

# South Somerset District Council Play Policy

*Increasing the quality and quantity of play opportunities in South Somerset*



2007-2008  
*Neighbourhood and  
Community Champions:  
The Role of Elected Members*

2006-2007  
*Improving Rural Services  
Empowering Communities*

2005-2006  
*Getting Closer to Communities*

*making a difference where it counts*



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# Foreword

South Somerset District Council's play policy is the result of work across South Somerset District Council departments, voluntary and private sector organisations, and other agencies committed to enhancing the quality of children and young people's lives<sup>1</sup>. This play policy is the first phase of a three phase programme:

- 1. Play policy:** establishing the values, understandings, principles, objectives and criteria that will underpin and inform action on the ground.
- 2. Play strategy:** establishing the priorities and actions required to fulfil the play policy in particular situations.
- 3. Policy and strategy implementation:** fulfilling the commitments made to children, young people and their communities. Creating the living link between values and practice.

This play policy is endorsed by the play working party members of which were drawn from the play policy workshops.

This play policy is based on a play policy development process, which was designed, facilitated and developed with PLAYLINK.

PLAYLINK acknowledges its appreciation of the contribution made by all participants in the process of policy development.

<sup>1</sup> See appendix 3 for list of participants in process of policy formation

# Summary of the Play Policy

The overriding objective of this play policy is to increase the quantity, and enhance the quality, of children's play opportunities.

This corporate play policy shall be taken into account whenever decisions have the potential to have an impact on children's play opportunities.

South Somerset District Council will create and support play opportunities that allow children and young people to explore, manipulate, experience and affect their environment within challenging settings, free from unacceptable levels of risk, regardless of race, economic and social circumstances, gender or range of abilities. The emphasis is always to be on the child's choice and control over their own experience.

South Somerset District Council recognises play as equal to formal education in terms of its fundamental role in enabling children and young people to engage positively with the complexities of the world around them.

In partnership with other agencies, South Somerset District Council will encourage measures to be taken that will enhance children's free play opportunities within educational settings during and after school.

South Somerset District Council believes that every child needs opportunities to play. It is therefore critical that play provision is welcoming and accessible to every child, irrespective of gender, economic or social circumstances, background or origin, or individual capacities and abilities.

South Somerset District Council intends that play provision should meet the play needs of all its disabled children and young people within inclusive provision. Where this is judged not possible or desirable, full reasons will need to be given. It is South Somerset District Council policy to ensure accessibility of services to a wider range of children and young people than is currently the case.

South Somerset District Council wants to ensure that the presumption that all play provision should be accessible to disabled children and young people and to those with special needs will be applied fully to non-staffed playgrounds.

South Somerset District Council affirms that its play provision, and that which it supports, will work to the seven play objectives detailed in this policy<sup>2</sup>.

<sup>2</sup> See Paragraph No. 38 in main section

# Summary of the Play Policy continued...

All children's services aiming to provide for play should assess and develop their provision by reference to the criteria for an enriched play environment and the seven play objectives<sup>3</sup>.

South Somerset District Council adopts the Play Safety Forum's Position Statement on Managing Risk in Play Provision<sup>4</sup>.

South Somerset District Council is committed to ensuring that play providers are given play specific training and support to enable them to conduct risk assessments.

South Somerset District Council is committed to nurturing the development of a culture of dialogue with children and young people.

South Somerset District Council wants to ensure that all children and young people have reasonable access to a range of play opportunities within a practical journey from their home taking account of their different needs.

South Somerset District Council recognises the value of, and aims to provide, equitable access to 'destination'<sup>5</sup> play venues.

<sup>3</sup> See Paragraph No. 46 in main section

<sup>4</sup> See appendix one

<sup>5</sup> 'Destination' venues are those that are designed to serve district-wide, national and regional visitors

# Introduction

1. This policy sets out the South Somerset District Council's understanding of play and confirms its commitment to ensuring that quality play environments are available to all its children and young people.
2. South Somerset District Council endorses Articles 12 and 31 of the United Nations Convention on the Rights of the Child.

*'State Parties shall assure the child who is capable of forming his or her own views, the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.'* Article 12

*'State Parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.'* Article 31

## Rationale for a Play Policy

3. **Consistency of principles:** a play policy identifies an agreed set of principles and definitions about play and its value for children's well being and development.
4. **Focus on children and young people:** a play policy provides the context in which the focus can be shifted from existing institutions and practice to the needs of children, creating the possibility of change, innovation and long term development.
5. **Transparency:** a play policy clarifies the purposes of provision for providers, service users, funders and regulators.
6. **Local commitment:** the process of creating a policy unlocks local interest and energy and creates commitment to services; children, parents and local communities get involved.
7. **A necessary first step:** a play policy is the essential prerequisite for identifying service objectives and planning strategies.
8. **A basis for quality:** a policy enables us to determine specified purposes of services and provision; the purposes are themselves justified in the terms of the policy.

9. **A foundation for risk mitigation:** the framework of a policy, and practice which is derived from it, will assist in determining what is appropriate risk mitigation and in demonstrating that providers have acted properly where negligence becomes an issue<sup>6</sup>.

10. **A framework for the allocation of resources:** a play policy provides the rationale for an allocation of resources which can be explained and justified both in relation to competing claims from other services and to the public. Children and young people benefit from expenditure being more accurately targeted on their needs and wishes.

11. **Consistency between training and practice:** the commitment to common principles specified in the play policy provides the link between service and practice development locally, and the national standards for playwork education and training and the professional development of playworkers.

## Play Policy Aim

12. The overriding aim of this play policy is to increase the quantity, and enhance the quality, of children's play opportunities.

13. South Somerset District Council will take this corporate play policy into account whenever decisions need to be made that could or should affect children's play opportunities. This means, for example, that planning guidance and decisions, renewal and maintenance programmes, transport policy, parks, open space and other policies will work to the values, objectives and criteria of this policy.

14. South Somerset District Council will encourage voluntary sector organisations, community groups and other agencies to adopt this play policy. Many valued services are delivered by non-South Somerset District Council bodies, for example, out-of-school clubs, nurseries, youth clubs, holiday play schemes, schools, play centres. The widespread adoption of this policy will help ensure the development of a district-wide coherent and cohesive approach to children and young people's play.

