

# The dangers of safe play

*The Play Safety Forum is campaigning for play providers to think about the needs of children first, rather than concern themselves with litigation fears*

BY WARREN CLARK

The number of children's play areas is dwindling – not through lack of funding or interest, but because of the fear of litigation. How can providers create a play area for children that is safe, challenging, healthy and enjoyable?

Children need the freedom to play – it helps them develop both physically and emotionally. But with the UK becoming a litigation society – not helped by the prevalence of 'no-win, no-fee' solicitors encouraging claims – play providers appear to be faced with a stark choice: spend the time and money making sure every standard is met, or remove the equipment all together and save the hassle.

David Ball, from the Centre for Decision Analysis & Risk Management at Middlesex University, believes that risk in children's play is a key element in their development. 'The presence of some real risk on playgrounds could benefit children in that it gives them the opportunity to experience, in a controlled fashion, the nature of reality and to test and expand their competence in dealing with it. Although this cannot (yet) be proved scientifically, it is certainly a plausible position and arguably more realistic than the alternative, which is that children should be mollycoddled until a certain age prior to being ejected into an undeniably risky world.'

This presents a classic paradox. How can one provide the element of risk, yet avoid creating a situation where there is too much risk, which may then possibly result in injury. Robin Sutcliffe, chairman of the Play Safety Forum, says: 'The dilemma that society faces is the conflict between always wanting to make life safer and the inevitable dulling down that results. Nowhere is this truer than in children's play. It is made particularly difficult to resolve because accidents and injuries can be quantified numerically, whereas the benefits of challenge and risk are qualitative and immeasurable. All this reflects a society that is moving towards the rights of

individuals rather than the needs of society as a whole, which is, of course, epitomised by American culture.'

'Where fear of litigation and insurance premiums have required the replacement of existing equipment, many providers have simply removed equipment rather than replace it, because of their own cash restraint and of the fact that the provision of play is not statutory.'

David Ball supports that view: 'This "culture" is associated with the present day emphasis that is given to safety and risk assessment. This is not to imply that there is anything wrong, necessarily, with the pursuance of safety or risk assessment *per se*. Rather, it will be suggested that it is the way that it is being interpreted and implemented by some practitioners, which is acting counter to children's wider interests.'

## Children with disabilities

David Perkins of Kidsactive describes how the needs of children with disabilities differ when it comes to play:

Providing play areas for children with disabilities presents a different set of challenges. Our supervised sites, which require children to be booked in and out for security purposes, have high staffing levels - one playworker to every four children - to ensure that they remain accessible to all children.

The equipment, which we specify for our particular needs, has to be able to cater for a wide range of disabilities – autism, learning difficulties, physical impairment and so on. Some of these children will not have a well-developed sense of danger, and the high levels of supervision are necessary to ensure that all children on site can play safely.





'In Britain, the Courts have had a major impact upon the attitudes of play providers, as a result of the number of cases appearing before them in which a child has been injured in a playground. It would appear that Courts, being in some senses human, tend to find in a child's favour. Play providers are thus open to intimidation by the threat of prosecution, even where this is not justified. The surest way for them to avoid prosecution is to remove any play equipment which is deemed remotely challenging, or not to provide anything at all.'

Removing play equipment, and denying children the facilities to experience play in a safe environment, has a knock-on effect. Robin continues: 'Children end up being displaced to environments that are inherently less safe, like the roads, railways and rivers.'

The sentiment is echoed by David Perkins, head of play services at Kidsactive, a charity which runs adventure playgrounds in London for children with disabilities, and operates a national training division.

'All children, disabled and non-disabled alike, have a right to play, and a good play area will have a range of facilities that provide challenges and an element of risk. Children need to develop their sense of danger and risk, and if they can't find it in a controlled environment, such as a play area, then they will look elsewhere - often in dangerous locations like railway lines or river banks.'

David Ball says: 'In my own city, Norwich, few public facilities have been provided, for example, for skateboarding. Children are left to practice their skills on public pavements or the forecourts of private buildings, where they sooner or later get into trouble with the police or security officers. This serves only to strengthen the view of some adults that children are a nuisance, and should neither be seen nor heard, and to create an air of antagonism between children and authority.'

In spite of this raised concern over injuries and



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associated litigation, the measures introduced to combat such risks appear to have had little effect in reducing incidents. A recent Health and Safety Executive report carried out a strategic-level risk assessment of children's play areas. The report concluded:

- The risk of injury on British playgrounds is actually surprisingly small (considering the level of concern and also what goes on there) and far less than in many sports activities in which children are encouraged by their parents to participate;
- Despite massive expenditure on technical safety measures over the past 15 years, the number of injuries has not obviously diminished (even though fewer children appear to use playgrounds than before); and
- That there is a danger that the cost of safety measures has reduced the amount and quality of play provision, so diverting children to seek their challenges in what may be far more hazardous environments.

So why is it, then, that safety has become more important than anything else in play provision? Quite simply, it is the fact that injuries, compensation claims and associated bad publicity are far more likely to grab the headlines. David Ball says: 'The problem for would-be play providers is that, while the detriments – injury statistics, adverse publicity, costs of provision, litigation etc, are all very tangible and measurable, the benefits are intangible and hard to quantify. This is perhaps why they have been largely ignored over the last few decades, while scientific techniques have focused on quantifying things like injury rates.'

Manufacturers of play equipment have a tough time, since they have to balance safety needs against the development of challenging – and risky – designs.

