



Play and risk



# Weighing up risks and benefits in children's play: Why a balanced approach is needed, and what it looks like

## Aims and audience

This information sheet aims to set out why a balanced, thoughtful approach to managing risks in children's play is needed. It also aims to give an overview of risk-benefit assessment, which is widely accepted as a suitable approach. The information sheet is aimed at all those who have an interest in children's play, including educators, playworkers, providers and managers of play facilities, health and safety professionals, risk managers, decision makers and parents.

## Why is risk important in children's play?

Children of all ages and abilities have a natural urge to play. What is more, play is good for children. The Welsh Government *Play Policy* (2002) notes that children have 'an instinctive desire to play' and that play is 'the very process of learning and growth'. When children play, their families and the wider community also benefit.

Whenever children play, they are impelled to go from what is routine and familiar – and thus boring – to what is unknown, uncertain and engaging. The *Play Policy* also notes: '*children have an innate desire to seek out opportunities to take increasing risks.*' The risks can rarely be completely eliminated without also undermining the experience for children.

Many children and young people actively seek out adventurous, exciting play experiences. Providing challenging play opportunities in managed environments may help to reduce accidents overall, because they can take place in locations that are safe from traffic and other serious hazards. Disabled children have an equal if not greater need for adventurous play opportunities, since they may be denied the freedom of choice enjoyed by their non-disabled peers.

It is not surprising that children often have minor accidents when they play. Moreover, minor and easily healed injuries in play environments are not necessarily a problem. Indeed they are all but inevitable, especially in challenging, adventurous provision. That said, playgrounds of all types are comparatively safe places, and playing on playgrounds is safer than taking part in many other sports or leisure pursuits.

## What does the law require?

In broad terms, playgrounds and other play provision are governed by the Health and Safety at Work etc Act 1974, and the Occupiers' Liability Acts 1957 and 1984. These Acts impose a duty of care on providers and occupiers. These pieces of legislation, and related regulations, imply a similar level of care, captured in the notion of 'reasonableness'.

The Occupiers' Liability Act 1957 also states that 'an occupier must be prepared for children to be less careful than adults.' However, court judgements show that the courts do not view children as being careless, incapable or vulnerable in an absolute sense. There is no legal requirement to eliminate or minimise risk, even where children are concerned.



In practice providers are required to carry out a 'suitable and sufficient risk assessment', and to act on its findings. There is no requirement under statute to comply with industry standards or guidelines, although relevant information should always be considered as one part of a suitable and sufficient risk assessment.

## Why is a balanced approach needed?

Managing risks in play environments is a complicated task. It is quite different to risk management in other contexts like factories or workplaces. In such places, hazards – things that can potentially cause harm – rarely have any inherent benefits. Hence risk management focuses solely on the need to introduce control measures that reduce the risk of harm to an acceptable level. But in a play context, exposure to some risks is itself a benefit.

Take for example a wobbly footbridge, of the kind that may be found on a children's play area. In a factory or workplace, there would be no good reason to build a bridge that wobbles. If there were such a bridge, it would probably be flagged up in a risk assessment as needing remedial action. Yet in a play context, a wobbly bridge has inherent benefits, even though it may lead to more accidents than a rigid bridge. A wobbly bridge presents a challenge to children: are they steady enough on their feet – and brave enough – to cross it?

So in play environments, it is crucial to allow for a degree of risk. The Welsh Government *Play Sufficiency Toolkit* (2012) states: '*children need to feel free to experience risk and challenge of their own volition and they will only be able to do this if we allow some degree of uncertainty to remain.*'

This need to incorporate some risk in play environments is all the more important because of wider changes in children's everyday lives. The last few decades have seen a decline in the time that children spend playing and getting around out of doors independently. The reasons for this decline are complex and a matter of debate. But many people agree that as a result, children have less opportunity to encounter and learn

how to manage risks by themselves. Giving children managed opportunities to take risks is a way of compensating them for this loss of wider freedom. Judith Hackitt, Chair of the Health and Safety Executive (HSE) said: '*play outdoors teaches young people how to deal with risk and without this they are ill equipped to deal with working life.*'

There is growing debate about the value of allowing children to deal with risks, and about the dangers of overprotection. However, this should not lead us to think that we abandon children to the fates. We still have a duty of care to keep children reasonably safe, and this duty is reflected in the legal framework.

Hence at the heart of managing risk in play is a balancing act between opportunities for free play, and regard for wellbeing – or to put it another way, between risk and safety. The Welsh Government *Play Policy Implementation Plan* (2006) makes it clear that this needs 'a balanced judgement of risk.'

A balanced approach is needed, whether thinking about public play areas, school or nursery grounds, adventure playgrounds, parks and public spaces or a back garden – indeed any environment where it may be reasonable to expect children to play.

