

INQUEST REPORT

Arthur Centennial Pool – Joshua Baldwin

Incident scenario & summary of facts

Name of deceased: Joshua Baldwin

Date and time of death: July 16, 1993, 7:34 p.m.

Place of death: Groves Memorial Community Hospital – Fergus, Ontario

Cause of death: Drowning

By what means: Seven-year-old Joshua Baldwin drowned in a public swimming pool at a time when a lifeguard was on duty and approximately twenty swimmers were in the pool. Problems with water clarity and lack of appropriate supervision by an older person on the pool deck were factors in the drowning. The local fire department was called promptly, but there was some confusion regarding who would contact the ambulance service, which resulted in some delay in the ambulance arrival at the scene. Attempts to resuscitate Joshua were unsuccessful.

Location: Public Pool

Activity taking place at time of drowning: Swimming

Joshua Baldwin attended the Arthur Centennial Pool shortly after it opened for supervised public swimming at approximately 6 p.m. July 16, 1993. He had been taken to the pool by a babysitter who he may have misled into believing the he (Joshua) could swim and that he had permission from his father to attend the pool.

The sixteen-year-old babysitter took Joshua and his five-year-old brother to the pool, paid for Joshua's admission, and then went to sit with the five-year-old in the spectator bleachers outside the fence surrounding the pool deck. In spite of a posted regulation about children and non-swimmers needing supervision before being admitted to the pool, Joshua was admitted without being identified as a non-swimmer or as a youngster who had no direct supervision or even a buddy. (There was a posted sign on the pool fence warning people to always swim with a buddy). Joshua was small and fair-skinned. He was wearing a black spandex bathing suit.

The babysitter saw Joshua in the water adjacent to the ladder in the deep end nearest the entry door to the pool from the boy's change room. After that sighting, Joshua was not seen with any certainty by anyone until approximately 6:21 p.m. when brought to the surface by a 10-year-old boy. This boy had spotted something black on the bottom of the pool and perhaps five minutes later after, talking about it with a friend, decided to dive and retrieve the black thing which he thought likely to be a pool toy.

Two sisters, aged 12 and 13 had also discussed seeing something black on the bottom, but discounted the possibility that it could be a person and carried on their normal activity for approximately five to six minutes before Joshua was brought to the surface. There was a lifeguard on duty at all times, apparently scanning the pool correctly. Approximately four minutes before Joshua was brought to the surface, there had been a proper lifeguard change with the usual care and attention to pool scanning by both the on-coming and the leaving lifeguard.

Many witnesses spoke about the clarity of the water. Some had assessed the water before the tragedy; some in the hour immediately after. No one said the water was crystal clear. Those with responsibility for assessing water clarity felt that the water passed the test as defined in the Swimming Pool Regulation O R 381/84 as amended (O R 569/88).

There was no sign of life when Joshua was brought to the pool deck. Emergency procedures were started immediately by the four lifeguards on duty. CPR was started. Emergency community responders were summoned by calling the number posted on the wall beside the pool office telephone.

A volunteer firefighter who happened to be passing immediately joined the resuscitation effort and eventually travelled with Joshua in the ambulance assisting with CPR efforts until arrival at Groves Memorial Hospital in Fergus at approximately 7:05 p.m.

Within minutes of the initial telephone call, several firefighters arrived on the scene. However, there was a delay of several minutes before the ambulance was summoned. The lifeguard who made the call to the posted emergency number requested an ambulance but the volunteer firefighter who answered the call did not summon one: he believed either that some other firefighter would do it, or that the lifeguards would make a second call specifically for an ambulance.

Joshua showed no signs of life after being brought to the surface. After approximately one-half hour at the hospital, he was pronounced dead.

JURY RECOMMENDATIONS

1. (a) The current water clarity standards for public swimming pools are wholly inadequate. The Ministry of Health should replace it with a clearly defined recordable standard that can be consistently applied by pool operator and inspectors.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation although it does not agree that the present standard is “wholly inadequate”. The Lifesaving Society should undertake a study to determine what the appropriate water clarity standard should be and present this to the Ministry of Health.

