



## Risk-benefit Assessment Form

Working document

Draft

15 December 2009

*'Risk-benefit assessment is a **suitable and sufficient** risk assessment that brings together an analysis of both risk and benefits'*

*'There is no legal requirement to eliminate or minimise risk, even where children are concerned.'*

Managing Risk in Play Provision: implementation guide

### Preamble

This form, with its introductory notes below, aims to assist play providers undertake risk-benefit assessments in line with key distinctions and understandings articulated in 'Managing Risk in Play Provision: implementation guide'

This attempt to devise a risk-benefit form is prompted by, on the one hand, PLAYLINK's need to undertake such assessments in respect of its own design work; and on the other, PLAYLINK's work and contact with play providers wrestling with the implications, and practical consequences, of moving to this form of assessment. As will be known, one aspect of PLAYLINK's work is promoting the value of [beneficial risk-taking in play](#) with play providers, landscape architects, schools, children centres, those responsible for parks and a shared public realm, health and safety officers and others whose decisions have an impact on the creation and maintenance of play opportunities. This work continues.

PLAYLINK's baseline play policy makes clear that:

*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.*

PLAYLINK's play policy has been adopted by numerous local authorities and is the subject of [legal opinion](#).

Understanding the key distinctions highlighted in the introduction below, tracing through the implications as it might affect practice, has the potential to:

- prompt and support a more mature, reasoned and reasonable attitude to risk in play. By which we mean, of course, that risk is an inevitable and necessary part of play
- significantly increase the scope for creative design – supporting a practice that rejoices in, and sees the value in, the [bespoke and the non-standard](#).

### **Not intended to be onerous**

The risk-benefit assessment process recommended in the HSE-endorsed 'Managing Risk in Play Provision: implementation guide' says:

*'Risk-benefit assessment builds on current practice, and is not about adding to bureaucracy'.*

### **This form**

The form falls into two halves. The:

- introductory notes
- form itself.

The **introductory note** is copyrighted to PLAYLINK and cannot be amended or changed without PLAYLINK's agreement, or quoted without acknowledgement.

The **form** itself is to be thought of as an opening suggestion. Our expectation is that it will be amended to serve the particular needs of individual providers – part of the process of adjusting the form in the light of experience. So long as any amendments made are not claimed to be under the authorship of PLAYLINK, we are content for the form to be sliced, filleted and subject to full or partial erasure as suits the individual provider.

*We very much welcome [comments on both the introductory notes and the form itself](#). We think it useful that any comments are shared and therefore they will be posted for site visitors to see.*

## Key distinctions

This risk-benefit assessment template is formatted to take account of a key distinction made in the HSE-endorsed 'Managing Risk in Play Provision: implementation guide'. That distinction is between:

- technical inspections and
- value-based risk-benefit assessment.

## Technical inspections of features and equipment

Technical inspection refer to the process of checking features and equipment, for example, for soundness and wear and tear. To a significant degree this is the process of seeking technical-type information, for example, can a tree branch or metal strut take 'x' amount of weight? Are the foundations of a structure sufficiently sound? Is the water suitable for playing in or with? The type of technical information required will vary according to the feature or equipment being assessed.

The type and extent of knowledge required will vary according to circumstances. Two main categories of knowledge can be identified:

- specialist knowledge
- common sense.

Sometimes only a trained **specialist** will have the required knowledge to assess the technical aspects of a feature or piece of equipment. For example, if it is proposed that a rope swing be attached to a tree, then the type of technical knowledge that might be required is that of an arboriculturist. The information sought would be, for example, the health and strength of the tree and its capacity to take the weight of people using a rope swing.

The same type of approach would apply to equipment that is not designed specifically to adhere to European play equipment standards. In such circumstances one would still need to assess, for example, whether a metal platform or strut is of sufficient tensile strength to take the weight of 'x' number of users. Here specialist engineering knowledge may be required. In practice, often, acquiring the necessary information will not be difficult. For example, the item may be supplied with a manufacturer's specification or it can be independently tested if required.

*Note that, even where technical information is sought, the play provider's values and judgement are necessarily part of the decision-making process. In the rope swing example above, judgments will need to be made about, for example, just how much weight the rope should be able to bear – the weight of three adults? Six adults? Or more? In other words, determining such questions as what is an appropriate 'margin of safety' is a judgment, a choice not a given.*

On other occasions, general accumulated knowledge and everyday experience – **common sense** – will be sufficient for the task. ‘Common-sense’ can be characterised as the accumulated, and accumulating, experience-based knowledge that is drawn from, feeds into, and is tested in everyday life. Common-sense may usefully be deployed when, for example, assessing whether a boulder or log on the ground is likely to be subject to unwanted movement. Sometimes a simple, common-sense test can apply; for example, trying to move it oneself. Similarly, there will be occasions when a rope’s wear can be tested by putting sufficient weight on it, particularly when done regularly and at reasonable intervals.

