

TRAMPOLINE PARKS: YOUR REQUIREMENT TO PROVIDE COMPETENT ACTIVITY SUPERVISION

INTRODUCTION TO THIS GUIDANCE

This guide will give you (a provider) an overview about personal injury law and the importance of providing competent activity supervision, to ensure the safe use of trampolines within leisure parks.

THE LAW

The HSWA (Health and Safety at Work Act 1974) imposes a legal duty of care. It requires businesses to take reasonable action to manage their operations in such a way that users are not exposed to reasonably foreseeable injury when e.g., taking part in the activity of trampolining. This duty concerns how you run and manage your Park.

The Occupiers Liability Act 1957 imposes a duty to take reasonable care to ensure that a user is reasonably safe for the purposes for which they are invited to be on your premises. This duty mainly relates to the safety of premises and includes equipment.

WHAT IS A REASONABLY FORESEEABLE INJURY IN THE CONTEXT OF A TRAMPOLINE PARK?

This question has been addressed by the international standard published on 30.11.22: "Sports and recreational facilities - Trampoline parks - Safety requirements" (ISO 23659:2022).

This guidance applies to trampoline parks and trampoline park areas within multi activity parks and includes landing areas (airbags and foam pits). It is intended for use by trampoline park manufacturers, installers, operators, inspectors and enforcement bodies. It includes key advice on:

- **Construction:** The design, manufacture and installation of equipment; and
- **Operation:** Supervision, staff training, maintenance, instructions, continuous risk management.

For the purposes of this note we are focusing on the ISO guidance about:

- Supervision;
- Training; and
- Risk Management.

The ISO guidance is the result of research by experts across 3 continents into injuries at trampoline parks. It sets out in clear language the common causes of injury and makes recommendations about how to minimise the likelihood of serious and fatal accidents.

<https://www.iso.org/standard/76556.html>

Whilst recognising that "*Trampoline use has an inherent risk of injury*" it also confirms that "*Trampoline parks aim to offer users the chance to encounter acceptable risks as part of a stimulating challenging and controlled environment*".

This guidance puts the leisure park industry (providers) on notice of:

- what is a '*reasonably foreseeable injury*'; and
- what '*reasonable action*' should be taken to mitigate that risk of injury to the '*lowest reasonably practical level*'.

WHAT ARE THE CONSEQUENCES OF FAILING TO FOLLOW THE ISO GUIDANCE?

ISO 23659:2022 is a document that should be read and understood by all providers and incorporated into their health and safety management scheme. In the event of a claim, a failure to have actioned the recommendations in this guidance will be evidence that a provider is in breach of their statutory and common law duties of care.

WHY IS 'COMPETENT ACTIVITY SUPERVISION' SO IMPORTANT?

The ISO research established that the majority of injuries occur because:

- Participants don't understand the risk (especially children).
- Participants overestimate their own abilities.
- Adult and adolescent participants are more prone to performing high risk manoeuvres.
- That the most common injury is from uncontrolled landing and misjudged capabilities.

As a result, the ISO guidance concludes that:

*"competent activity supervision is one of **the most** important requirements for the safe operation of a trampoline park"*

In the context of claims, where an absence of supervision is alleged, it is usually due to:

- the supervisor not being present or their visibility being restricted; or
- a *failure to adequately supervise*. This is often evidenced by statements of bystanders and or CCTV footage showing, no 'competent' activity supervision, such as users engaged in inappropriate behaviour and rule breaking, with no intervention from the supervisor.

Failure to have in place *competent activity supervision* significantly increases the risk of injury and results in an inability to defend claims.

WHAT IS THE ISO GUIDANCE ON SUPERVISION?

Underpinning all the guidance on supervision, is the requirement that:

- all risk and injury scenarios are properly identified by risk assessments; and
- that all reasonable safety measures are established (and evidenced) via safety policies, safety procedures, safety information to users and staff education.

Subject to that having been complied with, the guidance recommends:

1. Safety information:

Before starting an activity, every user must be given safety information to promote the safe use of the equipment, it must identify critical hazards and the potential consequences for the user.

The content of the safety information must be based on the outcome of the risk assessment and that should inform the content of an SOP¹ for the activity.

In relation to dismount areas, it must include the risk of fatal and serious injuries if used incorrectly. It must state that landing on your head or shoulders in dismount areas is not permitted under any circumstances.

Safety information can be supplied to users in several ways including; safety briefings, webpages, leaflets, posters, video screens, speakers, signs and these methods can be combined.

Advice: The research found that provider's existing safety information was inadequate. It was not sufficient to enable users to properly understand the type and magnitude of the potential risks to which they were exposed. Review your information to users.

Where you permit users to book a group session online and tick a box to say they have viewed the safety video online, that is insufficient evidence to prove that the additional people they are booking for, have individually seen that video. For online group bookings, you should require the whole group to view the safety video in venue before starting their session. You can then produce evidence on CCTV eg by their thumbs up.

