

Guide for the Placement of Non-secured and Natural Activity Structures in Delta School District Properties

J. Vantol, Manager - Maintenance Services

This guide should be used in the selection and placement of non-secured outdoor seating and play elements on School District properties.

Recent interest in back to nature types of learning and play spaces have been pursued through various forms of outdoor classroom environments and play spaces consisting of natural elements. Examples of outdoor classrooms may include concrete or block tiered structures or may be as simple as logs laying on the ground. Tree rounds (slices of trees) are being placed as both stools and stepping pods or obstacle type elements.

While there is a recognized element of risk in most outdoor activities, it is appropriate to establish some guidelines to ensure a common sense approach to the management of risk factors in natural outdoor spaces.

Very common elements used in natural settings include rocks, boulders, stumps, logs, limbs, posts and rounds. Curiosity and competitiveness will encourage behaviours (running, jumping, hanging, avoiding contact with the ground) that increase the level of risk associated with children's activities. Our goal is not to discourage any of those behaviours, but to manage the elements of risk to which children are exposed.

Non-secured structures should always be 'oversquare' by at least a factor of 5:4. To ensure reasonable stability, the base has to be fully supported and of sufficient size that the pressure of launching from the edge of the structure will not cause it to move or topple. The base of a freestanding item must always be at least 1-1/4 x the height. As an example; a round of tree that is 10" high must be at least 12.5 inches in diameter and would have to be placed on a relatively flat surface to ensure good stability.

A structure which is naturally undersquare (round or oval) may be secured by burying part of the structure or may consist of sufficient weight to prevent

dislodging by launching or landing. Large boulders would be an example. All placed structures should be tested for movement by applying a minimum of 200 pounds of force to any surface capable of supporting a person's foot or hand. Testing should be carried out by installers to ensure stability. An overhang area that is large enough to support several persons would have to be tested to withstand the foreseeable load that might be placed on it. In all cases the greatest reasonably achievable stability is desirable.

Structures should be free of significant protrusions or sharp edges. Tree rounds should be trimmed so that branches or protrusions are cut flush to the trunk and rocks and boulders should have only rounded or relatively flat faces exposed so they do not pose an undue hazard when being used by children.

Seating and foot landing surfaces should be fully visible and consistent in plane, surface and shape. A moderate slope, a rounded surface or an irregular shape are OK provided they are consistent on the structure and remain visible at all times.

Surfaces with significant irregularities, especially holes or dips or significant slopes are not suitable for use.

Spaces between structures that are put in place as a form of natural play space should be established to minimize the risk of a child being caught between those structures.

Depending on the height and design of elements, some form of fall protection may also be appropriate.

Coordination and placement of natural structures should be conducted through the Principal with input from Maintenance Services.

All play elements in purchased or installed structures are governed by the Play Structure Installation Guidelines which may be viewed online at http://facilities.deltasd.bc.ca/sites/default/files/Play_Structure_Installation_Guidelines_Nov2016.pdf.

Natural Play Spaces

Written by Jeremy M. Poole, Partner, Alexander Holburn Beaudin & Lang LLP

INTRODUCTION

Before the advent and popularity of manufactured playground equipment in the form of increasingly large and elaborate playground structures, play for children was more focused on exploring their natural environment and using natural spaces as a playground. In recent years, there has been a move among many responsible for children's play spaces, whether they are school authorities or governmental authorities, to revisit the idea of natural play spaces as an amenity instead of the more manufactured approach. Natural play spaces can give a more diverse and complex array of experiences and encourage creativity on the part of the children using them. Experts who have studied this matter have concluded that there are educational and developmental benefits to the use of natural play spaces as well as an ability to create a better connection for children between themselves and their natural environment.

In addition to these benefits, there are economic considerations as well. Manufactured play equipment can be expensive both in terms of the cost of purchasing and installation as well as ongoing costs related to inspection and maintenance. Tailoring and enhancing the natural environment for use by children as a play space is often less expensive in terms of capital expenditure and ongoing maintenance.

