



PUBLIC PETITION NO.

PE01583

Name of petitioner

Lisa Willis

Petition title

Primary School Playground Supervision

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review and amend national legislation and guidance given to local authorities to ensure that all primary schools are required to provide playground supervision in the twenty-minute period before school starts.

Action taken to resolve issues of concern before submitting the petition

Since 2010, I have been in several discussions with my local primary school and local authority in Aberdeenshire about concerns regarding safety and supervision of children arriving on school transport up to 20 minutes before the start of the school day.

Both have said they are satisfied that they are meeting their obligations to the safety of pupils under current Scottish Government guidance and legislation on playground supervision by having a “member of staff point of contact **inside** the school building during the 20 minute period before school starts”.

The Director of Education, Leisure & Learning at Aberdeenshire Council also stated in a meeting, that the Council do not have sufficient funds to pay staff to supervise playgrounds at all 150 primary schools for these 20 minutes.

Interestingly, I have discovered that Glasgow City Council have addressed the issue by utilising Janitors to provide supervision during the period before school opens, in accordance with The Safety and Supervision of Pupils (Scotland) Regulations 1990 Supervision of Pupils by Janitors (see <https://www.glasgow.gov.uk/CHttpHandler.ashx?id=12337&p=0>). Whilst this enables headteachers to request that janitors provide supervision before, during and after school, legislation does not appear to make it compulsory - hence why there is such huge variation in practice.

In 2011, my local MSP contacted the Scottish Government on my behalf. The Minister for Children and Young People, Angela Constance MSP, replied stating that the Scottish Government had no intention of amending the relevant legislation at that time.

I subsequently set up a Facebook page called "Keeping our Children Safe at Primary Schools in Aberdeenshire", and through this, identified a matter of nationwide interest and importance. The page name has now been changed to “Keeping our Children Safe at Primary Schools in Scotland”.

Through a series of freedom of information requests this year, I have compiled a list of data regarding individual council policies on early morning playground supervision

throughout Scotland, as well as incident statistics at this time of day (where available). I hope this information will highlight to the Public Petitions Committee the considerable variation throughout the country on this matter. The results are attached in a spreadsheet, entitled "Data relating to Early Morning Playground Supervision * at Primary Schools in Scotland".

In summary:

1. Of the 28 councils contacted, only 5 have a formal policy in place regarding playground supervision in the period before school starts.
2. Where policy is left by councils to the discretion of each head teacher, there is huge variation from just 7% of Aberdeenshire schools offering early morning playground supervision, to 89% in South Ayrshire.
3. The number of early morning playground incidents (accident/injury, bullying disappearance/wandering off) from 2007-2015, vary significantly from 551 in Argyll & Bute to 11 in Orkney.

North Ayrshire Council's Playground Supervision Policy summarises very well their own assessment of the safety risks to children arriving in the playground before school starts and the justification for implementing a blanket policy on supervision at this time of day. (See

<https://www.whatdotheyknow.com/request/267775/response/652241/attach/html/3/Playground%20Supervision%20August%202014.pdf.html>).

I believe national legislation based around the same considerations would serve the whole country well and ensure that the safety risks to all primary school children in Scotland are minimised.

Petition background information

Playground supervision cannot prevent every accident or incident, but it will increase the security of the environment in which pupils are placed on arriving at school and minimise risk.

Supervision is particularly important for children arriving on school transport between 08.35 and 08.55am, whose parents have devolved responsibility to the local authority once they have boarded the bus.

Due to pick-up times arranged with transport contractors, some pupils can arrive up to twenty minutes before the school building opens. Some are as young as 4 years old.

Parents entrust their children to the local authority, who in turn have a duty of care towards these children 'in loco parentis'. This means the local authorities should provide the same care for these children as would be expected of a parent.

Legislation currently stipulates that local authorities must have at least one member of staff in the playground at break times at either (i) a primary school at which 50 or more pupils are in attendance; or (ii) a special school, but it makes no mention of the period before school starts when children arrive on school transport.

Only with a formal early morning playground supervision policy that takes account of the safety risks in the playground, will schools fulfil their "duty to take reasonable care for the safety of pupils when under their charge" (The Schools (Safety and Supervision of Pupils) (Scotland) Regulations 1990 & Education (Scotland) Act 1980).

Legislative guidance to local authorities ought to make provision for the safety of children in their charge from the minute they enter the school bus, to the minute they arrive back home at the end of the school day. This includes monitoring:

- the arrival and departure of buses
- supervising the arrival and departure of children on and off the buses, and
- making adequate provision in the playground before, during and after school in order to minimise risk and foreseeable harm.

