



SUBJECT: Play Ground Equipment

RECIPIENTS: All Council Services (including schools)

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Prosecution over child's head injury

A ten-year-old boy sustained severe head injuries when part of a swing collapsed on him at, a court has heard.

A Lancashire Council was prosecuted by the Health and Safety Executive (HSE) after an investigation found the council had been warned that the swing needed urgent attention. The court heard that the child's injuries, including a fractured skull, could affect him for the rest of his life. The youngster and his friends had been playing on a tyre swing that was connected to an arched metal beam overhead by four chains which hung down from a suspension mechanism.

The boy was underneath the swing when the rotating mechanism gave way, striking him on the head. The HSE found the council had arranged for the Royal Society for the Prevention of Accidents (ROSPA) to carry out quarterly inspections of its playground equipment and a ROSPA engineer first alerted the council that the swing needed 'urgent attention' in March 2010 – over a year before the incident – as the suspension mechanism was not rotating properly. A recommendation was made to contact the manufacturer for further advice. This warning was repeated in the following three inspection reports but the council did not act on it.

The investigation concluded that poor repair work carried out on the swing in 2009 was likely to have contributed to its deterioration, meaning the same issue is unlikely to occur on other similar swings.

The Council was fined £18,000 and ordered to pay prosecution costs of £20,000 after pleading guilty to a breach of the Health and Safety at Work etc Act 1974 on 23 October 2013.

The HSE Commented after the case:

"There was simply no point in the council paying for a specialist engineer to inspect its playground equipment if it wasn't going to act on the advice. If the swing had received urgent attention, as recommended, then the horrific injuries the boy suffered could have been avoided."

If you require further assistance or clarification on the subject please contact:

Your Mouchel Health & Safety Adviser (see George section: Corporate > Information for Working > Risk Management > H&S Advisers)