

Developing a Policy Framework to Support Unstructured Child-led Play: Key Findings

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DISCLOSURE STATEMENT

- I have no affiliation (financial or otherwise) with a pharmaceutical, medical device or communications organization.



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WHAT IS UNSTRUCTURED CHILD-LED PLAY?

**Play where children follow their own instincts,
ideas, and interests without a defined purpose
or outcome**



INTEGRAL TO HEALTHY CHILD DEVELOPMENT

- Mental and emotional health
- Independence
- Risk management
- Problem solving
- Physical literacy
- Social health
- Resiliency

UN Convention on the Rights of a Child





THE MOVEMENT AWAY FROM UNSTRUCTURED PLAY

Children have become less active, play less freely, have more limits placed on them in and out of school, and are under constant surveillance



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RESEARCH QUESTIONS

Analyzing the Problem:

- Have societal perceptions changed over time?

Understanding decision-makers and influencers:

- What are their challenges, concerns, and barriers?

Identifying solutions:

- How can we mitigate municipal, organizational and institutional concerns?



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METHODS

- Literature search
- Online parent survey
- 40 key informant interviews
- Qualitative analysis



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ONLINE PARENT SURVEY: PRELIMINARY RESULTS

- **90%** agreed important for development
- **56%** children engage in unstructured play everyday
- **Perceived greatest risk** of severe injury on the street (56%) or in organized sport (32%)
- **Most rated** factors influencing worries:
 - the media/ social media
 - judged by other parents
- **83%** aware of at least one rule at school limiting play
- **+50%** disagreed or strongly disagreed with rule(s)



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KEY FINDINGS

1. Change in parental attitudes
2. Management barriers
3. Influences of CSA Playground Standard Z614



CHANGE IN PARENTAL ATTITUDES

- Living within a *society of achievement*
- Peer pressure among parents
- Changing family structures
- Risk aversion
 - Media and recency bias
 - Cultural cognition theory
- Reduced demand for challenging play



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MANAGEMENT BARRIERS: MUNICIPAL

Financial considerations:

- Access to funding
- Building and maintenance
- Insurance costs

Other considerations:

- Parent complaints and claims
- Zoning and by-laws
- Seasonal policies



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MANAGEMENT BARRIERS: SCHOOL BOARDS

- Parent complaints
 - activity bans, recess and weather policies
- Financial considerations
 - Access to funding
 - Building and maintenance



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MANAGEMENT BARRIERS: SCHOOL BOARDS

- Lack of Ministry policies and guidelines
- Curriculum frameworks
- Supervision policies and teacher collective agreements



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MANAGEMENT BARRIERS

○ Tort law:

- Used to compensate those who have been injured by the *wrongdoing* of others
- Compensation in the form of *damages*
- Affects anyone who has a *duty of care* to uphold

○ A tort is a civil wrong or wrongful act from which injury occurs to another

- Unintentional or intentional



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UNINTENTIONAL TORTS: NEGLIGENCE AND DUTY OF CARE

○ **Negligence:**

- Someone who commits a careless act that creates harm to another person is negligent

○ **Plaintiff must demonstrate:**

- Owed a duty of care
- Standard of care of a *reasonable* person not met



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MANAGEMENT BARRIERS

Unintentional torts: negligence and duty of care

○ Municipal:

- Provincial occupiers liability acts or P/T common law and case precedents
- Negligence Act: joint and several liability

○ School board and ECEC/ daycares:

- P/T education acts
- P/T child care acts



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MANAGEMENT BARRIERS: MUNICIPAL AND SCHOOL BOARD

Fear of litigation and liability

- Fear based decision-making
- “Chilling effect”
- Increasing insurance requirements
- Facilities, risk managers & inspectors err on side of caution
- Insurance and risk managers making on-the-ground decisions



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MANAGEMENT BARRIERS: MUNICIPAL AND SCHOOL BOARD

Lack of education on child development

- Facilitates
- Risk managers
- Insurers
- Inspectors



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WHAT DO THE COURTS CONSIDER?

○ **Responsibility:**

- Internal policies
- Provincial and territorial acts

○ **Negligence:**

- Did the defendant act reasonably?
- Was the incident foreseeable?
- Was there a duty of care? Was this met?
- Was there proper signage and warning?
- Were internal policies complied with?
- Did someone suffer injury and to what severity?



WHAT DO THE COURTS CONSIDER?

- Risk assessments
 - was there management or reduction of risk to an acceptable limit?
- Staff training, certification and education
- Governance processes, policies, and safety standards
 - Was there compliance?