I have been told by several schools in the process of collecting data, that local authorities are only currently required to have a member of staff 'point of contact' inside the building during the 20 minute period before school starts, and there is no legal requirement for the teacher to be physically in the playground. Local policy is set at the discretion of individual head teachers and again this means that in practice, there is huge variation.

Schools are expected by the Health & Safety Executive, to conform to Health & Safety regulations and thorough risk assessments of potential playground hazards should be undertaken. This should also apply to the period after school transport arrives and before school starts, as well as at break and lunchtimes.

There are many risks that face young children during the period before school starts that warrant revision of the relevant legislation:

- Arrival and departure of vehicles (council/staff/parents)
- Potential for children to wander off school premises
- Proximity of school buildings to car parks and busy roads
- Lack of secure entry and exits and low perimeter fencing
- Stranger danger
- Accident and injury
- Bullying

While children play in the playground, adult supervision is necessary at all times to prevent injuries. Children might not be able to foresee the consequences of misuse of the playground equipment. Adults can intervene if a child is using the equipment inappropriately or administer first aid if necessary.

Following the death of a pupil in Livingston in 2005, West Lothian council have changed their policy to ensure that all primary schools provide supervision 15 minutes before the start of the school day. Following the death of two pupils near Fraserburgh and Turiff in 2008 who were hit by cars while alighting school buses, Aberdeenshire Council have done nothing in terms of acknowledging or addressing the grave and ever-present risks to young children arriving without their parents.

Aberdeenshire Council has stated in their dealings with me, that they will not be implementing an early morning supervision policy for cost reasons and many primary school pupils arriving on school transport therefore remain unsupervised and at risk. These three tragedies alone ought to be reason enough to review wider national policy and guidelines, so that all local authorities are required to provide early morning supervision.

In summary:

- Supervision cannot be effectively carried out from within the school building.
- Current legislation on playground supervision at primary schools does not take account of the risks ever present to children who arrive on school transport buses, up to twenty minutes before the schools open, when their parents have no control over arrival times.
- Current legislation does not obligate local authorities to adequately fulfil their duty of care to the safety of children arriving on school transport, which places these children at risk of harm.

I believe current legislative guidance gives too much discretion to local authorities, thereby permitting them to provide an inadequate minimum standard of supervision. I would like to see the guidance strengthened to recognise the importance of pupil supervision and safety at this time of day, as well as at break and lunchtimes.

Legislation must be more specific regarding the safety of children at this time of day, in order to ensure that schools recognise and address these safety risks.

Related information for petition

<http://www.legislation.gov.uk/uksi/1990/295/regulation/3/made>

<http://www.legislation.gov.uk/ukpga/1980/44>

<http://www.gov.scot/Topics/Education/Schools/Parents/transport/transport-guidance>

<http://www.hse.gov.uk/>

<http://www.westlothian.gov.uk/media/4567/Livingston-Village-Primary-School-Handbook/pdf/LivingstonVillagePSHandbook.pdf>

<https://www.whatdotheyknow.com/request/267775/response/652241/attach/html/3/Playground%20Supervision%20August%202014.pdf.html>

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=12337&p=0>

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

21 / 10 / 2015

Comments to stimulate online discussion

Legislation requires that local authorities supervise primary school pupils in the playground at break and lunch times, but there is currently no duty to provide formal supervision in the period before school starts when children, some as young as 4 years old, arrive on school transport and are left to their own devices at risk of injury, bullying, wandering off or worse. Because of transport pick-up timetables, children can be left for a period of up to twenty minutes without supervision.

Parents entrust their children into the care of local authorities when they travel on school buses and they are entitled to know that their children will be adequately cared for both on board and on arrival. The provision for safety of pupils ought to be equally important before, during and after school from the minute the child climbs on board the bus, to the minute they are delivered back home.

Some local authorities say they are adequately fulfilling their duty of care to the safety of children by providing a member of staff 'point of contact' inside the building. Some say they cannot afford to pay staff for this extra 20 minutes...

- Would you leave your 4 year old alone at the park?
- Are the risks any less before school than at break and lunch time, when local authorities are currently required to provide supervision *?
- Do you feel local authorities are adequately fulfilling their duty of care toward the safety and wellbeing of young children in not providing supervision in the playground at this time of day?

- How many accidents, injuries or tragedies must there be for this risk to be recognised by the Government and the relevant legislation and policies changed?
- What price should be placed on the safety of young children?
- Do you think it's right that a loophole currently exists in policy, that enables schools to avoid this responsibility by having a member of staff 'point of contact' on duty inside the building only?
- How can local authorities be complying with Health & Safety guidelines if risk assessments do not deem supervision of young children arriving on school transport to be necessary?

Please sign this petition. Apathy could cost more lives ...

* At a primary school at which 50 or more pupils are in attendance (The Schools (Safety and Supervision of Pupils) (Scotland) Regulations 1990.