

The NSW Child Death Review Team

The purpose of the NSW Child Death Review Team is to prevent and reduce the deaths of children in NSW. The work of the Team includes identifying trends and undertaking research in relation to child deaths, and making recommendations to prevent or reduce the likelihood of child deaths. The NSW Ombudsman is the Team's Convenor.

Drowning deaths of children in private swimming pools - NSW

On average, six children drown in private swimming pools in NSW each year. This figure has remained constant over the 15 years the Team has collected this information.

In 2012, the NSW government announced a review of the *Swimming Pools Act*. The Act, among other things, deals with requirements for child resistant safety barriers around private swimming pools.

This paper describes the findings of our review of the drowning deaths of children in private pools in NSW for the five years between 2007 and 2011. Over this five year period, the Team registered the deaths of 40 children.

The children

Most of the 40 children who drowned (24) were male; 16 were female.

The majority of the children (34 of 40) were under five years of age: Most of the under-fives (30) were aged three years or less, and more than half of the under-fives (18) were aged two years or less.

Six children were aged between five and nine years. Three of the six older children had a disability, injury or impediment that was a contributing factor in their drowning.

Where the children drowned

Most of the children (27) drowned in a swimming pool at their own home. At least four other children drowned in pools at properties where small children lived. In addition, a number of other children drowned at the homes of relatives, where they were regular visitors.

For the 38 pools where the information was known, most (28) were in-ground or semi-in-ground, and 11 were above ground portable or large inflatable pools.

The ownership status of the property was known for 20 pools. In most cases, the properties were owned by the child's family. Six properties were rented; four from social housing providers and two from private rental agencies. The pools at four of the rented properties were above ground, portable pools.

The swimming pools: child safety barriers

Information about the standard of pool fences or safety barriers was available for 37 of the pools, and almost all of these (33) did not have a functioning safety barrier.

Unfenced pools

Nine pools were unfenced. Eight of these were above ground pools, all of which were required to have a barrier fence under the *Swimming Pools Act*. One in-ground pool met the criteria for exemption from fencing that the Act provides.

Seven of the nine children who drowned in unfenced pools accessed the pool from the house without the knowledge of supervising adults. Six of these children were under three years of age.

Defective child safety barriers

Twenty eight of the pools were fenced. The safety barriers for 24 of these pools had one or more defects that potentially enabled a child to gain access to the pool area:

- All 24 had reported issues with the gate or latch mechanism. In most cases, this meant that the pool gate did not self-close because it either had no latch mechanism, or the mechanism was damaged, or problems with the gate or fence resulted in the gate jamming open.
- In addition, 15 of the 24 barriers had additional defect(s), mostly related to the fencing. Fourteen fences were defective either due to broken palings or damage, or the fences did not meet the minimum height requirements under the Act. Another five had permanent structures built close to the pool that provided children with a potential climbing frame into the pool area.

For 20 of the children who drowned, investigations following the incident found that the defect was the most likely point at which the child entered the pool area.

Four pools had compliant child safety barriers. The children were either let into the pool area by an adult, or accessed the pool through gates that had been propped open.

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Adult supervision

All children who drowned did so in the absence of adult supervision.

Royal Life Saving Australia promotes 'active supervision' of children around water. Active supervision means '*focusing all of your attention on your children all of the time, when they are in, on, or around the water. You must be within arms reach of your child and be ready to enter the water in case of emergency.*'¹

While the level of supervision for some of the children who drowned was significantly inadequate, many of the children were unsupervised for relatively short periods of time, often as a result of a momentary lapse in direct supervision by parent(s) or carers.

For 26 children under five years of age who drowned, details were available about the length of time they were reportedly left unsupervised:

- The majority (15) were reportedly unsupervised for 10 minutes or less, with some children reportedly being out of sight for five minutes or less. Scenarios included parents changing another child's nappy, going to the toilet, cleaning or cooking. Where the child was in or around the pool area, the issue was lack of active arms-length supervision, with the child entering the water unseen.
- Eleven children had been unsupervised for longer than 15 minutes. This included children who had been placed for sleep, but awoke earlier than expected and left the house unseen. Other circumstances including the responsible carer attending to other children, or the child leaving the house at a time when families were involved in a number of activities. Unclear responsibility for supervision was also an issue. This was particularly at gatherings of family or friends, and resulted in a situation where the child was assumed to be with another, but was in fact unsupervised.

Preventing drowning deaths in private swimming pools

For parents and carers

Our review of 40 drowning deaths of children in NSW confirms there are two critical factors to keeping children safe around swimming pools:

- Supervise: Adults must actively supervise young children in or around water; and
- Restrict Access: Pool fences must be regularly inspected and maintained to ensure they are - and remain - child resistant. Where a pool is not fenced, it is essential that doors and windows are secured and locks are child resistant.

Pool fences can never take the place of active supervision of children around pools, but where there is a lapse in supervision, a child resistant safety barrier will save lives.

Supervise and *restrict access* are major component of Royal Lifesaving Australia's Keep Watch program, which also promotes *water aware* and *resuscitate*.

See Royal Lifesaving <http://www.royallifesaving.com.au/www/html/156-fact-sheets.asp>

For government and policy makers

Relevant government and non-government agencies with a role in regulation of private swimming pools and drowning prevention initiatives should give careful consideration to the findings of our review. In particular:

- Most children drowned in pools at their own home, and in some other cases, in pools at homes where children resided.
- Almost a quarter of the pools in which children drowned were above ground portable pools.
- In all cases where the pool safety barrier was defective, the defects included issues with a gate and/or latch mechanism.
- In many cases, children were unsupervised for a relatively short period of time, during busy or distracting periods for parents or carers.

Six children, on average, die each year in NSW swimming pools. It is difficult to determine the number of near-drowning incidents as there is no centralised data collection that records this information in NSW. Such information is critical to understanding the impact of injury and death, and developing effective prevention strategies.

¹ Royal Life Saving Fact Sheet 1 Supervise, accessed http://www.royallifesaving.com.au/resources/documents/Fact_Sheet_No._1_Supervise.pdf