and any other factors that could affect safety when swimming. Ask them to let you have written approval from their GP that also sets out any special measures that may be needed.

In addition and in line with guidance from the International Lifesaving Federation, any participant in aquatic rescue activities must meet the following criteria:

- When a participant intends to undertake lifeguard training with a view to future employment, the Society requires that the DVLA criteria for driving be adopted in terms of the time for which the participant has been seizure free.
- Where a participant wishes to complete training for an aquatic lifesaving award, as the trainer, you must ensure that he or she has been seizure free for a minimum of 6 months prior to starting the training programme.

You also need to ensure that you can provide adequate supervision during the chosen activity and this may mean, in some cases, supervision on a one-to-one basis over and above that provided for the rest of the group.

Open water activities must be approached with great care. Swimming in open water can increase the risk of a seizure, even when the participant is otherwise stabilised and should only be permitted on the express advice of the participant's GP.

General safety advice

- Never swim alone and do not take any unnecessary risks.
- Make sure that your companion knows what to do if you have a seizure, and is strong enough to help you.
- If there is a lifeguard or pool supervisor present, make them aware of your epilepsy.
- If there is no qualified lifeguard present, do not swim deeper than your companion's shoulder height.
- Practise what to do if you have a seizure with your companion. This will boost your confidence and theirs.
- Don't swim if you are feeling unwell.
- Avoid overcrowded situations as it may be difficult for others to notice if you have a seizure.
- Swimming in the sea, lakes or very cold water is dangerous - be sensible and restrict swimming activity to closely supervised areas within easy reach of the shore, or use your local swimming pool.

Guidance adapted from:
Epilepsy Action [www.epilepsy.org.uk]
ILS Medical Committee Position Statement - March 1, 2008

GUIDANCE NOTE 6

Pregnancy

Guidance for Trainer Assessors and Lifesaving Activity Organisers

A lifesaver or lifeguard who is pregnant should not automatically be restricted in what activities they can undertake or indeed, be excluded from training and other activities merely because she is pregnant. However, some sensible precautions are necessary.

What do I need to know?

Whether you are a trainer, course organiser or represent an Approved Training Centre, in all cases, candidates for the Society's awards or qualifications who are pregnant must obtain consent, in writing, from their general medical practitioner (GP) to undertake the required training and/or assessment. A copy of this consent should be given to the course trainer in advance of the start of the course.

As part of the support to the candidate, it is recommended that Teachers or Trainers provide a copy of the syllabus to the candidate for review by her GP in order that a decision can be made on any limitations or restrictions relating to practical activity that has been based on an appreciation of the physical skills and techniques required.

Renewing existing, current qualifications

Holders of the Society's qualifications who are pregnant and need to renew a qualification will not be granted an extension of validity.

If the candidate holds an expired lifeguard qualification, (NPLQ or NBLQ) at the point of renewal, accrued training hours over the past two-year period may be taken into consideration. The total number of hours required will be the same as for a new candidate.

Trainers must ensure that the candidate is ready for a new assessment and this should form part of the employee's fitness-for-work assessment.

The candidate must be presented on a "new candidate" assessment form with their previous RLSS UK candidate number entered.

Employers are advised to complete a 'Fitness-for-Work' assessment for the returning employee as, notwithstanding that it is required in employment law, it will assist in identifying any working practices that may require adjustment.

GUIDANCE NOTE 7

Health and Safety in Pools and New Corporate Manslaughter Law

Guidance for Trainer Assessors and Lifesaving Activity Organisers

Health and Safety in Swimming Pools

Under the Health and Safety at Work Act 1974 (the HSWA), all pool owners and managers have general obligations to protect the public. However, it is not just pool owners and managers who are required to look out for the public. Responsibility for health and safety in swimming pools falls upon a wide range of people who have involvement with their management and operation; including local authorities, senior staff, and employees, such as lifeguards.

There are no specific health and safety regulations governing swimming pools. As far as public safety is concerned, the HSWA is the principal legislative provision. The key duties under section 2 and section 3 of the HSWA require all employers to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable, that their employees and members of the public are not exposed to risks to their health and safety. Employees must do all that is reasonable to take care of their own health and safety and that of others.

This general duty is supplemented by the requirement under the Management of Health and Safety at Work Regulations 1999 that employers make a suitable and sufficient assessment of the risks to employees and members of the public to help decide what measures need to be taken.