<sup>6</sup> See Appendices one and two

## Understanding Play

15. Play is one essential way children and young people come to understand themselves and the world around them. Play is a vital component of a child's life. A child's capacity for positive development will be inhibited or constrained if denied access to a range of stimulating play opportunities. Play is essential for physical, emotional and spiritual growth, for intellectual and educational development. Through play, children and young people explore the physical and social environment, ideas and concepts, and learn how to deal with situations that trouble or frighten them. In this they learn what cannot be explicitly taught.

16. The best play provision is designed to offer children and young people access to this wide range of experience in settings which support acceptable level of risk<sup>7</sup>.

17. Play is satisfying to the child, creative for the child and freely chosen by the child. Play may involve or may not involve equipment, be boisterous and energetic or quiet and contemplative, be done with other people or on one's own, have an end product or not, be light hearted or very serious.

18. South Somerset District Council wants to ensure that play opportunities are created that allow children and young people to explore, manipulate, experience and affect their environment within challenging settings, free from unacceptable levels of risk<sup>8</sup>. The emphasis is always to be on the child's choice and control over their own experience.

19. Through play children and young people learn through experience what cannot be taught: for example, self-confidence, the sense of themselves as individuals able to make choices, the ability to cope with dispute, to overcome fears, and much more. This form of learning runs parallel to, but is distinct from, that which can be taught.

<sup>7</sup> See Appendix 1 on risk assessment for more details.

<sup>8</sup> '... play provision aims to manage the level of risk so that children are not exposed to unacceptable risks of death or serious injury.' Play Safety Forum Statement.

# Values & Principles

20. The following values and principles will inform all South Somerset District Council's decisions about play provision. Children and young people:

- are entitled to respect, for their own unique combination of qualities and capabilities.
- should have their opinions and reactions taken into account.
- are part of, and contribute to, the cultural life of their communities.
- have a right to be seen, heard and provided for in shared public space to the same degree as adults.
- have a right to play environments free from unacceptable levels of risk.
- have the right to expect consistency and clarity in adult values. Children and young people must see the connection between stated policy and what actually happens. They need to feel part of a community of trust and cooperation.
- should be able to control their own play activity. This is a crucial factor in enriching their experience and enhancing their development.
- in play there need be no task or product, though the child or young person may decide differently from time to time.

21. South Somerset District Council's play provision will be based on the principle of empowering the child and increasing their choices.

## Play & Culture

22. Play is one of the ways children and young people learn how values, beliefs and traditions come to life through their actions and engagements with other people. This type of understanding cannot be taught. It is the difference between being able to quote a moral code, and learning to live by one.

23. Leisure pursuits and play, whether undertaken by adults or children, share the common characteristics of being undertaken voluntarily requiring no necessary outcome. It is central to our understanding of ourselves as individuals and as a society that we value such freely-chosen engagements. These engagements are intrinsically worthwhile, and are distinct from those driven by necessity. They enrich and give meaning to our lives. In creating the space and time for play, adults:

- affirm the value of play for its own sake, and by implication cultural engagement generally
- create the context for initiating children and young people into key societal values.

24. South Somerset District Council wants to ensure that play is properly represented in cultural, community and related strategies

## Play & Formal Education

25. South Somerset District Council recognises play as equal to formal education in terms of its fundamental role in enabling children and young people to engage positively with the complexities of the world around them.

26. South Somerset District Council notes that there is evidence to suggest that free play has a direct positive impact on children's ability to meet formal educational goals. For example, a Head teacher who improved free play opportunities during school breaktime reported that

*'The children value the freedom of playtime and find that the range for their choice is wider so that they are more ready to accept the work load demanded during the time of their formal education.'*

Play at School published by PLAYLINK<sup>9</sup>

27. South Somerset District Council will encourage measures to be taken that will enhance children's free play opportunities within educational settings during and after school.

<sup>9</sup>See Notes, References and Contacts for publication details

# Changing the Balance:

## A district for children, young people and adults alike

28. The health and vibrancy of our district depends to a significant degree on people's perception and use of public spaces and thoroughfares. Planning, design and architecture, along with sensitive approaches to overseeing public space, can create the conditions necessary for the development of a sociable district, one that demonstrates its respect for children and young people and values them as part of a wider community.

29. South Somerset District Council wants to ensure that its public spaces - e.g. thoroughfares, shopping areas, housing estates, parks, - are places where individuals and communities have opportunities to come in sight of one another. Children and young people being seen and heard in public spaces is one of the hallmarks of a sociable district. It is likely that where parents and carers feel confident about their children using shared public space, so too will others.

30. Children are entitled to play safely in a wide range of public spaces, including those in proximity to their homes. Equally, parents and carers are right to expect that local open spaces should be free from unacceptable levels of risk and available for children's play.

31. It is accepted that perceptions of crime and community safety affect individual and family decisions about whether and where children can go out to play. This is a complex area where, for example, perception of crime levels are often higher than the reality. South Somerset District Council will work with others to ensure that perceptions of crime levels more accurately reflect reality.

32. South Somerset District Council recognises that global environmental issues such as transport, waste and pollution affect the quality of local environments where children play. In developing play opportunities, South Somerset District Council will always aim to minimise the negative environmental impact of its activities and enhance the environmental benefits. South Somerset District Council actions will be informed by South Somerset Play Association's Environmental Policy.

33. South Somerset District Council recognise that play environments, whether designated play space or part of the wider public realm, must be properly maintained. Proper maintenance contributes to the sustainability of play environments and forms a necessary part of a positive approach to what CABE Space has described as 'place making'.

*'CABE Space believes that the use of target hardening as a first response to antisocial behaviour is resulting in the fortification of our urban environment. There is a better solution: invest in place making, improving public spaces, to prevent the onset and escalation of these problems. Evidence from CABE Space's study shows that well designed, well maintained public spaces can contribute to reducing the incidence of vandalism and antisocial behaviour, and result in long term cost savings.'*

CABE Space Policy Note: preventing antisocial behaviour in public spaces

## What do we mean by 'all' children?

34. South Somerset District Council South Somerset District Council believes that all children and young people want and need opportunities to play. Play provision should be welcoming and accessible to every child, irrespective of gender, economic or social circumstances, ethnic or cultural background or origin, or individual abilities.

