

Promoting the Safe and Considerate Use of Fireworks in Scotland: Child Rights and Wellbeing Impact Assessment

January 2021

CRWIA title: Promoting the Safe and Considerate Use of Fireworks in Scotland

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Executive summary

The Scottish Government's Fireworks Action Plan: Promoting the safe and appropriate use of fireworks in Scotland¹, published in October 2019, sets out the Scottish Government's vision for fireworks to be used safely and handled with care and to ensure they do not cause harm, distress or serious injury. The Action Plan outlines actions that are being taken forward with national and local partners including: improved awareness raising and communication; support to publicly organised firework displays; support to local communities; and legislative and regulatory change.

The Action Plan supports the Scottish Government National Outcome of *We live in communities that are inclusive, empowered, resilient and safe* and sets out a range of outcomes for fireworks to support this including :

- Organised displays provide the opportunity to bring communities together.
- Fireworks are used safely and handled with care.
- Fireworks do not cause harm, distress or serious injury.

The legislative changes, that are the focus of this assessment, introduce three specific measures:

- The times of day consumer fireworks can be used by the general public will be amended to between 6pm and 11pm, with the exception of 5 November (when they can be used until midnight), New Year's Eve, the night of Chinese New Year and the night of Diwali (when they can be used until 1am).
- The times of day consumer fireworks can be sold to the general public will be amended to during the daytime hours of 7am and 6pm, in line with existing requirements on retailers in relation to sale and storage licences.
- The volume of consumer fireworks that can be sold by retailers to individuals who do not have an explosives licence will be amended to 5kg.

¹ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2019/10/fireworks-action-plan-promoting-safe-appropriate-use-fireworks-scotland/documents/fireworks-action-plan-promoting-safe-appropriate-use-fireworks-scotland/fireworks-action-plan-promoting-safe-appropriate-use-fireworks-scotland/govscot%3Adocument/fireworks-action-plan-promoting-safe-appropriate-use-fireworks-scotland.pdf?forceDownload=true>

	<p>The purpose of introducing this secondary legislation is to change how fireworks are sold and used in Scotland with the aim of protecting public and community safety and wellbeing.</p> <p>The drivers for these changes include:</p> <ul style="list-style-type: none"> • The noise and disturbance of fireworks, including on those with noise sensitivity. • Additional resourcing of emergency services, local authorities and the NHS in preparing for and responding to the bonfire season. • Firework related attacks on emergency service workers, some with life changing consequences. • Anti-social behaviour and misuse of fireworks, and the effect on individuals and communities. • Firework related injuries to the public. • Animal welfare concerns for pets, wildlife and livestock. • Environmental impacts of fireworks use from discarded material to air pollution. <p>As part of these regulations, the Scottish Government has conducted a range of impact assessments (EQIA, BRIA, SEA) including a CRWIA.</p>
<p>Background</p>	<p>Following high profile incidents targeting emergency service workers during bonfire night in 2017 the Scottish Government undertook work to review the position of fireworks in Scotland, following which a number of actions were progressed. This included:</p> <ul style="list-style-type: none"> • A review of police and fire service activity linked to fireworks and bonfire night by Her Majesty's Inspectorate of Constabulary in Scotland and Her Majesty's Fire Service Inspectorate for Scotland. • A SG review of the legislative powers available to Scotland, which outlined the rules in place about who can buy fireworks, and when and how they can be used. • Working with SFRS to collate all public fireworks events across the country published on the SFRS website. • The Minister for Community Safety writing to all Community Safety Partnerships across Scotland to offer support to their work in preparing for Bonfire night. <p>Following further firework related incidents in November 2018 the Scottish Government put in place a programme of public consultation, stakeholder engagement and evidence gathering on the sale and use of fireworks in Scotland to identify what action was required going forward. Following this, the Scottish Government published the 'Fireworks Action Plan: Promoting the safe and appropriate use of fireworks in Scotland'; and formed an independent Review Group of key stakeholders to consider the legislative and regulatory options.</p> <p>The final report from the Review Group was published on 3 November 2020 (https://www.gov.scot/groups/firework-review-group/) setting out a</p>