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CSA PLAYGROUND STANDARD Z614

- Standards Z614 outline minimum safety guidelines to prevent serious injuries
- The Standards are *guidelines*- not *law*
- Three main uses:
 - Inspection and design
 - Insurance
 - Legal use



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CSA PLAYGROUND STANDARD Z614

Benefits

Barriers



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INFLUENCES OF CSA PLAYGROUND STANDARD Z614

Benefits:

- Safety: hazard identification and elimination
- Educational tool
- Easier access to funding
- Compliance demonstrates due diligence
- Quality assurance



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INFLUENCES OF CSA PLAYGROUND STANDARD Z614

Barriers:

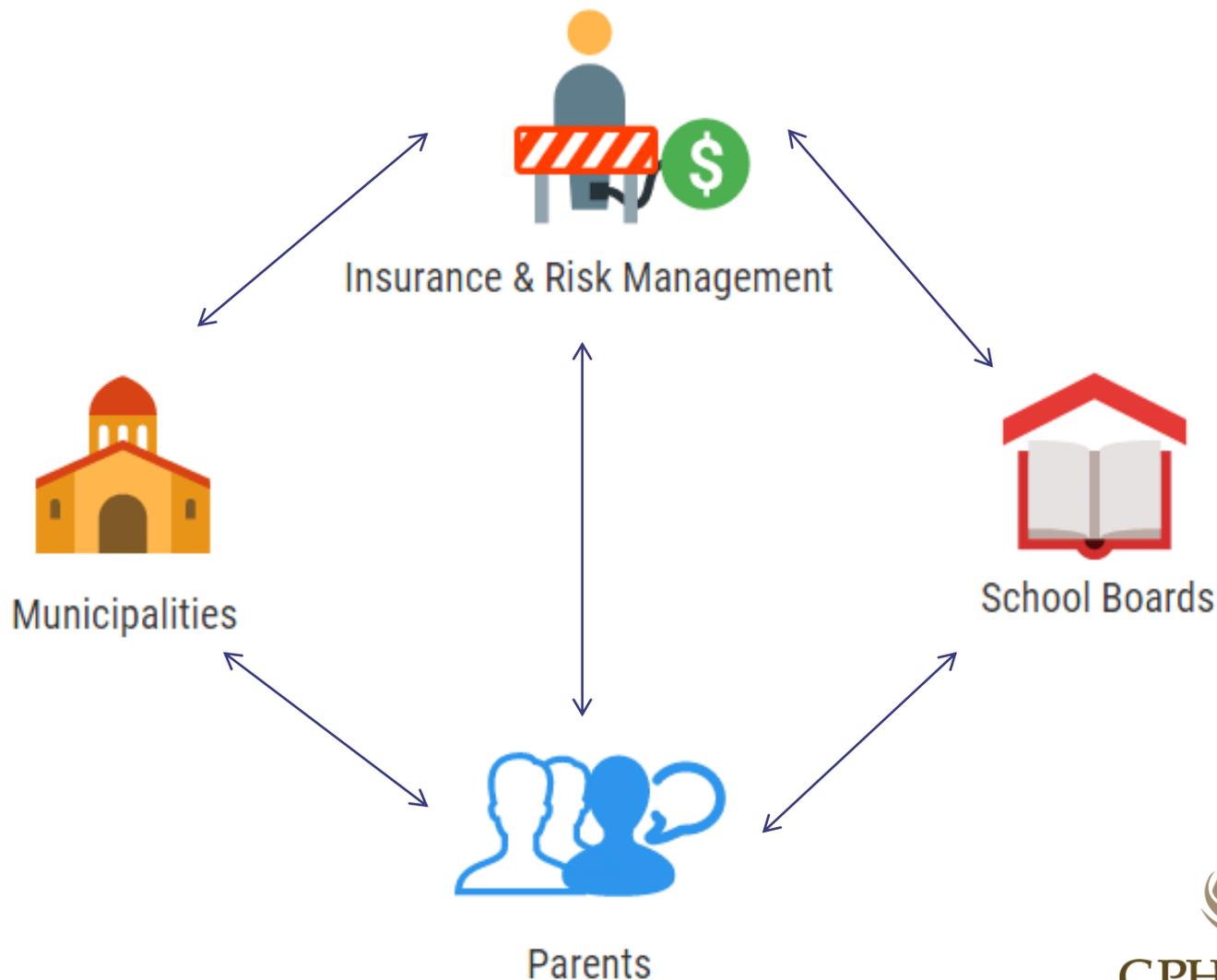
- Designed for safety not play
- Dictated by industry and financially driven
- Strictly enforced by risk management and insurance
- Avoidance of materials outside bounds of the CSA



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INTERRELATED RELATIONSHIPS INFLUENCING OPPORTUNITIES FOR UNSTRUCTURED PLAY



NEXT STEPS

Provide solutions:

- Develop evidence-based policy options
- Identify solutions to strengthen collaboration and capacity

Knowledge mobilization:

- Policy briefs, case studies, infographics to influence policy outcomes



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UNSTRUCTURED PLAY CAFÉ

1. Why are parents concerned? How can we address these concerns?
2. How can we reduce the fear of litigation for municipalities? For schools?
3. What approaches will improve access to unstructured child-led play in the community?