35. We intend that play provision shall meet the play needs of disabled children within inclusive provision. Some children will require additional support to ensure that they have access to the best possible play opportunities and some children will need and want to have access to specialist as well as inclusive provision.

*'Children and young people with disabilities have an equal if not greater need for opportunities to take risks, since they may be denied the freedom of choice enjoyed by their non-disabled peers.'*

Play Safety Forum Position Statement

# The Seven Play Provision Objectives

36. The objectives that follow are broad statements which are intended to set out how the definition of play and the underpinning values and principles should be put into practice. They form the basis against which play provision can be evaluated.

37. The objectives take account of those published in 'Best Play: what play provision should do for children', the outcome of a partnership between PLAYLINK, Children's Play South Somerset District Council and the National Playing Fields Association.

38. South Somerset District Council affirms that its play provision, and that which it supports, will work to the seven 'Best Play' objectives. These are set out below.

**Objective One:** The provision extends the choice and control that children have over their play, the freedom they enjoy and the satisfaction they gain from it.

**Objective Two:** The provision recognises the child's need to test boundaries and responds positively to that need.

**Objective Three:** The provision manages the balance between children and young people's need and want to play and the need to keep them from being exposed to unacceptable risks of death or serious injury.

**Objective Four:** The provision maximises the range of play opportunities.

**Objective Five:** The provision fosters independence and self-esteem.

**Objective Six:** The provision fosters children's respect for others and offers opportunities for social interaction.

**Objective Seven:** The provision fosters the child's well-being, healthy growth and development, knowledge and understanding, creativity and capacity to learn.

## Quality Play Provision and Questions of Risk

39. 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.

*'Children need and want to take risks when they play. Play provision aims to respond to these needs and wishes by offering children and young people stimulating, challenging environments for exploring and developing their abilities. In doing this, play provision aims to manage the level of risk so that children are not exposed to unacceptable risks of death or serious injury.'*

Play Safety Forum Position Statement on Managing Risk in Play Provision<sup>10</sup>

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

*While the same principles of safety management can be applied both to work places 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: it satisfies a basic human need and gives children the chance to learn about the real consequences of risk taking.*

Play Safety Forum Position Statement

41. If play provision fails to offer children varied and interesting experiences, it is **reasonable** to be concerned that children may seek challenge and stimulation elsewhere, in areas that may contain **unacceptable** levels of risk. Equally, if children are denied opportunities to assess some risks for themselves in a variety of settings and situations, then it is **reasonable** to be concerned that they will lack the experience and skills to distinguish between levels of risk in the wider world. South Somerset District Council **adopts** the Play Safety Forum's Position Statement on Managing Risk in Play Provision.

<sup>10</sup>The full Play Safety Forum Position Statement on Managing Risk in Play Provision and a list of Forum members forms Appendix One of this play policy.

## Risk Assessment

42. It is a requirement under the Health and Safety at Work Act 1974 (Management of Health & Safety at Work Regulations 1992) that employers undertake regular Risk Assessments. Risk Assessment is based on a holistic approach to assessing risk; that is, it looks at all the elements - and the connections and relationships between them - that comprise the work (i.e. the play provision) environment.

43. Those responsible for the regulation, inspection and implementation of health and safety are required to make judgements appropriate to the particular circumstances of the individual provision and its aims and objectives. What might be appropriate for one provider will not necessarily be appropriate for another. Factors to be considered will include, for example, the ages and capabilities of the children and young people who use the provision, the level and types of accidents that have occurred, and - if applicable - the level of supervision and support that is available.

44. Risk assessment is a relatively straightforward technique that, when understood, can be a highly functional tool supporting the development of quality play environments. South Somerset District Council is committed to ensuring that play providers are given **play specific** training and support to enable them to conduct risk assessments.

# Enriched Play Environment Criteria

45. South Somerset District Council wants to ensure that the enriched play environment criteria are taken into account when planning, designing and maintaining places where children and young people should be able to play. This will require a new emphasis on the natural environment, natural materials and play friendly art works and structures.

46. The enriched play environment criteria<sup>11</sup> below appear in 'Best Play: what play provision should do for children.' The examples given in each section are in no sense exhaustive, merely indicative.

**A varied and interesting environment.** Examples: things at different levels, spaces of different sizes, places to hide, trees and bushes, open spaces, made things, places to inspire mystery and imagination.

**Challenge in relation to the physical environment.** Examples: activities which test the limits of capabilities, rough and tumble, sports and games, chase.

**Experiencing the natural elements - earth, water, fire, air.** Examples: campfires, digging, playing snowballs, flying kites.

**Movement - e.g. running, jumping, rolling, climbing, balancing.** Examples: beams and ropes, soft mats, bike riding, juggling equipment, ladders, space.

**Manipulating natural and fabricated materials.** Examples: materials for art, cooking, making and mending of all kinds; building dens; making concoctions; using tools; access to bits and pieces of all kinds.

**Stimulation of the five senses.** Examples: music making, places where shouting is fine, quiet places, different colours and shapes, dark and bright places, cooking on a campfire, rotting leaves, a range of food and drink, objects that are soft, prickly, flexible, large and small.

**Experiencing change in the natural and built environment.** Examples: experiencing the seasons through access to the outdoor environment; opportunities to take part in building, demolishing, or transforming the environment.

<sup>11</sup> The criteria are adopted from those given in B. Hughes  
'Play environments: A Question of Quality'  
' see Notes And References.

## Criteria for an Enriched Play Environment Continued.....

**Social interactions.** Examples: being able to choose whether and when to play alone or with others, to negotiate, cooperate, compete and resolve conflicts. Being able to interact with individuals and groups of different ages, abilities, interests, gender, ethnicity and culture.

**Exploring identity.** Examples: dressing up, role play, performing, taking on different kinds of responsibility.

**Experiencing a range of emotions.** Examples: opportunities to be powerful/powerless, scared/confident, like/disliked, in/out of control, brave/cowardly.

