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| |  |  | | --- | --- | | |  | | --- | | The County Council in conjunction with the legal and Health and Safety advisory service has released guidance to schools via the Portal on the On-site Hire of Pop-up Pools.   Please be aware that the hiring of swimming pool facilities is a high-risk activity and should only be considered following appropriate professional guidance including legal and health and safety advice.      In order to support schools that decide to take part in this activity, the County Council has developed guidance, a technical checklist and a general risk assessment, all of which you are strongly advised to consider and complete prior to entering into any agreement with any provider of this type of activity.   Please note that any provider of outdoor swimming facilities must be able to provide you with a copy of their own risk assessment, evidence of appropriate insurance arrangements, DBS information in addition to appropriate safety and security assurances.   If you require any advice over and above that contained within the following links, please contact your Legal or Health and Safety advisory service.   Schools portal link:  [Schools' Portal](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270198) | | |

The guidance states…

# On-site hire of swimming pools

There are a number of reasons why schools may consider hiring these facilities, these include: proximity and availability of appropriate leisure facilities, reduction in the time of staff and pupils off-site to travel to/from leisure and be involved in lessons at an external leisure facility, ability to include more year groups in swimming lessons. These need to be carefully considered as part of any decision-making process.

This guidance relates to swimming lessons for all school settings. A high degree of cooperation and coordination needs to exist between all those involved in planning and teaching school swimming lessons. Dialogue should be on-going and two-way so that everyone is clear about their roles and responsibilities and knows what is expected of them throughout the visit to the pool. These roles should be clearly defined in the service level agreement provided by the school swimming pool provider to the school. Curriculum swimming providers should refer to their own documentation to determine such aspects as the number of lifeguards, swimming teachers and their qualifications to groups of pupils and safe working practices. These should be discussed and agreed with schools.

* [Risk assessments](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805" \l "anchor270208)
* [Legal](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270210)
* [Insurance](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270209)
* [DBS](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270211)
* [Inclusion](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270200)
* [Costs - monetary and to the community](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270201)
* [Site security](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270203)
* [Staffing](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270204)
* [Communication](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270205)
* [Water quality safety](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270206)
* [Electrical safety](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270207)
* [Attainment levels](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=3492&pageid=52805#anchor270202)

## **The provider**

Any arrangement with a provider of this service is a direct contract between the school and the provider. Schools are responsible for carrying out due diligence checks on any provider they wish to engage to seek assurances that the provider has the appropriate competency and training to deliver and erect a safe facility with safe electricity, water and heating arrangements and discussion and agreement on lifeguard and teaching provision and procedures. This type of provision will require appropriately qualified swimming teachers and lifeguards (National Governing Body awards) for the duration of the hire contract. A technical checklist ([Schools Portal /](https://schoolsportal.lancsngfl.ac.uk/modules/clicksuite/clickweb/media/doc.asp?id=146364)[Intranet](https://clickweb.lancashire.gov.uk/viewdoc.asp?id=146364)) is provided as part of this guidance to assist you in determining competency of the provider. Schools must not rely solely on the fact that another school has used the same provider and were satisfied, schools must carry out their own checks. It is recommended that schools only engage with providers who they have assessed as competent and who can evidence appropriate qualifications for safe and effective pool management.

## **Risk assessments**

The provider must have their own site-specific risk assessment. They must provide the school with a copy and the school must satisfy themselves that this is suitable and sufficient and covers all the required elements and areas including siting of the marquee and pool. Schools are advised to contact their health and safety provider if there are any concerns. Schools must carry out their own risk assessment covering how all responsibilities will be fulfilled. Risk assessments must be reviewed on a regular basis to ensure they remain effective, and they must be shared with anyone affected by their content including the provider and all school employees.

