

Structural imbalance: public good and the play equipment industry

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Public good, industry, and providing for play

A 'structural imbalance' has been allowed to develop such that what constitutes public benefit in respect of children and teenagers' play has been distorted by an overly influential play equipment industry. This article discusses industry, understood as commercial enterprise, and where decision-making about public benefit should be located. It is argued that, currently and for too long, public benefit decisions about play provision have been dislodged from their proper location - for example, publicly accountable bodies- to be captured by sectional interests. It is further argued that little of no blame attaches to industry, but that play provision providers have not fulfilled their responsibilities.

Introduction

I want in this article to take an initial look at how the 'public good' or 'public benefit' comes to be constituted, and how this relates, or should relate, to industry, understood as commercial enterprise. My particular focus is the play equipment industry and its relationship to the determination, and upholding, of the public good. This article will be fairly broad-brush, aiming to put this issue into play, rather than attempting a comprehensive account of what is a complex, nuanced area that traverses political, economic and social boundaries.

Public benefit

I'll take it as axiomatic that there are a number of 'public goods' that have in principle broad acceptance. In the UK, one fairly strong contender for a public good with widespread acceptance is that of the National Health Service. Other in principle, broadly uncontroversial examples of public goods would include, for example, the provision of energy to a country's population, a more or less efficient transport system, the promotion and securing of public health; and the provision of play opportunities for children and teenagers. There will of course be divergent views about *how* those public goods might be provided, but not that they *should* be provided. Arriving at a decision about *how* those goods will be provided will more often than not be a matter of hot contention. There is, however, in addition to the first *how* question, another one to be asked, plus a *who* question: *how* are decisions about what constitutes a public good to be reached, and *who* is ultimately to decide?

Before turning to the latter two questions, a few words about industry, understood as commercial enterprise.

Industry, understood as commercial enterprise

Industry's mode of operation in a market economy is to meet, but also to create, demand. And as a corollary to that, a rational, economically savvy industry will seek to bend demand to the type of product it currently produces.

It is worth adding here that whilst a market economy, understood as a system, requires that there be a market place within which different firms compete - and there is a well-argued case that

designates this form of economic structure a public good - that is not the same as saying that *individual* firms are desirous of effective competition. There is a strong case to suggest that the interests of any *individual* firm, or cluster of firms, is to become a monopoly supplier of goods and services, if possible. Hence cartels, mergers and acquisitions, and so forth. This is countered, at particular historical moments, in some countries at least, by legislation designed to curb these monopolistic tendencies which are seen as injurious to the wider public good.

Arguably, industry trade bodies are 'soft' attempts at creating quasi- or semi-monopolistic groupings, this time advancing the interests of clusters of firms within a particular market segment. In principle, this is all perfectly legitimate and reasonable.

The point to be made, however, is that nothing said about the nature of industry leads to the conclusion that they are best placed to determine what constitutes the wider public good. This is not to deny that many firms have useful contributions to make to deliberations about what that good might look like. But industry is concerned with its own good (nothing wrong with that), and to that extent, will seek to be persuasive in its own cause when ideas about the public good are being formulated. In this, industry will quite naturally tend to favour the public good being correlated with what it is already producing, or what it is capable of developing. Thus, as indicated at this paragraph's head, industry aims to meet demand, but also aims to create it.

Structural imbalance

My concern is that there is now, and there has been for some time, a structural imbalance in the relationship between one industry - the play equipment industry - and the determination of the public good, in so far as it relates to play provision. In other words, decisions about *how* play is provided for, and *who* determines how it is provided, has been dislodged from, for example, publicly accountable bodies, to reside, by default, within an industry. I have previously discussed the way industry play provision standards, and the accompanying play provision inspectors, have trespassed on territory not properly theirs¹. But now I want to look more widely at why the current dispensation is wrong and harmful; and also speculate a little about how the current position has been reached.

Public goods

If we look at the 'public goods' mentioned earlier - the provision of energy to a country's population; creating a more or less efficient transport system; promoting public health - it is uncontroversial to note that various industries have an interest in shaping both *what* those goals should be, and *how* they will be met. There is nothing in principle wrong with that. But there are clear limitations - or at least there should be - as to the degree to which any industry should in effect control, or have undue influence, on the determination of what constitutes a public good, and how it might be achieved.

¹ In 'Play provision standards: occasions of trespass' at bernardspiegel.com and www.playlink.org.uk I recognise that standards are legitimate so long as they do not stray into territory not theirs. Play equipment standards do stray.

