



## Fair Play for Children

for the Child's Right to Play  
[www.fairplay31.online/index.html](http://www.fairplay31.online/index.html)

### **Submission to the Play Commission**

1. Fair Play for Children was founded in 1972 by Bishop Trevor Huddleson CR based on a letter he wrote to *The Times* following the deaths by drowning of two boys aged 9 in Stepney. The letter can be read at:  
<http://www.fairplay31.online/start.html>
2. Its Constitution sets out the aim to promote The Child's Right to Play as set out in Article 31 of the UN Convention on the Rights of the Child:  
**1. States Parties recognize 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.**  
**2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.**
3. We have taken the stance that Article 31 is just one of a number of interdependent Rights set out in the UNCRC, and that is a mistake sometimes committed in the play world that it is somehow shielded from the consequences of failures eg rights to health, education, protection etc. That is why our *Fair Play for Children News* service deals with Play, Society, Health&Education, and Research:  
<http://www.fairplay31.online/index.html#news>
4. Over its 50 or more years Fair Play has undertaken a wide range of functions, many leading to eg new law/standards, information and advice in various aspects of Play, provision of a news service on Play and allied children's rights issues, founding of new organisations such as Play England etc. More information:  
<http://www.fairplay31.online/what.htm>
5. One of our functions has been to record the provision of Play Space, formal and informal, neighbourhood and community. An example was the survey of play areas in 2011 which remains one of the few such studies – it would be interesting to see how things are in 2024:  
Play Areas <http://www.fairplay31.online/survey1.htm> Also:  
Expenditure: <http://www.fairplay31.online/councils.htm>

6. A more recent survey of the loss of youth facilities confirmed a similar survey by the YMCA that a substantial proportion of such provision has been lost, and disproportionately, to 'austerity' cuts. We also found that many Local Education Authorities LEAs (see below) are not fulfilling their legal obligations under legislation re both u13's and 13+ re: play/recreation provision. We are attempting to engage with the new Government on this.
7. Over the years we have also been concerned about punitive/unjust treatment which targeted children such as *Acceptable Behaviour Contracts*. Often manufactured on shaky grounds, and which affected their outdoor behaviour unfairly:  
<http://www.fairplay31.epizy.com/pdf/1337828432.pdf?i=1>

### **Space to Play**

8. Whilst the issues in 5 above have been concerning enough, and they form part of the Space to Play, nonetheless it is the informal play space which children need to use that has been the subject of too little focus, and we do admire the work of *Playing Out* in terms of street play etc. Play Streets actually came in during the late 1930s, they were designated as 'no traffic' and there were 700 or so at their height. Before *Playing Out* this had reduced to less than 70.
9. Fair Play looked at the Dutch innovation of *Woonerfs* a while back, and we thought that *Home Zones* would follow that example in the UK. No study seems to have been carried out in that regard since, however the impression is that this did not happen because their purposes were too widely drawn and excluded Play Space as a priority requirement.
10. Today's *Playing Out*-inspired projects tend to be time zones where Play is given *some* priority but the 'elephant in the room' (or street indeed) remains. That is, the private car in residential streets (or 'The Precious' as we might call it ....), and its owner, The Motorist.
11. In *Stolen Streets, Stolen Childhoods*,  
<http://www.fairplay31.epizy.com/pdf/1319380454.pdf?i=1> Fair Play has mapped out the enormous loss of space where children traditionally played for the most part, outside their homes. Social media pages are full of nostalgic pictures of 'how it used to be'. In this analysis, we showed that there is *imbalance* as regards the encroachment of the *parked* car taking that Play Space enjoyed by a large majority of children in the past. "there are about 168,408 miles of minor urban roads in England, using the statistics in the survey. If we reckon around 40' average width of residential roads, we get the following acreage of minor urban road space: 792,282 acres." Fair Play suggests that whatever part of that is residential road, most of it has been severely compromised in recent decades to accommodate the demands of the motorist. The ownership of cars increases, but so does the population of children in actual numbers (not proportion of population).
12. How would this be tackled, over what time scale and at what cost. Build more playgrounds? Cost? WHERE? (they have to be accessible on foot by children). Maybe introduce highway parking strategies that, over time, seek to strike a

balance between parking needs and Play. More subsidised public transport to remove the attraction of car ownership. A one-car policy re parking, requiring permits and also reasonable parking fees.

