

Promoting Positive Outcomes

A report on the impact of OFSTED registration on play and open access provision written using evidence from the PLAYLINK Open Access Registration Support Project

funded by

The Sure Start Unit, Department for Education & Skills

and

The Department for Work & Pensions

Written for, and in conjunction with,

PLAYLINK

by

Bernard Spiegel

Executive Summary	Page 1
Part One	
Background	Page 3
Part Two	
Definition of terms	Page 4
Adventure playgrounds and open access play provision	Page 5
Part Three	
The findings	Page 6
Staff qualifications	Page 6
Daily registration	Page 8
Negative effects	Page 9
Current position: adult:child ratios for under eights	Page 10
Current position: maximum numbers	Page 11
Ratios and maximum numbers for under eights: a different approach	Page 11
Short-term schemes	Page 14
Criminal Record Bureau checks	Page 14
Creating quality play opportunities	Page 15
Regulation and inspection can be effective	Page 16
Part Four	
Outcomes for children	Page 17
Input, output, outcomes	Page 17
Clarity and confidence	Page 18
The virtuous web	Page 18

Role of specialist agencies

Page 20

Specialist CCI for open access provision?

Page 20

Summary of Recommendations

Page 21

Futher consideration

Page 24

Executive Summary

1. Registration and Inspection practice in respect of open access provision is not consistent nationally.
2. The interpretation of staff qualification requirements causes problems for both permanent and temporary, short-term schemes. In part this is because providers and Childcare Inspectors (CCI) are not always clear that when coming to a judgement about staff qualifications account needs to be taken both of the National Standards and of the Guidance to the Standards. (Paras. Nos. 22 - 37)
3. The position on staff qualifications should in the future be significantly eased as the result of initiatives by OFSTED's Early Years Policy Unit. (Paras. Nos. 38 & 39)
4. The approach to the daily registration of children using open access provision requires revision. (Para. Nos. 40 - 50)
5. The National Standards and Guidance on staff:children under-eight ratios and maximum numbers contradicts the values, principles and understandings underpinning open access provision and distorts best possible playwork practice with no consequential gain to children. (Paras. Nos. 51 - 72)
6. Management practice in temporary, short-term schemes needs to be developed in its own terms. There is no simple 'read-across' from permanent to temporary, short-term provision. (Paras. Nos. 73 - 79)
7. Requirements in respect of CRB checks for short-term staff on temporary, short-term schemes are dysfunctional. (Paras. Nos 80 - 85)
8. There is evidence that children's freedom to take acceptable levels of risk in their play, and therefore to have access to best possible play opportunities, is being restricted in a significant amount of provision. This is not limited to open access provision. The factors contributing to this restriction on children's play by providers and inspectors include:
 - i. little or no knowledge about play, especially in the context of the over-fives
 - ii. lack of knowledge of play provision objectives
 - iii. providers unable or unwilling to articulate an understanding of play and clear objectives in respect of play provision
 - iv. little or no knowledge of the connection between risk and play¹ and how this should inform risk assessment and management practice in specifically play environments
 - v. a culture of provider and inspector anxiety exacerbated by a lack of understanding of key distinctions, for example, that between 'accident' and 'negligence'
 - vi. anxiety about the potential for parental complaint about accidents and injuries, no matter how minor

¹'While the same principles of safety management can be applied both to workplaces generally and play provision, the balance between safety and benefits is likely to be different in the two environments. In play provision, exposure to some risk is actually a benefit...' Play Safety Forum Position Statement 'Managing risk in play provision'.X____

- vii. a lack of self-confidence in assessing and supporting quality play environments and associated staff practice
- viii. provider anxiety about the potential for negative CCI inspection report
- ix. provider reluctance to challenge CCI report.
- x. a lack of support and advocacy for providers that in principle wish to offer best possible play opportunities. (Paras. Nos. 86 - 88)

9. The factors listed above too often converge to create a practice which allows children's play opportunities to be artificially constrained. This leads to a distortion of provider objectives and practice and directly contradicts the stated intention of Standard 3, that the registered person 'plan and provide activities and play opportunities...'

10. There is also evidence of good practice in respect of Registration and Inspection. Where this occurs, some or all of the following factors are present:

- i. CCIs with some knowledge about play
- ii. CCIs with previous personal or professional experience of open access play provision
- iii. providers aiming to provide play opportunities clear and explicit about play objectives and able to articulate the connection between objectives and practice
- iv. open access provision clear and explicit about what 'open access' means in practice
- v. providers undertaking risk assessments, and
- vi. provider judgements about acceptable risk levels explicitly linked to the play objectives of the provision. (Para. No. 89)

11. The Standards and Guidance need to be clear about the distinction between 'inputs', 'outputs', and 'outcomes'. The focus should be on outcomes for children. (Paras. Nos. 91 - 97)

12. The concerns identified in Paras. No. 8 above, and the constraints placed on children's play opportunities referred to in Para. No. 9 above, are exacerbated by providers' reluctance to challenge CCI reports for fear of negative consequences. The absence of a local support and advocacy system to assist providers challenge and negotiate CCI decisions reinforces this developing culture of acquiescence. (Para. No. 98 - 99)

13. The primary cause of inconsistent regulation and inspection of open access play provision derives from the attempt to shoehorn this form of provision into a conceptual framework to which it is inherently unsuited. This framework may be appropriate to closed access and childcare provision and the principles upon which it is based. However, as currently conceived, in key areas the Standards are not capable of translation to a form of provision - open access - based on very different first principles. They are in fact counter productive to the aim of ensuring benefits to children, their parents and carers, and the communities in which they live. This report proposes the creation of a 'virtuous web' that will support the delivery of quality play opportunities for children. (Paras. Nos. 101 - 106)

Part One

Background

14. PLAYLINK's DfES funded Open Access Registration Support (OARS) helpline was established in October 2001 and ended on 31 March 2003. Its objectives were to:

- support open access play providers to respond positively to the new standards
- to assist OFSTED in its new responsibilities to regulate open access provision
- in doing this, to ensure high quality play provision is sustained and developed within the new regulatory framework on the basis of a consistent approach to quality in play settings and the management of open access provision.