I'd be surprised if readers of this piece would take issue with the proposition that it is not for the nuclear power industry, nor the alternative energy industry, to determine what national energy policy - the notional public good - should be, irrespective of our particular, individual preferences. By the same token, it is not for the airline or train or car industry to determine transport policy. So far as public health is concerned, my guess is that readers will share with me the view that public health decisions should not reside with the pharmaceutical industry, nor indeed with homeopaths, acupuncturists or Vedic healers. They all have a right to a voice, but not to determine or control policy.

Turning now to the provision of play opportunities, thought of as a public good, it does appear that the play equipment industry has put itself in the position of determining to a significant extent what constitutes the public good so far as play is concerned. Whether this has occurred by virtue of industry planning this outcome, or whether it has occurred by inadvertence or happenstance, it has happened. I have a suspicion that it is, in part at least, an unintended, un-anticipated outcome, one that has nevertheless proved highly functional for the play equipment industry and play provision inspectors. I'll discuss below a set of potential, partial explanations of how this might have come about. But first, a brief outline of the means by which the 'structural imbalance' is constructed, maintained, and systematised.

Mother ship and fleet

The main industry vehicle - the mother ship - deployed to dominate ideas about what constitutes the public good so far as play is concerned, is the EU play equipment standard (there are parallels in other jurisdictions). In the UK, the standards are not mandatory. This is quite widely known, and oft repeated, but this knowledge amounts to no more than a repetitious litany devoid of any practical meaning. In practice standards are treated as though they are law. Accompanying the mother ship of standards there is a supporting fleet of inspectors and organisations, not necessarily play organisations, generating sets of 'advice' and 'information' sheets, most if not all stressing that standards, though not mandatory, are better adhered to both because they aid safety, and/or on 'better safe than sorry' grounds in case the play provision provider ends up in court. In terms of the vocabulary deployed, both mother ship and accompanying support fleet effectively appropriate the terms 'safe' and 'safety' by making the seemingly unassailable assertion that standards and safety are two sides of the same coin. They are not.

Now, in practical terms, the only, or at least main, place to go to get standard compliant equipment is the play equipment industry. Its trade body, the API, has as a condition of membership that, 'All products/services must conform to the appropriate British or European Standards'. And since the position promoted is that providers really, really should adhere to standards, the industry has in effect written its own rule book, and created a captive market for itself². As a further step in corralling places to play into an industry template, the EN Standard extends its scope to,

² I do not propose to argue here the detail of why the 'standard' position about is mistaken. That has been addressed in two of my previous articles, and in publications such as HSE Managing Risk in Play Provision: implementation guide, which has useful things to say about, for example, 'safe' and 'safety' and, more widely, the need to include considerations of benefits in any discussion about, in this case, play.

'...equipment and units installed as children's playground equipment although not manufactured as such'. You may wish to pause to read that last sentence again. It is breathtaking in its implications. The self-appointed, industry-dominated Standards body has determined that even the stuff that it does not make, or perhaps is not 'made' (in the sense of manufactured) at all, falls within the scope of its self-generated standard. Beware, play provision provider, of the errant boulder and the renegade tree that fails the standard's stipulations³. What is being attempted here is akin to electric hair curler manufacturers insisting that all non-electrical hair brushing implements sold must comply with electric hair curler standards. The logical consequence of which, is a hairbrush with a fuse and sealed plug.

It must by now be seen that, taken as a whole, all this has perverse effects. As demonstrated in an earlier article, those attempting to create 'natural' play environments too often find themselves having to shoehorn their provision into a standards' template, thus effectively undermining their own policy objectives. But the point I make here is generic, it is not reliant on a commitment to the virtues of, for example, 'natural' play environments.

Who's responsible?

My own view is that it is primarily play provision providers who have responsibility here. To a significant extent they have simply succumbed to the standard's orthodoxy, and been timorous where they should have been robust in asserting their role as the determiners of what constitutes public benefit and, in that role, fulfilling their responsibility to come to an *independent, value-based* view about what constitutes good play opportunities, and what constitutes an 'acceptable level of risk' in any particular case. Instead, they have in effect acted as the unpaid militia guarding the play industry's borders. Play provision providers - particularly those that are publicly accountable - have ceded authority to an industry, allowing it to usurp the role that is properly theirs. That, running in parallel, these same authorities profess support for the principles and practices recommended in, for example, *Design for Play: a guide to creating successful play spaces* and *Managing Risk in Play Provision: implementation guide* amount to no more than nods and gestures, whereby the ends are desired, but the means disallowed.

I am therefore disinclined to blame industry, or its trade body, for promoting its wares and seeking to create and maintain a quasi-monopolistic position. Industry is, as industry does. No, the fault has to be laid at the door of publicly accountable bodies in particular. And the 'play world' also shares some responsibility for allowing the position to remain as it is.

