



DOMESTIC PLAY EQUIPMENT IN HOUSING AREAS



Guidance for housing estate managers and playground inspectors on how to risk assess domestic or DIY equipment in playgrounds and open spaces

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Introduction

Domestic quality equipment or DIY modifications to existing play equipment is often found in play areas and open space within housing estates. Estate managers and playground inspectors may see it as evidence of community involvement but are also keenly aware of their Health and Safety responsibilities.

Sometimes the “modifications” are old ropes, pieces of furniture with sharp edges or other items which have been discarded. At other times the equipment will be of domestic quality only which may not be robust enough for a busy playground.

Responsibility under Health and Safety at Work legislation is clear. There are, however, no recognised recommendations which would guide a housing manager or playground inspector in how to assess the risks and what actions to take.

General design issues and the overall safety of a play area will be covered by annual inspections by a competent person (BS EN 1176). Failure to meet EN 1176 is not always an indication of unacceptable risk. The housing manager or the playground inspector may have to make difficult decisions without delay as to whether domestic or DIY items may be left in the playground or should be removed.

This document is intended to assist the housing manager or playground inspector in making these judgements.

The author, Rob Wheway of the Children’s Play Advisory Service (CPAS), has been carrying out annual playground inspections as recommended in BS EN 1176ⁱ for over 25 years. These have included hundreds of sites located within housing estates.

He also inspects adventure playgrounds where the appropriate guidance is “Risk and Safety in Play”ⁱⁱ which may be relevant where there is a high level of supervision.

He has carried out much observational and interview research of children at play and is co-author of the document “Child’s Play: Facilitating Play on Housing Estates” published by the Joseph Rowntree Foundation and the Chartered Institute of Housingⁱⁱⁱ.

The Children’s Play Advisory Service also has other relevant free-to-download publications at their website which may be of interest.

www.childrensplayadvisoryservice.org.uk

Sharing of Toys/Equipment

It is natural for children to share their toys with each other. This is a desirable aspect of good neighbourliness and part of children learning to share and take turns.

Toys used by children which may be shared may include soft toys, little scooters and tricycles, electronic games, etc. They may also include larger toys/equipment which may be modelled on playground equipment found in parks and housing estates.

These might include climbing frames, slides, trampolines, skateboard ramps, swings, etc. These easily available from garden centres, DIY stores, toy stores or via the internet.

These larger pieces of equipment may be bought as a gesture of public spiritedness by a local resident or group of residents.

Though not “domestic equipment”, residents will sometimes secure an old rope to a tree so it can be used as a swing. This report includes comments on this.

There are, however, occasions when old items are left on green space as an easy way of getting rid of them.

Both the smaller and larger toys are likely to be of domestic quality only and not suitable for installation in public open spaces, parks, etc which are open to the public.

In allowing the children to share the toys the parent is accepting some liability for the condition of those toys. If a parent were to allow a child from another family to use a toy when they were aware that it was in a hazardous condition or likely to be used in a hazardous manner then they could, at least theoretically, be sued if an injury occurred. This would be the case regardless of whether the toy was small or large.

For a housing manager the issue is what action should they take under Health & Safety at Work legislation. This needs to be balanced with the benefits to the children and residents of neighbourliness and increased play opportunities for the children. The following sections are for guidance in this regard.

Location

- **Private Garden**

If the toy is in an enclosed/private garden, ie for 1 dwelling, which can only be accessed by the resident’s child or children invited by them then it would seem that there is no duty on the housing manager to control those toys.

There might be an issue for the housing manager if toys and other matter were piled up in such a way that they created a fire hazard or similar.

- **Space Accessible to General Public**

The situation is different if the toys/equipment are located on housing land which is also public open space, park or other space which is open to the general public.

Here the housing manager would have a duty to remove these toys/equipment from the site if they pose a hazard. If a member of the public did use them and there was an accident they would no doubt claim that they assumed the equipment was satisfactory for use because it was located in an area which would be actively managed.

There would, however, need to be some reasonableness in this regard. The housing manager cannot be expected to immediately remove any toy which happens to be on the public place. Children do run home and forget to take toys with them. It would therefore be reasonable for the housing manager to at first assume that the children will come back for their toy. If on the other hand the toy is particularly dirty or damaged and has obviously been abandoned for a few days, then it should be removed.

If the item itself has protruding nails, sharp/broken edges or is likely to collapse if used then removal should not be delayed.

- **Enclosed Communal Space**

The situation in an enclosed communal garden lies somewhere between the above 2 examples. This type of garden is not open to the general public and those using the toys will be at least acquaintances and will often be friends.

An enclosed communal space may not necessarily be sufficiently gated to prevent a member of the public using it. Its access may give a strong impression that it is for the use of residents only. Access may be through an entrance arch or the space may be hidden away in the middle of housing. In these circumstances if the general public do not wander into the estate to use the area then the space can be deemed “enclosed” even though theoretically the public could use it.

