

PE1434/B

Alison Wilson
Assistant Clerk to the Public Petitions Committee
T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

5 October 2012

Dear Alison

Petition PE 1434

Thank you for your letter of 29 June seeking a response from **sportscotland** to Petition PE 1434 and in particular the question:

- What are your views on what the petition seeks

The Petition calls on the Scottish Parliament to urge the Scottish Government to make sure every school can provide adequate sports facilities and resources for their students and to create a minimum level of facilities available.

The Scottish Government, in its letter to you of 21 September, has already made it clear that under current legislation, the statutory responsibility for the provision of education in Scotland rests with the education authorities. They are charged with providing an adequate and efficient education, suitable to the needs of the child for children of school age residing in their area. It is, therefore, a matter for individual local authorities to determine the level of sports facilities required in individual schools. They will, of course, do so within the legislative framework which include regulations specific to the provision of sports facilities.

The School Premises (General Requirements and Standards) (Scotland) Regulations 1967 sets out the requirements with regard to educational accommodation depending on the number of pupils at the school. This includes accommodation for physical education. Similarly there is a requirement to provide playing fields, with the precise area of playing fields again determined by the number of pupils. The regulations also stipulate that every school shall have immediately adjacent to the school building, an outdoor area laid out and surfaces for educational and recreational purposes. The legislative framework is then already there to ensure that schools provide a minimum level of facilities and resources for their students to be able to undertake a range of physical activities.

As the national agency for sport in Scotland we work very closely with local authorities and see them as vital to the provision of sports facilities throughout the country. In this regard there is a further statutory obligation placed on local authorities through the Local Government and Planning (Scotland) Act 1982 which requires the 'adequate' provision for sport. The interpretation of

the legislation is a matter for local authorities themselves and any challenge to that interpretation is a matter for the courts.

You will be aware of the Scottish Government's announcement on 23 September that another 30 schools are expected to be built or refurbished as part of the next phase of the schools building programme. Currently **sportscotland**, as a statutory consultee, is consulted on developments where playing fields are likely to be affected but we have no statutory remit in relation to the development of sports facilities within schools.

The 'Pathways into sport and physical activity' inquiry by the Health and Sport committee (in the previous parliamentary session) recommended that **sportscotland** be consulted on new school proposals. This was not supported by the Scottish Government for a number of reasons and we don't think the reasons for rejecting this recommendation will have changed. As such, we can't see much to be gained by pushing this.

However, we take the view that making a difference in new schools and their sports provision could be more usefully influenced at an earlier stage in the development process, mainly via Government and in turn the Scottish Futures Trust who are, of course, the key body in relation to the financing of these. It's obviously vital that good quality sports facilities are provided in new schools, and we have published good practice design standards which, in our view, should be considered at an early stage in the design process:

<http://www.sportscotland.org.uk/ChannelNavigation/Resources/TopicNavigation/Publications/Design+guidance+for+secondary+school+sports+facilities.htm>.

We would welcome early engagement in the design process and we have staff with relevant design expertise who can contribute.

In its submission to the committee in response to the Petition the Scottish Government also highlighted **sportscotland**'s role in supporting the development of facilities for sport throughout the country, through our Sports Facilities Fund, and in delivering the G2014 Legacy target of 150 Community Sports Hubs.

I hope this response to the Petition demonstrates the breadth of work being taken to improve the provision of sport in schools but should the committee want to discuss the issues raised by the petitioner in greater detail please contact me on Tel: 0141 534 6562.

Alan Miller
Strategic Partnerships Manager