

To: Members of the Communities
Scrutiny Committee

Date: 5 September 2016

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Dear Councillor

You are invited to attend a meeting of the **COMMUNITIES SCRUTINY COMMITTEE** to be held at **9.30 am** on **THURSDAY, 8 SEPTEMBER 2016** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

4 MINUTES (Pages 5 - 12)

To receive the minutes of the Communities Scrutiny Committee held on 30 June 2016 (copy attached).

- 5 DWP / PEOPLE PLUS PROVISION IN DENBIGHSHIRE** (Pages 13 - 16)
To discuss with both organisations their visions for Denbighshire residents, how they intend to deliver their visions and improve outcomes for service-users, the reasons behind the decision to relocate DWP services to Flint and the result of the impact assessments undertaken to inform that decision.
- 6 RESIDENTS SURVEY** (Pages 17 - 26)
To examine the results of the most recent Residents Survey and the effectiveness of the new survey methodology in gauging a decisive indication of citizens' views of the Council.
- 7 PRIMARY AND SECONDARY SCHOOL ABSENTEEISM** (Pages 27 - 32)
To detail the application of the county's policy with respect to school attendance.
- 8 HAZARDOUS ROUTES TO SCHOOLS** (Pages 33 - 66)
Application of rules and guidance in the determination of the safety of school routes as they apply in the context of the Learner Travel (Wales) Measure 2008
- 9 SCRUTINY WORK PROGRAMME** (Pages 67 - 84)
To consider a report by the Scrutiny Coordinator (copy enclosed) seeking a review of the committee's forward work programme and updating members on relevant issues.
- 10 FEEDBACK FROM COMMITTEE REPRESENTATIVES**
To receive any updates from Committee representatives on various Council Boards and Groups

MEMBERSHIP

Councillors

Councillor Huw Hilditch-Roberts
(Chair)

Councillor Rhys Hughes (Vice-Chair)

Brian Blakeley
Bill Cowie
Peter Evans
Martyn Holland
Bob Murray

Anton Sampson
David Simmons
Cefyn Williams
Cheryl Williams

Voting Co-opted Members for Education (Agenda Items No. 7 & No. 8 only)

Debra Houghton
John Piper

Gareth Williams

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All Councillors for information
Press and Libraries
Town and Community Councils

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COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 30 June 2016 at 9.30 am.

PRESENT

Councillors Brian Blakeley, Bill Cowie, Peter Evans, Huw Hilditch-Roberts (Chair), Martyn Holland, Bob Murray, Anton Sampson, Cefyn Williams and Cheryl Williams

Observers: Councillor Arwel Roberts and Councillor Huw Williams

Councillor Eryl Williams attended at the Committee's request in his capacity as Lead Member for Education

ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Head of Legal, HR and Democratic Services (GW), Head of Education (KIE), Supporting People Team Manager (KN), Education Planning & Resources Manager (IL), Principal Education Support Manager (GD), Scrutiny Co-ordinator (RE) and Committee Administrator (SLW).

1 APOLOGIES

Apologies for absence were received from Councillors Rhys Hughes and David Simmons

2 DECLARATION OF INTERESTS

Councillors Huw Hilditch-Roberts, Martyn Holland, Cefyn Williams and Cheryl Williams declared a personal interest in item 5 (Review of Home to School Transport Policy).

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

4 MINUTES

The Minutes of the meeting of the Communities Scrutiny Committee held on the 12 May, 2016 were submitted:-

RESOLVED – *that the Minutes be received and approved as a correct record.*

5 REVIEW OF THE HOME TO SCHOOL TRANSPORT POLICY

The Head of Education introduced the report (previously circulated) for Members to consider the impact of the implementation of the new school transport policy for secondary school pupils, from September 2015.

The Head of Education clarified that at the Freedom & Flexibilities Workshop held in June 2014, elected Members gave approval to undertake a review of the existing School Transport Policy. The process resulted in a revised Policy being implemented from September 2015.

The purpose of the review had been to examine the following areas:

- Ensuring 2-3 mile rule primary/secondary was adhered to
- Faith/Language provision
- Post 16 provision
- Feasibility of central pick up points
- Special Educational Needs (SEN) provision
- Hazardous routes

The review also recognised financial pressures on the School Transport budget at that time, some of which were attributed to historic anomalies in the services provided, which the review sought to correct.

In applying the Policy, “pick-up points” were designated from which pupils who were entitled to free home to school transport would receive transport to their nearest “suitable school”.

Following the application of the Policy, a number of complaints were received from parents/guardians, the majority of which related to the removal of home to school taxis or the introduction of “designated pick-up points” and the fact that it was the parent/guardian’s responsibility to arrange the pupil’s journey to the “pick-up point”.

At the end of 2015, a Judicial Review challenge was instigated by a parent who contested that the Local Authority had a duty to transport their child from home to the pick-up point, as they were of the view that the route was a hazardous one. On receiving legal advice from Counsel, the Council, in this particular instance, used its discretionary powers to provide a taxi service from the pupil’s home to the designated “pick-up point”.

In response to legal advice received, the Council also clarified the Policy wording and in circumstances where discretion should be applied, re-examined a number of other cases. Where appropriate, feeder taxi services were reinstated which had previously been withdrawn. Parents/guardians whose children’s feeder taxis had been withdrawn but who had not appealed or complained, who could potentially be living on a hazardous route, had now been contacted advising them to re-apply for free transport and to supply relevant evidence of the hazardous route.

Following the Judicial Review challenge, guidance had now been issued to clarify the policy, and a copy had been attached to the report for Members’ information. As a result of the judicial review, and the guidance issued, the Policy itself would require to be reviewed. The Head of Education outlined the proposed timetable for the review process, as was detailed in paragraph 4.4.2 of the report.

Members enquired whether community schools in rural areas were still considered as “feeder schools” for certain secondary schools e.g. Ysgol Bro Fammau in

Llanferres served the communities of Llanferres, Llanarmon yn Iâl and Graianrhyd and had in the past been a “feeder school” to Ysgol Brynhyfryd. However, since the stringent application of the Home to School Transport Policy, Ysgol Brynhyfryd was no longer deemed as the “nearest appropriate school” for some of Ysgol Bro Fammau’s pupils as they were deemed to live within the catchment area of schools in Mold. This problem impacted on rural areas more than on urban areas, and could potentially in the long-term affect the demography of rural areas.

Responding to Members’ questions, the Lead Member for Education, Head of Education and Head of Legal, HR & Democratic Services:

- advised that Officers were currently examining the issue of “feeder schools” as part of the work in reviewing the Policy and whether Local Authority discretionary powers could be utilised in relation to them. The Local Authority had a duty to transport pupils to the “nearest suitable school”, subject to language medium, faith considerations, and to meet safeguarding requirements and ensure their well-being. The legislative requirements with respect to the provision of transport were laid out in the Learner Travel (Wales) Measure 2008. However, it was for the Local Authority to determine which was the “nearest suitable school”
- acknowledged that there had been an impact on some communities as the result of the Policy’s implementation. Nevertheless, the Council had responded positively to challenges presented to it by the affected communities and following meetings with parents and affected parties, mutually agreeable resolutions had been found
- the cost of education was a complex area. In cases where Denbighshire pupils transferred to secondary education in a neighbouring authority the Welsh Government (WG) funding for their education would be paid directly by WG to that authority. The same applied in the cases of pupils residing in neighbouring authorities that were educated in schools in Denbighshire
- advised that if parents raised concerns with Officers regarding the effects on a child of not being able to attend the same school as his/her siblings, they would consider that as part of the application of discretion process. Issues such as the emotional impact of being split up from siblings would form part of the Policy review process. It was important that parents/guardians did officially challenge the policy’s implementation in order to ensure that all aspects of its implementation would feature in the forthcoming review
- advised that whilst all challenges to the policy’s application would be considered in a fair manner, discretion could not be permitted in all cases
- confirmed that data was available on the number of pupils from Denbighshire being educated in neighbouring authority schools as well as on those from neighbouring authorities educated in Denbighshire’s schools. In response to a request it was agreed that data relating to this from September 2013 to date be sent to Members for information
- confirmed that the review of the policy would examine what the Local Authority was duty bound by law to provide, the extent of its discretionary powers - to enable clear parameters to be set for the application of discretion in the future, and the potential for concessionary travel arrangements in the future. As part of the review, consideration would be given to pupils’ direction of travel to receive their education within and across the county

boundary and the reasons for their choices. Exploring this aspect would help the Council to determine the long-term sustainability of discretionary and concessionary travel arrangements