(b) A water clarity monitoring technique should be established that allows on-duty lifeguards to assess variable water quality on a continuous basis and the clarity of the water should be recorded every two hours when the pool is in operation.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation. The present standard is difficult for lifeguards to judge.

(c) The issue of water quality is given insufficient priority in lifeguard training and health inspection. The topic should be given greater emphasis in *National Lifeguard*, lifeguard in-service, and in public health inspection training.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation. The Society has included techniques of water clarity and authority to close facilities in its *Aquatic Supervisor Training* course. The Society has also detailed and summarized the present water clarity standards in its *Guide to Ontario Public Pools Regulation*.

(d) In the interim between this inquest and the full implementation of a new water clarity standard, there needs to be an enhanced understanding on behalf of all concerned in the operation of pools as to the degree of clarity required by the current standard identified in Regulation 381/84 (7) (3).

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation. The Society has provided some education regarding the issue of water clarity through an article in its member newsletter *Lifeline*. The Society has published the *Guide to Ontario Public Pools Regulation* to help aquatic staff understand the Ontario Health Regulations governing public swimming pools. The water clarity standard has been explained and interpreted on page 15 of this document. The authority to close facilities is outlined in the “Lifesaving Society Notes” on page 46 of the *Guide*.

2. (a) The Ministry of Health should establish and implement standard admission requirements for unaccompanied children attending recreational swim periods.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation. There is a need to ensure safety in pools. Operators must recognize present provincial legislation (*The Child and Family Services Act*) concerning childcare.

(b) The standard requirement for admission to recreational swim periods should be that children under the age of 10 years must be accompanied by and be under direct supervision of a person not less than 12 years of age.

Lifesaving Society Notes

The Lifesaving Society's drowning research shows that unattended youth are at a high risk of drowning. The Society recommends that all pools adopt a policy that children under 10 years of age not be admitted to public recreational swimming unaccompanied unless they are able to pass the facility's swimming test.

(c) Children under 10 years of age who are unable to pass this swimming test should be accompanied by a parent, or by a guardian of at least 12 years of age, who is responsible for the direct supervision of the child. A maximum of two children under 10 years of age should be allowed for each parent or guardian.

3. (a) The Arthur Fire Department and the Arthur Recreation Department should establish clear (written) procedures to ensure that all appropriate emergency services are contacted promptly in the case of an emergency.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation. Written, posted procedures should be completed and checked.

(b) Prior to establishing procedures for contacting emergency services, the proposed procedures should be reviewed by the emergency services that will be contacted.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation.

4. (a) The operator of a public pool must ensure that all supervisory staff is familiar with the pool safety regulations under the Health Protection and Promotion Act, and provided with a copy. This should be stated in the Ontario Regulation 381/84.

Lifesaving Society Notes

The Society endorses this recommendation. All operators should be familiar with the requirements of the regulations and their responsibilities. The Society's *Guide to Ontario Public Pools Regulation* provides clarification and interpretation of the Ontario Public Swimming Pools Regulation. This *Guide* is now standard issue to Health Inspectors in Ontario.

(b) The jury encourages the development of a Pool Supervision course by the Royal Life Saving Society Canada.

Lifesaving Society Notes

The Society endorses this recommendation. The Society recommends all pool supervisors participate in the *Aquatic Supervisor Training* course (AST) offered by the Lifesaving Society. The Society has also developed *Aquatic Management Training* specifically for the non-aquatic supervisor who is managing an aquatic environment.

5. It is recommended that the Arthur Centennial Pool clear all swimmers from the pool during all lifeguard changes.

Lifesaving Society Notes

This recommendation is specific to Arthur Centennial Pool. The Society does not recommend that this be adopted as a provincial standard. It is not reasonable, and at times unsafe to clear the pool every time lifeguards shift supervision zones. During some busy swims it is reasonable to do pool checks (clearing the pool) after an extended period of time.