13. Such changes would be contraversial but if we are to face this challenge properly, then those who know the essential value of Play *must* be prepared to mount the strongest challenge. Children have a Right to be consulted under Article 12 of the UNCRC, this has never happened in terms of adults' presumed right occupy that space with their cars. Roads were *not* built for cars, the Child predated them by thousands of years. Experts talk of the damage done to children by loss of play space and opportunity. It has been underlined by the effects of the pandemic but this issue of theft of play space far out-recheaches that is scope and numbers.
14. Fair Play asks the Commission to take the bull by the horns and face society and government, to initiate a vigorous debate from which we need to see positive change for children ad their access to play at all relevant times.

### **Incoporate the UN Convention into UK Domestic law**

15. This is a current Fair Play target, we have said to the new Government that there is a strong case to do so, especially since one of the four nations (Scotland) has now done so meaning that children in the other three are at a disadvantage. Such a process would mean that, rather than the UNCRC being something children in other nations should enjoy often because the UNCRC is part of their law, children here and their advocates would be backed and empowered in law. At this time, Courts cannot take the Convention into full account – what then is the purpose of the UNCRC – nice words?
16. **We ask the Commission to accept our view that the Right to Play is interwoven with every other UNCRC Right and to recommend incorporation.**

### **Legal Responsibilities of Local Education Authorities re Play and Recreation**

17. Our second, equally important policy aim lies in the requirements of Section 508 and Sections 507(a) and (b) of the 1996 Education Act (amended by later education legislation in 2006) – these are upon Local Education Authorities (LEAs) in England and Wales. S508 sets out a basic provision including in s508(3) to work with the voluntary sector in such provision. Clearly this has not been happening, often that sector has suffered first and disproportionately in swingeing cuts since 2010.
18. Even more so, s507(a) and (b) lay out duties of LEAs re, respectively, u13 and 13+ provision, including the concept of **sufficiency** and, also, of **consultation**. What is very clear is that this legislation is for many/most LEAs a dead letter, our finding suggested that many LEA officers are unaware of the nature of the legislation, the elected members they serve even less so. In fact, there is no requirement for LEA's to report their fulfilment of s508 etc, and little understanding in Government. What we suggest is secondary legislation to amend the Act (easier than the new primary

legislation some colleague organisations may be suggesting in terms of finding space in the legislative timetable).

19. Fair Play suggests a new clause (? s507c) which would require LEAs submit a ? triennial report to the relevant Secretary of State (now DCMS) outlining compliance etc with those requirements. This would expose the extent of catch-up required.  
**We ask the Commission to support this.**
20. There is the issue of funding. As an example, one LEA in 2010 was supporting 68 youth projects/clubs, many voluntary, with staffing and funding. Austerity saw the loss of all voluntary sector support, and just 12 LEA staffed/funded projects. Now those have been axed leaving NO such groups funded by the authority, and there are many voluntary sector groups struggling from pillar to post.
21. If Government wants LEAs/Councils etc to provide what is needed, there has to be adequate sustained funding. This would affect highways budgets and much more. Concerning organised provision, we argue that Article 31.2 above suggests that children need 'equal and appropriate' opportunities. 'Equal' surely would suggest that eg where there is an adult cultural/recreational funding (eg Arts and Sports Councils) there should be a similar funding machinery for Article 31 purposes, at least proportionate to the population % of children and young people if not better. We would suggest that this might be directed towards encouraging LEAs, Councils to work with community, play and youth organisations to create, improve and maintain facilities. ("**shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.** ")
22. **We hope the Commission will agree the need for a *Play and Youth Funding Body* as a fair way to start to implement A31.2.**

## **Conclusion**

We're aware that many colleagues, organisations and individuals, will tell the Commission that we need to make the Government etc of the value of Playwork and Youth Work, an obvious truism which has been pushed to the wortsies on high for decades and has led to too much navel gazing in our sector. How valuable we are etc Our view is that it is the status of the Child that is undeployed in real terms, and that raises huge concerns and issues for our society and its future. Einstein is once reputed to have said 'Play is the natural business of the Child', and that **Truth** needs to be at the centre of your deliberations and conclusions.

Fair Play for Children thanks the Commission for considering this submission, we are very happy to engage further if asked.

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