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<b>Health and Safety Executive</b>		<b>Sector Information Minute</b>	
<b>Commercial and Consumer Services, Transportation and Utilities Sector (CACTUS)</b>		<b>SIM 05/2002/08</b> (formerly SIM 07/2002/28)	
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Target Audience:  
AFQ Inspectors with responsibility for children's play areas

### CHILDREN'S PLAY EQUIPMENT: REPORTABILITY OF ACCIDENTS

This SIM provides guidance on the reportability under RIDDOR of accidents involving children's play equipment and playgrounds. This SIM is issued jointly with the Services Sector.

#### BACKGROUND

- 1 There has recently been considerable debate on the reportability of accidents involving children's play equipment. This indicated that there was a need to produce guidance to help enforcing authorities and dutyholders to interpret RIDDOR in this particular area.
- 2 RIDDOR requires accidents to people not at work to be reported if they:
  - 1) arise out of or in connection with work, and either
  - 2) result in a fatal injury, or
  - 3) result in injury and the person is taken from the site of the accident to a hospital for treatment.
- 3 The phrase 'arising out of our in connection with work' is defined in reg.2(2) as including an accident attributable to:
  - 1) the manner of conducting an undertaking;
  - 2) the plant or substances used for the purposes of an undertaking; and
  - 3) the condition of the premises used for the purposes of an undertaking.
- 4 'Attributable to' should be understood as meaning that a particular factor caused or contributed to the accident, ie there must be a connection between one of the above factors and the accident. Such a connection can arise because of either an act or an omission on the part of the dutyholder.

#### IMPLICATIONS FOR REPORTABILITY OF ACCIDENTS IN CHILDREN'S PLAY AREAS OR INVOLVING CHILDREN'S PLAY EQUIPMENT

5 In the light of this, the view in relation to children's play equipment is as follows. If an accident was caused by dangerous, faulty or poorly maintained equipment or by a failure of staff to supervise play activities properly (when it was being carried out under their charge) or a failure of health and safety management systems or because of some fault relating to the premises in general, the accident would generally be reportable. If, however, a child fell off a safe piece of equipment while being supervised by their parents, that would probably not be attributable to the factors listed in RIDDOR and would therefore not be reportable.

6 It is important to remember the following points when considering this interpretation:

1) Whether a particular accident is reportable will depend on the facts, and a final determination can only be made by a court;

2) This is only general advice. The person responsible for reporting accidents must consider the facts of each particular accident they become aware of to determine whether there is anything about it that could make it reportable;

3) The fact that an incident is reportable does not necessarily mean that there has been a breach of health and safety legislation. Conversely, it is possible that there has been a breach of health and safety legislation even if the accident was not reportable since the dutyholder always has to reduce risks so far as is reasonably practicable;

4) The fact that an accident is not reportable does not necessarily mean that the enforcing authority will not investigate the matter; and

5) Anybody who has any concerns about the safety of a particular play area is always welcome to bring this to the attention of the relevant enforcing authority.

7 It is not possible to anticipate every type of accident that could occur. The table at the appendix includes more common scenarios and gives a general indication as to reportability. As advised in para 6, however, a final determination can only be made when all the facts are taken into account.

## ENQUIRIES

8 Enquiries about this SIM should be addressed to Entertainment Section, Food & Entertainment Sector, Glasgow Office (tel 521 3045, fax 521 3015, e-mail Area21, FOD Entertainment Section) in the first instance.

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## APPENDIX (para 7)

### SOME COMMON SCENARIOS GIVING A GENERAL INDICATION AS TO REPORTABILITY

CIRCUMSTANCES	REPORTABLE?
<i>Relating to the conduct of the undertaking:</i>	

Accident attributable to the manner in which an activity organised by the dutyholder was being supervised	Y
Accident attributable to a failure of health and safety management systems	Y
<i>Relating to the play equipment:</i>	
a) Equipment in good working order	a) N
b) Equipment broken or not properly maintained	b) Y
c) No procedure in place for inspecting equipment	c) Y
d) Procedure in place for inspecting equipment but did not detect patent defect causing the accident or corrective action not taken	d) Y
e) Foreseeable accident due to poor design of equipment, eg Design permits ready access to roof covering elevated platform	e) Y
<i>Relating to the condition of the premises:</i>	
a) Person falls from equipment which is in good order onto undamaged surface of any material	a) N
b) Person falls onto or over damaged surface and that damage contributes either to the cause of the fall or the extent of the injury	b) Y
NB: An incident is not reportable simply because of the fact that there is a concrete rather than an impact absorbing surface. This may be relevant, however, in determining whether the dutyholder has done all that is reasonably practicable to reduce risk. (See <a href="#">SIM 5/2001/29</a> Safety in Children's Playgrounds)	
<i>Other circumstances:</i>	
a) Accident during 'private' play activity being supervised by parent/minder where there is no fault with the equipment or the condition of the premises.	a) N
b) Injury resulting from 'rough and tumble', eg collision between 2 children running about in unsupervised play area	b) N
c) Injury arising from misuse of the equipment by children or adults	c) N