15. This report reviews the impact of implementation of National Day Care Standards:

- on children's play opportunities in open access play provision
- on children's play opportunities in out-of-school provision generally
- in respect of one-off, short-term and permanent open access provision.

16. The evidence base for this report includes: OARS helpline enquiries, both play and childcare providers; interviews with 15 play providers; London Play; interviews with three Childcare Inspectors (CCI); providers' registration and inspection documentation; participants in PLAYLINK's risk assessment workshops for providers who have among their objectives the creation of play opportunities². Interviews with direct providers were conducted on the basis of confidentiality.

17. Whilst the primary focus of this report is open access provision, the points made about play have application across a range of provision, both closed and open access.

²includes: open access provision; holiday schemes; childcare; nurseries; schools; childminders; CCIs.

Part Two

Definition of terms

18. In this report the following terms apply:

open access: provision where children may come and go freely; that is, where there is no requirement for children to be either brought to or collected from the provision by an adult.

closed access: children must be brought to and collected from the provision by an identified adult.

childcare: provision where there is a fixed-number of places available for named children. This provision may be open or closed access.

play: 'play is freely chosen, personally directed, intrinsically motivated behaviour that engages the child'³. This characterisation of play is echoed in 'Promoting Play in Out-of-school Childcare'⁴: 'When children have 'free time' and the inclination, they play. They choose what they will do, how they will do it and who else will be involved...Most importantly they are not being directed by adults...'

play provision: is provision that aims to create play opportunities. More specifically, it is provision that explicitly or implicitly aims to meet the seven objectives for play provision set out in Best Play and the DfES good practice guide referred to above.

user details: refers to key information providers should⁵ keep about individual children using their facilities.

daily register: this records child attendance. This daily register comprises:

record of entry: registration of each child entering the provision

record of exit: **registration of each child leaving the provision.**

³See 'Best Play: what play provision should do for children'

⁴DfES Good Practice for EYDC Partnerships Guidance No. 13

⁵There are different requirements for open access than other forms of provision (see Information for Inspectors 13.02)

Adventure playgrounds and open access play provision

19. Adventure playgrounds are open to children in a broad age range, typically school aged children. There are no membership criteria and no 'subs'. They are open all year round in out of school hours. They offer a wide and flexible choice of play opportunities. They are open to children only when staffed. Most usually they are located within and serve local communities. The provision is specifically designed to meet the play needs and wishes of children. Children are the primary service user; the needs of parents are a secondary consideration.

20. The child's ability to control and freedom of choice are the characteristic values of play provision. In adventure playground's and open access play provision they are expressed in:

- when and how often they come to the playground
- how long they stay and when they leave
- who they come with and who they play with
- what they do there, how they do it and for how long.

21. Adventure playgrounds are staffed by playworkers whose primary function it is to create a play enabling environment. They do this by paying particular attention to creating a quality play environment and supervising children in a mode characterised as 'low intervention/high response'.⁶

⁶For more on this see Best Play

Part Three

The findings

Staff qualifications

22. Standard 1 (Para. 1.4) requires that the:

‘person in charge who is present has at least a level 3 qualification appropriate to the post.’

23. This requirement has caused widespread concern for play providers.

24. The accreditation of playwork training and qualifications generally is an underdeveloped field. For that reason, among others, significant numbers of skilled playworkers have no formal qualification.

25. There have been significant developments in playwork training and accreditation, for example, the Playwork NVQ. However, in many areas the NVQ infrastructure is insufficiently developed. There is, for example, a log jam in NVQ playwork assessment because of a shortage of accredited assessors. The effect of these different but related factors mean that the playwork field remains to a substantial degree unqualified.

26. There is the related issue of playworkers with substantial knowledge and demonstrable competence who can be described as ‘qualified by experience’ but who have no recognised accreditation.

27. The concern is that rigid adherence to the Standard will in practice result in much needed, well-established and respected provision closing.

28. In fact, Guidance to the National Standards is clear that flexibility is built into interpretation of the qualification standard. The Guidance states that:

‘The person in charge should *normally* (italics added) be suitably qualified or the registered person must have an action plan detailing how they intend to meet the qualification standard.’

29. Where the Guidance has been referred to, and understood, the evidence suggests that there have been no significant problems that could not be resolved. However, there is some evidence that CCIs do not always:

- appreciate the amount of flexibility they have in respect of qualifications
- are not fully conversant with the distinction between suitable qualifications specifically for play provision as distinct from qualifications for other forms of work with children.

30. There is also evidence to suggest that providers create for themselves the conditions of their own anxiety by not realising that the Standards should be read in conjunction with Guidance. There have been cases where providers have simply read the Guidance without reference to the Standards and, more usually, cases where providers are unaware that there is Guidance and rely on the Standards alone.