In these circumstances it would seem reasonable that toys left out and being shared can be left where they are and should only be removed if they create a hazard.

There is, however, the instance of more challenging items such as trampolines and skateboard ramps. In these circumstances the housing manager may consider the risks greater than ordinary toys and wish to take action. Advice is given later in this report.

Equipment

- **Toys**

Where the items are small such as toddler bicycles, mini plastic see-saws, plastic slides with less than 600mm fall height, then the approach given above should be followed. There are, however, other items which are semi-permanently placed in areas which are accessible to other people not just the owner or donor. Advice on this is given in the following sections.

- **Trampolines**



In the last few years trampolines have been readily available in shops and on the internet. They are intended for people's gardens and have become very popular. This is evident on train journeys when people's back gardens can be seen.

These trampolines are effective and give sufficient bounce for children to attempt and achieve gymnastic turns and tumbles. Some of these trampolines have a protective netting which prevents users from falling off the trampoline and on to the ground.

These are associated with significant numbers of accidents particularly when more than one child is using them at a time. The risk is increased when the people using it are of considerably different sizes.

Helpful advice on use of trampolines can be found at: <http://www.rosipa.com/leisure-safety/advice/trampoline/>. It makes recommendations which suggest restrictions on numbers of users, age of users, size differences of users, location, etc.

The suppliers of trampolines will often have printed advice on the padding or elsewhere which is likely to be similar to that given in the document above.

When situated in publicly accessible spaces the reputable advice given is unlikely to be followed. Trampolines are not likely to be adequately supervised, if at all. Consequently the number, size and age of users cannot be controlled.

Over time the protective mesh is likely to become broken, protective pads over the springs and metal edges become worn and displaced and springs become detached. If one is donated by a local person or group it is unlikely that the item will be regularly inspected for damage or wear and tear. It is also unlikely to have a procedure for maintenance.

It is unlikely to be secured so that even if it is at first in a suitable location, there is nothing to prevent older children moving the item into a more hazardous position which both increases the risk to them and also to younger children who may innocently follow on.

Recommendation: If the trampoline is placed in a space which is accessible to the general public and is left in position without supervision then it should be removed as a matter of urgency.

If the trampoline is part of a community event (organised or informal) the organisers should be permitted to allow usage as long as the advice on trampolines given above is followed.

If the item is in an enclosed communal space where the local residents are keen that it be retained for use then the recommendations mentioned above should be brought to their attention. They should ensure they comply with the advice on trampolines (given above) as a matter of urgency.

Insurance cover is advisable as the individuals or organisation providing the trampoline may well be liable in the case of an accident.

- **Swings**

Domestic quality swings are easily available and may come as stand-alone items or part of a larger item with other play elements such as a slide, den, etc (a multi-play).

These swings may well be subject to forces much greater than anticipated by the supplier. The supplier may in fact recommend that the swings are not used by children over a certain age or weight. They are certainly not anticipated being used by a couple of teenagers as is the case with items meeting BS EN 1176.

The suspension parts are usually rope which can be easily cut or burned and may wear quickly unlike the chains used in equipment complying with EN 1176.

The moving parts probably do not have bushes or bearings and therefore are subject to accelerated wear.

It is possible that if access to the area is limited to a few dwellings and usage is very light then on a risk assessment basis it may be possible to retain the swing. This should only be permitted if the following apply:

- The equipment is tested and assessed by a competent person before usage is permitted (see “Inspections” below);
- The item should be secured so that it will not topple over in usage or be capable of being moved to another location;

- Routine annual, operational and visual inspections are carried out (see below);
- The item is covered by the insurance of the housing organisation or by the local residents' committee/organisation.

- **Ropes**

Ropes which might create strangulation potential because of the way they are attached to existing equipment should be removed.

Ropes attached to tree branches where the tree has not been assessed by an expert should also be removed.

Without specialist knowledge no one can say for certain whether a tree can cope with the forces exerted by a swing. It is also the case that the rope will be of an unknown strength and may have been discarded precisely because it was damaged.

The rope is also likely to wear at the top where it moves against the branch and probably out of sight of the users.

Ropes should therefore be removed as a matter of urgency unless they and the tree have been assessed by competent person(s) as fit for use. If they are retained they should also be closely inspected on a monthly basis.

- **Climbing Frames and Multi-Plays**

As with the swings, domestic quality items may be permitted in low-use areas where usage will be very light. The same recommendations as given for swings should be followed.

Where the fall height from the item is less than 600mm it is likely that the risks will be sufficiently low to be acceptable if the item is robust enough for unsupervised use by children.

- **Balance Beams/Stepping Logs**

With low-level items such as the above the fall heights are likely to be below 600mm and therefore under EN 1176 no impact absorbing surfacing (IAS) is needed.