2. Staff information and training

There must be a Standard Operating Procedure (SOP) to cover the process for staff selection, appointment and it must specify minimum ages for those staff with activity supervision responsibilities.

All employees must receive an induction and be trained to meet the standards identified in the SOP relevant to their roles and responsibilities.

A supervisor must be competent for their role and responsibilities.

A supervisor must be given ongoing training that is systematic and appropriate.

An SOP must set out the content of that training, and that content will be based on the specific risk assessment for the activity. The SOP for employee training shall at minimum cover the following:

- Procedures for ensuring that all employees are trained and assessed to a level of competency for their role.
- Procedures for the appointment of competent persons responsible for training.
- Procedures for employee supervision.
- Description of employee performance criteria.
- Description of ongoing training.
- Maximum time limits for specific tasks and the procedures for the rotation of employees between different tasks.
- Description of employee roles and responsibilities in particular; in accident prevention, activity supervision, coaching, and dealing with emergencies.
- Description of techniques and strategies for managing users, spectators and external personnel.
- Description of the rules that users are required to follow.
- Location and use of the first aid equipment.
- Training content of activity supervisors should be revised to reflect any changes in the risk management process.

- All induction training and observations of staff performing their duties must be documented and records must be held on the employee's personnel file.

Advice: Rotation of staff is very important for effective supervision. Do you have a policy for this?

Training must be documented and such documentation subject to regular reviews.

You should also ensure that failure to participate in training, engage with training given and failure to implement the guidance given in training are defined as disciplinary misconduct in both your training literature and disciplinary policies.

You should also consider having an express policy for personal devices, that either prescribes reasonable use or more sensibly prohibition of their use whilst on duty. Such policy should define using a personal device whilst undertaking supervision responsibilities as gross misconduct within your disciplinary policies.

3. SOP for user skills and behaviour

The SOP for user skills and behaviour will be informed by the activity specific risk assessment. This SOP must include at minimum:

- How to respond to any user declared medical conditions.
- Which user behaviours are acceptable and the consequence if a user violates the rules.
- How to manage the behaviour of different user groups.
- If a minimum skill level is required, the SOP will explain this requirement and how it will be managed in practice.
- For young children, it will set maximum time limits on an activity (because concentration is lost, and tired muscle groups leads to increased risk of injury) and separate sessions or areas.
- Suitable clothing for the activity.

Advice: Do you describe behaviours in a way that all your users can understand? What is double bouncing? Would a child who had not previously visited the park understand? Do you reduce activity time for children?

These issues will need to be dealt with sensitively, particularly in view of your facilities' obligations under the Equality Act 2010. Therefore, such matters should be included into your staff induction and ongoing training.

4. Activity management and supervision

The risk assessment for the activity (e.g. children's trampolines) will determine the content of the SOP for the management of that activity.

That SOP must include as a minimum the following considerations:

- Risks presented by any feature identified in the activity risk assessment.
- Environmental factors including light, heat, and noise levels.
- No activity areas shall be accessible to users before daily routine visual inspections have been completed.
- All activity areas must be managed whilst in use.
- Supervisor's blind spots and field of vision must be considered.
- Activity areas must be divided into supervision zones.
- Each supervision zone must be scanned constantly by the responsible supervisor.

"Scanning is the skill required by supervisors to constantly watch a particular supervision zone using a sweeping action"

- The supervision ratio must be determined by the operator according to the specific activity risk assessment (which will take into account site specific information, duration of the session and user group).
- The ratio of supervisors to users will vary according to the outcome of the risk assessment.
- A resulting supervision ratio must never be less than 1:32.
- If the risk assessment identifies an increased supervision level is required to mitigate an unacceptable risk, the operator must increase the ratio of supervisors to active users.
- When determining the ratio of supervisors, the operator must refer to advisory ratios from other competent activity bodies which are specifically applicable to the particular activity or sessions being risk assessed.

When determining the supervision ratio, the risk assessment shall consider at least the following factors:

- The users, age, behaviour and any factors affecting their ability to understand risk and their own skill level. (Children are much less able to make this assessment).
- The layout of the equipment as it relates to visibility and accessibility for intervention.

- Permitted actions on the activity.
- Measures to guarantee the ongoing supervision of users in the case of an incident. (If there is only one supervisor, who will supervise while they are attending an injured user?)
- It should consider specific requirements for the supervision of dismount devices.

Advice: Have you established supervision zones? Checked visibility of all areas within the zone? Risk assessed the activity for safe supervision ratios? Trained supervisors on “scanning” and rotation of roles?

It is also important from a compliance perspective that not only are all these actions undertaken but they are documented to both ensure that they are undertaken by staff and that you can evidence that they have been undertaken in the event of disputes.

5. The use of CCTV

- It shall not be used as a substitute for supervisors.
- It can be useful for reviewing accidents and incidents and for management and training purposes.

COMMON PITFALLS TO AVOID

Unfortunately, many existing risk assessments and policies of providers, do not adequately address training and supervision and they could be substantially improved if the recommendations in the ISO were adopted.