There are a wide variety of experiences and materials that can be incorporated into a natural playground. School Districts wishing to create or expand natural play spaces should consider the age range and experience of the children who will be using those spaces as well as the input of students, parents, teachers and consultants as to the desired look, feel and utility of such spaces.

THE LEGAL FRAMEWORK

As an owner of school properties that contain natural play spaces, a school district has legal responsibilities and duties owed to those who can be expected to use those spaces. Under the *Occupier's Liability Act*, a School District is an occupier of its natural play space areas subject to the duty imposed by that legislation to take reasonable care to see that a person using such premises will be reasonably safe in doing so. This statutorily imposed duty applies to all who could be reasonably foreseen to use a

natural play space whether it is during school hours and under some form of adult supervision or at other times outside of school hours when children are known or expected to access the premises to play. The standard of care is one of reasonableness and not one of perfection. Accordingly, it creates an obligation to take reasonable steps regarding safety in the original construction and ongoing inspection and maintenance, but it does not make a school district an insurer such that any untoward event would necessarily lead to a finding of liability. Risk can never be completely managed or removed entirely, but reasonable steps to mitigate risk should be identified and implemented.

In addition to these obligations, there are also obligations imposed upon a school authority with respect to supervision and oversight of student activities including student use of natural play spaces. The oft cited standard that applies in this area is for school authorities to provide the same supervision as would be provided by a “careful or prudent parent”. This standard does not require constant supervision at all times, but it does require supervision that is consistent with the nature and size of the area to be supervised, the number and ages of the students using the area and that nature of the activity or activities that are in progress. With respect to a natural play space, an area containing larger rocks, logs or tree stumps as natural play features might not require much or any direct supervision when used by older elementary school students whereas some level of closer supervision might be required should such spaces be used by younger children.

The Canadian Standards Association has specific standards that apply to the construction and installation of manufactured playground equipment (CSA Standard Z614). While this standard does not strictly apply to natural play spaces, it can apply if a natural play space also includes manufactured equipment. The installation of such manufactured equipment should be compliant with the CSA standard. In addition, there are certain CSA standards that would likely be used by a court as a guide in determining whether the installation and condition of natural play spaces was reasonable. For example, there are standards as to the amount of soft ground cover that should be in place in areas where there could be a fall from height from installed playground equipment. The same standard could be applied by a court where a similar risk of a fall from height was present with respect to a natural feature that was incorporated into a play area. In addition, there are standards that relate to the size of openings in playground equipment that are designed to prevent children from catching their bodies or heads in openings. Those same standards of openings would likely

apply to openings that exist in the set-up of a natural play space. For example, spaces between logs that are put in place as a form of natural play space might need to be configured to remove the risk of a child being caught between those logs and injured.

RISK MANAGEMENT

Just as with manufactured playground equipment, there are consultants and suppliers who specialize in the design and installation of natural play spaces. School districts should consider using such resources when planning and implementing the installation or expansion of a natural play space.

Although keeping features in a natural state is part of the benefit of natural play spaces, it is still advisable to remove or minimize recognizable hazards such as sharp edges, dangerous protrusions and slippery surfaces. The balance to be struck is between providing children with features that are interesting and challenging, without creating an unreasonable risk of harm. School districts should provide the level of supervision that is reasonable for the nature of the natural play space and those that will be using it during school hours. School districts should also have protocols in place for record keeping relating to regular inspection, maintenance and supervision.

Having records to demonstrate the steps taken are crucial in properly responding to incidents when they occur from both a legal perspective and a risk management perspective. Observing the use of natural play spaces by children will also be important. When a space is used and explored by children, unanticipated risks may be identified. In such circumstance, they should be assessed and mitigated or removed if as appropriate.

CONCLUSION

Whether playground spaces are made up of manufactured play equipment, natural play spaces or some combination of the two, the key for school districts is to be reasonable and responsive. Care and attention should go into the planning and installation of natural play spaces as well as ongoing maintenance and supervision of use. If incidents occur, they should be reported to the Schools Protection Program. In such cases where an accident occurs, districts may wish to take the opportunity to consider adjustments to the space that would mitigate identified risks to avoid future reoccurrence.