

PE1770/D

Scottish Government submission of 14 February 2020

I refer to the Public Petitions Committee correspondence of 16 January 2020 which invites the Scottish Government to provide its views on petition PE1770: Calling on the Scottish Parliament to urge the Scottish Government to work with all relevant bodies across Scotland to improve water safety by ensuring that:

- All waterways have life-saving equipment such as lifebelts and buoyancy Throw Bags, with ropes, to allow multiple attempts at rescue; and
- Tampering with water safety equipment is made a criminal offence of endangering public safety.

Current legislation

The issue of water safety in Scotland, with regard to legislation and responsibilities, is a complex one with both inland and coastal waters affected by Scots common law and by statutory requirements, the majority of which come under the remit of the local authority.

Legislation to protect public rescue equipment allows local authorities to impose fixed-penalty fines of up to £100 and set local laws without seeking the approval of central government. These can relate to interfering with public rescue equipment such as Personal Rescue Equipment. Clearly displayed information referring to the byelaws and fines should help to minimise vandalism.

Any damage to, or destruction of, property by vandalism, graffiti or arson is likely to be a criminal offence under the Criminal Damage Act. The damage does not have to be permanent, for example, it can be caused by graffiti with a washable paint. Some authorities, including the British Transport Police, have found anti-social behaviour orders useful to address those who repeatedly cause criminal damage.

Scottish Government Activity

Scottish Ministers take the issue of water safety very seriously and are supportive of the work of Water Safety Scotland and their National Drowning Prevention Strategy which was published in January 2018.

Through the ambition to Build Safer Communities (BSC) the Scottish Government is working in collaboration with national and local partners to reduce Unintentional Harm and Injury, including water safety, across Scotland.

In April 2017, the Scottish Government published a national strategic assessment of Unintentional Harm which includes key statistics and trends relating to water safety setting out, for the first time, the nature and scale of this issue in Scotland.

While the Scottish Government recognises that it is for individual local authorities to agree and adopt their own policy on water safety as they are best placed to consider which measures are most appropriate for their own local area, in October last 2018 the Minister for Community Safety, Ash Denham, wrote to all Community Safety

Partnerships to encourage them to engage with Water Safety Scotland to support implementation of the Strategy.

The Scottish Government continue to annually fund RoSPA (£112,000 in 2019-20) to raise awareness of water safety and to support local authorities to adopt a best practice approach to suit local needs. This has included:

- Providing secretariat to the Scottish Parliament's Cross Party on Accident Prevention and Safety Awareness.
- Establishing Water Safety Scotland, providing Secretariat to this group and taking a key role in developing the Drowning Prevention Strategy.
- Managing the Water Incident Database (WAID) which collects incident data from a wide range of sources, and analysing and publishing key data reports setting out nature and scale of drowning and key groups affected, including 'Males in Scotland Aged 60 – 69: an analysis of the 2012 – 2016 WAID data (Scotland)'.

The Scottish Government has pro-actively supported implementation of this strategy by:

- Funding the distribution of water safety educational material to 2,500 school children before the summer break in 2018 in partnership with Water Safety Scotland.
- Hosting a Ministerial Roundtable with Water Safety Scotland, and sporting governing bodies, in June 2018. A range of agreed actions from this are being taken forward by Water Safety Scotland around data sharing, local authority engagement and education and awareness raising. One outcome of this was that on 9th April 2019, RoSPA and RNLI, with support from Water Safety Scotland, held a free workshop to help local authorities understand water safety policy, the barriers to implementing a policy and to share key information and advice. The workshop was attended by 15 local authorities and featured presentations and advice from RoSPA, RNLI and Perth and Kinross Council. Following the workshop RoSPA are monitoring local authority WAID signups and working with local authorities to follow up on developing bespoke water safety policies.

The Scottish Government will continue to support RoSPA and the Scottish Community Safety Network to raise awareness of water safety and to support local authorities to adopt a best practice approach to suit local needs.