



# Playground safety: inspection is the key

By Ken Fingler, Director, Risk Manager, HED Insurance & Risk Services

While it may still be winter, spring will soon be on the way and the warm spring weather will trigger an influx of children to your playgrounds. Extra care needs to be taken in the spring to carefully inspect and repair all playground equipment, including sports fields and skateboard parks, that may have been damaged over the winter.

You may never be able to prevent all accidents, however, the important thing is to keep your playgrounds and equipment in good condition and as safe as possible. Remembering to always document all inspection and repair work.

With today's litigious society, whenever there is any accident on a playground chances are very high that the parents will be looking for someone to blame. That someone would most likely be the municipality that owns and operates the playground.

For municipalities, the question is – *Will you be found negligent if a child is injured in your playground?*

The *Occupiers' Liability Act* imposes a duty on all occupiers to take reasonable care to ensure that persons entering or using the premises are safe. The courts have gradually raised the 'Standard of Care' required, especially where the safety of children is involved.

Many municipalities have taken a very proactive approach to playground safety; however, some are still reluctant to start an inspection program.

This may be due in part to:

1. A feeling of complacency – the 'it won't happen in our town' sentiment **or**
2. A fear that your staff may not be qualified to inspect playgrounds and they will not be able to spot the hazards.

To clarify these two areas:

1. Accidents **do** happen in small towns and RMs just like they do in large cities. While we have been fortunate in Manitoba to have experienced few serious injuries on playgrounds, even fairly minor injuries to

children can be very costly to the municipality if they are found to be negligent. You are, of course, insured if you are held liable for an injury. But rest assured, it is no fun being told you are responsible for a child's injury!

For example: A three-year old child suffered a crushed big toe resulting from a bolt left sticking out of the bottom of a teeter-totter. While the injury was not major and the child fully recovered, the municipality was deemed to be at fault for not inspecting or properly repairing the equipment and a settlement was reached.

As this was a minor child, the settlement had to be approved by the Public Trustee of Manitoba. (Settlement: \$7,800 including Manitoba Health benefits, solicitors fees and general damages)

This was only a minor injury claim in a rural area and yet it resulted in a fairly large settlement.

**Large claims can happen in rural areas - Imagine the cost for a serious injury!**

2. The Canadian Standards Association (CSA) has developed a standard entitled *CAN/CSA-Z614-03, Children's Play Spaces and Equipment* that was set out as a guide to the safe installation and repair of playground equipment.

This standard applies to new structures and to sections of structures that are being repaired or retrofitted. The intention of the standard is to promote the safe installation of new structures and the inspection and repair of older structures to remove hazards and reduce injuries. Again, please keep in mind that while your insurance protects you even if a claim is for an injury on a 'non-compliant' structure, it is in everyone's best interest to prevent accidents. You don't want to pay for avoidable claims!

Statistics Canada reports that 65% of playground injuries result from children falling off playground equipment. These injuries are often quite serious because the surface material under the play structure was too hard or packed down to cushion the falls.



(Several municipalities still have hard packed grass or sand under their playgrounds.)

They also report that most deaths in playgrounds result from strangulation resulting from drawstrings or scarves caught in cracks in slides or heads caught in inadequately spaced openings in guardrails or stairs.

Focusing on these key areas could prevent most of these injuries and reduce the severity of injuries that do still occur.

- Replace hard packed surfacing with loose pack pea-gravel
- Check for catch point and head entanglement areas
- Check for obvious problems like loose guard rails, cracked or broken components etc.

Three elements are the key to preventing playground accidents and avoiding negligence (and therefore avoiding liability):

1. **Regular inspections** –
  - a) **Weekly** (if not daily) visual checks for obvious broken/loose equipment, hazardous debris, adequate surface material etc.,
  - b) **Monthly** inspection of all equipment and;
  - c) **Annual** comprehensive inspection of the entire play area.
2. **Reasonable maintenance** – Prompt repair of all items that could result in an accident or injury and removal of failing equipment from use until repaired.
3. **Documentation** – Keeping records of all inspections and repair work is vital to proving reasonable care and is the best defense against claims of negligence.

### Inspector Training Course

While many municipalities cannot afford to send staff out of province for full inspector training courses, the Manitoba Association of School Trustees (MAST) has developed an affordable one-day course for school and municipal playground inspectors that covers all the vital hazards to look for in your playgrounds.

This course will be offered in several locations around Manitoba in April, May and June of 2007. Further information will be available on the MAST website at [www.mast.mb.ca](http://www.mast.mb.ca) under 'Resources for schools.'

We encourage municipalities to send your parks maintenance staff to this concise and very informative course. ☎

Inspection forms and recommended procedures are available on the HED Insurance & Risk Management link on the AMM web site at [www.amm.mb.ca](http://www.amm.mb.ca) or by contacting Ken Fingler at 1-800-665-8990 ext. 7279.




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