31. Staff qualifications also form part of Standard 2, ‘Organisation’, Para. No.2.4. Here the focus is ‘all staff’ and the requirement is that half of all staff should hold an appropriate level 2 qualification. The points made above about playwork training and ‘qualified by experience’ apply here equally.

32. Para. No. 2.4 of Standard 2 includes the possibility of flexibility in its application:

'Where this [i.e. level 2 qualification] cannot be achieved immediately, providers set out an action plan detailing how they intend to meet this criterion and in what timescale.'

33. Standard 1 and Standard 2 both make reference to staff qualification. However, in respect of Standard 1 advice on its application is found in the Guidance; in Standard 2 advice on its application is found in the National Standards.

34. Recommendations:

- i. consideration be given to creating a single, unified Standard for staff.
- ii. the location of interpretation to the Standards should be consistent: either all in separate Guidance, or Guidance forming an integral part of the Standards' document.

35. The flexibility referred to above is of no practical benefit if providers are unable to make use of it. Knowledge *about* the potential for flexibility needs to connect with knowledge of *how* to make use of it. Providers do not necessarily have:

- easy access to information about training and accreditation
- knowledge about how to construct an action plan
- sufficient self-confidence to make their case for choosing a particular time-frame for achieving accreditation.

36. Recommendations:

- i. that information relating to training and accreditation should be made easily accessible to providers
- ii. consideration be given to locating formal responsibility for this function with one of the following:
 - local authority play department
 - EYDCP
 - local play association.

37. The recommendation at Para. No. 30 (i) and (ii) above focus on the need for a function to be delivered to providers; it does not assume that each area will deliver the function by the same route. Which agency takes responsibility for the functions described should be determined locally. It is recognised that implementation of the recommendations will have resource implications.

38. The difficulties for staff 'qualified by experience', referred to above, are now likely to be resolved. We understand from OFSTED's Early Years Policy Unit that a pilot accreditation scheme, 'Accredited Prior Experience and Learning', level 3, developed with the Learning and Skills Council has been successful and is due to be rolled out from September. It is based on practitioners self-reflective account of their practice in the context of peer review. The process should take 6/8 weeks and the current intention is that it will operate as a short-term measure - 5 years or so. This development is in principle very welcome.

39. Another welcome development concerns qualifications for staff on short-term projects. We understand that OFSTED's Early Years Policy Unit has accepted that the current qualification

requirements for temporary holiday scheme staff are unworkable. In future, for temporary holiday scheme staff, only the person in charge will require a level 3 qualification. In addition, a Playwork Induction Certificate is being developed for temporary, short-term staff. The Induction Certificate, will be accepted by OFSTED as a suitable qualification. Combined with the proposal in Para. No. 38 above, the position for short-term schemes so far as training and accreditation is concerned, should ease considerably.

Daily registration

40. Open access provision should not be required to keep a daily register; that is, a register of children entering and leaving the provision.

41. Daily registration is dealt with in: Annex A of the Out of School Care Standards; Annex A in the Guidance to the National Standards; and in additional guidance to CCIs in 'Information for Inspectors 13.02' dated 1 July 2002. There is no consistency between them, and some ambiguity, on the matter of daily registration.

42. Annex A of Standard 2 at Para. No. 2.13 states:

'Where schemes operate indoors, the registered person has a system which enables him/her to know which children are on the premises'.

43. Annex A of the Guidance to the National Standards states (bottom page 59):

'When setting up a registration system consider the following:

- whether individual children's details are known including name, address, emergency contact, allergies and medication;
- record date and time of arrival and departure of children, staff and visitors;
- ensuring information is regularly updated;
- how and when registers will be used in emergency. For example, in the case of fire; ...'

44. The Information for Inspectors 13.02 states:

'Annex A states that where open access schemes operate indoors the registered person has a system of registration. This suggests that where schemes operate outdoors they do not need to keep a register. Requirements under regulations exempt open access schemes from keeping daily records of children and staff. However, as a minimum, such schemes should have:

- procedures to identify children under eight and to know how many under eights are present
- a system for ensuring sufficient staff are on the site to work with children under eight.'

45. Open access provision is being required to register the entry and exit of children, both in cases where the provision operates indoors only and where provision operates outdoors.⁷ In addition, because

⁷It is the case that some open access provision asks children to self-register their attendance. Generally this is to demonstrate provision usage for funding purposes. The register is not designed to accurately reflect who is on site at any one time.

of the way the Annex (Standards document) and the Information for Inspectors 13.02 is framed, even where outdoors open access schemes are not required to keep entry and exit registers to the site, these may be required in respect of buildings within the provision boundary.

Negative effects

46. Where a daily registration condition has been imposed, and accepted, providers report that it is not reliable or consistent with best possible playwork because in practice:

- limited staff resources are wasted by being deployed to gatewatch and monitor the comings and goings of children when staff attention should be directed to what is occurring on site
- systems based on children's self-registration cannot be consistently enforced.

47. Precisely because daily registration is in practice inconsistent, it cannot be relied upon at the moment best possible information is likely to be required: when an emergency occurs, a fire for example, when reliance on an insecure register would be potentially hazardous.

48. Good enough practice for open access provision requires that generally⁸ there will be no daily registration. This is entirely consistent with the operational requirements of open access provision and is in the best interests of children. This is because this form of provision operates with:

- relatively low adult:child ratio for under eight's⁹
- relatively low number of staff in relation to the number of children of all ages using the provision
- playworkers' fulfilling the role of play-enabler as distinct from playleader or play or care organiser - they are therefore more able to have general oversight of their provision
- a culture of children freely coming and going that, when stated explicitly and not undermined by inappropriate regulation, is understood by both children and parents.

