

<b>Subject:</b>	<b>Community Use of School Playing Fields</b>		
<b>Date of Meeting:</b>	<b>20 October 2014</b>		
<b>Report of:</b>	<b>Executive Director of Children's Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Michael Nix</b>	<b>Tel:</b> 29-0732
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report provides information on matters to be taken into account in any consideration of, in particular playing fields, following a request from Councillor Buckley that this matter be considered by the Committee.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee considers the information contained in this report and advises whether there should be further scrutiny of the issue of encouraging or extending community use of school leisure facilities

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Brighton & Hove City Council has 69 maintained schools (2 nursery, 52 primary, 7 secondary and 8 special schools). Of these 69 schools, 38 have playing fields or access to playing fields. In addition there are five academies or free schools in the city which are maintained schools not maintained by Brighton & Hove City Council. Of these five schools, four have access to playing fields at the present time.
- 3.2 The responsibility for the management and maintenance of school playing fields and other leisure facilities along with funding for these is delegated to schools in the same way that schools have delegated responsibility for setting their curriculum and maintaining their budget. This responsibility includes lettings or permission for community use of the site. It is therefore wholly a matter for schools themselves to decide whether their sites and facilities may be made available for community use.
- 3.3 In considering the extent to which community use is encouraged or permitted, either on a free or paid basis, schools have to take into account their own need for the playing fields for curriculum and recreational use. The paramount considerations have to be children's safety and the availability of playing fields for the curriculum.
- 3.4 Factors that schools would need to consider include:

- Possible damage to pitches arising from overuse, which could result in unavailability of playing fields for the curriculum or risk of injury to pupils
- Time of year: avoiding times when playing fields would be wet and muddy and therefore more susceptible to damage
- The nature of use – heavier adult users are more likely to cause damage to playing fields than children
- The possibility of litter and dog fouling which present a safety risk to children
- how community use would be monitored, and who would be responsible for taking action in the event of accidental or wilful damage
- The financial costs of making playing fields available for community use, including the administration of lettings, preparing fields for lettings and putting right any damage
- Potential liability for any injuries or other damage to users

3.4 The presence of dogs on school playing fields presents a particular challenge to schools. Apart from the risks of dog fouling which present health risks to children using the playing fields for PE and sport, if dogs are allowed on playing fields during the day they may cause distress and even harm to children, especially as they may become excitable or out of control with children running around and perhaps feeling unsure of how to react to dogs. The Council passed a Dog Control Order in 2008 which excluded dogs from various areas of the city including a number of named school and college playing fields.

3.5 A further factor to consider is that any unmanaged community use of playing fields during the school day may present safeguarding issues, including for example access for parents who are under an order not to approach their children.

3.6 Generally, schools have a strong understanding of and commitment to their community role and will seek to make their facilities available to community groups, especially when this is on a formal and therefore managed basis. In these instances the schools retain control of the usage and consequently are able to ensure that there are no security, safeguarding or health and safety issues. It is often easier for schools to develop community use of indoor facilities than playing fields, as these are normally less susceptible to damage and can be made available all year round.

3.7 There are examples of formal arrangements for managing and monitoring community use of playing fields which may be adopted, such as those supported by 'Fields in Trust' but generally these are for recognised public open spaces such as parks and it would be for schools to decide if they wished to enter into such arrangements. Any further guidance the Council might consider giving to schools on the encouragement of community use would need to take into account the factors that schools must themselves consider outlined above.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 No alternative options have been considered in the preparation of this report.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 As this stage there has been no consultation on the issues in this report. If it were decided to carry out further investigation of opportunities for further community use of school playing fields and leisure facilities it would be necessary to consult schools on their views.

## **6. CONCLUSION**

- 6.1 As the management of playing fields and other leisure facilities is delegated to schools, it is for them to decide whether and when, and on what basis, they should be made available for community use. In considering their policy for community use, schools will need to take into account the kind of factors relating to curriculum need, safeguarding and health and safety outlined in this report. The Council would need to take the same factors into account in considering any further encouragement of community use of school playing fields and leisure facilities. There would also need to be full consultation with schools.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 Any income or costs of providing a lot of a playing field will be borne by the relevant school. Special schools do not pay national non-domestic rates (NNDR) and are therefore not allowed to let their premises and/or playing fields. Some schools have artificial all weather pitches and again the income or costs of these are met by the relevant school, however these are able to be used in all weathers and therefore are not subject to getting muddy and/or overuse.

*Finance Officer Consulted: Andy Moore*

*Date: 08/10/14*

### Legal Implications:

- 7.2 School governing bodies have day-to-day control over school buildings and playing fields, and have responsibility for deciding the use of school facilities both during and out of school hours. Furthermore the Education Act 2002 gives governing bodies of all maintained schools the enabling power to provide, or enter into contracts to provide, facilities and services that "further any charitable purpose for the benefit of the pupils at the school or their families or people who live or work in the locality in which the school is located".
- 7.3 Section 175(2) of the 2002 Act imposes a duty on governing bodies to ensure that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of pupils at the school. Schools wishing to consider possible community use of their facilities will therefore need to ensure that they have effective safeguarding procedures in place, including ensuring that there is no unsupervised access to pupils by adults who have not been subject to the necessary checks under the Disclosure and Barring Scheme.

*Lawyer Consulted: Serena Kynaston*

*Date: 10/11/2014*

Equalities Implications:

- 7.4 No Equalities Impact Assessment has been carried out. The issues in this report do not impact unequally on groups with defined characteristics other than the fact that there is potential for harm to children arising from unmanaged use of playing fields and other leisure facilities.

Sustainability Implications:

- 7.5 Any extended use of school playing fields would need to take into account the impact on playing surfaces and whether this would render them unfit for school use.

Any Other Significant Implications:

- 7.6 None

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents in Members' Rooms**

None

**Background Documents**

None