A general risk assessment ([Schools Portal](https://schoolsportal.lancsngfl.ac.uk/modules/clicksuite/clickweb/media/doc.asp?id=146366) / [Intranet](https://clickweb.lancashire.gov.uk/viewdoc.asp?id=146366)) has been developed for schools to use. Any school using the generic risk assessment must tailor it to meet their own specific needs and circumstances

## **Legal**

Schools must ensure that they have a written contact in place prior to the hire of the equipment clearly setting out the responsibilities of the parties and providing appropriate indemnities relevant to the services being delivered under the agreement. Schools should be aware that providers cannot limit their liability for death or personal injury by way of a contract term. Copies of risk assessments, insurance cover, water safety monitoring, chemical storage arrangements and reports of any and all incidents relating to the use of the equipment must be kept in school until the cohort using the pool reach the age of 25 years old.

Schools are reminded that they are unable to delegate their duty of care to the provider of the service and must therefore provide appropriate supervision of pupils at all times and be in a position to intervene.

The fact that this guidance has been provided should not be perceived as the county council providing consent or approval to the arrangement.

## **Insurance**

The provider must be able to provide evidence of appropriate and in date public liability insurance. For schools that buy into Lancashire County Council's insurance arrangements, this provision is sufficient, however schools with other insurance arrangements must check with their provider to ensure there is appropriate cover for this activity.

The provider must provide evidence that they have a Public Liability Indemnity for a minimum of £10m. A copy of the provider's insurance certificate should be requested, and the level of indemnity should be checked together with the period of cover, to ensure that it is valid for the full duration of the installation and hire agreement, not just the period of use by pupils.

For schools that buy into the county council's insurance arrangements, cover will apply when school is deemed to be responsible for the installation – this is a significant risk as the provider's cover will only apply while they have staff on site. Outside these times, schools are responsible for security and for any unauthorised access or use.

Schools that do not buy into Lancashire County Council's insurance arrangements, must check with their own provider to ensure there is appropriate cover for this activity.

## **DBS**

The company who employ the lifeguards/swimming instructors should provide the school with a letter of assurance to say that all staff have an enhanced DBS certificate. If for any reason the school feel they need to seek further assurances, they can request to see a copy of the certificate.

The company should also provide a letter of assurance to confirm that all staff have received Safeguarding training and that the company has a Safeguarding Policy that their staff follow. The school should also provide the lifeguards/swimming instructors with a copy of the school's Safeguarding Policy and inform them of who any safeguarding concerns should be reported to (the Designated Safeguarding Lead).

It is essential when engaging with any provider with direct access to children and vulnerable people that thorough DBS checks are carried out. Schools must ensure that they are satisfied all provider staff on site have up-to-date DBS certificates.

## **Inclusion - Adaptations and considerations of lessons and changing provision for any pupils with SEN**

Providers of this service are generally unable to accommodate the needs of pupils with mobility issues. However, they may be able to accommodate the needs of pupils with some behavioural needs in co-operation with school staff. Therefore, if this is being considered as a long-term project, school may need to consider how their arrangements will allow all pupils to access swimming facilities. A hybrid model, for example some groups continuing to use a local leisure facility and others accessing an on-site pool may be appropriate. This will have cost implications.

## **Costs – monetary and to the community**

This approach to school swimming should not solely be viewed on the basis of a short-term, cost-saving measure. An analysis of data collected by Sport England in 2023 found a net decline of 382 swimming pools across the country since 2010; 85 pools have been closed and not replaced since 2019. The number closing due to financial reasons (either because of insolvency or the facilities being unprofitable) has doubled compared with the three- year period before the pandemic. Schools need to look long-term and consider the potential health and wellbeing impact on the loss of a community resource such as a pool.

## **Site security**

The pool provider is responsible for the safety and security of the pool at all times. However, school will have some joint responsibility for safety and security of the site out of hours during evenings and weekends.  Pools are housed in a heavy-duty fabric marquee that is provided with the pool. The provider is responsible for ensuring the marquee is secured at the end of the daily sessions and will check safety and security during weekends, however school retain responsibility for any trespassers accessing the marquee and pool and must ensure appropriate emergency contact arrangements are in place in the event of the police or a neighbour reporting a concern. Schools should pay particular attention to the security of school site access points.