## Staffed Provision

47. Those responsible for provision that aims to offer children and young people play opportunities are, to a greater or lesser extent, working to playworker principles. The playworker's role has a dual focus:

- creating an environment rich in possibility for children and young people (see criteria above);
- acting as a resource for children.

48. Playworkers, and those fulfilling that role, aim to create the conditions necessary to ensure the minimum intervention in children's activity consistent with keeping them free from unacceptable levels of risk. This approach has been characterised as 'low intervention, high response', a style of working which supports rather than directs children and young people.

49. The limitations of a play setting, or constraints imposed by the nature of a service, may limit the extent to which playworkers are able to work in this way. However, playwork skills are founded on the values and understandings described earlier and a good playworker always aims to intervene in children's play as little as possible.

*'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 but are making choices and deciding their own actions.'*  
DfES Good Practice for EYDC Partnerships No. 13

## Consultation: with parents, carers and children

50. Children and young people's views shall be sought and taken into account when making decisions about their play opportunities where appropriate.

51. The process of finding out, and responding to, children's needs and wishes is more likely to occur where a culture of dialogue and conversation is nurtured. Conversation and dialogue presuppose a multiplicity of voices and the possibility of more than one point of view. A culture of conversation respects not only the child's voice, but also that of adults. South Somerset District Council will work to ensure that a culture of conversation with children and young people is promoted.

*'Children and young people, including the disabled and those from excluded groups, should participate throughout the project development*

*Meaningful 'consultation' is a creative process and takes time, skills and a variety of means including observation of what children do on their own.'*

Extract from 'messages from the 6th annual PLAYLINK/Portsmouth City Council Play Conference October 2002'

52. Questionnaires and user surveys can sometimes be useful tools for finding out people's views. However, questionnaires and surveys are only tools, and not fit for every purpose. Questionnaires and surveys can have the unintended effect of imposing on children what adults think children and young people need and want from their play. Concepts such as 'play', 'acceptable risk', 'serious injury' mean different things to different people. Consulting without first establishing a common understanding about key terms is unlikely to yield useful results.

53. Too often consultation exercises are based on the assumption that play equipment equals play opportunities. The enriched play environment criteria and related aspects of this policy will help to counter this restrictive approach.

*'Playground designs should reflect the individual spirit of their locality and stimulate all the senses. Children need and want to play in the natural world; playgrounds are primarily about children not equipment. Designers, artists and ecologists should be involved in the initial brief for a playground project.'*

Extract from 'messages from the 6th annual PLAYLINK/Portsmouth City Council Play Conference October 2002'

54. There are two invaluable sources of information about children's needs and wishes that are readily available and too easily ignored:

- our own adult knowledge and memory of what we enjoyed as children
- the unobtrusive observation of children and young people when left to their own devices.

## But children are using and enjoying our playgrounds!

55. There is the temptation to assess the quality of play provision solely in terms of usage levels and children's apparent enjoyment of the facilities on offer. Whilst it would be nonsense to propose that children's use and enjoyment of play facilities are not necessary indicators of quality, this alone is not sufficient. The reason for this is of the same type that allows adults to have views on what constitutes a healthy diet, notwithstanding that children and young people will often seek out and enjoy unhealthy food.

56. Adults have a responsibility to ensure that their knowledge and experience, for example, about play, children's development, nutrition, are brought to bear when making judgments that affect children and young people. Within a culture of conversation, this acknowledgement of adult responsibility is more likely to foster engagements in good faith with children and young people.

57. Significant amounts of information already exist about children and young people's play wants and needs. Sources of information include local surveys and national research. South Somerset District Council wants to ensure that it makes best use of existing information and not engage in unnecessary consultation exercises.

## Age Limits

58. This policy does not prescribe age ranges for play provision. This is based on the understanding that children and young people need and like to play, and benefit from doing so.

*'While few teenagers would describe what they do as play, they need the time, space and freedom associated with play for younger age groups.... Play [means] what children and young people do when they follow their own ideas, in their own way and for their own reasons'*

Getting Serious about play: a review of children's play<sup>12</sup>

59. Subject to local discretion and conditions, there should be a presumption in favour of children, young people and adults of all ages having access to quality play opportunities.

## Practical Considerations: extending play opportunities

60. Services for children and young people - for example, out-of-school clubs, junior youth clubs, schools, play schemes, nurseries, parents and toddlers groups - are designed to meet a range of objectives. These objectives include, for example, creating opportunities for parents to work, meet or study, offering children and young people opportunities to learn skills or participate in programme-based activities. As a result, not all children's services are in a position to offer the full range of play opportunities children and young people require. However, all children's services aiming to provide for their play should assess and develop their provision by reference to the criteria for an enriched play environment and the seven play provision objectives set out above.

61. The potential for creating quality play environments is substantial. South Somerset District Council, in collaboration with other sectors, agencies, groups and organisations, will work to create a district that is increasingly receptive to the play needs of children and young people.

<sup>12</sup> Play review commissioned by DCMS, supported by the New Opportunities Fund, other Government Departments and administrations in Wales, Scotland and Northern Ireland.

## Children's Access to Quality Play Environments

62. South Somerset District Council wants to ensure that all children and young people have reasonable access to a range of play opportunities within a practical journey from their home taking account of their different needs. South Somerset District Council recognises the value of, and aims to provide, in addition, equitable access to 'destination'<sup>13</sup> play venues.

63. This means that an assessment will be made of how, for example, thoroughfares, residential estates and out of school provision generally, parks and open spaces, school grounds, as well as designated play provision, could contribute to local play opportunities. Changes in speed restrictions, by-laws and regulations, and the management of these spaces, will be made where necessary to ensure that they become accessible to children and young people to enrich their opportunities for play.

## Not Words Alone

64. This play policy, and the strategy on which it is based, aims to change radically the way we think about and provide for children and young people's play within South Somerset District. South Somerset District Council recognises that this policy challenges both itself and those organisations, agencies and groups that believe in the value of play and children's entitlement to quality play and leisure opportunities.

65. This policy is rooted in a collaboration between South Somerset District Council Members and Officers, Somerset County Council Officers, voluntary and private sector organisations and groups. It represents, in other words, a broad based consensus. The responsibility now is to bring this policy to life on the ground. This will require that the tradition of collaboration now established is maintained and extended.