- advised that Denbighshire worked closely with its neighbouring local authorities on school admissions via the School Admissions Forum. Whilst Denbighshire, Flintshire and Wrexham councils regularly attended the Forum's meetings, Conwy Council did not engage fully with it
- confirmed that the Council's Passenger Transport Manager was in the process of arranging a meeting with Conwy County Borough Council to explore the feasibility of utilising a coach which carried pupils to a school in Abergele for the purpose of providing transport for pupils from Rhuddlan to Rhyl.

Officers were requested to involve parents in the policy review process at the earliest possible opportunity. It was agreed that the review of the policy should be presented to each Member Area Group (MAG) to ensure that they could feed into the review.

The Chair advised that procedures relating to the risk assessment process for determining whether a route was hazardous would be subject of a Scrutiny discussion at the Committee meeting to be held in September 2016.

Having considered the information provided in the report and subject to the points raised at the meeting, the Committee:

RESOLVED:

- *to give approval for Officers to proceed with a review of the Home to School Eligibility Policy on the timescale detailed in the report*
- *that the review should include issues raised by parents and Members following the implementation of the previous review of the policy, and*
- *that at the conclusion of the review of the policy, a draft of the revised Home to School Transport Eligibility Policy be submitted to the Committee for consideration at its meeting in December 2016*

6 SUPPORTED INDEPENDENT LIVING

The Supporting People Team Manager introduced the report (previously circulated) to enable Members to monitor the progress of Supported Independent Living (SIL) in meeting the housing related support needs of older people across the county.

The aims and objectives of the SIL Services included supporting individuals by providing early intervention support through to supporting those with more complex needs.

Members were advised that whilst there had not been any cut to the Supporting People grant for the 2016/17 financial year, there was no guarantee that the WG would not cut the funding in future years. It was emphasised that Supporting People funding could not be used to deliver statutory housing or social care services. At present the SIL services only delivered 400 hours of support per week, which was considerably less than the contractual requirement of 507 hours per

week. However, work was underway to address this deficiency by better marketing of the service, particularly to those sectors of the community which seemed to underutilise the service i.e. owner occupier and private rental householders.

Responding to Members' questions, the Supporting People Team Manager advised that:

- people who enquired about Disabled Facilities Grants (DFGs) would be signposted to the relevant department by the Single Point of Access (SPoA) Service
- the funding allocated to the Service was mainly used to pay the SIL staff, which included the former sheltered accommodation wardens all of whom now worked for the SIL Service
- the service delivered support throughout the county to all types of households who qualified for support, the Service was not confined to former sheltered accommodation complexes
- individuals who received support were generally over 50 years of age
- there was a growing number of older people with alcohol or substance dependencies, some of whom also presented anti-social behaviour traits, who were supported to live independently
- the SIL Service worked closely with Health Practitioners to support individuals where appropriate
- upon receipt of a referral, all the individual's needs would be assessed, the assessment would be a holistic one which included looking at the service-user's needs and those of his/her family/carers etc., and
- some SIL service users utilised Council run day centres and/or other associated services if they wished to do so.

The Supporting People Team Manager undertook to discuss with the SPoA Manager the types of information that were regularly shared between both services as a matter of course and explore whether the flow of information could be further enhanced.

At the conclusion of the discussion, the Committee thanked the Supporting People Team Manager for attending and emphasised the importance of all Council services working together to deliver better, effective and seamless services for residents. It was:

RESOLVED that:

- (i) subject to the above observations, to receive the report, and*
- (ii) that a detailed report be presented to the Committee at its October 2016 meeting on the potential benefits of adopting a streamlined approach to managing Supported Independent Living (SIL), Re-ablement and the Health & Social Care Support Worker Services (HSCSW).*

7 SCRUTINY WORK PROGRAMME

A copy of a report by the Scrutiny Co-ordinator, which requested the Committee to review and agree its Forward Work Programme and which provided an update on relevant issues, had been circulated with the papers for the meeting.

A copy of the Members Proposal Form had been included in Appendix 2. The Cabinet Forward Work Programme had been included as Appendix 3, and a table summarising recent Committee resolutions and advising on progress with their implementation, had been attached at Appendix 4.

The Committee considered its draft Forward Work Programme for future meetings, Appendix 1, and the following amendments and additions were agreed:-

8 September 2016

- Primary and Secondary School Absenteeism
- Hazardous routes to school
- Residents Survey, and
- DWP/People Plus provision in Denbighshire. An invitation had been extended to the DWP and People Plus to attend the meeting.

Prior to the meeting on 8 September, 2016, a pre-meeting for Members was to be held commencing at 9.00 a.m.

27 October 2016 – Supporting Independent Living

15 December 2016 – Draft Home to School Transport Eligibility Policy

***RESOLVED** that, subject to the above amendments and agreements, the Forward Work Programme as set out in Appendix 1 to the report be approved.*

At this juncture, Councillor Cheryl Williams requested an update regarding the issues with GP Out of Hours Service.

The Scrutiny Co-ordinator confirmed that representatives from Betsi Cadwaladr University Health Board would be attending the Partnerships Scrutiny Committee meeting on 7 July 2016 at which Councillor Williams would be welcome to attend to put forward her question.

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor Martyn Holland confirmed he had attended:

- A Tackling Poverty Working Group meeting
- County Conversation meeting – this meeting had been poorly attended, and
- A meeting of the Local Joint Consultative Committee (LJCC) the previous day, which was subsequently cancelled due to only one Union representative being in attendance.

Councillor Brian Blakeley confirmed he had resigned from the Community Health Council (CHC).

The meeting concluded at 11.08 a.m.

Report to: Communities Scrutiny Committee

Date of Meeting: 8 September 2016

Lead Member / Officer: Leader/Corporate Director: Communities

Report Author: Strategic Planning Team Manager

Title: DWP/People Plus Provision in Denbighshire

1. What is the report about?

The relocation of DWP services provided by People Plus from Rhyl to Flint and the impacts this will have on the Denbighshire residents receiving the services.

2. What is the reason for making this report?

To provide information regarding the change in provision as a basis for discussion and to assist the Council in establishing whether it could in future help support the delivery of such services. This would be with a view to improving outcomes, reducing poverty and the number of young people that become NEET, and fulfilling the objectives of both the Corporate and Well-being Plans.

3. What are the Recommendations?

To discuss with both organisations their visions for Denbighshire residents including:

- how they intend to deliver their vision and improve outcomes for service-users;
- the reasons behind the decision to relocate DWP services to Flint; and
- the result of the impact assessments undertaken to inform that decision.