## **Staffing**

Schools must ensure that appropriate staffing levels are maintained at all times while pupils are accessing the pool. It is **not acceptable** to solely rely on the pool provider staff to supervise pupils **at any time**.  Staffing levels must consider the need for staff to oversee pupils moving from classrooms to the changing rooms in preparation for their lesson, changing into their swimwear, walking to the pool, supervising pupils during the lessons, escorting pupils back to the school building at the end of their lesson and getting dried and changed back into their school clothes.

**Remember** - children will take longer to get changed out of wet swimwear and this needs to be factored into any pupil group changeover periods. It is likely that more than one member of staff will need to be involved to ensure pupils are **supervised at all times,** consideration will also be required for staff comfort and other breaks.

## **Communication**

Effective communication with provider employees and all school staff is essential at all stages of the process. Nominated representatives from the provider and the school must be identified to ensure regular communication is maintained and information is consistent. If a school has a pool on site, it must feature in all staff briefings. All school staff need to be kept informed, even if they are not taking their class to the pool or supporting with supervision.

## **Water quality safety**

The provider is responsible for safety of the quality of pool water including ensuring an adequate supply is available to fill the pool, maintaining the correct level during the hire arrangement, dosing the pool with the required chemicals and treatments and for ensuring correct emptying of the pool water into the main water supply at the end of the hire arrangement. The provider will need to use treatment chemicals to dose the pool; usually chlorine tablets. These are hazardous and must be stored in a locked container along with a copy of the safety data sheet, away from the pool. It is the responsibility of the school to check that the provider adheres to this requirement. School is responsible for ensuring school employees and pupils cannot access these chemicals.

**IMPORTANT:** Back flow protection is an essential Water Byelaw for outside taps. Schools that buy into PROp must consult with Building Service Engineer to check the appropriate Mechanical and Electrical Specifications.

In addition, the Building Service Engineer must be consulted regarding emptying of pool. Up to 70,000 litres of chlorine-treated water will be discharged, and this amount will completely wipe out a bio treatment plant and therefore consideration needs to be made for discharge. Consultation with United Utilities or the Environment Agency may be necessary. The Building Service Engineer will be able to advise. For schools that do not buy into PROp, it is essential they you consult your own property professional before entering into any agreement.

## **Electrical safety**

The provider is responsible for advising schools on the type of external electrical supply required to operate the pool safely. Each school is responsible for arranging any additional work required to provide a suitable, external electrical supply and must obtain appropriate certification to confirm the work has been carried out to the required standard. Schools are advised to contact their building surveyor for advice prior to arranging any remedial works.

## **Attainment Levels**

Schools are required to publish their swimming and water safety attainment levels as part of their reporting requirements for the PE and Sport Premium. It is a requirement that schools report both their PE and Sport Premium funding and swimming attainment using the **DFE commissioned afPE and YST reporting template**.

### **Curriculum Swimming and Water Safety Resource Pack**

A**curriculum swimming and water safety resource pack**should be available on the school website and should state what percentage of pupils within their Year 6 cohort meet the national curriculum swimming and water safety requirements to:

* perform safe self-rescue in different water-based situations
* use a range of strokes effectively and swim competently
* confidently and proficiently over a distance of at least 25 metres.

As some swimming and water safety programmes will be delivered in years 3, 4 or 5, it is understood that the data might need to be held until pupils reach Year 6. Also, it is accepted that some of the information may be out of date as some pupils may have received additional swimming lessons outside of school.

However, the emphasis is on what schools know about their pupils’ attainment in relation to the national curriculum, and the impact of the swimming and water safety programmes.

It is recommended that all schools who decide to locate a pool on their school site, sign-up to the **School Swimming and Water Safety Charter**.

The charter is a national scheme developed specifically to meet the required outcomes of the national curriculum programme of study for physical education, covering both water safety and learning to swim.