

To: BCC health and Safety Team
CC: Gary Wilson, Sue Nolan and Zoe Wilcox, BCC
Daren Jones Office
Planning Committee; A , B and the Public Rights of Way and Green Committee and Cllr
Steve Smith.

By Email:

RE: Cotham School Risk Assessment at Stoke Lodge Playing Fields

Good Afternoon

I attended a meeting arranged by Darren Jones and with Cotham School on Friday the 20th July as a representative of the We Love Stoke Lodge group. Sue Nolan was present and informed us that (following review by your team), the Risk Assessment (RA) completed by Cotham School on the 24th March 2014 is deemed to be measured and reasonable.

I believe that the RA (as it stands) places Cotham School in a position whereby they must either seek and be granted planning permission for building a fence or not use the site for their PE provision. This is a real shame as we are very keen to see Cotham School return to using the playing fields quickly yet do not believe that the fence proposal will be approved, is affordable to them, nor do we support it.

We had developed a wide range of alternatives that we feel would provide a safe environment for all, at a lower cost with increased value (covering all three key themes from the One City Plan). However these all now appear to be in vain unless a new risk assessment is completed.

In readiness for the meeting last Friday our Group had worked with various subject matter experts to review the RA. We came prepared with a proposal that a new RA should be completed (a snapshot view of our reasoning is provided attached).

Whilst I myself am not an expert, the guidance I received coupled with the knowledge that the risk assessment was completed AFTER a funding application for a fence and a feasibility study whose only options were fencing - it felt to me that the RA was reverse-engineered to justify the requirement for the planned fence, rather than as a means to assess risks and appropriate mitigation for pupils and staff at this site.

I am therefore very interested to better understand your view of "measured and reasonable" but more importantly when in your view it would be appropriate for the school to complete a new assessment and what triggers would instigate this, for example. For me personally my children are just two of thousands who play or will play sports at state schools in Bristol in open access unfenced facilities in higher crime areas, I am keen to ensure that the best practice at schools who do not have fences is leveraged at Stoke Lodge and how the council and in particular your team of subject matter experts could help support this.

I have placed below a precis of our reasoning to suggest a new risk assessment is completed. We did not discuss this in the meeting, feeling it was inappropriate having been

advised of your view at the start of the meeting. I would very much appreciate a response as soon as you are able in relation to these points.

Yours sincerely

Emma Burgess

Issued as an appendix

Cotham School Risk Assessment for Stoke Lodge Playing Fields

Key triggers that would suggest a new, independent risk assessment is required include, but are not limited to:

A) Crime Levels

An unfortunate, significant and disproportionate spike in calls/ incidents to Avon and Somerset Police were cited by Nathan Allen (who completed the RA) in 2014. Having received the data from Avon and Somerset Police for the last eight years it appears that 12 incidents were reported in 2014, however, only 2 the year prior and 4 the following. The data shows an average of 2 actual crimes a year and having spoken to members of the community we understand these relate to issues outside of school hours (graffiti and vandalism of a derelict building on the site). This area, when compared to Bristol at large and areas where other schools use open playing fields, has exceptionally low crime levels. We do not believe there is any data to suggest the pupils/staff at the school have a medium risk rating of violence and aggression from members of the public and risks of fractures and PTSD.

b) Current School Provisions

The school has used Coombe Dingle Sports Complex for the last four years (and whilst reliant on a third party risk assessment) and must have other measures in place other than a locked fence to mitigate the third risk identified in their RA of Violence and Aggression. Coombe Dingle has open public access at all times during (and outside) school hours including a free public car parks and rights of way. The perimeter of the fields used have gaps and are not fenced in many parts. The ability to 'lockdown' internal gates applies only to the roadways and could only be instigated after an incident had occurred, not so as to prevent the school's key identified risks in relation to Stoke Lodge.

c) Disproportionate costs and viability

BCC in both capacity as landlord and as the planning authority have confirmed that CA need to apply for planning – given the likely challenges this application will face from planning and the community does the value at risk needs to be considered with the finance committee to ensure that mitigation measures are reasonable and proportionate. We understand that in pursuit of a fence (TVG application and other costs) that the school has spent £130K plus hire costs at Coombe Dingle (£25K per year) plus other costs, this coupled with potential further legal fees, planning application/s and the build costs mean that the measure must be a very high risk on the academy's financial management risk register and the measure is grossly disproportionate to the risk (given that alternative measures are used by a number of other local schools to meet similar types of risk).