4. Report details

DWP have a contract with Rehab Jobfit who subcontract to People Plus to deliver services in Rhyl to help unemployed people into work. People Plus receive payments based on outcomes, particularly the numbers of people supported into work and those who remain in work. The contract will terminate March 2017.

Client numbers have reduced significantly in Rhyl from approximately 400 18 months ago, to approximately 150. With uncertainty regarding future contracts and income, People Plus were not in a position to sign a new, more expensive 5 year lease agreement on their existing accommodation. As a result People Plus have made alternative arrangements to relocate to the Hub in Rhyl and where the full range of support will be on offer but only to those who are unable to travel to Flint; estimated to be 35 clients.

People Plus consulted with clients prior to the change and few complaints were received. In addition, the journey from Rhyl to Flint on the train is approximately 19 minutes and job seekers are required through their Job Seekers Allowance (JSA) agreement to be prepared to travel 90 minutes to find work. Therefore the requirement to travel to Flint does not break any contractual arrangements. Travel expenses will be reimbursed by People Plus to ensure that alternative arrangements do not financially disadvantage those clients needing to travel to Flint.

The relocation is not only to a more accessible premises but will put People Plus in the same location as other services supporting people back into work; a benefit to clients. In addition, with the new Work and Health Programme coming into being People Plus are keen to remain in Rhyl and to work more closely with Housing Associations.

In consideration of the People Plus contract coming to a close shortly, the Council would like to gain clarity concerning the contracts DWP issue to support people into work, which they are looking to retender and what these are designed to achieve. It would also be useful to gain clarity and understanding of the current landscape and potential impact of future changes (e.g. roll out of Universal Credit) so the Council can better understand how it can support the delivery of such services.

5. How does the decision contribute to the Corporate Priorities?

Increased numbers of residents in work supports a number of our corporate priorities indirectly and has a direct impact on our priority 'Developing the Local Economy' particularly by reducing deprivation.

6. What will it cost and how will it affect other services?

No implications.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report

The recommendations contained in this report do not require a decision to be taken and therefore will not have a direct impact on staff or our communities.

8. What consultations have been carried out with Scrutiny and others?

Discussions have taken place and email correspondence exchanged between Denbighshire County Council, DWP and People Plus to ascertain facts regarding the situation leading to the decision to relocate services as outlined in section 4 (Report Details) above.

9. Chief Finance Officer Statement

A Chief Finance Officer statement is not required for this report.

10. What risks are there and is there anything we can do to reduce them?

There are no specific risks attached to this report, however risk may come to light as a result of the discussion with DWP and People Plus.

11. Power to make the Decision

Section 7 of the Council's Constitution outlines Scrutiny's powers with respect of considering any matter that affects the Council's area or its inhabitants, and inviting external stakeholders to address scrutiny committees.

Contact Officer:

Strategic Planning Team Manager

Tel: 01824 712346

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Report to:	Communities Scrutiny Committee
Date of Meeting:	8 September 2016
Lead Member:	Lead Member for Customers and Libraries
Report Author:	Corporate Research and Intelligence Co-ordinator
Title:	Residents Survey

1. What is the report about?

This Report is about the findings of the 2015 Residents Survey and the methods used to conduct the survey.

2. What is the reason for making this report?

This report informs Scrutiny Members of the findings of the resident's survey, additional background information and steps already taken by services to respond to the key findings of the survey.

This is an opportunity for Scrutiny Members to comment on the survey results, subsequent developments and our plans for a more comprehensive survey in 2017.

3. What are the Recommendations?

- 3.1 That Scrutiny Members provide any comments they have on the survey results, subsequent developments and our plans for a more comprehensive survey in 2017.

4. Report details

The key points for consideration are:

- 4.1 In order to dramatically reduce costs the 2015 survey collection was wholly electronic with the exception of some schools' participation.
- 4.2 The planned sample for the 2015 survey was 1000 responses a lower number than the 3000 we have aimed at in previous surveys. The final number of responses was approximately 711, which is lower than the intended sample. Consequentially we have some concerns about how representative the responses were compared to previous surveys. A more comprehensive survey will take place in 2017.
- 4.3 Nevertheless, council departments have considered the key messages from the survey alongside other evidence and where appropriate have introduced improvements, most notably in the area of customer care and communications.

5. How does the decision contribute to the Corporate Priorities?

The data for several Corporate Plan Indicators is collected through the survey. Furthermore insights from the surveys over these years may inform discussion around new priorities in the future.

6. What will it cost and how will it affect other services?

This report relates to a completed piece of work and there are no further cost implications.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report

The survey method was equality impact assessed. The main conclusions were that previous surveys had failed to provide statistically valid samples for equality cross matching for most protected characteristics. The exceptions were age, sex, disability and carer status. Consequently questions relating to other protected characteristics were not asked in the 2015 survey. Instead a separate email was circulated to all the representative and community groups on the North Wales Public Sector Equality Network email list.

8. What consultations have been carried out with Scrutiny and others?

Prior to the commencement of the survey a paper outlining a range of options for the method for conducting the survey was considered by CET.

Since the survey results have been available the report has been considered by SLT and was presented to Cabinet Briefing.

9. Chief Finance Officer Statement

Not required

10. What risks are there and is there anything we can do to reduce them?

We have outlined in the attached report that the survey did not go as well as we had hoped. There is then a risk that the survey results would not be well received by the public. To mitigate this we have explained in the attached report the steps we are taking to respond to the issues raised and have explained that a more comprehensive survey will take place in 2017. The report states:

‘Although the sample size and the distribution of responses has raised some questions about the validity of the survey, the Council has accepted its key messages as one indicator of how our residents are feeling about Denbighshire as a place and

the Council. In addition to the specific improvement to customers, communication and marketing services, every other service of the Council is considering these messages, along with intelligence from other sources, as they develop their new service plans. The Council is also raising these issues for further discussion and clarification at the 'county conversations' the outcome of which will help to determine the key priorities for the council and its partners over the next few years.'

11. Power to make the Decision

This operational matter it is not covered by any specific legislative requirements.

Scrutiny's powers with respect to policy development is outlined in Section 7.4.1 of the Council's Constitution.

Contact Officer:

Corporate Research and Intelligence Co-ordinator,
Tel: 01824 708045

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How we did it...

When planning the 2015 survey the council's Corporate Executive Team considered several options for the conduct of the survey each with different cost and methodological implications. In these times of austerity and tight budgets it was agreed to scale back the expensive paper and postage elements of the previous approach and to emphasise digital collection of data through the website. It was hoped that a sample size of around 1000 would be achieved but we were disappointed to only achieve 711 responses despite two extensions of the collection period. Due to the small sample and uneven geographical distribution of responses we have some concerns about how representative the responses were compared to previous surveys. This is the percentage of responses from each town:

Respondents nearest town	Percentage of total responses
Denbigh	23%
Rhyl	21%
Ruthin	17%
Prestatyn	14%
Llangollen	13%
St Asaph	4%
Rhuddlan	4%
Corwen	3%
Grand Total	100%

The resident's survey will return in 2017 and steps will be taken to increase the number of participants.

Wellbeing

Respondents of the survey appear to have high levels of wellbeing. Wellbeing measure are on a scale of 1 to 10. The average scores were;

Wellbeing Question	Average score out of 10
Overall, how satisfied are you with your life nowadays?	7.46
Overall, to what extent do you feel the things you do in your life are worthwhile?	7.59
Overall, how happy did you feel yesterday?	7.46
Overall, how anxious did you feel yesterday?	2.89

This may stem from strong community networks, families and friends. We found that 70% said they hardly ever felt isolated from others, 69% hardly ever felt they lacked companionship, and 65% felt they hardly ever feel left out.