February 2007

<sup>13</sup>'Destination' venues are those that are designed to serve district-wide, national and regional visitors

## Notes, References and Contacts

The following notes and references informed the formulation of this play policy document.

- i. Charter For Children's Play. Published by the National Voluntary Council for Children's Play (now the Play Council).
- ii. United Nations' 1989 Convention on the Rights of the Child.
- iii. A Review of Playgrounds And Related Studies by P. J. Heseltine (Play Safety Advisor, RoSPA). Published by the National Play Information Centre. Review based on 165 studies and surveys. "Studies of accidents are numerous - out of all proportion to their frequency and severity in the overall pattern of childhood accidents. This indicates the necessity for playground safety to be kept in perspective."
- iv. One False Move (1992) & Children, Transport and Quality of Life (1993) by Meyer Hillman, Senior Fellow Emeritus, Policy Studies Institute.
- v. Open Access Play And The Children Act. Published by PLAYLINK.
- vi. 'Risk & Safety in Play: The Law and Practice for Adventure Playgrounds'. published by SPON for PLAYLINK.
- vii. Article 'Risks on Playground' by David Ball, Director of the Centre for Environmental and Risk Management, University of East Anglia. Published in HAPA Journal No. 13, (1994).
- viii. Article 'Exploring The Possibility Of Daycare' by Dr. Pat Petrie, Thomas Coram Research Unit. Published in PLAYLINKS Magazine, January 1996 issue.
- ix. Article 'Playcare....A Workshop' by Sandra Melville, Director of PLAYLINK. Published in PLAYLINKS Magazine as above.
- x. 'Play Environments: A Question of Quality' by Bob Hughes. Published by PLAYLINK.
- xi. 'A Taxonomy of Play Types' by Bob Hughes. Published by PLAYLINK.
- xii. 'Play at School Scheme'. Report and evaluation. Published by PLAYLINK.
- xiii. 'Best Play: What play provision should do for children'. Available from Children's Play Council.
- xiv. Play as Culture: incorporating play in Cultural Strategies. Published by PLAYLINK
- xv. Good Practice Guidance for EYDC Partnerships No.13 'Promoting play in out-of-school childcare. DfES.
- xvi. From children's services to children's spaces, by Peter Moss and Pat Petrie, published by Routledge Falmer, 2002.
- xvii. No particular place to go, by Ken Worpole, published by Groundwork UK, 2003.
- xviii. Making Sense: playwork in practice, published by PLAYLINK.
- xix. Open for play, published by PLAYLINK
- xx. Places for Play. Published by PLAYLINK. Available from the Free Play Network
- xxi. Children's Play Council: [www.ncb.org.uk/cpc.htm](http://www.ncb.org.uk/cpc.htm)
- xxii. PLAYLINK: [www.playlink.org.uk](http://www.playlink.org.uk)
- xxiii. Free Play Network: [www.freeplaynetwork.org.uk](http://www.freeplaynetwork.org.uk)

# Appendix One

## Risk and Safety

### Managing risk in play provision: a position statement

From the Children's Play Council website at <http://www.ncb.org.uk/cpc>.

*"We consider Managing Risks in Play Provision to be an important document that will contribute to the debate on the provision of children's play. It articulates the balance between the benefit and the need for children to play against the duty of play providers to provide safe play. We must not lose sight of the important developmental role of play for children in the pursuit of the unachievable goal of absolute safety. It makes clear that the safety must be considered at all stages of play provision but that, inevitably, there will be risk of injury when children play, as there is risk of injury in life generally. The important message is though that there must be freedom from unacceptable risk of life-threatening or permanently disabling injury in play."*

### The Play Safety Forum

Health and Safety Executive

The Play Safety Forum brings together the main national organisations in England with an interest in safety and children's play (see Appendix 1 for a list of members) . Members include providers, regulatory bodies, expert agencies and insurers. The aim of the Play Safety Forum is to build consensus on issues around risk and safety in relation to play provision. It is an independent body hosted by the Children's Play Council at the invitation of the Department for Culture, Media and Sport.

Introductory remarks

*Intended audience and scope*

- This statement is written for those involved in play provision of any kind (for example play areas, playgrounds, adventure playgrounds, play centres and holiday playschemes). These include local authorities, voluntary organisations, play equipment manufacturers and inspection agencies.
- The statement has equal relevance to children and young people of all ages from 0 to 18, and it uses the term 'children' to cover the whole age range.
- The statement has relevance to other settings and environments in which children play, such as childcare provision, schools, parks and public open spaces.
- The statement will also be of interest to those involved in insurance and litigation in relation to play provision.

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- The statement focuses on physical injuries resulting from accidents. However the overall approach, namely that a balance should be struck between risks and benefits, is also relevant to agencies concerned with other issues such as the personal safety of children.
- The statement is in two forms: a summary and a full statement. The summary aims to state the key points of the full statement in a more accessible form, for a non-technical audience.

### *Purpose*

There is growing concern about how safety is being addressed in children's play provision. Fear of litigation is leading many play providers to focus on minimizing the risk of injury at the expense of other more fundamental objectives. The effect is to stop children from enjoying a healthy range of play opportunities, limiting their enjoyment and causing potentially damaging consequences for their development.

This approach ignores clear evidence that playing in play provision is a comparatively low risk activity for children. Of the two million or so childhood accident cases treated by hospitals each year, less than 2 per cent involve playground equipment. Participation in sports like soccer, widely acknowledged as 'good' for a child's development, involves a greater risk of injury than visiting a playground. Fatalities on playgrounds are very rare - about one per three or four years on average. This compares with, for instance, over 100 child pedestrian fatalities a year and over 500 accidental fatalities overall.

In response to this situation, and in order to ensure that children's needs and wishes are properly acknowledged, the Play Safety Forum has prepared this statement.

### *How this statement should be used*

All those involved in play provision should give close and explicit consideration to the issues raised by this statement. This would most effectively be done through reviewing policies and procedures, preferably as part of an overall review of policies on play. Providers are encouraged to use the statement to stimulate discussion and debate amongst key stakeholders when reviewing and developing their policies and procedures. Providers may want to explicitly adopt the statement, in full or summary form, in policy statements.