50. Recommendations:

- i. that Para. 2.13 of Standards Annex A, the linked section in the Guidance to the National Standards, and the section headed 'registration issues' in the Information for Inspectors 13.02 be revoked
- ii. that the Standard and Guidance on daily registration should be consistent with the rationale and criteria associated with open access provision
- iii. that the Standard and Guidance should be consistently applied to both indoor and outdoor premises taking into account the particular conditions of individual sites and premises
- iv. that the Standard in respect of daily registration should therefore state:
 - 'no daily register is required for open access provision' and that
 - 'staff demonstrate that they take reasonable steps to know how many children are on site at any one time and what they are doing' and that

⁸There will be providers who in the particular circumstances of their provision may wish to keep a daily register. Whether or not a daily register is kept should be a matter for the individual provider.

⁹1:13 for under eight's is suggested as 'normal' in Annex A of the Standards.

- 'staff have clear procedures to deal with emergencies, for example fire, taking into account that keeping a daily register is not usually appropriate for open access provision'.

Current position: adult:child ratios for under eights

51. Adult:child ratios for under eight's are necessarily linked to the issue of maximum numbers of children.

52. Annex A, Para. No. 2.6, of the National Standards states unequivocally:

'The normal minimum staffing ratio is 1:13 children aged 5 - 7 years in open access schemes...'

53. There is, however, evidence that some open access provision is being required to maintain a 1:8 adult:child ratio for under eight's. Where this occurs, the negative effects can include:

- fewer children using the facility than historically has been the case
- limiting the number of under-eights using provision
- a distortion of playwork practice appropriate to open access provision.

54. Guidance is clear that OFSTED regulation applies to children under eight. For example, the Information for Inspectors 13.02 states:

'The maximum number of children on the certificate is for the maximum number of children under eight that the scheme can accept. You need to negotiate this number with the registered person...'

55. However, there is evidence that in some cases CCIs have strayed into suggesting an overall maximum number of children that include both under and over eight's. For example, one provider's Inspection Report has as a condition:

'Register to receive a maximum of 50 children age 5 - 8 full day care. When children over 8 are received the total number of children over and under eight does not exceed 50.'

Current position: maximum numbers

56. The lapse into CCIs suggesting an overall maximum number may in part be due to the perceived ambiguity in other sections of the same guidance. For example:

‘Open access schemes may occasionally go over the maximum number when more children turn up than expected.’

57. Guidance to National Standards is sensitive to the need for flexibility when dealing with maximum numbers:

‘In open access schemes more children may turn up than expected. If this happens, you are not necessarily expected to turn children away but you will need contingency plans to:

- restore minimum staffing ratios quickly
- manage more children wishing to attend places (as shown on the registration certificate).’

58. The Information for Inspectors 13.02 states:

‘Open access schemes may occasionally go over the maximum number when more children turn up than expected. In these situations the registered person must have suitable contingency arrangements to:

- limit access;
- draft in extra staff;
- reduce numbers;
- consider what is an absolute maximum beyond which children would not be safe.’

59. Whilst both sets of Guidance acknowledge that open access providers may find that more children turn up than the agreed maximum and that this should not necessarily lead to children automatically being turned away, the emphasis is on restoring ratios ‘quickly’, aiming to ‘limit access’ and ‘reduce numbers’.

60. The focus on restoring provision to technical compliance of an agreed maximum number or adult:child ratio could place children at risk. This has arguably occurred where providers have sought to maintain technical compliance with registration requirements, for example, forcing children to queue outside on the pavement waiting for entry, notwithstanding potential dangers from traffic.

61. Providers’ key consideration should be directed towards making reasonable judgements in the best interests of children in particular situations. Technical compliance with registration requirements should be a secondary consideration

Ratios and maximum numbers for under eights: a different approach

62. From the perspective of CCIs’ interviewed for this report and of open access providers, experience on the ground suggest that the approach to staff:child ratios and maximum numbers is illogical and potentially hazardous for this type of provision and should be amended.

63. Currently, the National Standards and Guidance attempt to marry quantifiable indicators - set ratios, maximum numbers - to qualitative, subjective judgements. Provider and CCI are required to exercise judgement and come to agreement:

- i. on the basis that a '*normal* minimum staffing ratio for under eights is 1:13...' ¹⁰ (italics added in this and extracts below)
- ii. understanding that '*ratios may need* to be higher for schemes that operate in public parks etc.' ¹¹
- iii. understanding that '*... number of children on the certificate is for the maximum number of children under eight that the scheme can accept. You need to negotiate this with the registered person...*' ¹²

64. Guidance recognises, however, that in practice judgements about adult:child ratios and maximum numbers have a certain interim quality: there are circumstances where the initial judgements will need to be modified:

- i. '*In open access schemes more children may turn up than expected. If this happens, you are not necessarily expected to turn children away...*' ¹³
- ii. '*open access schemes may occasionally go over the maximum number...*' ¹⁴

65. There is no definition of 'occasionally', and no attempt to make explicit the circumstances in which more children would want to use the provision than the initial judgement allowed. The reasons in practice include the popularity of a scheme, the weather, school holidays, festivals and special events. In other words, the 'ways of life' intrinsic to the provision. It is odd to accept that expectations (ratios and maximum numbers) may be broken in practice as part of the 'ways of life' of the provision, and at the same time to maintain that a 'Standard' has been set.

