

## **Play Area Safety Inspection**

**Cabinet Member** Cllr Ray Radford  
**Responsible Officer** Open Spaces and Bereavement Services Manager

**Reason for Report:** To report on the review play area risk assessments and safety inspections.

**RECOMMENDATION:** The PDG recommend the endorsement of the findings of the review to Cabinet for adoption.

**Relationship to Corporate Plan:** An efficient inspection regime for the Council's play areas is essential for the delivery of a well-managed council.

Community well-being will be enhanced when residents have the confidence to use the Council's play areas.

### **Financial Implications:**

There will be a cost of litigation should the Council be found negligent with regards to inspection and maintenance of its play areas.

### **Legal Implications:**

The Council must have an inspection and maintenance regime for its play areas as stated within the Health and Safety at Work Act 1974.

### **Risk Assessment:**

Failure to inspect its assets such as play areas and equipment to a recognised standard has risks; dilapidation being unnoticed, danger to users and risks to the Council's reputation and finances. The current regime is long standing and apart from the recommendations at 4, is fit for its intended purpose. It is in line with insurance, statute law and codes of practice. This report is based on the inspection regime not the individual site risk assessment and inspections. Members need also to see significance to public health as slips trips and falls on the same level and collision with objects do account for several hospital admissions from children using play equipment. This is a review of the safety inspection regime which is found to be satisfactory – its findings are with the implementation.

## **1.0 Introduction**

- 1.1 Mid Devon have currently 108 play areas, this number will rise due to the play areas that are currently in the pipeline under 106 agreements.
- 1.2 The District Council has a legal responsibility for the safety of those using their playgrounds. Both criminal and civil aspects of the law are relevant.
- 1.3 Sections 3 and 4 of the Health and Safety at Work etc. Act 1974 make it clear that there is a duty on playground providers – in this case the Council - to ensure so far as reasonably practicable, the health and

safety of those who use the facility or who may be affected by the activity. Failure to comply with the duties could result in enforcement action being taken by the Regulator by way of improvement or prohibition notice and/or prosecution.

## **2.0 Inspection Regime**

- 2.1 The Government publication “Best Play” states that play provision should aim to manage the balance between the need to offer risk and the need to keep children safe from harm.
- 2.2 There is a requirement to carry out risk assessments on all play areas, the Health and Safety Executive has endorsed the use of risk versus benefit assessments, for children’s play area provision as compliant with the duty on the Council.
- 2.3 Given the number of play areas that Mid Devon currently have, there is a need to ensure that those that pose the highest potential risk receive the highest level of inspections. This has been determined by carrying out a play area Risk Assessment that awards scores to each site, the higher the score the more frequent the inspection regime.
- 2.4 Inspections are then categorised as Daily, Twice Weekly, Weekly, Monthly and Annual, with a reduced schedule operating during the autumn and winter. Each play area receives an Annual and a Monthly inspection as a minimum; the higher scoring sites receive additional inspections to a maximum of Daily. Daily inspections do not include a visit on Sundays.
- 2.5 Inspections are carried out by two qualified members of staff employed as inspectors within the Environmental Services Section. Daily, Twice Weekly and Weekly inspections are a visual check of the site. Monthly inspections are more detailed and include the condition of both static and moving parts, such as chains, seats and bearings. An Annual inspection examines the integrity of the structures and takes an overview of the play area as a whole.
- 2.6 All inspections are entered into a database and the results can be interrogated to ensure identified repairs are carried out.

## **3.0 Safety record**

- 3.1 Mid Devon has a good safety record, the last claim in May 2011 involved a child running into a goal post at Victoria Close, Willand, being unsubstantiated by our insurers.

## **4.0 Review Findings and Recommendations**

- 4.1 The review has highlighted that due to changes in working practices all inspections can now be carried out by the two Inspectors employed within the Environmental Services section. These officers have received appropriate training and supervision and means that other

officer - District Officers, Safety Officer, Community Projects Officer and Open Spaces Manager are no longer involved in the inspection regime. This is designed to ensure consistency of the inspection and outcome and promote accountability.

- 4.2 Previously H.S.B was nominated by our insurer to carry out the Annual Inspection of playgrounds. One of our inspection District Officers is currently training to become a playground inspector capable of completing the annual inspection required. Zurich Municipal has agreed to our in house inspector making the annual inspection. The officer qualifies later this spring and in time for the next annual inspection.
- 4.3 When the Council has a qualified Annual Play Ground Inspector as outlined above, his services should be available at cost to parishes within Mid Devon who are responsible for their own play areas.
- 4.4 The Council could seek assistance from the parish and town councils who may be eager to supplement daily, twice weekly and weekly play area inspections, by enlisting residents to act as park 'wardens' or 'guardians' who could use tick list inspection proformas to assist.

## 5.0 Conclusion

- 5.1 The Council's safety inspection policy conforms to the following legislation:
  - The Health and Safety at Work etc. Act 1974
  - The Occupiers Liability Act 1957 and 1984
- 5.2 The Council's insurers Zurich Municipal have agreed that Annual Inspections can be carried out by a member of Mid Devon staff. 4.2 Review Findings and Recommendations.
- 5.3 Each of Mid Devon's play areas has been subject to a risk assessment and an accessibility survey.
- 5.4 By making inspection a high priority, the Council is in a good position and maintain its assets in good order and to defend any action brought against it with regards to injuries sustained whilst playing within a Mid Devon play area.

**Contact for more Information:** Adrian Cook, Open Spaces and Bereavement Services Manager, 01884 234339, [acook@middevon.gov.uk](mailto:acook@middevon.gov.uk).

**Circulation of the Report:**  
Management Team and Cllr Ray Radford