### **Summary statement**

Children need and want to take risks when they play. Play provision aims to respond to these needs and wishes by offering children stimulating, challenging environments for exploring and developing their abilities. In doing this, play provision aims to manage the level of risk so that children are not exposed to unacceptable risks of death or serious injury.

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## Full Statement

### *Acceptable and unacceptable risk*

In any human activity, there is an element of risk. Three factors are central to determining whether or not the level of risk is acceptable or tolerable:

- the likelihood of coming to harm;
- the severity of that harm;
- the benefits, rewards or outcomes of the activity.

Judgements about the acceptability of risk are made on the basis of a risk assessment. Risk assessment and management are not mechanistic processes. They crucially involve making judgements about acceptability based on an understanding of the balance between risks and benefits. Even where there is a risk of fatal or permanent disabling injury, this risk may sometimes be tolerable. For instance, going paddling at the seaside involves an unavoidable risk of fatal injury, but this risk is tolerable for most people because in most circumstances the likelihood of coming to harm is very low and there are obvious benefits. Social and psychological factors are also important in risk assessment. Risks that are acceptable in one community may be unacceptable in another, and policies should take this into account.

Almost any environment contains hazards or sources of harm. In many cases the existence of hazards can be justified, perhaps because they are impossible to remove or perhaps because their removal would have undesirable consequences or be too costly. Where the existence of a hazard can be justified, measures should be in place to manage it. In a controlled environment such as a workplace or a playground, those responsible are required by law to identify, and make informed judgements about, the hazards to which people are exposed. They must take steps to ensure that the risks are managed and controlled so far as is reasonably practicable while allowing the potential benefits to be delivered.

### *Children and risk*

All children both need and want to take risks in order to explore limits, venture into new experiences and develop their capacities, from a very young age and from their earliest play experiences. Children would never learn to walk, climb stairs or ride a bicycle unless they were strongly motivated to respond to challenges involving a risk of injury. Children with disabilities have an equal if not greater need for opportunities to take risks, since they may be denied the freedom of choice enjoyed by their non-disabled peers.

## Appendix One, continued.....

It is the job of all those responsible for children at play to assess and manage the level of risk, so that children are given the chance to stretch themselves, test and develop their abilities without exposing them to unacceptable risks. This is part of a wider adult social responsibility to children. If we do not provide controlled opportunities for children to encounter and manage risk then they may be denied the chance to learn these skills. They may also be more likely to choose to play in uncontrolled environments where the risks are greater.

Almost by definition, any injury is distressing for children and those who care for them. But exposure to the risk of injury, and experience of actual minor injuries, is a universal part of childhood. Such experiences also have a positive role in child development. When children sustain or witness injuries they gain direct experience of the consequences of their actions and choices, and through this an understanding of the extent of their abilities and competencies. However, children deserve protection against fatal or permanently disabling injuries, to a greater degree than adults.

Children have a range of physical competencies and abilities, including a growing ability to assess and manage risk which adults arguably tend to underestimate. However children typically have less experience than adults of assessing the broad range of risks and hazards that they may encounter. Hence it is important to give them appropriate controlled environments in which they can learn about risk.

### *Play provision and risk*

Risk-taking is an essential feature of play provision, and of all environments in which children legitimately spend time at play. Play provision aims to offer children the chance to encounter acceptable risks as part of a stimulating, challenging and controlled learning environment. In the words of the play sector publication *Best Play*, play provision should aim to “manage the balance between the need to offer risk and the need to keep children safe from harm”. 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: it satisfies a basic human need and gives children the chance to learn about the real consequences of risk taking.

Hence it is acceptable that in play provision children may be exposed to the risk of minor and easily-healed injuries such as bruises, grazes or sprains. On the other hand, play provision should not expose children to significant likelihood of permanent disability or life-threatening injuries. However it may on occasions be unavoidable that play provision exposes children to the risk - the very low risk - of serious injury or even death. But this would only be tolerable in the following conditions:

- the likelihood were extremely low;
- the hazards were clear to users;

## Appendix One, continued.....

- there were obvious benefits;
- further reduction of the risk would remove the benefits;
- there were no reasonably practicable ways to manage the risk.

For example a paddling pool, even if shallow, involves a very low but irremovable risk of drowning (even with parental supervision) but this is normally tolerable. The likelihood is typically extremely low, the hazard is readily apparent, children benefit through their enjoyment and through the learning experience of water play and finally, further reduction or management of the risk is not practicable without taking away the benefits.

Providers should strike a balance between the risks and the benefits. This should be done on the basis of a risk assessment. Crucially, this risk assessment should involve a risk-benefit trade-off between safety and other goals, which should be spelt out in the provider's policy. Given children's appetite for risk-taking, one of the factors that should be considered is the likelihood that children will seek out risks elsewhere, in environments that are not controlled or designed for them, if play provision is not challenging enough. Another factor is the learning that can take place when children are exposed to, and have to learn to deal with, environmental hazards. Play provision is uniquely placed to offer children the chance to learn about risk in an environment designed for that purpose, and thus to help children equip themselves to deal with similar hazards in the wider world.

### *Good practice*

Clear, well-understood policies, together with procedures that put these policies into practice, are the key to good practice in risk management in play provision. Policies should state clearly the overall objectives. Procedures, including risk assessment, should state how these policies are put into practice, giving guidance but also recognising the need for professional judgement in setting the balance between safety and other goals. Such judgements are clearly multi-disciplinary in nature. For example, while they may contain an engineering dimension, of equal or greater importance is likely to be a knowledge of child development and play itself. There are a number of sources of authoritative, relevant guidance on good practice.

One valuable approach to risk management in play provision is to make the risks as apparent as possible to children. This means designing spaces where the risk of injury arises from hazards that children can readily appreciate (such as heights), and where hazards that children may not appreciate (such as equipment that can trap heads) are absent. This is particularly useful in unsupervised settings, where the design of the equipment and the overall space has to do most of the work in achieving a balanced approach to risk.