66. The unsoundness of the current approach derives from the attempt to shoehorn open access provision into a conceptual framework to which it is inherently unsuited. Set adult:child ratios and maximum numbers simply make no sense in provision predicated on children's right to come and go freely, that is designed to respond flexibly to the exigencies of the moment.

67. This does not mean that providers should not make judgements about the number of children they aim to provide for or are likely to use their provision. This is simply the application of straightforward, reasonable management practice: a means to identify the resources, procedures, contingency arrangements that need to be put in place to meet the wishes and needs of service users. However, this management function is distinct and different from establishing maximum numbers under regulations.

68. The creation of an effective approach to open access regulation and inspection requires as a first step a return to first principles. These have been stated earlier in the following terms as:

The child's ability to control and freedom of choice are the characteristic values of play provision. In adventure playground's and open access play provision they are expressed in:

- when and how often they come to the playground

¹⁰Standards, Annex A

¹¹As above

¹²Information for Inspectors 13.02

¹³Guidance to National Standard, page 59

¹⁴As footnote No.12 above

- how long they stay and when they leave
- who they come with and who they play with
- what they do there, how they do it and for how long.

69. Good enough practice in adventure playgrounds and open access play provision needs to be logically consistent with the first principles upon which it is based. Both in principle, and in practice, provision - all provision - should be sensitive to the wishes and needs of all children. There is no one absolute determinant of need: age is no more an indicator of need than is character, disability, economic circumstance, sexual orientation or family background. We recognise, however, that OFSTED has duties only in respect of children under eight and our recommendations (see Para. No. 72 below) take this into account in the context of provision that serves a wider age range.

70. Open access provision has over the years developed a body of knowledge and professional practice appropriate to its key objective: providing stimulating and challenging play opportunities based on children's wishes and needs. That knowledge and practice is internally coherent, consistent with first principles and supportive of the objectives of the provision. As such, the best of open access provision has no particular problem in judging an appropriate response to the inevitable variation in the number of children attending, and possible consequential changes to the ratio of adults to children under eight present at any one time.

71. The misplaced emphasis on a simplistic, reductive indicator based on numbers of children attending and adult:child (under eight) ratios undermines the values of, and artificially distorts good enough practice in this form of provision. The multiple factors that in practice have an impact on day-to-day staff practice and children's experience of open access provision are many, variable and interrelated. They include, but are not limited to: range and type of activities undertaken by children at any one time; age range present; the weather; the mix of friendship groups and individuals present at any one time.

72. Regulation and inspection needs to direct itself to supporting good enough practice, one consistent with the rationale underpinning open access play provision. In these recommendations, rather than relying on adult:child (under eight) ratios and maximum numbers, we are proposing that inspectors discharge their responsibilities by assessing evidence that under-8s are cared for through good management and playwork practice. The recommendations that follow are consistent with and reinforce the approach taken in respect to daily registration:

- i. that there be no requirement on open access play provision to set an adult:child (under eight's) ratio or a maximum number of children able to use the provision at any one time¹⁵
- ii. staff demonstrate the basis for responding to the individual wishes and needs of children including, but not limited to, explicit reference to under eight's
- iii. staff demonstrate their awareness of the patterns of activity in their provision
- iv. staff demonstrate that they have identified and considered the risk factors implied in their judgements about the appropriate number of children using the site at any one time
- v. staff demonstrate that they have procedures for dealing with situations where in their judgement the provision may come under pressure from, for example, the numbers of children attending, age distribution, activity

¹⁵there is no longer a requirement to specify a maximum number of children able to use the premises at any one time following amendment to the Children Act 1989 by the Care Standards Act 2000. There is no requirement to set an adult:child (under eight) ratio.

- vi. staff have tested procedures to deal with emergencies, for example fire evacuation procedures agreed with the fire officer.

Short-term schemes

73. This section is based on a relatively narrow evidence base for the straightforward reason that temporary schemes are generally not working out of the holiday season. However, it has been possible to speak to a number of year round providers that run temporary schemes.

74. The concerns expressed, unsurprisingly, focus on staff qualification and CRB checks. CRB checks will be dealt with in the following section.

75. Staff qualification requirements under the Standards have to a large extent been unworkable. The discretion available under both Standards 1 and 2, referred to in an earlier section (Paras. Nos. 22 - 39), has little bearing here. Short-term schemes rely on temporary staff that will move through this form of holiday employment, and work with children, in a short space of time. Action plans for future accreditation have no meaning here.

76. The holiday scheme providers contacted for this report had established training modules that temporary staff must undertake before holiday schemes commence. These seem well established.

77. Reference has already been made in a previous section to the welcome proposals to change the qualification requirements for temporary staff.

78. There are of course other issues that affect short-term schemes in particular, for example, the keeping and storage of records where schemes use temporary accommodation or simply take place in parks. The strategic point is that whilst both permanent and short-term provision may share common values, principles and objectives, short-term schemes require the development and recognition of a distinctive form of management practice. The experience of permanent open access provision, for example that of adventure playgrounds, is not in its entirety transferable to short-term schemes.

79. Recommendation:

- i. consideration be given to developing regulation appropriate to temporary, short-term provision.

Criminal Record Bureau checks

80. As is well known, CRB checks have been a persistent source of difficulty for many providers, both permanent and short-term schemes. For short-term schemes the position is particularly acute.

