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<b>Health and Safety Executive</b>		<b>Sector Information Minute</b>	
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Target Audience:

FOD Inspectors (Bands 1–4) with responsibility for children's playgrounds

## HEALTH AND SAFETY IN CHILDREN'S PLAYGROUNDS: SECTOR POLICY

This SIM states the current CACTUS policy on health and safety in children's playgrounds. The statement gives background information and sources of information that will be useful in advising play providers on their duties and in answering other queries.

### INTRODUCTION

1. Considerable work has been done over recent years to address issues in playground safety such as the provision of impact attenuating surfaces. Discussions have been held between interested parties, mainly by means of the Play Safety Forum, a group sponsored by the Department for Culture, Media and Sport.

### POLICY POSITION

2. The CACTUS policy position is given in the [appendix](#) to this SIM. Inspectors should refer to this when answering queries or when making decisions on investigations, complaints etc. The appendix should provide answers to the most common questions.

### ACTION BY INSPECTORS

3. Inspectors are not expected to carry out proactive inspections of play facilities.

### FURTHER INFORMATION

4. The Entertainment Section of CACTUS will be pleased to assist with any questions that cannot be answered using the information in the appendix. The Entertainment Section can be contacted at the Glasgow Office, VPN 521-3012.

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### Appendix

<b>Health and Safety in Children's Playgrounds</b>
<b>1. Policy Statement</b>

HSE wants to ensure that the health and safety of children using designated children's playgrounds is not affected by what should be an enjoyable experience that is an important part of childhood learning, growth and development.

## **2. What legislation and regulations apply?**

There are no specific regulations covering health and safety in children's playgrounds.

*Health and Safety at Work Act (HSWA) 1974* – play providers (i.e. those who provide children's playgrounds [e.g. local authorities, parish councils, schools, publicans]) have duties under section 3 not to adversely affect the health and safety of people not in their employment – the public, that is the primarily children using the playground in this case as well as their parents, carers etc.

*Management of Health and Safety at Work Regulations (MHSWR) 1992* – Play providers are required to carry out a suitable and sufficient risk assessment of their facilities to determine what controls are needed to ensure that the risks present are reduced to and maintained at an acceptable level. The assessment will need to take into account those who will use the facility and specialist advice on how children play may be required, especially if the facility is intended to cater for those with special needs. A risk assessment will need to consider the surfacing of the playground to pass the test of suitability and sufficiency. An important part of the risk assessment will be to identify the requirements for the maintenance of the playground in good order. Equally important is the implementation of an appropriate maintenance regime. Maintenance is required for all provided equipment, as well as the surface of the playground, be this natural grass, manufactured impact absorbing surfacing or other material and the surrounding environs.

*Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995* – Employers, the self-employed and people in control of premises, including play providers, have duties under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. They must report certain work-related accidents and cases of ill-health to the appropriate enforcing authority. Failure to do so is a criminal offence. In the case of children's playgrounds, as these are commonly unattended by the provider, they may not be aware of an accident having taken place. They may wish to consider providing information at the playground on who to contact in the event of an accident so that a report can be made if required.

Health and Safety (Enforcing Authority) Regulations 1998 – These regulations allocate enforcement responsibility for health and safety legislation between HSE and Local Authorities. Generally play facilities provided by private undertakings will be allocated to the local authority for enforcement. Facilities provided by local authorities and schools will generally be allocated to HSE for enforcement.

## **3. What guidance, advice and information is available?**

Managing Risk in Play Provision: A Position Statement, Play Safety Forum (2002), National Children's Bureau, 8 Wakely Street, London, EC1V 7QE

BS EN 1176:1998, Playground equipment. General safety requirements and test methods, BSI

BS EN 1177:1998 Impact absorbing playground surfacing. Safety requirements and test methods, BSI

## Assessing Risk in Children's Playgrounds; RoSPA

A Guide to the European Playground Equipment and Surfacing Standards; RoSPA

HSE Entertainment Information Sheet 11: European Standards for outdoor playground equipment

[SIM 5/2001/29](#): Safety in Children's Playgrounds, HSE

[SIM 5/2002/08](#): Children's Play Equipment – Reportability of Accidents, HSE

[SIM 5/2002/15](#): Managing Risk in Play Provision: A Position Statement, HSE

Playgrounds – risks, benefits and choices, Ball D (2002), Contract Research Report No. 426/2002, HSE

### 4. Key hazards and risks and how they are managed

- Slips, trips and falls – provision of suitable equipment, properly installed and maintained in combination with appropriate surfacing;
- Poor equipment – new equipment should comply with BSEN 1176 and BSEN 1177 (for surfacing). Equipment should be inspected by a competent person, one who is a member of the Register of Play Inspectors International (RPII), to ensure that it meets the standards both for design and installation. Existing equipment which predates the current standards, may not be unsafe and a careful assessment of it should be made to see if it can continue in use without modification, whether upgrading is appropriate or whether replacement may be required;
- Damage – facilities will be subject to deterioration as a result of wear and tear and may be damaged accidentally. Unfortunately vandalism is common. Appropriate inspection regimes should be in place to ensure that damage is discovered and is acted on promptly. The frequency of inspection will depend on the equipment present, the prevailing environment and the level of vandalism. All facilities should be subject to an in-depth annual inspection designed to detect longer-term deterioration.
- Discarded materials and deliberate acts – some playgrounds are subject to abuse by individuals such as drug abusers. Used needles and other drug abuse paraphernalia may be present in many playgrounds. If this is a problem then providers will need to implement a suitable inspection regime to detect this and to ensure that the items are disposed of properly. Some individuals may seek to cause harm by secreting item such as razor blades so as to cause harm to children e.g. by sticking them into slide surfaces. Similar measures to those for detecting and dealing with discarded needles will be required.