The wellbeing of residents and of future generations is a key focus for the council and our partners in other agencies. Look out for consultation and engagement events on the new Wellbeing Plan for Conwy and Denbighshire, which is being developed throughout 2016-17.

Your Local Area

81% of respondents were happy with their local area as a place to live. 54% of respondents felt there had been no major change, however, 34% felt their local area had got worse in the previous 12 months.

We hope to engage local residents in the development of their neighbourhoods and will be launching a new approach to local development during 2017 which will involve the council providing support to communities to develop their own plans looking at land use and economic development, parks and open spaces and even housing and social services.

Clean and Tidy Streets

The majority of residents surveyed (68%) were satisfied with the overall level of cleanliness of the streets in their local area.

When asked specifically about dog fouling 46% of residents surveyed were satisfied with their local area. Other concerns raised were about physical condition / appearance of buildings and shop fronts and of cigarette litter in town centre areas.

The council has engaged a contractor to issue fixed penalty fines to people who drop litter (including cigarette butts). We are proposing to introduce control areas to extend the use of penalty fines to other forms of anti-social behaviour within specific areas. Tackling dog fouling and untidy buildings are priorities in the council's Corporate Plan.

Improving our Roads

Every year an independent company scans the surface of all the roads in Wales and produces measures of the quality of the roads in each local authority area. Denbighshire's roads have been improving in recent years and the latest figures show 71% of A roads, 64% of B roads and 53% of minor roads in overall good condition.

Despite these results satisfaction with the quality of our roads remains lower than we would wish. In the 2015 survey 57% were satisfied with the maintenance of main roads, 54% with streets in towns and villages and 39% with rural roads.

Investment in our roads is a priority of the council and a key feature of our Corporate Plan.

Town Centres

Two thirds of respondents visited their nearest town centre more than once per week. 59% of respondents were happy with their town centres in general. 79% were satisfied with the range of services and 50% with the range of shops on offer in their nearest town centre. However, less than half of the respondents were happy with the availability (48%) and price (44%) of car parking and 42% felt satisfied with the level of traffic congestion.

Residents are clearly disappointed with job opportunities (12% satisfaction) and entertainment for young people (16% satisfaction) in their town centres.

We have developed a project, called Vibrant and Viable High Streets, to help improve town centres. This includes work following on from a major review of parking.

Community Safety

In common with other areas, and previous survey results, we found that 24% felt unsafe after dark, 4% felt unsafe during the day and 8% felt unsafe on public transport.

The Community Safety Partnership, with membership from North Wales Police and the Fire and Rescue Service as well as the Local Authority, is taking several steps to increase safety and improve perceptions, particularly after dark. This includes the use of Taxi Marshalls on key holiday nights to prevent altercations at taxi ranks and a robust licensing regime- taking poorly run premises to review and closing if standards aren't met.

The partnership has also begun publishing regular safety messages via social media (Prevention/Alerts) and continues to work together to find long-term solutions for a sustainable CCTV service following decreases in funding.

This in addition to targeted, ongoing work, to support victims of domestic abuse.

Consumer safety is also taken seriously with trading standards acting on cold callers, illicit tobacco and illegal sales of all kinds.

In most of the county there are few community safety issues associated with public transport. Nevertheless, the council's passenger transport and public protection services are working in partnership with North Wales Police to monitor and respond to any issues that do arise, including at known hot spots such as Rhyl Bus station.

The number of recorded offences in Denbighshire increased by 413 between 2013/14 and 2014/15. Nevertheless, the longer-term trend is down with almost 3000 fewer recorded crimes than in 2006/07. The rate of recorded crime per 1,000 population in Denbighshire in 2014/15 was 57, which is similar to the all Wales rate.

Opinions about the council

We asked people what we thought about the council. 41% felt the council provided good value for money, 36% felt the council was efficient and well run, 31% felt the council did act on the concerns of residents and 45% felt the council treats all types of people fairly.

We are proposing several initiatives to engage residents more directly in the work of the council and our public sector partners. Major engagement events are taking place throughout 2016-17 to ensure residents shape the Wellbeing Plan which will be the key strategic plan for all public service organisations throughout Conwy and Denbighshire.

As mentioned we intend to involve people more fully in their local community by supporting them to development plans in their local areas.

Also a new equality participation forum has been established to ensure that all types of people are treated fairly. The forum will review council decisions by participating in Equality Impact Assessments. The forum is seeking participation from those representing characteristics protected

by the Equality Act 2010. These characteristics are; Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation, so anyone can join.

Customer Service and Keeping you informed

We asked people how their last interaction with the council went, with the following results:

	% satisfied
Satisfied that they were able to speak with the right person	60%
Satisfied with the time it took to deal with their issue	57%
Satisfied with the information they received	53%
Satisfied with the level of customer service overall	60%
Satisfied that they were able to communicate in their preferred language	71%

We also asked how well informed residents were about the council with the following results:

	% who said that they were fairly or very well informed
How well the council was performing	39%
How the council spends its money	33%
The standards of service that should be expected	36%
How to get involved with local decisions making	27%

Since then we have re-organised the way in which the council communicates with the public and established a Customers, Communication and Marketing service, which brings together Customers Service and Communication under a new single Head of Service. This will improve the customer experience and modernise access to council services. Specifically we are:

- Introducing a new telephony system to reduce delays and speed up customer interaction
- Developing a new customer feedback tool including gathering feedback via the website
- Increasing the range of information that can be accessed via the website
- Revising our approach to reviewing customer feedback to ensure it informs decisions about changes to services
- Expanding our use of social media for engagement with residents

Contacting the Council

The survey identified that people's preferred method of contacting the council was shifting. The survey found 30% preferred to contact the council by telephone and almost as many (29%) preferred to contact the council by email. Many other methods, including in person, by letter, through local councillors, by text message and through the website are used by smaller numbers of people.

Next steps

Although the sample size and the distribution of responses has raised some questions about the validity of the survey, the council has accepted its key messages as one indicator of how our residents are feeling about Denbighshire as a place and the council. In addition to the specific

improvement to customers, communication and marketing services, every other service of the council is considering these messages, along with intelligence from other sources, as they develop their new service plans. The council is also raising these issues for further discussion and clarification at the 'county conversations' the outcome of which will help to determine the key priorities for the council and its partners over the next few years.

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Report to:	Communities Scrutiny Committee
Date of Meeting:	8th September 2016
Lead Officer:	Head of Education and Children's Services
Report Author:	Education Social Work Team Leader
Title:	Primary and Secondary School Absenteeism

1. What is the report about?

Primary and secondary school absenteeism.

2. What is the reason for making this report?

To provide information regarding the application of the county policy with respect to school attendance.

3. What are the Recommendations?

That the Members:

- 3.1 consider the policy and strategies to improve pupil attendance in schools; and
- 3.2 review the attendance rates of Denbighshire schools.

4. Report details

The attendance policy and procedures were rewritten to address the low attendance rates in schools and changes in legislation. The policy was developed after wide consultation with schools, school governors, agencies involved with schools and families. The attendance policy legal status and validity was verified by independent legal counsel in final draft format before publication.

All Head teachers received the final policy in September 2015 and were asked to adopt the policy and ratify this through the school governing body.

In the past year the attendance policy together with the implementation of the Fixed Penalty Notice (FPN) Code of Conduct has raised the profile in schools and with families about improving school attendance. FPNs are issued where 10 unauthorised absences have occurred in a school term.