81. Although there have been some complaints about, for example, 'levels of bureaucracy', some difficulties in establishing identity where people have been living abroad, the primary complaint is about the time it takes to establish CRB clearance. Many permanent schemes have had to appoint staff without completed CRB checks, or continued to employ established, trusted and skilled staff whilst waiting for CRB processes to be complete. Where this occurs, employers have their own procedures for taking references and confirming identity.

82. For short-term schemes, the CRB process is to a large extent unmanageable, consuming significant amounts of time in form-filling that is unlikely to yield practical result - a CRB response - during the course of the temporary staffs' short-term employment. The evidence is that short-term schemes have established management procedures that facilitate making reasonable judgements about whom to employ. Many of those spoken to have protocols to ensure that staff without CRB clearance do not spend time alone with children.

83. For the foreseeable future, say a year to eighteen months, there is no practical benefit to be gained from requiring temporary staff on short-term play schemes to go through the CRB process.

84. Recommendations:

- i. that the requirement for temporary staff on short-term schemes to be subject to CRB checks be suspended for a year to eighteen months and then subject to review
- ii. schemes are able to demonstrate that they have protocols in place that protect children
- iii. that Guidance is developed on management procedures for establishing the credentials of short-term staff based on consultation with short-term scheme providers.

85. In making these recommendations, the concerns about, for example, displacing paedophiles towards provision known not to conduct CRB checks is recognised. However, an unreliable procedure is worse than no procedure at all, more especially if it provides false comfort to providers. On the basis of the evidence of providers interviewed for this report, all had a lively sense of their responsibilities towards children in respect of the staff they employed; all had procedures and mechanisms in place for checking and overseeing staff working with children. Many of these procedures have been developed over the years and appear not to have been found wanting in practice.

Creating quality play opportunities

86. This section deals with the quality of play opportunities across settings: open and closed access; childcare.

87. There is considerable anecdotal evidence, across all form of provision that has as an objective the creation of play opportunities, that children's play is, as a matter of course, being unreasonably and artificially constrained. Paradoxically, this is a source of anxiety and concern to both the providers and the regulators who in practice feel bound to enforce such constraints on children, and who are the source of evidence for this finding.

88. In outline, the reasons for unreasonable and artificial constraint being placed on children's play opportunities by providers and inspectors include:

- i. little or no knowledge about play, especially in the context of the over-fives
- ii. lack of knowledge of play provision objectives
- iii. providers unable or unwilling to articulate an understanding of play and clear objectives in respect of play provision
- iv. little or no knowledge of the connection between risk and play¹⁶ and how this should inform risk assessment and management practice in specifically play environments
- v. a culture of provider and inspector anxiety exacerbated by a lack of understanding of key distinctions, for example, that between 'accident' and 'negligence'
- vi. anxiety about the potential for parental complaint about accidents and injuries, no matter how minor

¹⁶'While the same principles of safety management can be applied both to workplaces generally and play provision, the balance between safety and benefits is likely to be different in the two environments. In play provision, exposure to some risk is actually a benefit...' Play Safety Forum Position Statement 'Managing risk in play provision'.

- vii. a lack of self-confidence in assessing and supporting quality play environments and associated staff practice
- viii. provider anxiety about the potential for a negative CCI inspection report
- ix. provider reluctance to challenge a CCI report
- x. a lack of support and advocacy for providers that in principle wish to offer best possible play opportunities.

Regulation and inspection can be effective

89. There is, however, also evidence of good practice in respect of Registration and Inspection. Where this occurs, some or all of the following factors tend to be present:

- i. CCIs with some knowledge about play
- ii. CCIs with previous personal or professional experience of open access play provision
- iii. providers aiming to provide play opportunities clear and explicit about play objectives and able to articulate the connection between objectives and practice
- iv. open access provision clear and explicit about what 'open access' means in practice
- v. providers undertaking risk assessments, and
- vi. **provider judgements about acceptable risk levels explicitly linked to the play objectives of the provision.**

Part four

Outcomes for children

90. The question this report addresses is: how can we secure best possible outcomes for children in play provision? The regulation and inspection system, playworkers, staff who aim to perform that function but perhaps with a different job title, play provision, whether open access, closed access or childcare, are merely means to secure this end.

Input, output, outcomes

91. The introduction to the Guidance to National Standards is clear that the 'National Standards' are a set of 'outcomes' that providers should aim to achieve. Two examples of outcomes are offered, one, a 'safe garden', another, 'people looking after children are suitable to do so'. This characterisation of 'outcomes' is misleading and therefore unhelpful. The focus should be on children, and 'outcomes' should refer to outcomes for them. 'Best Play: what play provision should do for children' distinguishes 'inputs', 'outputs' and 'outcomes':

'Inputs' are broadly-speaking those elements which are put in place before the provision opens its doors. They include staffing with specific qualities, experience, attitudes, training and qualification; the physical features and social environment of the play setting; the policies and procedures for running and managing the provision; the materials, tools and equipment on offer.'

'Outputs' are the direct result of inputs. They include the level and nature of service offered; the number of children served, the range of children's activities and behaviour exhibited; the range of play types shown; the atmosphere generated; the incidence of children taking control of their play; ...'

'Outcomes' are 'the benefits that children gain from their play...Outcomes ...are qualitative and cannot usually be measured numerically.' Outcomes are both short-term and long-term. Those that are short-term benefit children when they are playing and are susceptible to assessment at that time. Others are long-term and their cause is almost certainly multi-factoral and beyond the scope of assessment by inspectors or provision staff.

92. Examples of inputs in play provision would include: a rich play environment offering children opportunities to take different levels of risk; staff with an understanding of play and confidence to allow children to take acceptable levels of risk.

