



Weighing up risks and benefits in children's play

Why a balanced approach is needed and what it looks like

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 (RBA), 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 playworkers, providers and managers of play settings, educators, health and safety professionals, risk managers and decision makers.

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* 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 driven to go from what is routine and familiar – and therefore 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 teenagers 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 nondisabled peers.

It is not surprising that children often have minor accidents when they play. Also, minor and easily healed injuries in play environments are not necessarily a problem. Indeed, these 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.¹

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, and related regulations, impose a duty of care on providers and occupiers that is 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. One aspect of risk assessment – traditionally a major focus for play providers – is to check compliance with product standards. These standards have been drawn up for fixed play equipment, surfacing and the like, in playgrounds and some other dedicated spaces for play.²



Such standards have an important role to play in ensuring play spaces are well-built, well-designed and reasonably safe. However, they do not eliminate the risk of injury. Moreover, there is no legal requirement to comply with them. While relevant standards should always be considered, in legal terms they are guidance.

What is more, such standards focus on manufactured equipment, and are not necessarily relevant to spaces such as forests or other natural outdoor spaces. They also do not apply to the kind of loose materials that are used in many outdoor play programmes.

Alongside standards, other guidance, advice and information are available. For example, both the Royal Society for the Prevention of Accidents (RoSPA) and Child Accident Prevention Trust offer online guidance and resources on play and child safety. This material, while helpful, should also be used thoughtfully in assessing and managing risk, rather than being seen as a legal requirement.

Why is a balanced approach needed?

Managing risks in play environments can be 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 a benefit.

Take for example a wobbly footbridge: the kind that may be found in a children's play area. In a factory or workplace, there is 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. As the Statutory Guidance, *Wales – a Play Friendly Country*, states: quality play provision ‘*offers challenge and uncertainty, with graduated opportunities for risk taking*’. 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 outdoors 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.³

Giving children managed opportunities to take risks is a way of compensating them for this loss of wider freedom.

As the Health and Safety Executive (HSE) says in its High Level Statement on children’s play and leisure: ‘*play helps children to learn and develop; and exposes them to the realities of the world in which they will live, which is a world not free from risk but rather one where risk is ever present. The opportunity for play develops a child’s risk awareness and prepares them for their future lives*’⁴.

There is growing debate about the value of allowing children to deal with risks, and about the dangers of overprotection. However, this does not imply 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. As the Welsh Government *Play Policy Implementation Plan* makes clear, 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 outdoors, 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 its High Level Statement. This states 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 Welsh Government *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 thinking about both risks and benefits into a single, holistic decision or assessment. Recent years have seen the development of RBA as a sound way to support such a process.

Risk-benefit assessment (RBA) in play was first set out in the Play Safety Forum publication *Managing Risk in Play Provision: Implementation guide*.⁵ This defines RBA 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'*.

What marks out RBA 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 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 overcomplicate the task.
- It explains how guidance and standards (including product standards for play equipment) fit into the overall risk management task, clarifying that compliance with standards is not a legal requirement.

What about unexpected risks that may happen during sessions?

Children's outdoor play is unpredictable. It is impossible to be sure how play sessions will unfold, and impossible to plan for every scenario. That is why in supervised settings, a key part of an overall approach to risk management is how you respond to the unexpected. This is called dynamic risk management.

As with anticipated risks, the aim is to take a balanced and thoughtful approach. The term 'dynamic risk-benefit assessment' (dynamic RBA) is sometimes used to describe such an approach. Dynamic RBA is not about following pre-set decision-making procedures. No procedure can cope with the complexity and fluidity that happens in children's play.



Similarly, dynamic RBA does not involve documentation or record keeping. The fluid, rapidly evolving nature of play sessions means it is not easy to document decisions and actions in real time. In the moment, your focus needs to be on what is happening around you. The time, effort, and energy you spend documenting decisions and actions, or showing that you have followed a particular procedure, can take your attention away from the children's play. This may well undermine decision making and increase the risks.

Hence, it is not possible to specify in detail how to manage risks dynamically. What is needed is for practitioners to be supported to reflect on their practice, and helped to make sound judgements. The goal is to build professional competence and confidence, grounded in your organisation's values.

What are governments and other agencies doing to promote a balanced approach?

The publication of *Managing Risk in Play Provision: Implementation guide* was funded by the UK government. The approach is supported by the HSE in its High Level Statement as '*a sensible approach to risk management*'.

The devolved administrations in Wales, Scotland and Northern Ireland have also incorporated risk-benefit approaches into relevant guidance.

Beyond the UK, the principle of balancing risks and benefits is enshrined in European playground equipment standards, and has been incorporated into Australian play equipment standards.

Moreover, the International Organisation on Standardization (ISO) is giving serious consideration to RBA as a recommended approach to managing the risks and benefits of sport and recreational activities.⁶

What does the academic research say?

Scholarly research has added to the case for RBA. A systematic academic review into 'risky play' (defined as thrilling and exciting forms of play that involve a risk of injury) showed clear health and developmental benefits. The authors concluded that their findings '*support the promotion of risky outdoor play for healthy child development*'⁷.

What you can do

If your organisation is involved in providing play opportunities, RBA will help you to take a balanced, thoughtful approach to risk management. In recognition of this, the use of RBA in health and safety policies and procedures is one of the criteria set out in the Welsh Government's *Play Sufficiency Toolkit*, and is the approach recommended for local authorities in its Statutory Guidance.

If you are just starting out on the process, you may find it helpful 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 run them alongside existing ones for a time, to help manage the process of change.

Conclusion

Improving play opportunities for children and teenagers 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 RBA for all those involved in play. Above all, children and teenagers 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.

References

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- ³ Gill, T. (2007) *No Fear: Growing up in a risk averse society*. London: Calouste Gulbenkian Foundation.
- ⁴ Health and Safety Executive (2012) *Children's play and leisure – promoting a balanced approach*.
- ⁵ Ball, D., Gill, T. and Spiegel, B. (2013) *Managing Risk in Play Provision: Implementation guide* (2nd edition) (1st edition 2008). London: National Children's Bureau.
- ⁶ Play Safety Forum (2021) *Managing Risk In Play: Position Statement*.
- ⁷ Brussoni, M. et al (2015) What is the Relationship between Risky Outdoor Play and Health in Children? A Systematic Review, *International Journal of Environmental Research and Public Health*, 12(6), 6423–6454.

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Play Wales is the national organisation for children's play, an independent charity supported by the Welsh Government to uphold children's right to play and to provide advice and guidance on play-related matters.