



Aquatic Consulting Services

1220 Rosecrans Street #915 • San Diego • California • 92106

Pool Tip #46: Accident Reports

If you perform a water rescue or supply first aid, regardless of how minor the incident or injury seems at the time, it is important that you document what you did to assist the patron. Your follow-up to an accident should include writing a complete and accurate report of the facts of the incident. This will help protect you and the facility owner should the injured patron file a claim for damages.

While treating an accident victim, express sorrow, but not feelings of anger or guilt about what happened. Be careful not to imply fault. Do not make any statement to assume liability, or make patrons believe the facility or personnel are in any way liable for what happened.

Immediately after the emergency is under control, gather as much information as possible about what happened so that EMTs can pass the information on to the hospital emergency room staff after transporting the victim for medical care. Find out what hospital the victim is being taken to. Notify relatives of the accident victim that an accident occurred. If transportation to the hospital or follow-up care was not warranted, the victim should be asked to sign a statement that first aid was given and he was released into his own care or the care of his parents or another responsible party.

Conduct a complete investigation into the incident. A thorough evaluation may help prevent a similar incident in the future. Gather additional information about the accident, employee involvement, and the condition of the facility at the time of the accident. Take photographs of the accident site. Record the date and time, if possible, on the photo. Make a diagram of the pool area. Record how many people were on the premises. Collect the daily pool chemical and maintenance logs, and information on the condition of the facility at the time of the incident. Gather personnel records, work schedules, and pertinent in-service training and auditing records for any employees who were involved in the rescue or follow-up care given to the patron. Obtain written statements from employees and credible witnesses. Fill out an accident or incident report.

Remember to report the accident and notify all parties, including: the facility's insurance carrier, the facility's attorney, your supervisor and all individuals in the chain of liability. Serious accidents may need to be reported to the authorities, and to the state or county health department.

Properly completing accident and incident reports can help reduce liability. Do not speculate about the cause of the accident, or how the accident could have been prevented, and, certainly don't record this information on the accident report. Do not discuss the accident among employees of the pool as a group, and then write

a joint statement. These statements often sound as if the employees got together to get their story straight and cover up their involvement or responsibility for what happened. Do not describe events in the first person if you are relating what someone else told you. Designate one individual to provide information to patrons and the media. Prepare a statement and refrain from discussing the events with curious patrons or the press.

Ask witnesses to hand write, in their own words, sign and date an account of what happened and what they observed. Have witnesses relate step-by-step what occurred from their point of view -- where they were, and what they were doing. Written statements from witnesses should be witnessed by someone else who was not directly involved in the accident and not an employee or relative or close friend of the victim. Interview witnesses individually. Tape the interview if possible. Make sure the witness knows the interview is being tape recorded, and obtain the person's permission to record while on the tape.

If possible, obtain a statement from the injured party. Ask the injured patron to be as descriptive, detailed and as exact as possible about what happened. Ask questions about the incident. Ask the injured patron if they were at fault or somehow were even partially responsible for what happened. Later after having had time to think about the event or discuss it with friends or their attorney, they'll be less likely to admit fault. Write down exactly what the patron says. Tape the interview if possible and with the victim's knowledge and permission. Ask the injured patron to read and sign the statement.

Call the injured party 24 to 48 hours later. Show concern, discover the extent of the injury, and the injured patron's attitude or feeling about what happened and the responsibility of facility. Document the call and any information obtained.

Accident report forms should be retained indefinitely. Although there is usually a statute of limitations of 1 to 3 years for filing a complaint against a defendant facility, an accident report should not be destroyed at the end of that period of time. The courts have permitted individuals who were not aware of the extent of their injuries, or who have had injuries which were not discoverable within the period of limitations to file a complaint at a later date. Also, in most states, for accidents involving minors, children have a right to start legal proceedings as late as 2 to 4 years after they reach the age of 18, regardless of when the injury occurred.

Aquatic Accident Report

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|--|--------|-----|-------------------------------------|------|--|
| Name of injured party | | | Address | | |
| Phone number | Gender | Age | Class or activity in which enrolled | | |
| Date of accident | | | Time of accident | | |
| Where did the accident occur? | | | | | |
| What was the injured party doing when he/she was injured? | | | | | |
| What piece of equipment, if any, was involved? | | | | | |
| Name and location of supervisor(s) at the time of the accident | | | | | |
| What part of the body was injured? | | | Type of injury sustained | | |
| First aid administered | | | | | |
| Did the injured party seek medical assistance? | | | Was EMS called? | | |
| Describe what happened: | | | | | |
| Were blood products or bodily fluids present? | | | | | |
| Were universal precautions taken? What protective gear was worn by the employee? | | | | | |
| Did an exposure incident occur? Employee name: | | | | | |
| Witness 1 (Name, address, phone, signature) | | | | | |
| Witness 2 (Name, address, phone, signature) | | | | | |
| Witness 3 (Name, address, phone, signature) | | | | | |
| Signature of person filling out report | | | Position | Date | |