Additionally, where comprehensive risk assessments and policies are in place, there is often failure by the supervisors to implement them. By way of example, CCTV footage of accidents (which is disclosable) often shows rule breaking happening without intervention. The three strike rule and other methods of intervention relied on in risk assessments are rarely witnessed if at all in any footage or documentation provided. CCTV footage usually carries no sound, so it is impossible to prove oral intervention by a supervisor in any poor behaviour.

The use of whistles and prescribed hand gestures of supervisors can mitigate against this.

We are aware that there is a frequent turnover of supervisors, who are often young and generally inexperienced in employment and / or they lack the confidence or the maturity to interact with users to ensure that they do follow the rules and safety instructions.

Providers need to consider how to provide (and document) sufficient training to those members of staff to enable them to tackle rulebreakers who are older than themselves and to address the difficulties created by a high turnover of staff when preserving evidence following an incident. (e.g. ensure all leavers provide forwarding email addresses and that these are stored securely).

Ensuring regular rotation of areas of supervision responsibilities, limited time periods of supervision duties and policies prohibiting use of personal devices during supervision, can all help mitigate against staff carrying out insufficient supervision.

You should also ensure that there is clear signage confirming CCTV cameras are in use, have a written Data Privacy Policy regarding the use of CCTV cameras including confirmation of how CCTV footage will be processed and retained in accordance with the ICO's guidance².

² See <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/cctv-and-video-surveillance/>

PRACTICAL SOLUTIONS

- Providers should review all risk assessments and training in relation to supervision to ensure that they are compliant with section 5.8 “Activity Management” of ISO 23659:2022 and in particular:
 - incorporate the necessity for constant scanning by a responsible supervisor of each identified supervision zone.
 - establish a system for regular rotation of supervisors to ensure they remain alert.
 - assess the supervision ratio for the activity taking into account the risk assessment, layout of the equipment, and the users likely age, mix and behaviour ensuring it is no less than 1:32.
- Providers should create documented systems that will help evidence rule breaking intervention in practice, such as:
 - When giving verbal instructions, the supervisor could accompany this with a gesture of ‘pointing’ to the signage and ask the user to make a ‘thumbs up’ gesture to visually confirm they have understood the instructions. The CCTV footage can then help evidence active supervision and verbal instructions being given. This procedure must be set out in the SOP and documented training.
 - Undertaking regular supervisor performance reviews to ensure they are complying with their

training. This would be a documented and visually evidenced performance review (retain CCTV footage file of monitoring reviewed) showing the supervisor intervening in rule breaking and would be undertaken by park managers/supervisors.

- Requiring park managers to undertake regular (e.g. 2-3 times a week) ad hoc audits of supervisors to ensure that they are intervening in rule breaking and have a disciplinary/performance review system in place, to address any failures if they are found not to be engaging appropriately with users on safety issues. Document all audits.
- Introducing yellow/red flag system (incorporated into the safety briefing and rules and signage) whereby cards are issued to rule breakers to reinforce the three-strike rule.
- Establishing a system to identify a user on the booking system who has been removed from a session in consequence of three strikes being applied, so if there is a repeat three strike penalty, they are not permitted to attend the venue thereafter.
- Issuing whistles to staff to assist them to gain the attention of users with a simple agreed set of whistles meaning 'stop immediately' or "come here" (like lifeguards) to be incorporated in the rules and safety briefing.
- Having a duty manager responsible at all times for continuously overseeing the behaviour of users, (in addition to the supervisors monitoring zones) and that manager to have a megaphone to enforce safety rules and also to issue yellow and red cards.
- Requiring the duty manager to do walk about checks throughout a shift, to ensure that supervisors are standing within their supervision zones and the duty manager to monitor the ISO required frequent rotation of supervisors to ensure they remain alert and focused.
- Playing Tannoy announcements (via the music speakers) several times in every session (e.g. every 10 mins) reminding users of the key safety rules, pointing out the safety signage around the venue, reminding users they must act as directed by the induction video, and e.g. reminding users that they must respond to all directions from a supervisor and that if a supervisor blows e.g. 2 short whistles at them, they must immediately stop what they are doing because it has been identified as dangerous.
- Reviewing those safety rules to ensure that all users can understand them. e.g. Avoiding expressions such as 'no double bouncing' and

saying instead 'only one person at a time on a trampoline'.

SEEK EARLY SUPPORT

- Policyholders must ensure that Tower Insurance Brokers (as Mutual Managers of the FEC Mutual Ltd) is notified as soon as practicable of an occurrence or any circumstance that may result in a claim.

A report must be made using the FEC mutual's online Incident Form via the website: [FEC Mutual Limited](#)

- Policyholders must not voluntarily make a payment, assume any obligation, or incur any expense without the cover providers consent (they must not admit liability).
- Contact the FEC Mutual Managers team at Tower Insurance Brokers in the first instance.

TOWER INSURANCE BROKERS

Please do not hesitate to contact Tower Insurance Brokers if you require further guidance.

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