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## *Conclusion*

Safety in play provision is not absolute and cannot be addressed in isolation. Play provision is first and foremost for children, and if it is not exciting and attractive to them, then it will fail, no matter how 'safe' it is. Designers, managers and providers will need to reach compromises in meeting these sometimes conflicting goals. These compromises are a matter of judgement, not of mechanistic assessment. The judgements should be based on both social attitudes and on broadly-based expert opinion informed by current best practice. They should be firmly rooted in objectives concerned with children's enjoyment and benefit. And they should take into account the concerns of parents. Ultimately the basis of these judgements should be made clear in the policies of the play provider as written down in policy documents. These policies should in turn be understood and embodied in practice by all the key stakeholders.

## **References**

Ball D (2002) *Playgrounds - risks, benefits and choices*, Contract Research Report No. 426/2002, Health and Safety Executive.  
British Standards Institute (1998) *BS EN 1176-1 Playground equipment - Part 1*, British Standards Institute.  
National Playing Fields Association, Children's Play Council and PLAYLINK 2000, *Best Play: What play provision should do for children*, (available from Children's Play Council).

## **Appendix 1: Play Safety Forum members**

Association of Play Industries  
Child Accident Prevention Trust  
Children's Play Council  
Health and Safety Executive  
Institute for Sport and Recreation Management  
Institute of Leisure and Amenity Management  
Kidsactive  
Local Government Association  
National Early Years Network  
National Playing Fields Association  
National Family and Parenting Institute  
National Society for the Prevention of Cruelty to Children  
PLAYLINK  
Royal Society for the Prevention of Accidents  
The Association of British Insurers has been approached to seek its views on this statement.  
Adviser: David Ball, Middlesex University  
Observers: Department for Culture, Media and Sport Play Wales

## Appendix Two

### Summary of the Legal Counsel Opinion (LCO) of the Play Policy

The following four pages provide a summary of the Legal Counsel Opinion (LCO) obtained by SSDC by our consultants PLAYLINK. The summary is only that. It is designed to offer a quick overview of the LCO. The full LCO may be viewed at SSDC offices by appointment.

As will be seen, LCO supports the view that the play policy, plus the Play Safety Forum (PSF) Statement which is incorporated into it, plus 'careful', 'play specific' risk assessment provides a:

*'a robust, explicit framework for organisations to demonstrate that they have acted reasonably in offering children and young people risk in their provision for play, whether in designated play space or shared public space.'*

LCO makes some 'modest suggestions' as to 'minor changes to the terminology, in order to achieve consistency...'. The proposed changes refer primarily to consistency within the PSF statement (found in the Appendix). Paragraph numbers in parenthesis link to the paragraph number in the main LCO and Appendix. The summary cannot replace the usefulness of becoming acquainted with the LCO in its entirety.

## Appendix Two, continued.....

### Introduction

1. (1) In this matter, I am instructed on behalf of PLAYLINK, a not for profit organisation, whose goal is to improve play opportunities for children and young people. PLAYLINK is concerned that, due to the risk of litigation, many Local Authorities or play providers are neglecting to provide quality play opportunities for children and young people. Accordingly, PLAYLINK has developed a 'Play Policy' which it encourages Local Authorities to adopt. The aim is "to establish a robust, explicit framework for organisations to demonstrate that they have acted reasonably in offering children and young people risk in their provision for play, whether in designated play space or shared public space". The rationale is that "risk is an inherent, necessary part of play and that taking acceptable levels of risk is beneficial to children and young people". The PLAYLINK Play Policy contains an Appendix entitled:

*"Play Safety Forum Position Statement on Managing Risk in Play Provision".*

2. (5) In modern times, risk assessment is central to this balancing exercise. Degree of likelihood of harm and severity of harm are obvious features which need to be identified. However, it is increasingly recognised that the exercise requires, on the other side of the equation, consideration of the utility of the activity. Again, it is useful to cite Clerk & Lindsell at para. 8-140:

*"The degree of risk should also be balanced against the end to be achieved by the activity in question, including its importance and social utility."*

3. (7) Perhaps more relevant to the question now under consideration, under the heading 'The balance of risk, gravity of injury, cost and social value' at paragraphs 34 – 37, Lord Hoffmann put the issue thus:-

*"..... the question of what amounts to 'such care as in all the circumstances of the case is reasonable' depends upon assessing, as in the case of common law negligence, not only the likelihood that someone may be injured and the seriousness of the injury which may occur, **but also the social value of the activity which gives rise to the risk** and the cost of preventative measures. These factors have to be balanced against each other." [Emphasis added.]*

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4. (9) I conclude that it is entirely legitimate for PLAYLINK to emphasise, in its Play Policy, the need to balance against the risk of injury, the benefits to children and young persons of undertaking play activities within an acceptable level of risk. Central, however, to the exercise of the balance is the undertaking of a careful risk assessment. Where there has been a careful risk assessment, resulting in a conclusion that it is permissible for play to involve a risk of injury, by reason of the resultant benefits, I am confident that Courts would be sympathetic to a Defendant, in the event of an accident and subsequent litigation.

### **PLAYLINK's Play Policy**

5. (10) Without descending to the detail of the draft Policies before me, I conclude that, in general, they provide the framework for sensible decisions about risk in play provision. There is repeated emphasis upon the need for “*challenging settings free from unacceptable levels of risk*”. I am impressed by the section entitled ‘*Quality Play Provision and Questions of Risk*’, and in particular the warning, at paragraph 41, that the denial of play provision with the opportunity to take acceptable risks may result in children taking unacceptable risks elsewhere, or alternatively failing to gain experience and skills to distinguish levels of risk in the wider world. These are cogent arguments for the allowance of elements of risk within play provision.