Finally, where a piece of play equipment is manufactured to the EN play equipment standard, confirmation that, for example, it has been appropriately installed will rely on someone who is familiar with the Standard. Note that knowledge of EN Standards is not the same as, for example, arboriculturist or engineering knowledge. Nor is knowledge of EN Standards in itself an indicator of competence to make wider risk-benefit judgments about play provision.

*Note that the technical information being sought in the above examples is distinct from the value-based, risk-benefit judgments that need to be made in addition to technical assessments. The latter, value-based judgments should be made by the play provider.*

### **Value-based, risk-benefit assessment**

Risk-benefit assessment aims to answer questions of this type<sup>1</sup>:

- What capacities and competencies do we want children and teenagers to develop?
- What experiences do we believe good play opportunities should prompt and allow?
- What risks must we allow or create to enable children to gain access to the potential benefits of play?

In terms of the risk-benefit assessment of play provision, the question to be asked might be summarised as:

- What opportunities should play provision offer children and teenagers?

The answer to the latter question depends crucially on how the first set of questions is answered. For example, a play provider may, through their play provision, be aiming to: nurture resilience; offer challenge; connect children to nature and the natural elements; facilitate the development of skills, social

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<sup>1</sup> The questions suggested here are not intended to be exhaustive, but illustrative.

and physical; create opportunities to learn through experience, to name but a few possible service objectives<sup>2</sup>. These and other objectives are the 'benefits' that can be derived from good play provision. None of these benefits come risk-free. To gain access to the benefits, taking risks is inevitable.

What then is an 'acceptable level of risk'? To state the obvious, an acceptable level of risk is one where it is judged that the benefits of an activity outweigh the risk associated with undertaking that activity. By way of example, parents and society generally hold that the very real risk of a child having an accident whilst crossing roads alone is outweighed by the need for children to become autonomous, judgement-making individuals. Negotiating hazards is understood as a necessary and beneficial part of that process.

*When making risk-benefit judgments it is important to be clear on whose behalf they are being made. So far as a play provider is concerned, the focus should be on the risk and benefits in respect of children and teenagers. Making judgments about, for example, what parents or Councillors or insurers might judge is an acceptable level of risk is to make a mistake about the nature of the judgment being made. First, establish what you believe is good for children and teenagers. Managing the anxieties, views and expectations of others is a separate matter.*

## Hazards

Thinking about what constitutes an acceptable level of risk and its relationship to deriving benefits leads to an appreciation of the positive aspects of hazards. Traditionally, hazards have been seen as something that must be mitigated as a key objective. However, in play provision:

'Hazards have some value in that they can be an opportunity for learning<sup>3</sup>'.

It is inappropriate to treat each potential hazard with the same degree of seriousness. Therefore judgments need to be made about:

- which hazards need to be modified or removed?
- which hazards might be acceptable or desirable because they create opportunities for children and young people to gain access to potential benefits?
- what hazards need to be created to enhance children and teenagers opportunities to gain potential benefits?
- what is to be done about identified hazards, if anything?

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<sup>2</sup> The objectives of play provision should be encapsulated in a provider's play policy. Having a play policy that articulates service objectives and the necessary role of beneficial risk taking in achieving them is one aspect of being able to demonstrate reasonableness in the event of complaint or litigation. See 'Managing Risk in Play Provision: implementation guide' and legal advice at <http://www.playlink.org/articles/?p=8>

<sup>3</sup> Quoted from 'Managing Risk in Play Provision: implementation guide'

## The risk-benefit assessment form

### How to use this form

The two templates below separate the recording of technical information from value-based, risk-benefit judgments. The final judgment about a feature will be the result of considering both aspects of the assessment.

This form first asks for technical information, and then turns to value-based, risk-benefit judgments. It is possible and acceptable to undertake the two different assessments in the opposite order.

By way of example: your organisation may have come to an in principle decision that, as a matter of policy, rope swings in trees are a good thing and should be allowed in parks, playgrounds and other spaces. In the case of a particular tree, however, an assessment will need to be made of, for example, the strength of the branches. This is the area of technical assessment.