Denbighshire headteachers made the collective decision not to authorise term time holidays unless in exceptional circumstances. The decision to issue a FPN is the responsibility of the headteacher and not the local authority. To date 78 notices have been issued in 2015/16 all payments for these notices except for 8 have been paid,

these cases have been referred to legal services to address non-payment and non-attendance at school.

Since September to July 2015 /16 a total of 456 warning letters have been requested by schools to be issued to parents. A high proportion of the cases, 78%, have not recorded any further unauthorised absence in the school year.

The Welsh Government regulations provide headteachers with the discretion in exceptional circumstances to agree to up to 10 days absence during an academic year outside statutory school holiday dates. These regulations have been in place since 2011 part of the Welsh Government All Wales Attendance Framework.

Absenteeism can be affected by many factors, within the current school year 2015/16 recorded absences of illness which are unpredictable have been at levels of 7% compared to 4.5% in 2014/15. High levels of scarlet fever and chicken pox impacted on overall termly figures and specific schools in the county.

Parents taking holidays in term-time in the month of September 2015 were recorded at 126 cases. Many of these cases were not authorised by headteachers this in turn has a negative impact on the overall statistics and absenteeism on the county figures. The start of the school year is a vital time for pupils to be in school.

Verified data shows all 8 high schools improved attendance between 2014/15 and 2015 /16 current school year. Secondary attendance is collected up to the end of May each year comparative data is reported in September.

Persistent absenteeism has reduced from 7.0% of secondary pupils in 2014/15 to 6.2% in 2015/16 this needs to be considered with the increase this year of headteachers not authorising absences on a more regular basis which impacts on absenteeism rates.

Similarly primary unverified data shows persistent absenteeism has reduced this year by 0.4% on the previous year 2014/15.

The primary school data is yet to be verified for the current school year. This is collected in September and reported upon in December when comparative data is available.

The overall attendance in both Primary and Secondary schools has improved in 2015/16 to:

	Primary Attendance	Secondary Attendance
2015/16	95.1% (provisional)	93.8%
2014/15	94.7% (provisional)	92.5%

Registration codes that impact on school attendance performance for the school year Sept / May 2015 /16 are:

'O' Code	County Unauthorised absence	2.7%
'G' Code	Holiday absence Unauthorised	4.3%

The appendices attached provides an overview of the attendance and absenteeism figures for both primary and secondary schools since 2012 to present.

The current position is an improving trend in the last twelve months, even with the unauthorised absences increasing where schools have requested intervention through the Fixed Penalty Notice process.

This year attendance data is monitored termly, schools that are underperforming against the previous school year data receive notification in writing from the Head of Service. This outlines the action that needs to be taken with support from the Education Social Work (ESW) to develop an action plan to address the under-performance.

The nine schools that received letters in the summer term will be visited by an ESW this September to write and implement an attendance plan that will be monitored each term.

5. How does the decision contribute to the Corporate Priorities?

School Attendance is a Key Performance Indicator (KPI) which underpins many of the Council's school performance and improvement objectives.

6. What will it cost and how will it affect other services?

The recommendations of this report are within existing policy framework and budget.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report

Every child has a right to attend school regularly. This report is fully compliant with the United Nations Rights of the Child.

8. What consultations have been carried out with Scrutiny and others?

The attendance policy and Fixed Penalty Code of Conduct have been consulted upon through workshops arranged across the county involving all stakeholders.

Independent legal Counsel has also verified the validity and content both policies.

9. Chief Finance Officer Statement

N/A

10. What risks are there and is there anything we can do to reduce them?

The risk is the unpredictable nature of illness/medical absence. This is closely monitored in the attendance policy with school health involvement. All counties are open to this area of risk with absenteeism from school.

11. Power to make the Decision

Section 7.4.2(b) of the Council's Constitution outlines Scrutiny's powers with respect of reviewing the Council's performance in relation to policy objectives and performance targets.

Contact Officer:

Education Social Work Team Leader

Tel: 01824 708169

Attendance Ranked within Wales, 2012 - 2015

	2011/12				2012/13				2013/14				2014/15			
	Denbighshire		Wales	Ranked 10th in Wales	Denbighshire		Wales	Ranked 10th in Wales	Denbighshire		Wales	Ranked 10th in Wales	Denbighshire		Wales	Ranked 10th in Wales
	%	Ranking	%	%	%	Ranking	%	%	%	Ranking	%	%	%	Ranking	%	%
Primary Attendance	94.5	6	93.8	94.3	94.3	4	93.7	94.1	94.8	8	94.8	94.8	94.7	17	94.9	94.9
Secondary Attendance	92.9	4	92.2	92.4	92.4	14	92.6	92.9	93.0	18	93.6	93.8	92.5	21	93.8	94.0

	2011/12				2012/13				2013/14				2014/15			
	Denbighshire		Wales	Ranked 10th in Wales	Denbighshire		Wales	Ranked 10th in Wales	Denbighshire		Wales	Ranked 10th in Wales	Denbighshire		Wales	Ranked 10th in Wales
	%	Ranking	%	%	%	Ranking	%	%	%	Ranking	%	%	%	Ranking	%	%
Primary Absenteeism	5.5	6	6.2	5.7	5.7	4	6.3	5.9	5.2	8	5.2	5.2	5.3	17	5.1	5.1
Secondary Absenteeism	7.1	4	7.8	7.6	7.6	14	7.4	7.1	7.0	18	6.4	6.2	7.0	21	6.2	6.0

NOTE
Ranking below 10th

2015/16 (PROVISIONAL)	
Denbighshire	
%	
Primary Attendance	N/A
Secondary Attendance	93.8

2015/16 (PROVISIONAL)	
Denbighshire	
%	
Primary Absenteeism	N/A
Secondary Absenteeism	6.2

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Report to: Communities Scrutiny Committee

Date of Meeting: 8th September 2016

Lead Members/ Officers: Lead Member for Public Realm and Lead Member for Education/Head of Planning and Public Protection and Head of Education and Children's Services

Report Author: Traffic, Parking and Road Safety Manager

Title: Hazardous Routes to School

1. What is the report about?

- 1.1 To report on how the safety of home to school walking routes are assessed in Denbighshire.

2. What is the reason for making this report?

- 2.1 A request was made by the Scrutiny Chairs and Vice-Chairs Group for a report regarding how walk to school routes are assessed to ensure that the relevant rules and guidance are being applied consistently in Denbighshire.

3. What are the Recommendations?

That Committee:

- i) considers and comments on the content of the report and how the Welsh Government's operational guidelines are being applied in Denbighshire, and
- ii) supports the proposal to carry out periodic reviews of home to school walking routes every 5 years.

4. Report details

Background

- 4.1 The Learner Travel (Wales) Measure 2008 requires Local Authorities to provide free school transport to the nearest suitable school for:
- i) Primary school pupils who live 2 miles or more away from school
 - ii) Secondary school pupils who live 3 miles or more away from school
- 4.2 If a pupil lives closer than the distances quoted then free school transport will not be provided for that pupil, unless a safe walking route is not available. Under

such circumstances the Local Authority will provide free school transport to the nearest suitable school.

- 4.3 Home to school walking routes are classed as either “hazardous” or “not hazardous” and this classification is determined by the relevant Local Authority. This report describes how this assessment is carried out in Denbighshire.