Public pools are one environment where the risks to the customers exceed the risks to employees. There are many risks – not only of drowning but many other features which contribute towards an environment in which accidents may occur including wet surfaces and bare feet (slips), bare skin and hard surfaces which increase the likelihood of injury if slips or trips occur, diving (risk of spinal or head injuries), and chemicals which if incorrectly used or mixed may lead to burns or the liberation of dangerous gas. All managers will be familiar with risk assessment preparation and review in their own pools, and the process of preparing these can often be extremely useful in helping to identify potential scenarios.

Reasonably Practicable

The employer's duty at law is to do all that is "reasonably practicable" to protect their employees and members of the public from exposure to risks. This has resulted in many cases going to court to decide exactly what that duty requires. The seminal case is *Edwards v NCB*, which was decided in the Court of Appeal in 1949. The court held

reasonably practicable was a narrower term than 'physically possible' and required the undertaking of a balancing exercise. Lord Justice Asquith said "it seems to me to imply that a computation must be made, in which quantum of risk is placed on one scale and the sacrifice involved in the measures required to avert the risk whether in money, time or trouble on the other". Only if the risk is insignificant compared to measures required to avert it will the standard have been discharged.

HSG179 (Managing Health and Safety in Swimming Pools) confirms that the term means that the degree of risk in a particular job or workplace needs to be balanced against the time, trouble, cost, benefit and physical difficulty of taking measures to avoid or reduce the risk. It should not be used as an excuse to avoid taking safety measures, and if unsure, you should err on the side of caution.

The burden of proof for proving reasonable practicability falls squarely on the defendant. Following an accident, you must prove on the balance of probabilities that you did everything reasonably practicable to avoid that incident or accident.

Individual Liability

Two key provisions of the HSWA impose responsibilities on individuals.

Section 7 of the HSWA states that: "It shall be the duty of every employee while at work to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and to co-operate with his employer so far as is necessary to enable relevant statutory duties to be complied with."

In contrast with an employer's liability under section 3, the standard for an individual is not reasonable practicability, but they must take 'reasonable' care. This makes for a much broader responsibility, and the courts have to decide in each case what is and is not reasonable in this context.

The other provision of the HSWA which imposes individual liability is found in section 37. This section provides that where any offence of a company under the HSWA is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded

against and punished accordingly.

Previously fines were the only available sanction for all the offences under the HSWA. Imprisonment was reserved for more serious offences – like manslaughter.

However, In January 2009 the new Health and Safety Offences Act was passed which increases magistrate’s power in terms of sanctions of breaches of HSWA.

The key changes are:-

- **Raises the maximum fine which may be imposed by the lower courts to £20,000 for most offences**
- **Makes a prison sentence of up to two years an option for most health and safety offences in lower and higher courts**
- **Makes certain offences that can currently only go to trial in lower courts, triable in either the lower or higher courts.**

Corporate Manslaughter

It is not only individual lifeguards who may face prosecution for manslaughter if there is a death in a pool. All organisations need to consider their potential liabilities as corporations or similar bodies. The Corporate Manslaughter and Corporate Homicide Act 2007 (the Act), which came into force throughout the UK in April 2008, will make it easier for organisations to be prosecuted for manslaughter.

A number of institutional failures resulting in major disasters during the past few decades such as The Herald of Free Enterprise, the Kings Cross fire, Piper Alpha and several train crashes, have reinforced the public view that corporations should be held to account for deaths.

Under the old common law, to convict a company of gross negligence manslaughter, the prosecution had to show all four elements for individual culpability and, in addition, be able to demonstrate that a specific senior manager or officer, the ‘guiding mind’ of the company, was personally guilty. This so called ‘identification principle’ meant successful convictions were rare in practice, because it is often difficult to identify one person who is culpable in big organisations where management structures are complex and multi-layered. In addition, junior members of staff are usually directly responsible for the fatal errors: senior staff do not drive trains or operate bow doors. The link is more easily demonstrated in smaller companies with shorter command chains, and as a result only a handful of small companies were ever convicted of manslaughter.

The new law has replaced the identification principle with the notion of a ‘management failure’, shifting the emphasis from a negligent act by a single senior officer or manager, to focus on the adequacy of the organisation’s arrangements and practices.