D) Not part of school premises

Stoke Lodge is not part of the school premises as confirmed by a recent high court ruling (see paragraph 96 of the TVG JR review) The judge said that the provisions of the Education

Act 1996 and standards regulations cited by the school DO NOT relate to the land itself; the definition cited by the school to cover 'detached playing fields' appears in non-statutory advice under the same standards regulations and therefore also has no direct application. This means that the same security standards do not automatically apply at Stoke Lodge.

E) Not required by Ofsted

Ofsted has confirmed (2018) that it doesn't have particular expectations about how a school should ensure site security (e.g. fence and public access) so long as risks are properly considered and managed.

F) Risks of the proposed measures

The current RA does not consider the risks created by the proposed fence (for both internal and external users) and is therefore inadequate based upon HSE and wider best practice guidelines. There is significant evidence of run off injury into fencing and the proposed fence also limits access from the emergency services. Evidence from local schools suggests that they choose not to use fencing on their sports grounds for precisely these reasons.

G) Alternative measures

The current RA does not adequately consider any alternatives other than a fence - we have put forward a package of measures to address the school's identified risks, involving natural strengthening of boundaries (e.g. via appropriate hedging); accessible gates that are appropriate to the setting; a community charter approach (e.g. pitches to be respected, dogs to be on leads at all times when the school is on site). The proposals we have prepared as alternatives to a fence are extensive and a summary is being issued to all stakeholders shortly.

Suggestions and questions:

Before proceeding on the basis of a potentially flawed risk assessment, it must surely be appropriate to give independent consideration to the adequacy of these measures to meet the actual risks that can be evidenced at the site?

Should BCC's team consider visiting the site before placing guidance that a risk assessment is measured and reasonable?

We propose:

1. A new risk assessment is completed
2. We understand that the facilities manager who completed the current RA has had some training in this area (runs a consultancy, in addition to being the key SME at Cotham Academy), however we suggest that his extensive personal investment over the last eight years and significant efforts in the pursuit of a fence requires an independent party to be engaged to support a new RA. Potentially the council or other schools SMEs could best support a new risk assessment?

Supplementary Comments:

The RA states Dog faeces on the playing area, with a medium likelihood and medium risk rating with the reasonable degree of injury to be expected as serious health issues – (Toxocariasis).

1. We believe the occurrence of dog faeces on the site to be very low, a rare occurrence.
2. We understand from various Subject Matter Experts and NHS guidance that Toxocariasis is exceptionally rare.

The RA states Dog attack, with a medium risk of likelihood, high risk rating and the degree of injury being major injury.

1. The risk rating of medium is not based on evidence
2. There is no evidence to suggest that the risk of dog attack is 'real and prevalent' as detailed in the RA (for example evidence suggests that dog attacks are statistically more likely in the home and affecting children under 10)
3. The data used in the RA relates to the dangerous dogs act, no data was used from the prior 70 years on the site of use of the fields by public and the schools alongside dogs
4. There are no incident reports (or data) included to detail the frequency of issues involving dogs within the playing fields during the prior years of use by the school at the site. Only two examples of interaction (neither resulting in an attack or threat of attack) have been cited in formal submissions by the school.

The RA states the risk of Violence & Aggression from trespassers gaining access to the playing fields, with a medium risk and a risk rating of high, with the reasonable degree of injury being serious.

1. There is no evidence to support the ratings
2. Stoke Bishop has one of the lowest crime rates in Bristol
3. As above, there is a significant spike in reported incidents in 2014 comparative to the eight year data set.