

Dear Convener

Addendum to Response to Public Petitions Committee (PE01583)

I have been invited to respond to the Committee again, following the recent reply from COSLA.

Disappointingly, the response fails to recognise or address the broader aim of the petition; to improve the safety of primary school pupils arriving on council transport during the 20 minute period before school starts. I would nonetheless, like to respond to the point they raise regarding my request for a 'blanket' policy.

COSLA recognises in its response, that the Scottish Government places a duty of care on local authorities and therefore schools, to ensure the safety of pupils in their charge (Section 3, The Schools (Safety and Supervision of Pupils) (Scotland) Regulations 1990) ¹. Whilst some guidance to local authorities exists regarding the safe arrival and departure of school transport, as detailed in the SPICe Briefing for the Public Petitions Committee dated 27th October 2015 ² (see references to Green's Scottish Education Manual para 3:1.9.2 and Section 2 of the Scottish Government guidance circular 7/2003), many pupils remain at risk at this time of day due to the freedom currently granted to local authorities and schools to set policy locally.

As you can see from the evidence, many authorities have no policy in place at all and others were unable to provide the information requested. In Aberdeenshire, where 12% of primary school pupils travel to school on dedicated transport, only 7% of schools have either a formal or recognised practice in place regarding the supervision of pupils at this time of day ³.

Discussion with parents on a nationwide scale via the campaign's Facebook page reveals real concerns, where children are often neither met from the bus, nor supervised in this 20 minute period (see "Summary of Incidents/Concerns Reported by Parents and Carers PE01583.xlsx"). Some comments from petition signatories also include:

"I would be in serious trouble if I left my 4 year old unsupervised so that absolutely shouldn't be the case where they are dropped at school".

"We have this facility already in West Lothian and can't quite imagine dropping a young child off at the school gate with no adult supervision. Assumed that this was normal... Cannot believe it is not in this day and age".

"I wouldn't leave my son alone anywhere else. As an ex-police officer involved in Dunblane I can't believe that this lack of supervision is allowed."

Parental concern is not always being adequately addressed. Looking at the evidence, can Ministers be confident that appropriate risk assessments are being carried out and measures put in place to safeguard pupils arriving on transport? Devolving this responsibility to local authorities can only work if there are full proof means of monitoring practices and policies. Similarly, issuing guidance alone on fulfilment of their duty does not make it mandatory and is therefore *not* enough.

I believe legislation is the only solution that will ensure consistent and adequate levels of care are put in place for this vulnerable group of young children, perhaps with context to allow for demographic variation in terms of *whether* a school has pupils arriving on dedicated council transport. If local authorities continue to be permitted to exercise freedom in this regard, these children will remain at risk.

Yours

Lisa J Willis

21st February 2016

References:

1. <http://www.legislation.gov.uk/uksi/1990/295/made>
2. <http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/Petitions%20briefings%20S4/PB15-1583.pdf>
3. http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/General%20Documents/20151208_PE1583_A_Petitioner.pdf (page 6-8)

* Data valid October 2015

Concerns / Incidents Reported via Campaign Facebook Page (PE01583)
"Keeping our Children Safe at Primary Schools in Scotland"

| | Category | Description |
|----|--|---|
| 1 | Stranger Danger | Man luring children away with ice cream and money |
| 2 | Road safety | Proximity of playgrounds to roads, with inadequate / low perimeter fencing at a time of day when volume of traffic is far greater as people commute to work and school |
| 3 | Wandering off | Numerous reports from parents of children attempting to leave school grounds & other parents intervening to stop them. They do not feel it should be their responsibility |
| 4 | Stranger Danger | Man seen by a father indecently exposing himself outside school gates |
| 5 | Road safety | Traffic congestion around school gates, due to parents opting to drive to school and wait with their children due to the lack of supervision |
| 6 | Road safety | Kitchen and works traffic reversing into playground prior to 9am |
| 7 | Bullying | Bullying & lack of discipline both on transport and on arrival in the playground . One child was arrested by police when the school failed to deal with the situation. Parents dropping off their own children have spoken of having to break up fights |
| 8 | Classroom Behaviour / Confident Learners | Parent congestion at school gates due to concern over lack of supervision resulting in lack of independent play time before school and the effect of this on childrens' confidence, self-esteem and behaviour in class |
| 9 | Responsibility | No-one monitoring safe arrival of pupils on school transport. Council have duty of care for safety of pupils in their charge ' in loco parentis'. |
| 10 | Responsibility | Being uncomfortable with assumption that older peers will look out for the younger ones, deemed to be unacceptable, unfair and inconsistent |
| 11 | Additional support needs | Concern over lack of playground supervision for children with additional support needs, one child reportedly being returned to playground by other parents after attempting to walk out. These children often require 121 support and a great deal of assistance in understanding social cues, and behaviours |
| 12 | Inadequate care | Risks cannot be foreseen or dealt with properly from inside the school building, which some councils claim is adequate provision of duty of care for the safety of pupils in their charge |