What it is that is being discussed here?

Now, you may disagree with every single word I've said about standards, mother ship, fleet and all. You may take the view that standards are quite the best thing that has happened, and that we need

³ Actually, this raises interesting questions about the essential rationale informing play equipment standards. Arguably, notwithstanding the sort of evidence that is adduced by the industry to support its various contentions - for example, accident figures; impact tests - the 'evidence' it proffers might be said to create a blind spot as to the sort of 'evidence' that needs to be given more attention, for example, ethnographic evidence, psycho-sociological evidence; and, as indicated in a previous article, 'common sense'.

more, not fewer, of them. But that is not what is at issue here. What is at issue is a matter of principle, and how infringement of that principle has undermined the pursuit of public benefit.

The principle infringed is that decisions about what constitutes public benefit is a matter for, in broad terms, publicly accountable bodies, and not to be trapped within fiefdoms of special interests. What is at issue here is that a narrowly focused, play equipment industry, with its own (perfectly legitimate) self-interested view has been allowed to colonise and control decisions about what constitutes the public good so far as play is concerned. If the position in this sector were replicated in the examples I gave earlier, we would have, for example, the nuclear industry making nearly all the decisions about energy policy, car manufacturers making all transport decisions, and pharmaceutical companies making all decisions about public health.

The *formal* position is that commercial interests have a legitimate role as supplicants in, or promoters of, their own cause when addressing wider public good considerations. But they cannot be judge and jury in their own cause. Yet, the current position of the play equipment industry is quite the opposite: it is promoter of its own cause, author of its own rule book, cartographer and border guard of its own territory. Thus it has come to pass that virtually no provision that aspires to hang the sign 'play' on its door, can escape from the play equipment industry's jurisdiction. The fact that this is, formally speaking, a voluntary submission by play provision providers does not alter the fact.

How has this come to be?

I want now briefly to explore one possible, partial, explanation of how the position I describe has come about. In what follows, notwithstanding their obvious importance, I am leaving to one side wider considerations of European law, how standard-setting bodies are established, policy aims directed at creating a free market in goods and services, the role of the courts, insurers, and much else.

I want instead to muse upon what might be called the 'play world'. Until relatively recently, I take this world primarily to comprise those with a background in, and commitment to, staffed play provision. That world includes, in the UK, the four national play bodies, play training bodies, playwork theoreticians, philosophers and practitioners, early years practitioners, and no doubt many more.

Historically speaking, unstaffed provision - traditionally described as 'fixed equipment provision' - has not been the focus of sustained, forceful, *practical* engagement by the 'play world'. This position was replicated in countless local authority departments that had a play service. These dealt mainly or exclusively with supervised provision, much of the energy and thinking directed towards adventure playgrounds, a form of provision that has iconic status in the play world.

In a completely separate 'silo', more often as not untouched by any theoretical or philosophical cogitation upon the matter of 'play', and not unusually utterly divorced from the play world, were those responsible for fixed equipment playgrounds - a depressingly accurate description of the provision.

Two services and two traditions within which the words 'play' and 'children' figured prominently but, as in the quip about America and Britain, two worlds separated by a common vocabulary (it was certainly not a 'language').

The point I seek to draw out is that, for historical reasons, the 'play world' was, and perhaps still is, ill-equipped to address unstaffed provision⁴. To a large extent it is only relatively recently that it is getting to grips with the sort of issues that profoundly affect what can actually *be done* on the ground, as distinct from the aspirations promoted in policy pronouncements. Arguably, the 'play world' has yet to get its head round (pardon the expression) what is required of it if it is going to have an extensive, sustained impact on unstaffed provision. Part of what is required, from my perspective, is a more acute sense of the economic and structural factors affecting unstaffed provision, and the courage to address them.

It is worth noting that the structural imbalance I refer to has been sustained, and arguably extended, whilst contemporaneously much energy was being expended on formulating play policies and strategies, both at national and local level. So far as I am aware, both policies and strategies proved aspect blind when it came to considering the matters discussed here. Indeed, it can be argued that, on this topic at least, policy and strategy exists in a parallel universe, untroubled or unaware that policy aspirations - not least in respect to creating more natural play environments - are systematically countered or undermined by the current 'structural imbalance' that has been discussed here. Play policy and strategy making is but a partial and inadequate activity if a vast swath of territory is relinquished to sectional interest.

What to do about this?

In terms of this article, consideration of that question - what to do about this? - is left dangling for the present. It may be that the points I have made represent such a minority view that the question is effectively redundant. We shall see.

Bernard's new blog

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⁴ Of course, standards also affect staffed provision, such as schools and nurseries, but this does not undermine the general point I am making.