In these circumstances it is not "reasonably practicable" to require an urgent inspection by a competent person. A sensible person who may well be a housing manager should be able to check that it is not rotting, that there are no sharp projecting points and that they are secured to the ground.

- **Junk and Scrap**

It is not unusual for items such as kitchen cabinets or mattresses to be left on playgrounds. Children will obviously play with these and may add them to existing items of equipment. It is not unusual to find that children have had much fun from these items and it probably seems hard-hearted to remove them.

Kitchen cabinets and similar, however, have often got sharp metal edges and protruding nails. Old mattresses are clearly a health hazard. This litter does therefore need to be removed, usually as a matter of urgency.

Intentionally Installed Domestic Quality Equipment

This document is primarily concerned with play equipment which residents have placed within housing play areas and open spaces.

There are, however, instances of Housing Associations who have installed domestic quality equipment because it's much cheaper than equipment intended for public use. There are occasional instances where a residents group has raised some money to increase the play opportunities. The domestic quality equipment is easily available from DIY stores, toy stores, garden centres or via the internet.

It is preferable to check with a competent person if the proposed item is suitable for its location. This is obviously better if the advice is sought before purchase rather than after purchase when the item may need to be removed and so goodwill and expense are wasted.

If the item is to be situated in a location which is open to the general public then domestic quality equipment should be avoided. Equipment installed should comply with and be installed to the recommendations of BS EN 1176.

It may be reasonable to install domestic quality equipment in an enclosed green space if it is only accessible to a few young children. Managers should look for a sense of community ownership by the local residents who should be informed that it is only for use by younger children.

It should be remembered that younger children do grow up so equipment may not be suitable for them as they grow older.

The equipment should be inspected using the EN 1176 recommended inspection regime detailed later in this document.

Inspections of Equipment

Housing managers need to understand how they should manage inspections of their equipped play areas. The following gives guidance on what is widely regarded as good practice.

There is no law on the number and frequency of inspections. However, should there be a serious injury, in which the Health and Safety Executive were involved, or in which there was civil litigation, then it is almost certain that EN 1176 would be used for guidance. It recommends:

- **Routine Visual Inspections**

Enable “the identification of obvious hazards that can result from vandalism, use or weather conditions eg broken parts or broken bottles”.

Playgrounds subject to heavy use or vandalism might need daily inspections and I would recommend a minimum of weekly inspections. A judgement on frequency will need to be made based on the evidence of breakages, vandalism, etc.

- **Operational Inspections**

“A more detailed inspection to check the operation and stability of the equipment, especially for any wear, and should be carried out every 1-3 months”. My experience is that 3 monthly is usually sufficient, however if there is a particularly heavy use item or during heavy use in the summer period more frequently may be necessary.

This might be described as a “poke and prod inspection” where the inspector uses force and weight to assess whether or not the equipment is in good condition. In other words the equipment has to be clambered over, moved, bounced on etc.

- **Annual Main Inspections**

Establish “the overall level of safety of equipment, foundations and surfaces” and “any change in the level of safety of the equipment as a result of repairs made, or of added or replaced components”. It should be carried out by “competent persons”.

This inspection acts as a quality control measure against operational inspections. Any significant difference between the 2 reports will indicate a problem which needs to be addressed. Annual reports can assist managers in fulfilling their responsibility for undertaking Risk Assessments.

- **Post Installation Inspections**

In addition to the above Post Installation Inspections can be made a condition of contract where new playgrounds are being installed or significant improvements are being made. With these a competent person is contracted to make an independent inspection once the playground is installed but just before hand over. In this way managers can ensure that the playground is fit for use.

Children's Play Advisory Service offers training on inspecting children's playgrounds (ICP) which covers both visual and operational inspections.

<http://www.childrensplayadvisoryservice.org.uk/training.html>

Conclusion

It is hoped that the guidance in this document will be found to be helpful. Children's Play Advisory Service welcomes comments from those who manage and/or inspect children's play areas in housing estates.

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References

- ⁱ BS EN 1176 – Playground Equipment and Surfacing, pub. BSI. This is the Standard guidance for unsupervised fixed equipment playgrounds, ie ones with swings, slides, roundabouts, etc. It is advisory and not mandatory though wilfully ignoring it may be evidence of negligence. It will be the most relevant document for those manufacturing or providing playgrounds in housing estates.
- ⁱⁱ Risk and Safety in Play – The Law and Practice for Adventure Playgrounds. This is the standard guidance for playgrounds supervised by playworkers. It is advisory not mandatory. It may be helpful for playgrounds in housing estates which have a high level of parental or volunteer supervision.
- ⁱⁱⁱ Child’s Play: Facilitating Play On Housing Estates (Whewey, Rob and Millward, Alison) 1997, pub. Joseph Rowntree Foundation and Chartered Institute of Housing.