

Protection against Litigation

The most common reason that play providers are risk averse in their playground decisions is fear of litigation. However, by using good procedures, the chances of a successful claim from an accident can be reduced to almost nil. To achieve this you should:

1. Write a play policy (or have one written for you) that recognises the need for risk in children's play, In it you should make reference to which risks you consider to be acceptable and which are unacceptable. The play safety forum statement contains useful information on this latter point.
2. Choose good quality equipment and materials from reputable suppliers for your play area. Avoid the temptation to skimp on costs.
3. Carry out a risk assessment before allowing the public to use the play area and repeat this process at least annually or following any changes to the play area
4. Make sure that you have a robust maintenance regime in place, with regular documented inspections. Ensure that preventative maintenance takes place in a timely fashion and that any broken equipment is immediately taken out of action and repaired as soon as possible
5. Ensure you have an accident procedure so that you are prepared when inevitable accidents happen. After helping with arranging any necessary medical care, record all the details of the accident, how it happened, any witnesses, take photographs and record any action taken.

Please don't be tempted to remove a play feature simply because an accident has happened. This may be tempting particularly if parents get it into their heads that it is dangerous because their child hurt themselves on it. By all means review your risk assessments in light of the accident, but remember to balance the tangible risks with the intangible benefits