

MANAGING THE ENVIRONMENT POLICY AND DEVELOPMENT GROUP

8 MARCH 2016

Play Area Risk Assessment and Safety Inspection Review

Cabinet Member Cllr Neal Davey
Responsible Officer Head of Housing and Property Services, Nick Sanderson

Reason for Report: To review the way in which the Council manages its play area risk assessments and safety inspections.

RECOMMENDATION(S): that

- 1. Cabinet note that the current risk assessments and safety inspections are considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment forms, refer to 4.1.**
- 2. Cabinet note that digital transformation of the current inspection method would make the task more efficient, as detailed in 4.2. and that an evaluation of this process will be undertaken by officers.**

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 wellbeing will be enhanced when residents have the confidence to use the Council's play areas.

Financial Implications: The 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: There is a potential cost of litigation should the Council be found negligent with regards to maintenance of its play areas.

1.0 Introduction

- 1.1** The previous review of risk assessments and safety inspections of the Council's play areas was carried out in 2013.
- 1.2** Mid Devon have 105 play areas, however this number shall decrease due to a number of play areas that have been programmed for closure and for those that Mid Devon are currently in the process of passing responsibility for, on to parish councils and other organisations; the number is likely to reduce to around 85 in the near future.
- 1.3** There shall also inevitably be a reduction in the number of pieces of equipment within play areas to inspect due to the managed decline of equipment and the lack of funding to replace it; un-equipped play areas shall still require inspections.

- 1.4 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.
- 1.5 Under sections 3 and 4 of the Health and safety at Work Act 1974 there is a clear duty on playground providers to ensure so far as reasonably practicable, the health and safety of those who use the facility. Failure to comply with the duties under these sections of this act may result in legal enforcement action being taken. An improvement or prohibition notice could be served and / or the appropriate enforcing authority could bring a prosecution.

2.0 **Inspection Regime**

- 2.1 The 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 legal 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.
- 2.3 Although the number of play areas that Mid Devon are responsible for have reduced there is still a need to ensure that play areas 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 depending on the type of equipment installed and the inherent risk that it poses. The higher the score the more frequent the inspection regime, see annex 1 and 2.
- 2.4 Inspections are categorised as Routine, Operational and Annual, with a reduced schedule operating during the autumn and winter; Daily, Twice Weekly and Saturday inspections are classed as Routine. Each of our play areas receives an annual and a monthly inspection as a minimum. The higher scoring sites receive additional routine inspections to a maximum of 6 per week; Monday to Saturday there are no inspections on Sundays.
- 2.5 Inspections are carried out by two qualified members of staff employed as inspectors within the Property Services Section, inspections are classified as:
 - a) Routine Inspection - this is a basic safety check and will identify hazards resulting from vandalism and wear and tear from normal use.
 - b) Monthly Inspections - are more detailed and include the condition of both static and moving parts, such as chains, seats and bearings.
 - c) Annual Inspection - this 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 was in 2011 as detailed in the previous review; an ex gratia payment was made in September 2014.

4.0 **Recommendations**

4.1 That the current play area risk assessments and inspection regime continues as it is; with individual pieces of equipment being identified on the Risk Assessment form instead of the generic description as currently used.

4.2 To identify and evaluate a commercially available play area inspection product to replace the current programme which was written in house by our I T Section; support for this system is becoming increasingly more difficult. A new system would enable inspections to be carried out on a hand held device eliminating the need for the current double inputting of data from written report sheets. The cost of a typical system can be £4,800 per annum and is also suitable for other inspections such as seats, bins and to record the condition of open spaces.

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