Matters such as child protection are not covered by this document and are not a matter for HSE. Contact should be made with the Police.

### 5. Key facts and statistics

1 child dies as a result of an accident in a playground every 3 to 4 years, this is in comparison to the nearly 700 killed in road traffic accidents per annum.

Something in the order of 1.2 – 1.5 million children attend A&E departments as a result of all leisure accidents per annum. Approximately 42,000 injuries occur in playgrounds per annum, the vast majority of these are minor in nature. Very few are life threatening or

permanently disabling.

The numbers of visits to playgrounds per annum is unknown but it is thought to be a very large number indeed.

The risk to children using playgrounds is slight compared to play elsewhere.

### 5. Key stakeholders and contacts for further information

Association of Play Industries Federation House, NAC, Stoneleigh Park, Warwickshire CV8 2RF	Child Accident Prevention Trust 18-20 Farringdon Lane, London EC1R 3HA	Children's Play Council 8 Wakely Street London EC1V 7QE
Institute for Sport and Recreation Management Sir John Beckwith Centre for Sport Loughborough University Loughborough Leics	Institute of Leisure and Amenity Management ILAM House Lower Basildon Reading RG8 9NE LE11 3TU	Kidsactive 6 Aztec Row Berners Road London N1 0PW
Local Government Association Local Government House Smith Square London SW1P 3HZ	National Playing Fields Association Stanley House St Chad's Place London WC1X 9HH	National Family and Parenting Institute 430 Highgate Studios, 53-79 Highgate Road, London NW5 1TL
National Society for the Prevention of Cruelty to Children Weston House 42 Curtain Road London EC2A 3NH	Playlink Unit 5 11 Mowll Street London SW9 6BG	Register of Play Inspectors International Federation House Stoneleigh Park Warwickshire CV8 2RF
Royal Society for the Prevention of Accidents Edgbaston Park 353 Bristol Road Edgbaston Birmingham B5 7ST	FOD Sector contact Gavin Howat HSE Entertainment Section 375 West George Street Glasgow G2 4LW 0141-275-3012 0141-275-3015	

### 7. Frequently Asked Questions

Q. What sort of surfacing must be provided at a playground/must impact absorbing surfacing be provided?

A. The selection of surfacing needs to be based on the findings of a risk assessment. Many different materials have impact absorbing properties, including natural grass, bark chips and manufactured materials such as wet pour, rubber based surfacing. Whatever material is chosen, it must be properly installed and maintained. It needs to meet the

requirements of BSEN:1177.

Q. Who can inspect a playground?

A. Routine daily or weekly checks could be carried out by anyone who has had appropriate training and who knows what to look for. This type of inspection is meant to detect obvious defects such as broken equipment caused by vandalism. Formal inspections, such as post installation or annual inspections need to be carried out by someone who has had formal training and is able to use the test pieces specified in BSEN:1176. Such individuals will be members of RPII

Q. Is it acceptable for concrete to be used in a playground?

A. New installations should not feature concrete or similar hard surfacing under or around the equipment, hard materials may be acceptable in areas of high traffic such as at gateways but this should be determined as a result of a risk assessment. Existing playgrounds may feature hard surfacing. These should be subject to a risk assessment to determine what action to take based on the equipment, its condition, the accident history and the position of the material. It may be that only some of the material may need to be replaced but the assessment may show that all the material needs to be replaced. Generally it is expected that hard surfacing should not be used in areas where there is a significant risk of falling from a height on to such materials.

## 8. Standard paragraphs

*Reportability of accidents involving children's play equipment.*

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. The phrase 'arising out of or 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. '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 duty holder. 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. [See SIM [5/2002/08](#) for more details]

Maintenance

Play providers must make adequate provision for the inspection and maintenance of playgrounds and the equipment. Adequate systems will ensure that reported defects are priorities and acted upon. If there is a significant defect, then it may be necessary to temporarily withdraw an item from use until such time as it can be repaired or replaced.

Standards

The current standards for playground equipment and surfacing are BSEN:1176 and 1177. All new installations should comply with these standards. They are not retrospective and older installations, although they may not meet the current standards, are not necessarily unsafe.

#### Impact Absorbing Surfacing

Many materials can be used in playgrounds as impact absorbing surfacing. These materials range from grass, sand, wood and bark chippings to manufactured materials based on rubber. Provided the material meets the requirements of BSEN:1177 then it may be used provided it is properly installed and maintained. Loose materials such as bark require topping up and more general maintenance than do the manufactured surfaces. Natural grass requires significant maintenance and is very prone to wear.

### **9. Consultation**

HTPD  
Services Sector (CALGER)

### **10. Update information**

Compiled by: Gavin Howat – September 2003  
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