Legislative Background

- 4.4 Under Section 15 of the *Learner Travel (Wales) Measure 2008*, the Welsh Government published the document, “*Learner Travel – Statutory Provision and Operational Guidance*” in June 2014. Its purpose is to provide statutory guidance for local authorities to ensure consistency when assessing the travel needs of learners in their authority area.
- 4.5 Section 5 of the Operational Guidance provides detailed guidance to assist those tasked with assessing walking routes. (A copy of Section 5 is provided in Appendix A.) Previous guidance issued by the Welsh Government in April 2009 was far less detailed, which obviously increased the likelihood of inconsistencies in the assessment of different routes.

Assessments carried out prior to the publication of the new guidance

- 4.6 Prior to the publication of the statutory guidance in 2014, Denbighshire County Council’s Education Department already maintained a list of school walking routes that were categorised as “hazardous” or “not hazardous”. This list had been built up from many assessments carried out over previous years.
- 4.7 Following the publication of the new guidance, all Welsh Local Authorities, were asked by the Welsh Government to review the status of their existing walking routes in light of the new guidance. In Denbighshire, this resulted in the re-assessment of 73 walking routes during academic year 2014-15.

Requests for Assessment

- 4.8 Parents may submit a request for free school transport at any time of the year. If the justification for their request is that the route (or part of the route) between home and the nearest suitable school is unsafe then this may lead to an assessment being carried out. Whether an assessment is carried out will then depend upon whether the route has already been assessed, when that assessment was, and whether there have been any significant changes to the route since it was last assessed.

Periodic Assessments

- 4.9 All routes have been assessed in accordance with the new guidance. Year to year we are also undertaking new assessments as part of the process mentioned in 4.8. Furthermore, the Education Department submit an annual summary to the Welsh Government outlining the new assessments which have taken place since the previous return. To further enhance these processes, it is proposed

that the complete list of "hazardous" and "not hazardous" routes are periodically reviewed every five years to consider whether there have been any significant changes to the character of the routes in the intervening period, such as for example a change to the layout of a junction or a significant increase in traffic flows.

Assessment Process

- 4.10 The decision to carry out a new assessment is made by the Education Department who will then submit a request to the Traffic Safety team for an assessment to be carried out. The Traffic Safety team has traditionally been part of the Highways Service, but as of 1st April 2016 it transferred to the Planning and Public Protection Service. It is important to note that the assessments are delegated to officers without the involvement of Local Members. The purpose of this is to try and ensure that a consistent approach is adopted across the County.
 - 4.11 The assessment is undertaken by an appropriately qualified Traffic Engineer with relevant experience in casualty reduction and road safety.
 - 4.12 Section 5 of the *Learner Travel – Statutory Provision and Operational Guidance* provides a prescriptive approach for how routes should be assessed to try and minimise any ambiguity that could lead to differences in interpretation.
 - 4.13 The Traffic Engineer tasked with carrying out a route assessment will visit the site in question and will undertake or procure survey work to gain the necessary data to enable an assessment to be made. Examples of such data that may be required includes traffic speed data, traffic flow data, accident statistics and visibility measurements. Traffic volume and speed data for such assessments is captured during school term time and at times of the day when a child would normally be expected to be travelling to or from school.
 - 4.14 Once the assessment is complete, the findings will be recorded in the form of an emailed report from the Traffic Safety team to the Education Department.
 - 4.15 It is obviously vital that a consistent approach is adopted when carrying out route assessments to try and avoid accusations that some communities or individuals are being treated more favourably than others. The classification of a route clearly has financial implications for the Council too, and thus it is essential that any decisions made are transparent and can be shown to be robust through adherence to the guidance and supported by appropriate evidence.
- 5. How does the decision contribute to the Corporate Priorities?**
- 5.1 i) *Improving our performance in education and the quality of our school buildings.* Ensuring that routes are assessed in a fair and consistent manner ensures that funding is used as efficiently as possible and provided for those who are most in need of it

- 5.2 ii) *Improving our roads*. Undertaking assessments of home to school walking routes will sometimes raise issues that lead to improvements being made to improve the safety of the road network.

6. What will it cost and how will it affect other services?

- 6.1 Typically between 15 and 25 new assessments are carried out each academic year and the workload generated by this is currently absorbed by existing staff within the Education Department and the Traffic Safety Section. It is proposed that future periodic assessments, as detailed in this report, are carried out on a rolling basis to help spread the workload generated.
- 6.2 Any routes that are classed as hazardous obviously generate an ongoing cost of providing transport which is paid from the Council's School Transport budget, which is managed by the Highways and Environmental Service. Where the same route is used by a number of pupils, there will sometimes be a case for considering whether the feature(s) that cause the route to be classed as hazardous can be eliminated or sufficiently reduced to a point where the route could be re-categorised as "not hazardous" through engineering works which could be funded either by external grant or existing budgets.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report

The EqIA is included in Appendix B. It concludes that the assessment process for Home to School Walking Routes is not expected to have a disproportionately negative impact upon those with protected characteristics.

8. What consultations have been carried out with Scrutiny and others?

The review of the School Transport Policy was reported to Communities Scrutiny Committee in June 2016, a copy of that report is provided in Appendix C.

9. Chief Finance Officer Statement

This report sets out the process for assessing hazardous routes with no direct cost implications. The wider review of the Home to School Transport policy however is likely to have financial implications as noted in the attached report, previously presented to the Communities Scrutiny Committee.

10. What risks are there and is there anything we can do to reduce them?

The main risk would potentially be a legal challenge to a decision, most likely instigated by a parent who disagrees with an assessment that categorises a route as safe. This risk can be minimised by ensuring compliance with the

statutory procedure when undertaking assessments, using supporting factual evidence wherever possible, and fully documenting all decisions to ensure that an audit trail exists.

11. Power to make the Decision

The Learner Travel (Wales) Measure 2008

Section 7.4.2 of the Council's Constitution outlines Scrutiny's powers with respect to examining the impact of decisions and the application of policies.

Contact Officer:

Traffic, Parking and Road Safety Manager

Tel: 01824 706959

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Section 1: Statutory Provisions.

Chapter 5: Risk Assessment of Walked Routes to School

Overview

5.1 Local authorities are under a legal duty to assess the travel needs of learners who walk to school¹³⁵. In making an assessment local authorities are recommended to take into account the following provisions.

Part 1: Risk Assessment Procedure In Relation To Physical/Traffic Risks

5.2 The scope of this section covers the relationship between learners and traffic. As pedestrians, learners face a number of hazards which are identified below. Walking the route will enable risk assessors to identify hazards.

Route Conditions

5.3 For a route to be classed as available Welsh Ministers recommend that the route needs to be:

- A continuous adequate footway on roads which carry medium to heavy traffic flow¹³⁶ **or**
- “Step offs”¹³⁷ on roads which have low traffic flow but adequate sight lines to provide sufficient advance warning to drivers and pedestrians **or**
- On roads with very low traffic flow, no “step offs”, but sufficiently good sight lines to provide adequate advance warning

5.4 If there is a need to cross roads Welsh Ministers recommend that there should be one of the following safety measures:

- Pedestrian refuges **or**
- Visibility – it should be good enough to allow vehicles to stop given the 85th percentile speed rule (or the speed at which no

¹³⁵ Section 2 of the Measure

¹³⁶ Traffic flows are defined in Chapter 5 paragraphs 5.8 – 5.12

¹³⁷ For the purposes of this document the definition of “Step-offs is provided in the glossary (Section 2).

more than 15% of the traffic is exceeding) – vehicle stopping distances are set out in the Highway Code¹³⁸ **or**

- Sufficient gaps¹³⁹ in the traffic flow and sight lines to allow enough opportunities to cross safely **or**
- Sufficient crossing facilities (for example, zebra, pelican crossings) **or**
- Sufficient pedestrian phases at traffic lights (including necessary refuges) **or**
- Sufficient school Crossing Patrols (lollipop people)