93. An example of an output in play provision might include: children playing in a variety of ways; children sustaining an acceptable level of injuries¹⁷, being comforted or not as appropriate, and then continuing to play or do something else that they choose; staff supervising in the 'low intervention/high response mode'.

94. The outcomes for children might include: immediate enjoyment; health and emotional well-being; self-confidence; self-reliance; a capacity to trust.

¹⁷'...exposure to the risk of injury, and experience of actual minor injuries, is a universal part of childhood....Risk-taking is an essential feature of play...Play provision aims to offer children the chance to encounter acceptable risks as part of a stimulating, challenging and controlled learning environment...Therefore it is acceptable that in play provision children may be exposed to the risk of minor injury...' 'Managing risk in play provision' Play Safety Forum position statement.

95. As will be clear, there is no necessary connection between inputs and outputs and outputs and outcomes.

96. Understood in this way, 'safe gardens' and 'people looking after children are suitable to do so' are inputs that may be necessary but are certainly not sufficient to guarantee a positive output or outcome for children.

97. Recommendation:

- i. that the National Standards and associated Guidance substantially revise and make explicit the distinctions between inputs, outputs and outcomes based on the approach set out in Best Play.

Clarity and confidence

98. The proposal to revise and refine the characterisation of inputs, outputs and outcomes form part of a larger task aimed at ensuring that:

- CCI's are play literate, confident in their knowledge about play provision objectives and the relationship between risk and play
- play providers are clear and explicit about the objectives of their provision, their playwork practice, and able to articulate the connection between the two.

99. The evidence suggests that in too many cases, currently, the interaction between regulation, inspection and play providers has a negative effect on the management of open access provision, out-of-school provision generally, and the facilitation of best possible play opportunities for children.

100. There is also evidence to suggest that there are conditions where the interaction between regulation, inspection and play providers support best possible management of play provision and the creation of quality play opportunities for children.

The virtuous web

101. A web's robustness and flexibility relies not simply on the strength of its individual threads but on its reinforcing links. One or two threads do not make a web. The web that will support best possible regulatory, inspection and play provider practice comprises:

- coherent, consistent and informative National Standards and Guidance
- play literacy
- clear, stated and internalised value-based policies
- play-orientated risk assessments
- good enough practice in facility management
- a capacity for dialogue founded on shared values and understandings.

102. The recommendations that follow aim to support the creation of such a web.

Recommendations in respect of the National Standards and Guidance. There should be:

- i. a rationalisation of the National Standards, reducing the number and eliminating ambiguities and overlaps¹⁸
 - ii. a revision of definitions of 'outcomes' and consequential changes
 - iii. publication of a separate and distinct Standards and Guidance for open access provision, to include short-term provision
 - iv. explicit articulation of the rationale underpinning open access provision in both the National Standard and Guidance
 - v. more explicit Guidance, based on Best Play, about play and play provision for all forms of provision.
103. Recommendations in respect of CCI. That:
- i. play training is undertaken that includes one module on 'risk, risk assessment, risk management and play for play provision'¹⁹
 - ii. that training is undertaken on open access provision generally (it's rationale and associated good enough practice)
104. Recommendations in respect of play providers that:
- i. each provider has a clear and explicit play policy based on Best Play
 - ii. information to parents/carers includes key extracts of the Play Policy and is explicit on the relationship between risk and play, and the benefits to children of taking risks²⁰
 - iii. all providers to carry out statutory duty of risk assessment and maintain records of their risk assessments and risk management
 - iv. providers to ensure application of risk assessment technique is appropriate to play environments and objectives and that risk management follows from that.
105. Recommendations in respect of support and advocacy for providers. That:
- i. resources are made available for a registration and inspection provider support and advocacy service. Consideration be given to locating formal responsibility for this function with one of the following²¹:
 - local authority play department
 - EYDCP
 - local play association.

¹⁸A possible approach, that of reducing the current number of standards to six generic standards, is suggested in 'Open for Play', PLAYLINK's Guidance on registration for open access provision.

¹⁹This will include content on: negligence; accidents and injuries; institutional and individual anxiety; the difference between risk assessment in the work place and play provision; learning a risk assessment technique.

²⁰This to be based on Play Safety Forum Statement referred to earlier

²¹Note that the support and advocacy function could be delivered by the same locally-determined agency that will deliver training/action planning advice (see Recommendation Para. No. 30)

Role of specialist agencies

106. The experience of the OARS project, and direct evidence from providers, indicates that specialist organisations have a critical role to play in the development and dissemination of good enough practice both directly to providers and to locally based support and development agencies and organisations.

Specialist CCI for open access provision?

107. There is a suggestion that open access play provision would benefit from being inspected by specialist CCIs, trained for that purpose. This report does not support the establishment of specialist CCIs for open access provision. In coming to this view it is noted that:

- 'open access' identifies provision that allows children the freedom to determine their own coming and going; 'open access' is not restricted to play provision
- creating 'play opportunities' is not an objective restricted to open access provision.

108. So far as open access is concerned, there is evidence to suggest that where a CCI understands this form of provision, daily registration is not an issue; i.e. no daily registration of children is required.

109. So far as provision that has as its objective the creation of play opportunities, this is not limited to open access. As has previously been noted, evidence suggests that where CCIs have an understanding about play, they are able to make judgements about playwork practice and play opportunities that do not undermine play objectives.