6. (11) The Appendix is very important to the Policy as a whole. A position of strength is obtained at the outset, by the citation from the Health & Safety Executive. There is a useful consideration of acceptable and unacceptable risk and in particular the need for judgements about the acceptability of risk upon the basis of a risk assessment. The justification for risk is set out under the section entitled ‘*Children and Risk*’, subject to the proper qualification that there should be no exposure to unacceptable risks. There is emphasis upon the need for protection against fatal or permanent injuries to a greater degree than adults. Under the heading ‘*Play Provision and Risk*’, there is again explanation of the benefit (it satisfies a basic human need and gives children the chance to learn about the real consequences of risk taking). The final paragraph under this heading is central to the ‘message’:-

*“Providers should strike a balance between the risks and the benefits. This should be done on the basis of a risk assessment. Crucially, this risk assessment should involve a risk/benefit trade-off between safety and other goals, which should be spelled out in the provider’s policy. Given children’s appetite for risk-taking, one of the factors that should be considered is the likelihood that children will seek out risks elsewhere, in environments that are not controlled or designed for them, if play provision is not challenging enough. Another factor is the learning that can take place when children are exposed to, and have to learn to deal with, environmental hazards. Play provision is uniquely placed to offer children the chance to learn about risk in an environment designed for that purpose, and thus to help children equip themselves to deal with similar hazards in the wider world.”*

## Appendix Two, continued.....

7. (12) In my opinion, this paragraph encapsulates the essence of PLAYLINK's goal, and the cogent arguments in its favour.

8. (13) Finally, it emphasises the need for multi-disciplinary judgements in risk assessment, involving compromises which “*are a matter of judgement not of mechanistic assessment*”. Provided that Local Authorities or play providers follow this advice in undertaking relevant risk assessments, they will have reasonable prospects of defeating claims based upon accidents in playgrounds. If, however, they fail to provide proper resources to the play specific risk assessment procedure, they will be vulnerable in litigation.

9. (14) In general terms I endorse and approve the Policy, and Appendix. I set out in an Appendix to this Opinion, some modest suggestions as to minor changes to the terminology, in order to achieve consistency, and avoid any ambiguity.

10. Instructions

(15) I turn to the specific questions raised for my advice:

- (i) whether PLAYLINK's Play Policy, incorporating the Play Safety Forum's position statement, provides a robust framework for Councils to make decisions about risk in play provision for children and young people;
- (ii) whether adopting the Play Policy and managing risk statements in conjunction with proper risk assessment on the basis set out in the Policy will assist authorities to resist unjustified claims;
- (iii) whether the Policy and the statement are sufficiently explicit, allowing the social benefits of play to be considered when making judgements about acceptable levels of risk in play through the risk assessment process.

My answer to each of these questions is in the affirmative, and I trust that I have sufficiently set out my reasoning in the previous section of this Opinion.

- (iv) whether, in the light of the status of health and safety regulations in the UK, authorities and organisations are acting reasonably in recognising the primacy of risk assessment when making judgements about risk in play, and that there is no requirement to adhere rigidly to standards, though they should be taken into account;

Again, my answer is in the affirmative. In relation to British Standards, there is some authority.

## Appendix Two, continued.....

11. (16) Thus, in my opinion, the proper approach to British or European standards is not to regard them as laying down a compulsory standard to be followed slavishly in all cases, but as a guideline demonstrating the general consensus as to what would constitute sensible precautions in any given case. **If a rational process of risk assessment, together with a balance of cost, risk and benefit can justify departure, then there would be no failure to exercise reasonable care.**

### **11. Conclusion**

(18) The common law supports the proposition that a balancing exercise needs to be undertaken in deciding whether, in the event of accident, there was a breach of duty. Risk of injury is an important part of that balance, but the cases support the proposition that the **utility of the activity** is also important. To achieve this balance, in advance, **careful risk assessment** is crucial. There are strong arguments for the allowance of risk in the play provision, within acceptable limits, and subject to careful risk assessment. Provided this judgement is exercised carefully, there will be reasonable prospects of defeating litigation following accidents. PLAYLINK's Play Policy, in my opinion, adequately sets out the criteria to be applied by Local Authorities and other play providers.

**RAYMOND MACHELL QC**

27<sup>th</sup> July 2006

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# Appendix Three - Acknowledgements

## Participants in the Play Strategy development process

<b>Name</b>	<b>Group</b>	<b>Schools</b>
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Steve Joel	SSDC Sport, Arts & Leisure Manager	Chard Young People's Centre
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Rachel Chainey	Somerset Play Forum	Grass Royal Junior School
Ruth Miller	Templecombe Holiday Play scheme	Hazelbury Plucknett C of E First School
Trish Harper	South Petherton Holiday Playscheme	Curry Rivel C of E School
Judy Turner	Do It All Club, Long Sutton	Mudford Pre-School
Mrs Ovenden	St John's & St Andrew's Holiday Club	Chard Schools Out
Kay Strode	East Coker Playgroup	St. Mary's Pre-School
Tracey Derrick	St Mary's Pre-school, Barrington	Sunshine Morning Nursery
Lee Constable	Somerset County Council, Grounds & Landscapes Section	<b>Play Providers Survey April 2005 - Respondents</b>
Sarah Love	EYDCP Childcare advisor	Martock Junior Youth Club
Katie Binding	Yeovil Healthy Opportunities Programme	Do It All club Playscheme
P Docherty	EYCDP Childcare Inclusion officer	Pitney Fun for All Playscheme
Janet Legg	Children's Centre Project Worker	Shepton Don't Drop Out Drop In Youth Group
Dana King	South Somerset Play Association	Parcroft Out of School Playscheme
Charlotte Jones	Compdon Dundon Village Hall Committee	2nd South Petherton Scout Group
Dave Crisfield	SSDC Community Development Officer	YoYo Youth Group, Langport
Sandra Hutchings	SSDC Outreach Officer, Community Resource Service.	Kids Out, Out of School Club
Pat Hacker	SSDC, Community Resource Service Manager	Somerton Guides
Adrian Moore	SSDC, Play & Youth Facilities Officer	Yeovil Scout Group
Stephen Barnes	SSDC, Play & Youth Facilities Officer	Milford Holiday Club
Stephen Boarder	SSDC, Play & Youth Facilities Ranger	1st Martock Guides
Bernard Speigal	PLAYLINK	1st South Petherton Brownies
	<b>Parent &amp; Toddler Groups</b>	Barrington Youth Club
	Little Steps Toddlers Group,	Kingsbury Episcopi Playscheme
	Little Wheelers Toddler Group	Chard & District Special Needs Holiday Club
	Merriott Pre-School Toddlers Group	Tatworth Church Holiday Club
	Compton Dundon & Littleton Toddlers Group	Somerton Holiday Fun
		Milford Park Holiday Activites
		Barton St David Playscheme
		The Jam Club Playscheme