Given that the tree is determined as suitable for climbing, then a further judgment (risk-benefit assessment) will need to be made about, for example the position of the swing on the particular branch already assessed as technically suitable. This will involve judgments about, for example:

- how likely is it that a child will fall and the likely consequences of a fall
- whether a tree in close proximity to the swing represents an unacceptable hazard, or a useful opportunity for swingers to push against to create additional momentum
- the benefits of swinging from trees, and indeed the benefits that might be derived from falling from trees.

#### Tick as appropriate

Design risk-benefit assessment

Provider risk-benefit assessment

Monitoring risk-benefit assessment

Undertaken by..... Position..... Date.....

Name/location of the feature or equipment

**Technical information**

Type of specialism / knowledge required?	Is this required?  Yes/No	Organisation/ individual conducting assessment	<u>Assessment</u>  1. Acceptable/No action required  2. Remedial action required  3. Not usable	<u>Remedial action proposed, if any</u>
Common sense/qualified by experience	Yes/No		1. Acceptable/No action required  2. Remedial action required  3. Not usable	
Arboriculturist	Yes/No		1. Acceptable/No action required  2. Remedial action required  3. Not usable	

Engineer	Yes/No		<ul style="list-style-type: none"> <li>1. Acceptable/No action required</li> <li>2. Remedial action required</li> <li>3. Not usable</li> </ul>	
Rope specialist	Yes/No		<ul style="list-style-type: none"> <li>1. Acceptable/No action required</li> <li>2. Remedial action required</li> <li>3. Not usable</li> </ul>	
Water specialist	Yes/No		<ul style="list-style-type: none"> <li>1. Acceptable/No action required</li> <li>2. Remedial action required</li> <li>3. Not usable</li> </ul>	
Soil specialist	Yes/No		<ul style="list-style-type: none"> <li>1. Acceptable/No action required</li> <li>2. Remedial action required</li> <li>3. Not usable</li> </ul>	
EN Standards specialist	Yes/No		<ul style="list-style-type: none"> <li>1. Acceptable/No action required</li> <li>2. Remedial action required</li> <li>3. Not usable</li> </ul>	
Other	Yes/No		<ul style="list-style-type: none"> <li>1. Acceptable/No action required</li> <li>2. Remedial action required</li> <li>3. Not usable</li> </ul>	

Other	Yes/No		1. Acceptable/No action required 2. Remedial action required 3. Not usable	
Other	Yes/No		1. Acceptable/No action required 2. Remedial action required 3. Not usable	
Other	Yes/No		1. Acceptable/No action required 2. Remedial action required 3. Not usable	
Other	Yes/No		1. Acceptable/No action required 2. Remedial action required 3. Not usable	

Note: any reports should be appended to this form or filed with it.

**Value-based, risk-benefit assessment**

Benefits	Comments
<p><b>Examples only:</b></p> <p><i>Pleasure</i></p> <p><i>Development of self-confidence and well-being</i></p> <p><i>Engagement with natural environment and natural elements</i></p> <p><i>Learning through experience: accidents from which one might learn</i></p> <p><i>Mixing between different age ranges</i></p>	

Risks	Comments
<p><b>Examples only:</b></p> <p><i>Risk of minor injuries and long bone fractures</i></p> <p><i>Risk of more serious injuries</i></p> <p><i>Risk of damage to trees, other features or equipment</i></p>	

Relevant local factors	Comments
<p><b>Examples only:</b></p> <p><i>Feature, equipment, site in proximity to housing</i></p> <p><i>Knowledge of children creating own rope swing</i></p> <p><i>Concerns about teenagers activities/behaviour</i></p> <p><i>Concern at lack of activities/places for teenagers</i></p>	

Options	Comments (Pros and cons)
<p><b>Examples only:</b></p> <p><i>Allow/facilitate activity</i></p> <p><i>Curtail or limit activity</i></p> <p><i>Take measures to counter local anxieties about teenagers</i></p> <p><i>Limit or curtail play opportunities in order to allay local adult concerns/Facilitate local play opportunities and counter adult anxieties</i></p> <p><i>Ensure signage at play area makes positive statement about risk-taking</i></p>	

Precedents/comparisons if appropriate	Comments
<p><b>Examples only:</b></p> <p><i>Other providers/agencies have features attached to trees</i></p> <p><i>Examples of providers using non-EN Standard equipment</i></p> <p><i>Use of Standards/tests other than EN Standards</i></p> <p><i>Examples of, for example, arboriculturist assessing strength and health of trees</i></p>	

Risk-benefit judgment	Comments