

Children's Garden Liabilities and Safety

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Children's gardens are a valuable amenity to draw families to public gardens. They provide kids a designated area to explore and learn about the natural world while giving parents' peace of mind that their children are in a safe space. However, they are not without risk and it is important to balance creative exploration with safety and response planning.

DUTY OF CARE

When a space in the Garden is specifically designed for kids, there is a higher standard of care and duty owed; daily inspection, ongoing maintenance and trained staffing in the space is critical to keeping kids and families safe. Identify spaces where staff need to be assigned to provide assistance; perhaps a water feature. Be sure these designated employees know the area well and are trained to handle incidents should they arise. Thoughtful signage to assist families in directing kids to age appropriate activities and safe interaction is also necessary.

SAFE DESIGN

Beginning with the design phase throughout construction to opening day, anticipating how children will use and interact in the space are primary considerations. When designing a play area within your children's garden keep in mind all ages, play structures/areas should ideally be separated into three distinct groups: for children under age 2, for 2- to 5-year-olds, and for 5- to 12-year-olds.

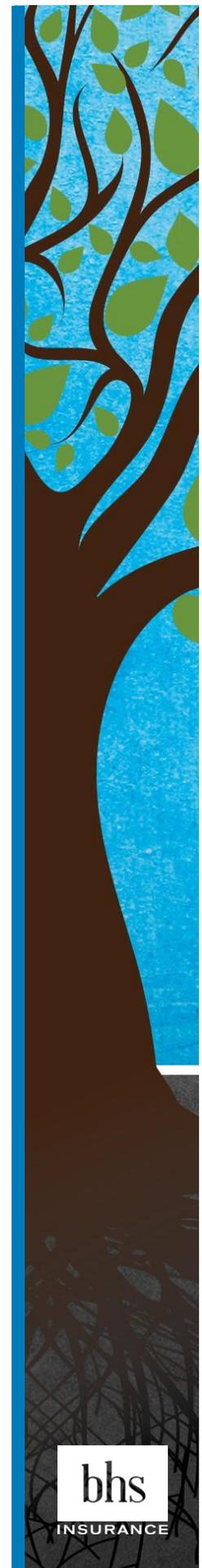
Other safety considerations should be taken into account when planning a children's garden:

- Minimize the number of spaces that could trap a child's head, arms or legs. All openings, such as rungs on a ladder, should be either smaller than 3.5 inches or larger than 9 inches.
- Wooden equipment should not be cracked or splintered. Any cracked or splintered equipment requires immediate attention for repair or replacement.
- Any sandbox areas should be inspected regularly before children use them. Be sure that these areas are covered every night to prevent animal contamination.
- Maintenance records should be kept as evidence of ongoing care in keeping space safe and well maintained.

Trips, slips and falls will happen and ground surface can reduce the severity of an injury or prevent an injury completely. Concrete, asphalt and blacktop are all extremely hard surfaces and are generally considered unsafe for playground areas. Woodchip ground cover is much softer, but debris hidden in the woodchips, or the woodchips themselves, can cause falls and minor injuries. Rubber mats offer the most stability, especially for younger children, and allows for the easiest wheelchair access. Staff and volunteers should make sure the ground surface stays level and free of debris that could cause children to trip and fall, such as rocks, tree stumps and tree roots.

When designing your children garden it is important to remember site lines for parents and grandparents to be able to observe their child from many vantage points. If they have to quickly maneuver to another area to keep up with their child it will create slip and fall hazards for them as well. Clear site lines will assist not only the parents but staff members as well.

As a guideline, it is important to stay informed of the latest in playground safety developments. One of the most authoritative playground safety standards is published by the U.S. Consumer Product Safety Commission in its [Handbook for Public Playground Safety](#). The handbook contains a wealth of information regarding playground surface and equipment hazards.



When designing the children’s garden, the landscape architect should adhere to Public Playground Safety guidelines and you should include this as a requirement when remitting the RFP.

POLICIES AND PROCEDURES

Hiring the right staff is important at all levels within the garden and especially for those working with children. At a minimum background checks must be run on all employees and volunteers who work with children at time of hire and every 3-5 years thereafter. The background check should include a county, state and nationwide search in addition to checking the sex offender registry. The employment/volunteer application should also ask the candidate if they have had any prior convictions of a crime. Finally, contacting references and a personal interview is a key part of the hiring practice. It is also a good practice to hold your contractors and vendors to the same standard and conduct background checks of their employees as they have access to the same space.

Your garden should have separate abuse prevention guidelines and reporting procedures in place. The policy should include a description of what abuse is, reporting procedures, investigation procedures and how to respond should an incident of abuse be observed. Each state has [specific guidelines](#) on how to report abuse and it is important for management to understand the regulations. The abuse prevention policy should be reviewed and signed off by staff and volunteers on an annual basis. Training staff on signs of abuse is a final important step in mitigating your risk.

Children’s day camps are popular and they often expand when a children’s garden is added. It is important that you have a defined pick up and drop off policy including verification of who is allowed to pick up the child. Proper waivers should be signed and emergency contact information kept on file. Having at least two adults present when working with children is also important to avoid allegations of “he said she said” situations. Transportation of children should be avoided either in a vehicle owned by the garden or in a personal vehicle. Overnight camps should be avoided as well to reduce the risk to your garden.

INSURANCE PROTECTION

General liability insurance provides protection from claims arising out of a bodily injury and having a children’s garden can increase your risk. Increasing your limits of coverage by adding an umbrella policy or increasing your umbrella limits is an important consideration to ensure adequate limits of liability are in place. Furthermore, understanding if your policy provides coverage for allegations of abuse is important to understand.

Consult [BHS Insurance](#) to make sure your coverage is adequate and protects your risk sufficiently. For more information, please call Kim Slager or another member of the BHS Insurance Public Garden team at 800-350-7676.

