



## **Water Safety (Curriculum) Bill [HL]**

### **HL Bill 28 of 2022–23**

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On 19 May 2023, the second reading of the [Water Safety \(Curriculum\) Bill \[HL\]](#) is scheduled to take place in the House of Lords. The bill is a private member's bill introduced by Lord Storey (Liberal Democrat). The bill seeks to make it compulsory to include water safety education in the curriculum for all schools (primary and secondary) in England and Wales.

Swimming and water safety lessons are currently only a compulsory part of the curriculum in primary school (either in key stages 1 or 2). However, free schools and academies are not required to follow the national curriculum.

In 2021, there were 277 accidental water-related fatalities in the UK, of which approximately 40 were of people under the age of 19. Lord Storey has argued that including more swimming and water safety content in the curriculum could save lives.

In 2015, the National Water Safety Forum, an association of organisations with responsibilities for water safety, produced a 'UK drowning prevention strategy 2016–2026'. It stated that nearly half of children left primary school without having achieved the national curriculum requirement to be able to swim 25 metres unaided. The strategy included a target of ensuring that all children had the opportunity to receive water safety education in primary or, if necessary, secondary school.

In 2018, the government announced that it would provide additional funding to primary schools, through the PE and sport premium, to provide extra swimming lessons to those pupils who had not achieved the minimum curriculum standards.

The government has not indicated its support for Lord Storey's private member's bill. However, it has said it supports improving the number of children leaving primary school having achieved the national curriculum swimming and water safety outcomes.

## I. Background

The national curriculum states that swimming and water safety lessons must be provided in all maintained schools in England in either key stages 1 or 2.<sup>1</sup> Pupils should be taught to:

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

Free schools and academies are not required to follow the national curriculum.

Figures from the National Water Safety Forum showed that in 2021 there were 277 accidental water-related fatalities in the UK.<sup>2</sup> Of those, approximately 40 deaths were of people under the age of 19. Over 80% of total accidental fatalities were male.

In 2015, the National Water Safety Forum launched the 'UK drowning prevention strategy 2016–2026'.<sup>3</sup> It had the aim of reducing drownings by 50% by 2026. The strategy contended that “45% of children aged 7–11 cannot swim 25 metres unaided”.<sup>4</sup> The strategy subsequently included the target that:

Every child should have the opportunity to learn to swim and receive water safety education at primary school and where required at key stage 3 [the first three years of secondary school].<sup>5</sup>

In 2016, the government established the Curriculum Swimming and Water Safety Review Group to consider the challenges of delivering swimming and water safety in the national curriculum. The group published its report in 2017.<sup>6</sup> It found that 26% of schools were providing no curriculum swimming and water safety provision.<sup>7</sup> An additional 48% of schools were providing swimming lessons, but not achieving the full requirements of the three national curriculum outcomes. The report made 16 recommendations aimed at ensuring that all children leave primary school with an appropriate level of swimming and water safety ability. The report stated that its “key recommendation” was that the government should provide an additional grant to support children in the worst-performing schools to access more swimming time.<sup>8</sup>

<sup>1</sup> Department for Education, '[National curriculum in England: Physical education programmes of study](#)', 11 September 2013.

<sup>2</sup> Royal Society for the Prevention of Accidents and the National Water Safety Forum, '[WAID UK 2021: Summary for the NWSF](#)', accessed 18 January 2023.

<sup>3</sup> National Water Safety Forum, '[A future without drowning: The UK drowning prevention strategy 2016–2026](#)', 2015.

<sup>4</sup> National Water Safety Forum, '[A future without drowning: The UK drowning prevention strategy 2016–2026](#)', 2015, p 15.

<sup>5</sup> National Water Safety Forum, '[A future without drowning: The UK drowning prevention strategy 2016–2026](#)', 2015, p 17.

<sup>6</sup> Curriculum Swimming and Water Safety Review Group, '[Review of curriculum swimming and water safety lessons: Recommendations to ensure all children leave primary school able to swim](#)', 2017.

<sup>7</sup> Curriculum Swimming and Water Safety Review Group, '[Review of curriculum swimming and water safety lessons: Recommendations to ensure all children leave primary school able to swim](#)', 2017, p 7.

<sup>8</sup> Curriculum Swimming and Water Safety Review Group, '[Review of curriculum swimming and water safety lessons: Recommendations to ensure all children leave primary school able to swim](#)', 2017, p 10.

In 2018, the Department for Education announced that primary schools would be given extra support to ensure all children reached the expected swimming standard by the end of primary schooling.<sup>9</sup> The support included encouragement for schools to use the PE and sport premium for extra lessons for pupils who had not met the expected level after core swimming lessons.

In 2019, Lord Storey secured a question for short debate in the House of Lords on swimming and water safety. Introducing the debate, he said:

Swimming is, of course, one of the best defences against drowning and we must ensure that we teach children to swim. I am sure that in his reply, the minister will tell us that swimming and water safety are taught in primary schools and are a compulsory element in the PE curriculum. However, I question that because they do not have to be taught in all schools: they do not have to be taught in free schools or academies, and he will know that more than 1,000 schools do not teach them at all. Perhaps it is no wonder that just over 50% of children are leaving school unable to swim.<sup>10</sup>

In response, the then parliamentary under secretary of state at the Department for Education, Lord Agnew of Oulton, stated:

The government support the view of the noble Lord, Lord Storey, that no child should leave primary school unable to meet a minimum standard of capability and confidence in swimming. This is reflected in the national curriculum, which includes swimming and water safety as compulsory elements at primary level. It also provides a frame of reference for academies in deciding what to offer as part of the broad and balanced curriculum. We know that too many pupils leave primary school unable to meet those expectations. We are working closely with colleagues in government and the sport and education sectors to raise attainment.