110. There is a danger that if only those CCIs who inspect open access provision are given 'in-depth' training about play, then the multitudes of children in other forms of provision with play objectives will be inspected by CCIs who have limited or no play literacy. This would be an intolerable position and not conducive to achieving best possible outcomes for children.

111. OFSTED's approach to regulation and inspection is predicated on the provider being able to demonstrate how they meet the Standard:

'...Providers will reach those outcomes in different ways, depending on the particular circumstances they operate in....'

OFSTED will expect providers to demonstrate how they achieve each of the standards....'

112. This approach relies on CCIs and providers developing a shared language, based on concepts, values and understandings held in common. If the possibility of developing such a language is denied about something so central to children's welfare and pleasure as play, then the possibility of implementing the regulatory framework as currently conceived, collapses.

Summary of Recommendations

Recommendations in respect of training and accreditation:

- i. consideration be given to creating a single, unified Standard for staff.
- ii. the location of interpretation to the Standards should be consistent: either all in separate Guidance, or Guidance forming an integral part of the Standards' document.
- iii. that information relating to training and accreditation should be made easily accessible to providers.
- iv. consideration be given to locating formal responsibility for this function with one of the following:
 - local authority play department
 - EYDCP
 - local play association.

Recommendations in respect of daily registration:

- i. that Para. 2.13 of Standards Annex A, the linked section in the Guidance to the National Standards, and the section headed 'registration issues' in the Information for Inspectors 13.02 be revoked
- ii. that the Standard and Guidance on daily registration should be consistent with the rationale and criteria associated with open access provision
- iii. that the Standard and Guidance should be consistently applied to both indoor and outdoor premises taking into account the particular conditions of individual sites and premises
- iv. that the Standard in respect of daily registration should therefore state:
 - 'no daily register is required for open access provision' and that
 - 'staff demonstrate that they take reasonable steps to know how many children are on site at any one time and what they are doing' and that
 - 'staff have clear procedures to deal with emergencies, for example fire, taking into account that keeping a daily register is not usually appropriate for open access provision'.

Recommendations in respect of adult:child (under eight) ratios and maximum numbers:

- i. that there be no requirement on open access play provision to set an adult:child (under eight's) ratio or a maximum number of children able to use the provision at any one time
- ii. staff demonstrate the basis for responding to the individual wishes and needs of children including, but not limited to, explicit reference to under eight's
- iii. staff demonstrate their awareness of activity in their provision
- iv. staff demonstrate that they have identified and considered the risk factors associated with making judgements about the appropriate number of children using the site at any one time
- v. staff demonstrate that they have procedures for dealing with situations where in their judgement the provision may come under pressure from, for example, the numbers of children attending, age distribution, activity
- vi. staff have tested procedures to deal with emergencies, for example fire evacuation procedures agreed with the fire officer.

Recommendation in respect of temporary, short-term, schemes:

- i. consideration be given to developing a 'light touch' form of regulation for temporary, short-term provision.

Recommendations in respect of CRB checks:

- i. that the requirement for temporary staff on short-term schemes be subject to CRB checks be suspended for a year to eighteen months and then subject to review.
- ii. schemes are able to demonstrate that they have protocols in place that protect children.
- iii. that Guidance is developed on management procedures for establishing the credentials of short-term staff based on consultation with short-term scheme providers.

Recommendation in respect of Standards and Guidance:

- i. that the National Standards and associated Guidance substantially revise and make explicit the distinctions between inputs, outputs and outcomes based on the approach set out in Best Play.

Recommendations to secure virtuous web:

Recommendations in respect of the National Standards and Guidance. There should be:

- i. a rationalisation of the National Standards, reducing the number and eliminating ambiguities and overlaps²²
- ii. a revision of definitions of 'outcomes' and consequential changes
- iii. publication of a separate and distinct Standards and Guidance for open access provision, to include short-term provision
- iv. explicit articulation of the rationale underpinning open access provision in both the National Standard and Guidance
- v. more explicit Guidance, based on Best Play, about play and play provision for all forms of provision.

Recommendations in respect of CCI. That:

- i. play training is undertaken that includes one module on 'risk, risk assessment and play for play provision'²³
- ii. that training is undertaken on open access provision generally (it's rationale and associated good enough practice)

Recommendations in respect of play providers that:

- i. each provider has a clear and explicit play policy based on Best Play
- ii. information to parents/carers includes key extracts of the Play Policy and is explicit on the relationship between risk and play, and the benefits to children of taking risks²⁴
- iii. all providers to carry out statutory duty of risk assessment and maintain records of their risk assessments
- iv. providers to ensure application of risk assessment technique is appropriate to play environments and objectives.

99. Recommendations in respect of support and advocacy for providers. That:

- i. resources are made available for a registration and inspection provider support and advocacy service. Consideration be given to locating formal responsibility for this function with one of the following²⁵:
 - local authority play department

²²A possible approach, that of reducing the current number of standards to six generic standards, is suggested in 'Open for Play', PLAYLINK's Guidance on registration for open access provision.

²³this will include content on: negligence; accidents and injuries; institutional and individual anxiety; the difference between risk assessment in the work place and play provision; learning a risk assessment technique.

²⁴this to be based on Play Safety Forum Statement referred to earlier

²⁵note that the support and advocacy function could be delivered by the same locally-determined agency that will deliver training/action planning advice (see Recommendation Para. Nos. 36)

- EYDCP
- local play association.

Futher consideration

The recommendations in this report focus on two areas: open access provision and play across all forms of provision. PLAYLINK would be happy to discuss the recommendations contained in this report.

PLAYLINK
15 May 2003