

Play in School

Releasing the strangle-hold



Bernard Spiegel, Principal of PLAYLINK, with the second and concluding part of his article centred on play in schools.

The first article in this two-part series noted that 'Health and Safety' considerations appeared to exert a 'strangle-hold' on schools, certainly so far as children playing at breaktime is concerned. And of course, the function of a 'strangle-hold' is to squeeze the life out of someone, or at least seriously to impair their capacity for free movement and personal agency. This constriction of free movement and personal agency is a useful way of summarising the consequences that follow from misunderstandings about, and misapplication of, health and safety considerations in respect of play. The consequences are two-fold: one on the school, the other on children.

Briefly and starkly stated, where the strangle-hold exerts its pressure, schools approach play from an essentially defensive stance. The primary – but perhaps unacknowledged – objectives for breaktime become the avoidance of potential negligence claims, of parental complaints, and of the possibility of children falling over. In such circumstances, breaktime supervision becomes an essentially negative task: guarding against the possibility of children coming to what is deemed harm – falling over perhaps, or standing their ground in an argument. 'Get off that bench; benches are for sitting on', the injunction issued by many a supervisor at breaktime. But what has been uttered here is simply a category error: benches are not only for sitting on. They are potentially the occasion for allowing children to experience height. Mountaineers have a similar response to mountains.

Playtime?

For children the strangle-hold squeezes out the possibility of free play, and the learning through experience that it both provokes and allows. For schools, there is the syndrome of the lost or misplaced objective – that of creating quality play opportunities – glittering still perhaps, but hidden from view, buried beneath the joyless manuals of breaktime rules, procedures, protocols – and the nervous recordings of the accident book.

But what is the objective for breaktime? Or, dare we say it, for 'playtime'.

Before turning to those questions, a point needs to be made. It is easy – too easy and a bit cheap – simply to criticise schools for responding to the pressures, anxieties and misunderstandings of wider society. It is one thing to say that parental anxieties about playground accidents are to a large extent misplaced, it is another to say that schools can easily ignore them. It is easy to say that 'health and safety' exerts a 'stranglehold' on schools, it is quite another to suggest that schools should be insensible to the Health and Safety Executive's mistaken decision to prosecute under the Health and Safety at Work Act 1974 the headmaster of a school where a child fell in the playground at playtime and, tragically, subsequently died in hospital. This is the R. v. Porter case that readers of this article may be familiar with through the national press.



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This is not the place to go into detail about that case. But it is the place to highlight its outcome. In the first instance, there was a finding against the headmaster and the school. In other words, HSE's case succeeded at Crown Court level. The case went to appeal. The Crown Court ruling was overturned on appeal, in terms that are positive and useful to those that want the law to support, and not to undermine, among other things, children's play. This leads to a wider point.

More scope than realised

There is no legal or regulatory limitation that need constrict schools, or any other institution's, ability to create quality free play opportunities, ones that necessarily entail risk-taking as part of that play. To be sure, there are inspectors and regulators who appear to have an uncertain grasp of law and regulation so far as play is concerned, who may, indeed, have unwittingly absorbed some of misconceptions and anxieties of wider society, but this simply points to the need for schools to be clear in their own minds about what it is they seek to achieve at breaktime, and to be robust in the pursuit

of their objectives, both at policy and at practice levels.

That pursuit of clarity starts with a confident assertion about the significance of play in children and young people's lives. We assert that free play is good for children, that it contributes massively to their healthy and happy development, that it necessarily entails risk-taking as a positive attribute – 'no risk, no play' - that it is their right to play, that it is valuable in itself whether or not it meets other social, economic or formal educational goals. That not to play, not to be able to play freely, is damaging to the child. This is the ground upon which we stand. It has legal consequence. And for this reason: the law of negligence turns to a significant extent on a court's determination of 'reasonableness'. What, courts will ask when judging a negligence claim, was 'reasonable in the circumstances'?

Need for policy

So far as play is concerned, in the absence of a clear policy-based articulation about what is meant by play, and what it entails, there is no framework for making judgments about what may be 'reasonable in the circumstances'. More worrying, perhaps, is that schools sometimes – often? – limit themselves to frankly bland pronouncements about their wider objectives, something along the lines of, 'we aim to offer children a safe, caring environment where the individual needs of the child will be met'. An anaemic formulation by any standards, but a potential hostage to fortune in a risk-illiterate and risk-averse society. Just what is 'safe'? Beneficial risk-taking?

PLAYLINK's play policy starts in a different place, and faces in a different direction:



'Play providers fail in their responsibility if they do not create opportunities that allow children to explore and experience themselves and their world through the medium of play. This is done by offering children opportunities to take acceptable risks (that is, to freely undertake actions and involve themselves in situations that push against the boundaries of their own capacities) in environments that are challenging and stimulating. This process fosters the development of skills and is broadly educative in that it allows children to learn through experience what cannot be taught, what they have to find out for themselves.

Without opportunities to take acceptable levels of risk children's development is inhibited, undermining their capacity to deal with the wider - unsupervised - world...

If play provision fails to offer children varied and interesting experiences ... if children are denied opportunities to assess some risks for themselves in a variety of settings and situations, then it is reasonable to be concerned that they will lack the experience and skills to distinguish between levels of risk in the wider world.'

It will be seen immediately that by explicitly linking risk to play in a positive way - that play is a vehicle for 'learning through experience' that which cannot be learnt in any other way, for example, self-confidence, resilience, motivation, curiosity - a policy framework is created within which play-enabling judgments about reasonableness can be made. In fact, the policy explicitly turns conventional, defensive thinking on its head. It places upon play providers - in this case, schools - a positive duty to create opportunities for risk-taking - 'Play providers fail in their responsibility if they do not create opportunities that allow children to explore and experience themselves and their world through the medium of play.'

Schools' creative potential

This, and the previous, article on play at school have sought to release schools' undoubted potential to create quality play opportunities. The first article looked at the different meanings attached to the word 'play' contrasting a formal educational perspective with that of 'free play'.

No attempt was made to create a hierarchy of meaning. The aim was to clarify ideas and what follows from them.

This article has identified some of underlying reasons why free play at breaktime has not flourished in too many schools. The article's purpose is to offer ways to counter this negative tendency. It has offered a rationale and, in particular, highlighted the fundamental importance of schools formulating a policy-based approach to play. It has not spoken about how, in PLAYLINK's view, policy is best created - through a whole school approach is the short answer. More detail on this can be found in the PLAYLINK publication 'Play at School'.

Not words alone

This article has also not discussed what constitutes - in design terms - a quality play environment. Perhaps the editors of Playwords will allow a discussion about this in another article. But, as a hint, we can say that good play environments are unlikely to be created when the thinking starts with a focus on play equipment, and assumptions are made about the benefits of rubberised surfacing, or when the starting point is risk-reduction. We say this with confidence, for PLAYLINK designs and creates play environments in schools, nurseries, parks and housing estates; in fact, where ever children and young people should be able to play. And yes, we would like you to talk to us about this, for we do not deal in words alone.

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¹ It is accepted that a child's capacity to make judgments about what they do changes and expands over time. The position articulated is one that is *in principle* the case.

² Schools will be aided here by going to the PLAYLINK web site for authoritative legal opinion on questions of play, risk and standards: www.playlink.org/articles/?p=8#summary.

³ Available from Common Threads, or downloadable at: www.playlink.org/pubs/pas.pdf