Robert Goss, managing director of KOMPAN, says: 'Safety has to be top priority for everyone involved in play provision for children. But that does not mean that risks and thrills need to be removed; it is perfectly possible to design safe playgrounds that challenge and thrill.'

'I would regard a playground where there are no accidents as a complete failure – that would mean that either no-one was using it or that all the fun and excitement had been removed. If we are going to provide playgrounds that thrill, then expect some spills as well. Good design can

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minimise the risks without losing the enjoyment in tackling physically demanding challenges.’

Bringing this attitude to the fore is the Play Safety Forum, which recently published a statement entitled *Managing Risk in Play Provision*. This outlines all the concerns raised above, and adds weight to the argument that an element of risk is all but essential in the provision of play.

Sandra Melville, director of PLAYLINK, a charity concerned with the development of policy and practice to ensure children have the play opportunities they need, says: ‘Properly prepared local authorities and other providers need not be defensive on the issue of safety and play.’

‘Armed with the Play Safety Forum statement, they can be up front about the developmental value of children’s risk taking. They can show that they have a responsible attitude, knowing that children are likely to seek their thrills in potentially dangerous ways if provision is boring.’

‘They can actively promote their play provision in terms of the low level of accidents and high level of children’s satisfaction. They will have appropriate inspection, risk assessment and risk management procedures, and be able to produce the evidence that these are carried out in practice.’

‘Rather than being wrong-footed by a potential claim, they will be in a position to show that they have acted reasonably by responding positively to children’s needs, wishes and rights.’

David Ball is equally positive about the future: ‘I believe that there now exists a genuine opportunity to regain control of the future of play provision, while at the same time taking a more strategic, and potentially more productive, approach to child safety. This could amount to a genuine win-win situation.’

‘There is a groundswell of concern within play agencies in Britain (also more widely in Europe) that something needs to be done, as evidenced by the work of the Play Safety Forum.’ ●



### EU standards

Sandra Melville, PLAYLINK

There is a popular believe that following the European standards for the design, installation and maintenance of play equipment is mandatory. In fact, providers do not have to follow these standards. Supervised adventure playgrounds are explicitly exempted. All providers should be able to show that they are aware of relevant standards. In the absence of any other policy and practice, a court might well interpret strict adherence to standards as one indication that a provider has acted reasonably. However, if a provider wishes to vary the standard specifically to meet particular needs, for example, wheelchair access to a play structure or to enhance the challenge for older children, they may do so. They can rely on written reasons for varying the standards, together with their play policy, risk assessment and management procedures, to demonstrate that they meet the test of reasonableness.’

Children need and want to take risks when they play. Play provision aims to respond to these needs and wishes by offering children stimulating, challenging environments for exploring and developing their abilities. In doing this, play provision aims to manage the level of risk so that children are not exposed to unacceptable risks of death or serious injury.

Summary of statement by the Play Safety Forum

Modern play equipment is designed to provide an element of risk – to enhance child development – while still being as safe as possible.

### The Play Safety Forum

The Play Safety Forum brings together the main national organisations in England, including the ISRM, with an interest in safety and children’s play. Members include providers, regulatory bodies, expert agencies and insurers. The aim of the Play Safety Forum is to build consensus on issues around risk and safety in relation to play provision. It is an independent body hosted by the Children’s Play Council at the invitation of the Department for Culture, Media and Sport.

- Association of Play Industries
- Child Accident Prevention Trust
- Children’s Play Council
- Health and Safety Executive
- Institute for Sport and Recreation Management
- Institute of Leisure and Amenity Management
- Kidsactive
- Local Government Association
- National Early Years Network
- National Playing Fields Association
- National Family and Parenting Institute
- National Society for the Prevention of Cruelty to Children
- PLAYLINK
- Royal Society for the Prevention of Accidents



### Playground safety

Safer surfacing will not completely eliminate accidents in a playground, as children are prone to trip, slip or fall. However, it will significantly contribute to the overall safety of a play area and the peace of mind for parents, says Paul Battye, marketing manager at DCM Premier Play Surfaces.

'When choosing a safer surface for a particular area, you have several options, including sand, bark, rubber tiles and wet-pour,' says Battye.

'Wet-pour is among the most popular forms of safer surfacing within children's play areas in parks, schools and nurseries for a number of reasons: the level of cushioning provided can be adapted to meet the critical fall height requirements of the equipment within the play area; it is resilient to the daily

wear and tear that children can inflict during their play activities; it's virtually maintenance free, plus, it enables children of all abilities to play (ie by allowing wheelchair access).'

In addition to this, Battye explains, the colourful designs that can be achieved using wet pour, can make an area more appealing and aesthetically pleasing for children, helping them to use their imagination to play.

The material used for the base layer within the surfacing is commonly known as SBR, or recycled truck tyres. The tyres are granulated into different-sized pieces, generally between 2mm and 8mm. The larger granules are used as a base layer, which provides most of the cushioning, the smaller granules can be used as the top layer (wearing course), which provides the continuous finish.

Coloured wet-pour is manufactured using virgin rubber crumb known as Ethylene Propylene Diene Modified (EPDM). This material enables the designers to create impressive colourful patterns. EPDM, which can be manufactured in a variety of colours, ensures the colour integrity remains.

'Many experienced playground developers insist on EPDM as the wearing course, rather than using SBR, because it has fewer impurities within the rubber, therefore creating a more durable and consistent finish,' explains Battye. 'I would recommend using coloured EPDM to anyone who is designing an area where children play, because it maintains its colour and creates a more durable surface than SBR particularly in high usage areas, therefore requiring significantly less maintenance.'