In all other elements, the new offence closely resembles the previous law relating to gross negligence manslaughter. The

prosecution has to show;

- A ‘relevant duty of care’ to the deceased;
- Which is breached, resulting in the death;
- That the breach was attributable to the way in which the senior management managed or organised companies activities; and
- That the breach was ‘gross’ i.e. it falls below the standard of care which could reasonably have been expected in the circumstances.

The Relevant Duty of Care

Although the wording of the new offence requires a “relevant duty of care”, it appears that in practice, the duty will extend to most circumstances. Section 2 of the Act provides illustrations of the types of activity where a relevant duty of care will be owed, including duties to employees, as an occupier of land, in the supply of goods and services and the carrying on of any other activity on a commercial basis.

This is broad, and is predicated on the basis of the organisation’s legal duties to take reasonable care at common law. Therefore, in order for such a duty to be upheld,

- The damage must have been reasonably foreseeable;
- The relationship between the defendant and the deceased must have been sufficiently proximate to justify the duty; and
- It must be fair, just and reasonable to impose such a duty.

Who can be prosecuted?

The offence applies to corporations, partnerships, trade unions and employers associations. It does not apply to unincorporated associations unless they are also employers. The offence does not extend any liability to individuals, who will continue to face prosecution for manslaughter at common law.

The emergency services are exempt from the offence when responding to emergency circumstances, which are defined as situations where life is threatened or which are causing or threatening to cause, serious injury or illness or serious harm to the environment, buildings or other property. In nonemergency situations, fire and rescue authorities are subject to the offence in the same way as a commercial entity would be. The offence applies to pool operators, whether or not they are local authority. Lifeguarding does not qualify as an emergency service, and so operators are not exempt.

Investigations and prosecutions under the new law will be by the police and the CPS; not the HSE.

Sanctions

The main sanction for corporate manslaughter is an unlimited fine, as it is not possible to imprison a company. The courts also have the power to order a guilty company to pay compensation to the victim’s family, and to order convicted companies to take specified steps to remedy a situation within a prescribed period. Failure to comply with

such a remedial order is a separate offence, for which the company can be fined again.

In addition, the courts can require companies to publicise the fact that they have been convicted of manslaughter. This will mean that they have to include a statement in their annual accounts setting out the facts surrounding the conviction, and the amount of the fine which was imposed.

Parliament were presented with a number of suggestions for alternative corporate sanctions, including:

- Company probation orders or a corporate “death sentence” (mandatory dissolution);
- Confiscation of assets associated with the offending; and
- Prohibition of business activities associated with the offending.

However, none of these sanctions are currently available to the courts and, in the absence of such alternative penalties, it has been argued that the new offence adds little to the existing law.

Psychologically and reputationally, however, the new offence will make more of a difference. A conviction for corporate manslaughter is likely to be perceived as much more serious than any other health and safety breach, and in extreme cases could close businesses down. It has been argued that the deterrent effect of the new law is therefore likely to be greater than that under the old regulatory framework.

The high profile of the new law, not to mention the considerable wait for it, would tend to suggest that the hunt for a significant corporate scalp will be underway now that the new law has come into force. In order to ensure that a prosecution is not brought against them, organisations would be well advised to consider the definition of ‘management failure’ and review their current arrangements for managing health and safety compliance accordingly.

Putting It All in Context

In 2002, there were 15 pool deaths in the United Kingdom. Deaths by drowning in swimming pools account for only 2-3% of the total drowning deaths each year. A higher percentage of people drown in the bath than drown in swimming pools (about 10% of the total each year).

Children are particularly at risk of drowning in pools, and more than half of the total deaths are children under 16 years. Children aged under 11 years are most at risk and of that group, toddlers aged 2 to 3 years are the most vulnerable.

As mentioned in the opening to this guidance note, swimming pools are a high risk environment - the list of possibilities for an accident is long. In spite of this, the number of serious accidents occurring in swimming pools is small compared to the estimated 350 million attendances made to swimming pools each year.

Prosecutions are rare too – under section 7 and section 37 of the HWSA, there were just 28 prosecutions last year in the whole of the United Kingdom. The average fines were just £679 (section 7) and £3700 (section 37), showing that the majority of prosecutions are for minor rather than serious breaches of health and safety law.

There is a good health and safety record across the industry, yet this does not mean that the first prosecution for corporate manslaughter will not be against a pool operator. To ensure that this is not you, you should review your policies, and check your audit and review procedures to ensure practice complies with policy. It’s no good having the best policy in the world if no one implements it.



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