

Risk management of play areas and open spaces

Councils need to consistently demonstrate that open spaces and play areas are safe for use. We strongly recommend weekly visual checks of such facilities are carried out and are recorded in writing as part of the Council's records. The policy we arrange requires reasonable steps to be taken to prevent or protect against injury, illness, loss or damage arising. Provided such steps are in place and subject to all other policy terms and conditions being met the policy will respond should a claim arise and the Council/Organisation is found legally liable.

The insurers have not issued any specific guidance on managing the risk of COVID-19. Whilst a revised risk assessment should be undertaken to take into account COVID-19, for further advice or guidance we recommend that you contact the consultants who undertake the annual inspection of the play/outdoor gym equipment. Visit the [Government portal](#) or the [Health and Safety Executive website](#).

We expect that playgrounds will be very heavily used, especially with the warm weather that we are currently experiencing and the eagerness of the public to start using them again, so it is vital that playgrounds are thoroughly inspected to ensure a satisfactory level of safety is in place. You also have a responsibility to remove any temporary barriers that may have been put up during lockdown which may also be hazardous. You may find the following article from the RPII a useful reference point for further guidance – [please click here to read the article](#).

The inspection programme should be in line with your overall risk assessment. If lockdown, or social distancing has an impact on the facility, the risk assessment should reflect and be updated accordingly. All inspections should be written with a copy kept on your organisation's files. Councils need to consistently demonstrate that open spaces and play areas are safe for use. We strongly recommend weekly visual checks of such facilities are carried out and are recorded in writing as part of the Council's records.

Visual inspections are vital in order to consistently demonstrate that the site remains fit for purpose, with any fault and/or issue being reported to the clerk with immediacy.

The checks should be recorded in writing and kept on the Council's records.

Reasons for regular recorded inspections include:

- To help protect members of your community from injury due to faulty play equipment or defective land
- To assist insurers in defending an injury claim
- To ensure equipment and areas remain fit for use
- In addition if trees form part of the Council's responsibilities we strongly recommend an arborist report is carried out by a suitably qualified person. Any action points arising from the report should be attended to within the recommended timescales. Regular, routine visual checks should also be undertaken, especially after incidences of extreme weather.

During 2019, we saw frequent claims reported for third party injury arising as a result of Council owned equipment/land that had fallen into disrepair or deteriorated over a prolonged period of time. Insurer's took a consistent approach in these circumstances and accepted liability. This was based solely on the fact that no remedial or planned programme of maintenance could be evidenced. In the event of a claim being paid the Council may see their future premiums increase to reflect this.

For this reason, we recommend that Councils review their assets regularly to ensure that all deteriorating equipment/ land is recorded and a plan is in place to repair and/or manage the equipment/land effectively.

This note is not intended to give legal or financial advice, and, accordingly, it should not be relied upon for such. It should not be regarded as a comprehensive statement of the law and/or market practice in this area. In preparing this note we have relied on information sourced from third parties and we make no claims as to the completeness or accuracy of the information contained herein. It reflects our understanding as at 30.06.2020, but you will recognise that matters concerning

COVID-19 are fast changing across the world. You should not act upon information in this bulletin nor determine not to act, without first seeking specific legal and/or specialist advice. Our advice to our clients is as an insurance broker and is provided subject to specific terms and conditions, the terms of which take precedence over any representations in this document. No third party to whom this is passed can rely on it. We and our officers, employees or agents shall not be responsible for any loss whatsoever arising from the recipient's reliance upon any information we provide herein and exclude liability for the content to fullest extent permitted by law. Should you require advice about your specific insurance arrangements or specific claim circumstances, please get in touch with your usual contact at Came & Company.

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