[...]

All primary schools in receipt of PE and sport premium, including academies, have to report on how many of their pupils meet the swimming expectations. We have increased support for schools to use their PE and sport premium to increase training and provide additional top-up swimming lessons.<sup>11</sup>

In 2021, an e-petition to increase water safety content in the curriculum achieved enough signatories to trigger a House of Commons debate, which took place on 12 July 2021.<sup>12</sup> The minister for school standards, Nick Gibb, said that the government recognised that schools and teachers needed more support to teach water safety effectively, particularly as swimming lessons had been impacted by coronavirus restrictions.<sup>13</sup> He reiterated that the PE and sport premium is available for schools to fund additional swimming provision. He said that Swim England had produced a series of guidance documents for schools, parents and swimming teachers, including specific guidance on teaching water safety at key stages 1 and 2.

<sup>9</sup> Department for Education, '[Drive to ensure all children can swim by end of primary school](#)', 25 October 2018.

<sup>10</sup> [HL Hansard, 6 March 2019, col 698.](#)

<sup>11</sup> [HL Hansard, 6 March 2019, cols 706–7.](#)

<sup>12</sup> [HC Hansard, 12 July 2021, col 23WH.](#)

<sup>13</sup> [HC Hansard, 12 July 2021, col 34WH.](#)

In May 2022, the then parliamentary under secretary of state for children and families at the Department for Education, Will Quince, sent a follow-up letter to the House of Commons Petitions Committee updating it on the government's actions to improve water safety in the curriculum. The letter stated:

The Department is working closely with the National Water Safety Forum to support the development and launch of a new framework and water safety resources for key stages 1–3. Since the debate a number of actions have been completed through the sector's National Education Plan:

- A high-level audit of current sector and organisational approaches to water safety education in schools
- An education framework covering key stages 1–3. This includes a list of core competencies.
- 30-minute lessons for key stages 1–2 covering core competencies. The key stage 3 lesson is in development.
- A series of resources for schools to engage in a week of themed activities. These are being piloted and tested.<sup>14</sup>

## 2. What would the bill do?

The Water Safety (Curriculum) Bill [HL] seeks to make water safety education a compulsory part of the curriculum in all schools in England and Wales. The bill has two clauses.

Clause 1(1) would require the secretary of the state to make regulations requiring water safety education to be provided in primary and secondary schools.

Clause 1(2) would provide that the regulations must require the secretary of state to produce guidance to schools in relation to the provision of water safety education. The clause would also require schools to have regard to the guidance and for schools to publish statements of policy about water safety education. In addition, the clause would require that the regulations make provision for the circumstances in which a child is excused from receiving water safety education.

Clause 1(3) would provide that the guidance referred to in clause 1(2) must ensure that pupils “learn about how to be safe in and around water and what steps to take to prevent drowning” and that the education is appropriate to the age of the pupils.

Clause 1(4) would provide that the regulations referred to in clause 1(1) may make further provision in relation to water safety education.

Clause 1(5) would provide that, prior to making the regulations, the secretary of state must consult such persons as they consider appropriate.

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<sup>14</sup> Department for Education, [‘Letter to chair of the Petitions Committee—Catherine McKinnell MP’](#), 16 May 2022.

Clause 1(6) would provide that the regulations may amend any power in:

- section 342 of the Education Act 1996
- chapter 4 of part 5 of the Education Act 1996
- schedule 1 to the Education Act 1996
- part 6 of the Education Act 2002
- chapter 1 of part 4 of the Education and Skills Act 2008
- the Academies Act 2010

Clause 1(7) would provide that the duty to make regulations under clause 1(1) may be discharged by the secretary of state by making the regulations under another act, so long as the secretary of state consults such persons as they consider appropriate before making the regulations under that act.

Clause 1(9) would provide that regulations made under this act are to be made by statutory instrument.<sup>15</sup>

Clause 1(10) would provide that the regulations made under this act must be laid in draft form before and approved by a resolution of each House of Parliament.

Clause 1(11) would provide that for any expressions used in this act, where listed in the left-hand column of the table in section 580 of the Education Act 1996, they are to be interpreted in accordance with the provisions of that act as listed in the right-hand column in relation to those expressions.

Clause 2 would make provision for the bill's territorial extent and for its commencement on the day it is passed.

### 3. Read more

- House of Commons Library, '[Physical education, physical activity and sport in schools](#)', 18 March 2022
- House of Lords, '[Written question: Children: Swimming](#)', 12 December 2022, HL3860
- Department for Education, '[Did you know swimming and water safety are part of the school curriculum?](#)', Education Hub, 13 July 2021
- [Debate on 'Water safety'](#), HC Hansard, 12 July 2021, cols 23–38WH
- House of Commons Library, '[E-petition debate: Relating to water safety](#)', 7 July 2021
- Lord Storey, '[If water safety knowledge was taught in schools many lives could be saved each year](#)', Politics Home, 6 March 2019
- House of Lords Library, '[Children: Swimming and life-saving skills](#)', 1 March 2019

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<sup>15</sup> The bill as introduced does not include a clause 1(8).

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