## What gets in the way of a balanced approach?

Many adults, especially those with memories of childhoods spent largely out of doors, will need little convincing of the benefits of allowing children to take some risks. Yet there is clear evidence that adults limit children's play too much, because of their anxiety about giving children the chance to take risks.

The HSE recognises this problem. In 2012, it published a high-level statement that aimed to counter misunderstandings. It said that the reasons for confusion include 'fears of litigation or criminal prosecution because even the most trivial risk has not been removed.' Fear of litigation is the key factor, rather than the actual number of legal cases. In fact, playgrounds do not lead to many accident claims, and there is no evidence of

a dramatic increase in numbers. The HSE statement added: 'there can be frustration with the amounts of paperwork involved, and misunderstanding about what needs to be done to control significant risks.' Others have suggested that media scaremongering is also partly to blame.

Whatever the causes of excessive risk aversion, there is now a shared view that the way to tackle the problem is to promote a more balanced, thoughtful approach to managing risk. The *Play Policy Implementation Plan* states that, what is needed is to 'respond positively by extending the range of environments and opportunities available for children's play, while continuing to have due regard for their physical and psychological wellbeing.'

### What does a balanced approach look like?

A balanced approach to managing risk in play involves bringing together in a single process thinking about both risks and benefits. Recent years have seen the development of risk-benefit assessment as the best way to support such a process. Risk-benefit assessment in play was first set out in the 2008 Play England publication *Managing Risk in Play Provision: Implementation Guide*. This defines risk-benefit assessment as an approach that 'sets out in a single statement the considerations of risk and benefit that have contributed to the decision to provide, modify or remove some facility or feature.' This guidance document is supported by the HSE, which describes it as 'sensible approach to risk management.'

What marks out risk-benefit assessment from conventional risk assessment is that it includes careful consideration of the benefits of an activity, facility, structure or experience. Because this takes place alongside a consideration of the risks, it allows for the inherent benefits of some risks to be properly taken into account. It also makes clear that good risk management does not always imply that risks should be reduced or controlled.



Alongside explicit thinking about benefits, the approach set out in *Managing Risk in Play Provision: Implementation Guide* includes other key features:

- It advises that procedures should be grounded in clear values and understandings about children and their play, and recommends that providers agree and adopt a play policy to state these. The Welsh Government *Play Policy* is an example of this.
- It makes clear the fact that ultimately, judgements about the balance between risks and benefits are for the provider to make, not for technical experts, external inspectors, legal advisors or insurers (although their views may be relevant).
- It puts forward a descriptive approach, rather than any form of numerical scoring, on the basis that such scoring processes are often difficult to use consistently, and can over-complicate the task.
- It explains how guidance and standards (including European standards for play equipment) fit into the overall risk management task, making the point that compliance with standards is not a legal requirement (though they are taken into account in legal cases).

## What you can do

If your organisation is involved in providing play opportunities, you should adopt a risk-benefit approach. In recognition of this, the use of risk-benefit assessment in health and safety policies and procedures is one of the criteria set out in the *Play Sufficiency Toolkit*.

If you are just starting out on the process, you may find it helpful to create the opportunity to explore issues of risk and children's play. Ideally this would bring together as wide a selection of interested parties as possible, including professionals, managers, those involved in risk management, elected members/management committees/boards of governors, parents and perhaps children themselves. In local authorities and other larger organisations, dialogue between service managers, risk managers and lead officers is crucial.

A comprehensive review of existing risk assessment policies and procedures will show where these need to be revisited and revised. It may be valuable to pilot new procedures, and/or run them alongside existing ones for a time, to help manage the process of change.



## Conclusion

Improving play opportunities for children and young people of all ages and abilities is a key objective of the Welsh Government. This means exposing children to a degree of managed risk. The challenge is to let children take acceptable risks when they play, without putting them in undue danger of serious harm. There are benefits from risk-benefit assessment for all those involved in play. Above all, children and young people will gain from more engaging play experiences and more opportunities for healthy growth and development – all of which is likely to lead to them having a happier childhood and becoming more resilient, competent and confident people.

## Resources

Ball, D. (2002) *Playgrounds – risks, benefits and choices*

Ball, D., Gill, T. and Spiegel, B. (2013) *Managing Risk in Play Provision: Implementation Guide* (2<sup>nd</sup> edition forthcoming)

Gill, T. (2007) *No Fear: Growing up in a risk averse society*

Health and Safety Executive (2012) *Children's play and leisure – promoting a balanced approach*

Welsh Assembly Government (2002) *Play Policy*

Welsh Assembly Government (2006) *Play Policy Implementation Plan*

Welsh Government (2012) *Play Sufficiency Toolkit*





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