	<p>range of recommendations. Three of these recommendations can be achieved through secondary legislation which the Scottish Government is now taking forward, the effects of which are set out in this impact assessment.</p> <p>The specific measures that will be introduced in secondary legislation will be laid on 15 January 2021.</p>
<p>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</p>	<p>The available evidence shows that fireworks can have a range of potential negative impacts on children and young people, particularly in relation to health and wellbeing.</p> <p>An evaluation of firework related harm in Scotland, published in October 2020², highlights the impact that hearing fireworks, particularly when unexpected, can have on potentially vulnerable members of society, including people suffering from Post-Traumatic Stress Disorder; people with mental health problems and suffering from anxiety; people with sensory issues; autistic people, and especially autistic children.</p> <p>Data relating to firework injuries in the Greater Glasgow and Clyde (GGC) NHS Health Board area covering 2008-2019 shows that 198 patients attended emergency departments or minor injury units in the NHS GGC area for management of a firework-related injury. There is a correlation between firework injuries and age, with 51% of injuries spread out between child age groups. The two younger age groups with the highest number of injuries were 11-15 year olds (21%) and 16-17 year olds (14%).</p> <p>The evaluation also highlighted increasing concern about the acute and long-term effects of particulate matter and heavy metal pollution from fireworks. Exposure to particulate matter is correlated with conditions including: cardiovascular; respiratory (asthma, bronchitis, lung cancer); developmental (pulmonary and intelligence) and obstetric (pre-term births and low birth weight).</p> <p>There are also concerns over the overrepresentation of patients with fireworks related injuries from areas of deprivation and that these inequalities are not moderating over time. This indicates that children and young people from the most deprived areas of Scotland are more at risk of firework-related harm.</p> <p>An international evidence review³ demonstrates that both bystanders and operators are at risk of injury, with young people consistently being found to be most at risk. Common fireworks related injuries affect hands and heads, with mortars and rockets responsible for the majority of serious eye and hand injuries. However, sparklers, fountains and firecrackers are also frequent sources of injury.</p>

² <https://www.cobis.scot.nhs.uk/wp-content/uploads/2020/11/Evaluation-of-firework-related-harm-in-Scotland-October-2020-1.pdf>

³ <https://www.gov.scot/publications/fireworks-legislation-impacts-international-evidence-review/pages/2/>

	<p>An evidence review⁴ of the international evidence also indicates that exposure to loud, impulsive noise poses a greater risk to human health than exposure to loud, continuous noise. Young people may be particularly at risk, as the maximum peak sound level limit is set 5 dB lower for this group.</p> <p>In terms of antisocial behaviour, the review also shows that between 2002/03 and 2018/19 the most commonly reported fireworks related charges in Scotland were throwing, casting or firing a firework in a public place and underage possession of adult fireworks.</p>
<p>Children and young people's views and experiences</p>	<p>As part of the consultation process, young people were engaged through the following stakeholders:</p> <ul style="list-style-type: none"> • YoungScot • Scottish Youth Parliament • Scottish Children's Parliament • Education Scotland • Scottish Fire and Rescue Service • Law Society <p>YoungScot and Members of the Scottish Youth Parliament representatives promoted the fireworks consultation on their website and social media platforms.</p> <p>Two focus groups were held to engage with young people. These events provided an opportunity for young people to explore and discuss the use and impact – both positive and negative – of fireworks use in Scotland:</p> <ul style="list-style-type: none"> • YoungScot facilitated a focus group with 9 young people aged 17-24 years. • Scottish Fire and Rescue Service Fireskills programmes facilitated a focus group of 7 young people aged 14 - 15 years. <p>Officials engaged with the Careers & Outreach Coordinator at the Law Society of Scotland to circulate the consultation details nationwide with schools they work with in relation to their outreach work. The consultation was also sent to contacts at Developing the Young Workforce and the law student Street Law trainers who attend a number of universities throughout Scotland.</p> <p>A range of views and experiences were expressed during the engagement with young people, including:</p> <ul style="list-style-type: none"> • At one of the focus groups, there were mixed opinions on the banning of fireworks with some young people suggesting that a ban would only cause people to buy illicit fireworks, which may be less safe. • Attendees agreed, however, that there should be stricter controls surrounding the purchase and use of fireworks. • Experiences that attendees had with fireworks and their communities were mostly positive although this was not the universal experience for all the young people involved in the focus groups.