5.5 Risk assessments of walked routes enable local authorities to determine whether a route to school is ‘available’ (safe) to walk. Further in cases where a route is deemed to be ‘unavailable’ (unsafe) the assessment process can determine what safeguards could be put in place to ensure that the route is or can become ‘available’ (safe) to walk. In deciding whether to undertake a risk assessment exercise the local authority will need to take into account whether the route has previously been assessed. If it has been assessed previously what has changed that would mean that a further assessment is required. For example:

- An accident or similar incident
- High accident statistics
- The opening or closure of schools
- Changes made to a route – road works, infrastructure changes
- Changes to traffic composition and volumes, including cyclists
- Changes affecting the route – new builds/housing developments, large scale construction projects
- Changes to the characteristics of the people walking the route – such as a wheelchair user using the route

Traffic

5.6 It is recommended that assessments take place at the usual time learners travel to and from school, namely in the morning at the time before schools start, when traffic flow is generally heaviest (unless it can be shown that the afternoon flow is

¹³⁸ <https://www.gov.uk/browse/driving/highway-code>

¹³⁹ Sufficient gaps in traffic flow are outlined in more detail in Chapter 5 paragraphs 5.8 – 5.12

heavier); at the end of the normal school day finishing time - a minimum of three surveys should be taken.

- 5.7 Speed limits on roads around or near schools should also be taken into account in relation to traffic flow to determine what safety measures are necessary.

Traffic Flow on Roads

- 5.8 The flow of traffic along roads is a significant factor in determining the safety¹⁴⁰ of a walked route.
- 5.9 Low traffic flow occurs on roads that have a traffic flow below 400 vehicles in a 1 hour period; medium traffic flow occurs on roads with a traffic flow between 400 to 840 vehicles per hour; and heavy traffic flow occurs on roads with a traffic flow of over 840 vehicles per hour.
- 5.10 It is recommended that risk assessors undertake a gap analysis. This records the number of gaps in traffic flow and should record data in five minute consecutive intervals. Four such gaps within a 5 minute period are considered acceptable.
- 5.11 It is recommended that traffic counts are recorded as “passenger car” equivalent values (Passenger Car Units - PCUs), by using the following factors:

3 pedal cycles	1 PCU
2 motorcycles	1 PCU
1 Car	1 PCU
1 light goods vehicle (up to 3.5 tonnes gross weight)	1 PCU
1 Bus/Coach (over 3.5 tonnes)	2 PCUs
Goods Vehicles (over 3.5 tonnes)	2 PCUs
Goods Vehicles (over 7.5 tonnes/multi-axle lorries)	3 PCUs

- 5.12 All vehicle counts are two-way except on one-way systems. Dual carriageways are counted as one-way on each side. Where the two-way (one-way of a dual carriageway) traffic flow

¹⁴⁰ For the purposes of this document the definition of ‘Safety’ is provided in the glossary (Section 2)

is below 240 vehicles per hour the road is assessed as safe to cross. This is equivalent to 1 vehicle every 15 seconds, allowing a reasonable gap time to cross a 7m wide road at a walking speed of 0.92 m per second.

Collision History

- 5.13 It is recommended that the road casualty record along the route is noted with special attention to accident danger spots. If the route is also used for public transport a note should be made of stopping places and the level of increased pedestrian use that could impact on foot path availability. Risk assessors could, for example, incorporate a 3 year collision history into the assessment of the whole route.
- 5.14 If a risk¹⁴¹ is identified, it is recommended that suitable measures are considered – for example the introduction of speed humps or speed cameras¹⁴².

Footpaths

- 5.15 Welsh Ministers consider that a footway, roadside strip of reasonable width and condition, a public footpath or bridleway will all normally be assumed to provide an available route. The footway will need to be wide enough to allow passage and, in the case of young children or those that should be accompanied, it should be wide enough to allow supervision to be carried out safely. The condition of the path should be examined to ensure it is clear of obstacles underfoot and from excessive foliage.
- 5.16 On a road with low traffic flow, a verge that can be stepped on by a child and accompanying parent when traffic is passing can normally be assumed to provide an available route. Many available routes may lie along roads that have neither a footway nor verge. On these roads, it is recommended that the width of the carriageway, traffic speed and type of traffic (e.g. frequent long or heavy goods vehicles) as well as visibility/sight lines that may be affected by sharp bends, high hedgerows or other obstructions ought to be considered.

¹⁴¹ For the purposes of this document the definition of 'Risk' is provided in the glossary (Section 2).

¹⁴² Speed humps and speed cameras are normally only put in place in response to Road Traffic Collision statistics.

5.17 Where a route is found to be lacking in 'step offs' there may also be issues with adequate visibility– the features that affect the availability of 'step offs' often impact on visibility – hedges, gradients etc. In such cases, it is recommended that these be considered within the assessment criteria carried out by the local authority.

5.18 If a risk is identified the following may provide a solution:

- removing vegetation **or**
- resurfacing or widening the available foot path **or**
- providing a new foot path **or**
- providing lighting.

Crossing points

5.19 Where roads need to be crossed, it is recommended that the availability of crossing facilities such as central refuges, pedestrian crossings or traffic signals be taken into consideration. Where there are no crossing facilities, the route's risk assessment ought to consider each required road crossing, bearing in mind traffic speed and flows, sight lines etc.

5.20 If there is a need to cross roads there ought to be:

- Sufficient gaps in the traffic flow and sight lines to allow enough opportunities to cross safely. The gap time analysis should be used where necessary **or**
- Pedestrian refuges **or**
- Crossing facilities (e.g., zebra, pelican, puffin crossing etc.) **or**
- Pedestrian phase at traffic lights **or**
- School Crossing Patrol.

5.21 If a road needs to be crossed the visibility at the location should allow a vehicle to stop, given the 85th percentile speed (the speed at which 85% of the vehicles travel below) of the traffic flow. Vehicle stopping distances should be taken as those given in the Highway Code. In many rural areas, the exercise of continuous judgement is likely to be required. No criteria can provide all the guidance or answers to every situation that may be encountered.

- 5.22 If roads have to be crossed to use a footway or to improve sight lines it may be necessary to advise on safe crossing places. On some country roads the footway may not be continuous. Informed judgement will have to be made about the availability of “step off” points.
- 5.23 The difficulty of crossing at a site can be assessed by considering the number of gaps in the traffic flow that are acceptable to pedestrians. Free flowing traffic may provide gaps randomly and fairly frequently but speeds tend to be higher and gaps would need to be longer in order to cross the road safely. An acceptable gap to cross from kerb to kerb varies with each person. Most people will be able to cross two lanes of normal urban traffic in 4 to 6 seconds. Others may need larger gaps of around 10 to 12 seconds.
- 5.24 It is recommended that the survey records the number of gaps in each 5 minute period that are longer than the road crossing time, using one metre per second as the walking speed. Four gaps in each 5 minute period indicate a road that can be crossed without too much delay. Longer gaps could be classified as multiple gaps rather than as just one gap.
- 5.25 In the case of a rail crossing, particular attention needs to be paid to the type of crossing and incidents that have been recorded to assess the safety of the crossing.

