



**WELFORD ON AVON  
PRIMARY SCHOOL  
Headland Road  
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Warwickshire  
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24<sup>th</sup> May 2024

Dear Parents,

### **School Playing Field – Out of School Hours Access**

As you are aware, there have been discussions between the School and Welford on Avon Parish Council (recently through their solicitors) about access to the School's playing field, and we have written previously indicating we would update you when we have any news. This has all been the subject of a conversation with the Parish Council, since shortly before November 2022 and with the involvement of solicitors for the Parish Council and Warwickshire County Council, since February this year. It is unfortunate that for the reasons we explain below, we have had to take the difficult decision to close the field to public access, and as a result the Headland Road gate will be locked from 5pm on Friday 24 May 2024.

A considerable amount of senior school staff and Governor time has been dedicated to trying to help the Parish Council, as the provision of amenity, or play areas is part of their statutory duties. We would like to assist the Parish Council if we could, but only so long as the objective of making sure the children of Welford are protected while on school land, is upheld. During the discussions the School has referred the Parish Council to the Government's Keeping Children Safe in Education, that we refer to here as the "KCSiE Statutory Guidance." Schools and colleges must have regard to this document when carrying out their duties to safeguard and promote the welfare of children.

In addition, the School has elected to comply with Warwickshire County Council's child protection policies, as they are our partners in education. The County Council's solicitor has noted in correspondence to the Parish Council's legal advisors, that there is no difference or division between the duties of the School and the County Council and confirmed that any arrangement for access to the playing field cannot override the statutory duties of the School and the County Council.

The School has a statutory duty and **MUST** follow these safeguarding policies. It enables us to protect your children that you entrust to us and to which we are held to account. According to the Department for Education, the KCSiE statutory guidance **MUST** be followed even when the playing field is being used out of school hours, regardless of whether any children visiting are on the school roll. In addition, during an Ofsted inspection, inspectors will judge whether our safeguarding is effective. If safeguarding is ineffective, this will likely lead to an 'inadequate' judgement for 'leadership and management' and the school could be placed in serious weakness for overall effectiveness.

We would not expect you to ask us to perform to any lower standards and we will not allow any situation to arise that could undermine our duties to you and your children. We understand the amenity issue the Parish Council has, but when considering access to School premises, we are considering your children and that we **MUST** take responsibility for them in our decisions. That is what the KCSiE statutory guidance and the County Council's policies are all there to promote.

On a positive note, the conversations with the Parish Council have served the useful purpose of helping us understand in greater detail our responsibilities of safeguarding and securing all areas of the school property on a daily basis and in particular on the playing field. We recognise this may seem like a common-sense matter of just allowing children to play in the field, however this seemingly simple problem has child protection issues at its heart that need to be addressed.

Because the School's field is allocated for **education purposes**, this is a specialist area of property law, and the Parish Council were quite right to appoint legal advisors to help guide them through the process. Unfortunately, after four months of conversations with the Parish Council's solicitors, we are no further forward.

We have asked for proposals in the format prescribed by Government statutory guidance but we have not had any proposals from the Parish Council that would satisfy our safeguarding responsibilities to all children and follow DfE guidance. We ask you to please remember, all the statutory guidance is designed to protect all children in areas where they congregate, while also protecting school playing fields for the purposes of education. We, as the Governors of your School, are not prepared to consider any unlawful arrangement arising from the Parish Council not wishing to follow processes laid down by Parliament and the Department for Education and trust you will support us in that decision.

In addition to the safeguarding regulations, the School must enhance and develop our outdoor curriculum across all subjects, for the benefit of the children we educate. The field is used not just for sports and extra-curricular activities and 'forest school' initiatives but also for other curriculum areas including Science and Maths. Unfortunately, and owing to vandalism, the school cannot develop this learning environment whilst the field is open to the public. Many items built by the children have been spoilt and the recent planting of 100 trees donated from the 'Woodland Trust' has seen most of the saplings trampled down.

For all these reasons, a full Board of Governors meeting was held last week. During the meeting it became clear that while the Parish Council continue to underestimate the legal requirements, a decision needed to be taken on access to the field and continuing the current discussions for any new arrangement.

It is with deep regret that we have to announce that we have no options left and so the unanimous decision of the Governors present was taken to lock the gate to the field for the foreseeable future and to withdraw from discussions with the Parish Council. The decision has been taken because we cannot continue to take the risks that the Parish Council's access presently poses. The safety of your children is our paramount duty.

Therefore, with heavy hearts, we have taken this decision. We are aware this will be disappointing for many of you, as indeed it is to us as the staff and Governors of the School. However, it is the protection of the future generations of Welford that is the overriding concern in this situation, and the national framework and County Council's policies for their protection in the school setting is all designed with this in mind.

That said, we fully support the Parish Council with their statutory duties of providing amenity areas in the village, and trust you will all join with us in encouraging them to meet their needs in that direction responsibly.

Kind Regards

The Governors of Welford on Avon Primary School



*Creating, Achieving, Respecting, Everyone, Safely*