⁴ <https://www.gov.scot/publications/fireworks-legislation-impacts-international-evidence-review/pages/2/>

	<ul style="list-style-type: none"> • Young people who had either used fireworks or encountered fireworks used by others, discussed what they considered to be responsible or irresponsible use. The latter included experience of using firecrackers to blow up a snowman's head and setting off a naval flare inside the house. • At another focus group, attendees discussed antisocial behaviour incidents in and around bonfire night. Attendees stated that they had not experienced or been involved in any antisocial incidents with fireworks but when prompted most of the group said, they had experienced fireworks being used irresponsibly or unsafely. • On the issue of the online sale of fireworks, young people agreed that fireworks are very easily available online and can be bought from a variety of websites along with Facebook and other social media channels. A number of the young people commented that they had seen fireworks for sale on social media, and that if they wanted to access them they would know who to go to in their local area to purchase them illicitly. It was noted that fireworks are cheaper to buy online and therefore people would be more inclined to buy them from online sources, even if the products are potentially unregulated or unsafe. Many people would not check the safety standards when buying fireworks online and mainly focus on the cost. <p>As part of a nationally representative opinion poll⁵ more young people indicated they were in favour of more controls being introduced in relation to the sale of fireworks than those who did not (45% of 18-24 year olds were in favour, compared to 40% of 18-25 year olds who were not).</p>
<p>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</p>	<p>We have identified that this legislation applies to the following Articles in relation to CRWIA;</p> <p>Article 3 - Best interests of the child Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.</p> <p>Article 6 - Life, survival and development Every child has a right to life and to develop to their full potential.</p> <p>Article 19 - Protection from all forms of violence Children have a right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation. Governments must do all that they can to ensure this</p> <p>Article 31 - Leisure, play and culture Every child has a right to rest and leisure, to engage in play and recreational activities, and to take part in a range of cultural and artistic activities.</p>

⁵ <https://www.gov.scot/publications/public-attitudes-towards-fireworks-scotland-representative-omnibus-survey/>

	<p>The new regulatory measures will introduce greater controls to the sale and use of fireworks in Scotland with the aim of increasing public safety, including for young people, and reducing harm, distress or injury. This policy will change the way the public can access and use fireworks, by amending when they can be accessed and the volume that can be sold; along with the times of day in which they can be set off.</p>			
Monitoring and review	<p>The Scottish Government has committed to taking forward the Fireworks Review Group recommendations in their final report, which includes ensuring sufficient monitoring processes are put in place alongside the new measures and changes to fully understand the impact that these have, including a full review of impact to be carried out 3-5 years following implementation.</p>			
Secondary legislation	Aims of measure	Likely to impact on . . .	Compliance with UNCRC requirements	Contribution to local duties to safeguard, support and promote child wellbeing
Promoting the Safe and Considerate Use of Fireworks in Scotland	Designed to protect public and community safety and wellbeing	CRWIA and a range of other people (EQIA, BRIA SEA Assessment have also been prepared)	The policy is relevant to Articles 3, 6, 19 and 31	Compliance with these measures will help to keep children and young people safe and healthy.
CRWIA Declaration				
Authorisation				
Policy lead Elinor Findlay Safer Communities Division		Date 15 December 2020		
Deputy Director or equivalent Wendy Wilkinson, Deputy Director, Safer Communities		Date 16 December 2020		



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