

Association of Play Industries
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Date

Reference CA/28/7/09/1/API

Policy Group

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Head of Section
Tim Galloway

For the attention of John Croasdale, Chairman

Dear Sir

HEALTH AND SAFETY IN CHILDRENS PLAY AREAS

Further to my recent correspondence with Andrew Yates I can confirm HSE's position on health and safety law as it applies to childrens play areas.

The law is clear. Those involved in the creation of natural play spaces will have duties under Section 3 of the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, that those affected by their undertaking are not exposed to risks to their health and safety. This clearly includes children at play in these areas.

The Management of Health and Safety at Work Regulations 1999 require employers to carry out a suitable and sufficient assessment of the risks, to their employees and others, arising from their work activities.

The operator/creator of the play space has a duty to assess the risks to children and implement appropriate risk control measures. This risk assessment should identify the hazard i.e.; the potential to cause harm, assess the likelihood of that harm occurring and the potential severity and numbers affected. HSE recognizes that the benefits of play should inform the risk assessment process however children should be able to experience challenging play without an unacceptable risk of serious injury or death. This can be achieved by implementing sensible risk control measures including proper design, installation and maintenance. Where recognized standards exist these should be used although in some circumstances, where the standards do not strictly apply, the general principles enshrined within them may be relevant to the risk assessment and may assist in identifying appropriate risk control measures. If this is not the case and there are no applicable recognized standards, then a risk assessment should be approached from first principles. The fact that there are no recognized standards for a particular configuration of play space or equipment does not mean that risk associated with its use should be ignored. Indeed where there are no recognized standards the risk assessment should be carried out even more vigorously to ensure effective risk control measures are implemented.

The principles of risk control apply to natural play spaces and equipment in the same way that they do to conventional playgrounds. Consequently these spaces will require to be inspected and maintained at appropriate intervals to ensure that they continue to be fit for purpose. This will require creators/operators of the space and the play equipment manufacturers to specify inspection and

maintenance requirements. This information should be made available to inspectors to assist in their inspection of the space.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Cameron Adam'. The signature is written in a cursive style with a large initial 'C' and 'A'.

Cameron Adam
HM Principal Inspector of Health and Safety

cc: John Simmons, Chairman, RPII