



DARREN JONES MP
Member of Parliament for Bristol North West

18th June 2018

Dear

Residents

Stoke Lodge Playing Fields – Perimeter Fence

I have now had the time to speak with various stakeholders to take advice on the outstanding issues in respect of plans by Cotham School to install a perimeter fence ("the Fence") at Stoke Lodge playing fields (the "Playing Fields") – a proposal which has been received critically by many of my constituents in and around Stoke Bishop ("the Community").

Background

Cotham School undertook a risk assessment of the Playing Fields (to which they have a leasehold interest) with a view to use by pupils for physical education. In that risk assessment, Cotham School identified three key risks, including: (i) dog faeces; (ii) roaming dogs; and (iii) risk of attack from members of the public.

In response to that risk assessment, Cotham School has decided to erect a 2m high perimeter fence around the bulk of the Playing Fields. This proposal has been rejected by the Community, which has led to various attempts to block the erection of the Fence.

Cotham School Position

Cotham School insists that the Fence is required for safeguarding purposes. To this end, physical education classes have been taking place at the neighbouring Coombe Dingle Sports Complex at a cost of c£25,000 per annum. Cotham School continues to maintain the Playing Fields at a cost of c£20,000 per annum in the hope that it will soon be able to install the Fence, use the Playing Fields and end the relationship with the Coombe Dingle Sports Complex.

Cotham School noted that the Fence would only be locked (by way of lockable doors) ONLY whilst pupils are using the Playing Fields. At all other times, the Fence would remain open. Cotham School also notes that the Fence will be constructed in a manner which leaves a generous (in their view) amount of open space for Community use, and that they have no plans to commercialise the Playing Fields (by way of further development, intensification of use and/or renting of the facilities to third parties, for example).

Community Position

The Community upholds its position that the Playing Fields have always been used by the community (and, at times, alongside other schools), and that the Fence should not be erected. There are various legal challenges taking place in respect of the rights of Cotham School to erect the Fence, which I will not detail in this letter.

The Community feels that the proposed Fence could not only lead to lack of access to the Playing Fields (something Cotham School denies), but that such an installation would diminish the natural beauty of the Playing Fields.

Advice Received

In seeking to understand the obligations upon Cotham School, I have spoken with Bristol City Council, Ofsted and the Department for Education.

Ofsted said that it does not have particular expectations about how a school should manage issues to do with site security but requires a reasonable and proportionate response to managing risk.

In conversation with the Ofsted Regional Director, Bradley Simmons, he made it clear to me that playing fields off site from a main school campus do not automatically require a perimeter fence. And in correspondence from Kathy Maddocks, HM Inspector at Ofsted, Ms Maddocks noted that safeguarding was deemed to be effective at Cotham School (in its report dated 10 May 2018) and that safeguarding issues in respect of the use of playing fields was not raised at this inspection.

The Education Minister, Nick Gibb MP, said that all schools are responsible for the health, safety and welfare of their pupils and staff. The associated statutory responsibilities on school employers are set out in the Health and Safety at Work etc. Act 1974, and regulations made under the act.

To help schools effectively manage their estate, in respect of perimeter fencing, the Department for Education has recently published a 'Good estate management for schools' manual. This provides advice for those who have responsibility for overseeing or managing school's estates, and it can be found on GOV.UK at: <http://www.gov.uk/guidance/good-estate-management-for-schools/maintaining-the-estate>. However, this report makes no specific recommendations for offsite playing fields.

Bristol City Council said that the lease which Cotham School signed with the Department for Education includes a stipulation which prevents the erection of any buildings or other structures. The question remains, therefore, whether a fence is a structure: a question which only the Department for Education can answer (which would probably require further legal action). I understand that Bristol City Council is due to meet today (18th June) to discuss these issues more generally, but that it has informed Cotham School that no action should be taken until the Public Rights of Way and Greens Committee (so called PROWG) have cleared outstanding issues.

My Conclusions

I am seeking to take an informed and independent view of the situation, with an aim of providing recommendations to mediate an outcome which supports the objectives of both Cotham School and the Community.

In doing so, it should be clear that my first priority is to ensure the safeguarding of children using playing fields in my constituency. However, I have received no evidence from the Department of Education, Ofsted or Bristol City Council which suggests that the Fence is an absolute requirement and that use of the Playing Fields cannot take place without such a fence being installed.

Indeed, the Department of Education says that security arrangements may vary to reflect the differing nature of sites and buildings. And Ofsted noted that, presumably, pupils will be chaperoned and supervised whilst using the Playing Fields.

Ultimately, this is a question of what a reasonable and proportionate response would be to the real possibility of the risks as outlined in the risk assessment taking place. As the local Member of Parliament, it is not for me to make that judgment. But it is for me to make a political judgment about what I will and won't support, and what support I might therefore offer to try and reach the best possible outcome.

On the basis of the guidance received, and the knowledge that crime levels in Stoke Bishop are some of the lowest in the City of Bristol, I have concluded that a "fence at all costs" approach is an overreaction to the original risk assessment undertaken by Cotham School in respect of the Playing Fields.

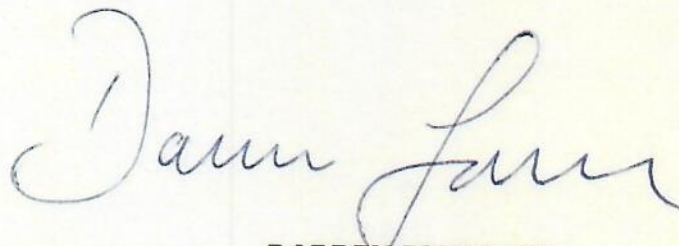
I am sure that Cotham School will disagree with me, and I have no reason to question the genuine concerns that led Cotham School to adopting its position in respect of the Fence. But I am unable to support the position that Cotham School takes, unless and until I am provided with such evidence that both confirms the risks to be higher than currently assumed and which can be corroborated with Ofsted. Only in that instance can such a response as the proposed Fence be concluded to be reasonable and proportionate in the circumstances.

I would therefore like to suggest some alternative solutions, with the hope that Cotham School and the Community might come together to agree the best way forward. In the first instance:

- (1) Whether non-fence security measures could be installed, such as lighting and/or security cameras for use whilst pupils are using the Playing Fields; or
- (2) Whether there is a commercial trade off that could be made between Cotham School and the University of Bristol, to secure a financially better deal for the continued use of the Coombe Dingle Sports Complex (assumedly saving Cotham School significant costs compared to the situation today); and
- (3) In the most unacceptable outcome, whether Cotham School might work with partners to identify a more appropriate style of fence whilst reconsidering the amount of Playing Fields which need to be within a fenced environment.

I understand that Bristol City Council is meeting today (18 June 2018) to consider the various points discussed in this letter, to take a view on how best to proceed from its position as the freeholder of the Playing Fields. My conclusions in this letter are therefore without prejudice to any further information provided by Bristol City Council following that meeting.

Lastly, I ask that both Cotham School and the Community come together to try and agree a suitable outcome that balances the interests of an area of natural beauty enjoyed by many local residents with a reasonable and proportionate response to, understandably, acting in the best safeguarding interests of young people in Bristol. Any unilateral action to enforce the erection of a fence would be a failure of my request.

A handwritten signature in dark ink, appearing to read 'Darren Jones', written in a cursive style.

DARREN JONES MP

cc. Thangam Debbonaire MP
Councillor Anna Keen