Canals, Rivers, Ditches and Embankments

- 5.26 It is the Welsh Ministers’ view that where appropriate, it is important to ensure that adequate barriers and safety features are included and that these are of the appropriate height to take into account the age groups of learners that may use the route. Safety features include improved barriers, better signage, more lighting or alternative available routes.
- 5.27 It will also be important to establish:
- if the route has been subject to severe flooding¹⁴³
 - if this is a regular occurrence and
 - when severe flooding occurs, whether a suitable detour is available

¹⁴³ For the purposes of this document the definition of ‘Flooding’ is provided in the glossary (Section 2)

5.28 Information on flood management procedures can be acquired from Natural Resources Wales¹⁴⁴.

Lighting

5.29 The level of natural lighting will differ over the year. Seasonal change may require that a review of the route assessment may be appropriate (if reported conditions present difficulties for the learner and / or companion).

5.30 It is recommended that street lighting is also taken into account.

Planned Changes in the Area

5.31 The assessment ought to consider any proposals that might impact on safety. Much of this information is likely to be held by the local authority and therefore the following checks will inform the risk assessment:

- Highways departments for proposed road works that would have a short-term impact on traffic conditions (e.g. road widening schemes)
- Planning departments for developments that may have a long-term impact on traffic (e.g. housing or retail developments)
- Education departments to check any proposed school reorganisations and/ or mergers

5.32 Where proposed changes are developed and may impact on walked routes to school, it is recommended that the relevant local authority department lead consult with learner travel teams as appropriate.

Level Crossings

5.33 There are more than 6,500 level crossings in Britain with 1,167 (or 18% of them) within the Network Rail Wales Route.

¹⁴⁴ <http://naturalresourceswales.gov.uk/alerts/?lang=en>

- 5.34 It is recommended that risk assessors, where applicable, include level crossing risk consideration within the risk assessment. Network Rail have produced educational material for schools which can be accessed by clicking <http://www.networkrail.co.uk/level-crossing/>
- 5.35 Where appropriate, risk assessors should consider contacting Network Rail's team of Level Crossing Managers who can provide advice and guidance on level crossing risk assessment control measures, such as level crossing risk awareness events. Contact details are available at <http://safety.networkrail.co.uk/Services/Contacts>

Part 2: Risk Assessment Procedure in relation to Social Danger

The nature of Social Danger

- 5.36 'Social Danger' is open to different interpretations and is subjective. In this context, the commonest interpretations provided by children and young people are as follows: stranger danger; danger(s) posed by paedophiles; danger(s) posed by criminals (muggers, thieves, murderers, kidnappers); anti-social behaviour (the presence of bullies or of alcoholics or drug addicts on walked routes to school); and physical manifestations, such as discarded needles or places where drug abuse/misuse take place.
- 5.37 Children experience real dangers when walking to and from school. Like adults, children can also perceive dangers even if none exists, and that too will understandably influence their behaviour and needs to be taken into account. A perceived danger may feel no less real than an actual danger. It will be important that before undertaking risk assessments, local authorities determine whether the perceived danger is supported by any evidence.
- 5.38 Where appropriate, Welsh Ministers recommend that other local authority services work to alleviate some fears, for example street cleaning or dog warden services.

5.39 There may also be a need to work with the teachers and parents of children who are concerned about stranger danger so that the child can be reassured though still aware of risk averse behaviours; travelling with friends, not speaking to strangers, etc. Consequently it is recommended that the local authority transport officials refer those cases not substantiated by evidence to the relevant school.

Tackling Social Danger in Risk Assessments – Working with Partners

5.40 In the conduct of risk assessments, it is recommended that local authorities work in partnership with organisations/agencies which have expertise in, including responsibility for, tackling and quantifying social danger. The Police or Police Community Support Officers have responsibility for crime, disorder and anti-social behaviour whilst the Local Safeguarding Children Boards have responsibility for safeguarding/child protection matters.

5.41 Section 25 of the Children Act 2004¹⁴⁵ places a duty on local authorities to promote co-operation between the authority and ‘relevant partners’ to improve the wellbeing of children and young people. The ‘relevant partners’ comprise the Local Safeguarding Children Boards (LSCBs). Usually, these bodies include the Police Authority; the Chief Officer of Police; the local probation board; the youth offending team; the NHS Trust; the Local Health Board; and the relevant local authority (particularly senior Directors of Education and Social Services). The Welsh Government recommends that local authority transport officials should be invited to and regularly attend these meetings of the LSCBs to cover the safety of walked routes. Alternatively it is recommended that transport issues are included as an agenda item at each meeting and where appropriate further engagement with transport officials should be made.

5.42 The Children and Young People’s Plan (Wales) Regulations 2007¹⁴⁶ require that each local authority, following consultation with partners, should publish a Children and Young People’s Plan setting out how they will improve the well being of children and young people in their authority. The Welsh Government recommends that information about how walked routes have

¹⁴⁵ <http://www.legislation.gov.uk/ukpga/2004/31/section/25>

¹⁴⁶ S.I. 2007/2316. - <http://www.legislation.gov.uk/wsi/2007/2316/contents/made>

been risk-assessed and made safer should feature in these Plans.

- 5.43 The Welsh Government published statutory guidance¹⁴⁷, namely ‘Stronger Partnerships for Better Outcomes’ 2006 (National Assembly for Wales Circular 35/2006)¹⁴⁸ and ‘Shared Planning for Better Outcomes’ 2007 (Welsh Assembly Government Circular 31/2007)¹⁴⁹ which outlines the requirement on local authorities to prepare and publish a plan setting out the authority’s strategy for discharging their functions in relation to children and relevant young people. Further Information about these documents is provided in Section 3 (Question 18).

Multi Agency Public Protection Arrangements (MAPPA)¹⁵⁰

- 5.44 Under sections 325-327 of the Criminal Justice Act 2003¹⁵¹, there is a statutory duty on the “Responsible Authorities” (the Police, Probation and Prison Services) to establish arrangements to assess, manage and reduce the risk presented by relevant sexual and violent offenders to reduce re-offending and protect the public. This includes those who are considered to pose a risk to, or potential risk of harm to, children.
- 5.45 Partner organisations, which include local authorities, health boards, youth offending teams and social housing providers have a statutory duty to cooperate with the Responsible Authorities¹⁵². The Welsh Government expects local authority risk assessors to work within the legal framework described above to obtain the relevant expertise in terms of managing the risks posed to children using walked routes to school.
- 5.46 In terms of quantifying social danger, the existence of any such dangers should be supported by evidence (either qualitative or quantitative).

¹⁴⁷ Under sections 25(B) 26 and 27(4) of the Children Act 2004

¹⁴⁸ <http://wales.gov.uk/topics/childrenyoungpeople/publications/strongerpartnerships/?lang=en>

¹⁴⁹ <http://wales.gov.uk/topics/educationandskills/publications/guidance/sharedplanningforbetteroutcomes?lang=en>

¹⁵⁰ <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2>

¹⁵¹ <http://www.legislation.gov.uk/ukpga/2003/44/section/325>

¹⁵² Section 325(3) Criminal Justice Act 2003.

5.47 When cooperating with other agencies, local authorities will need to put in place information-sharing protocols which comply with the Data Protection Act 1998¹⁵³ (particularly as information relating to children is sensitive)¹⁵⁴.

Part 3: Seeking the Views of Learners

Why is it important to seek the views of children?

5.48 It is important for the following reasons:

- Section 1 of The Rights of Children and Young Persons (Wales) Measure 2011¹⁵⁵ places a duty on Welsh Ministers to have due regard to Part 1 of, and the Protocols to, the United Nations Convention on the Rights of the Child when exercising any of their functions. In particular, Article 12 specifies that children have the right to say what they think should happen when adults are making decisions that affect them, and to have their opinions taken into account. The Welsh Government therefore attaches paramount importance to enabling the voice of children and young people to inform its policy development, particularly in relation to the matters which affect children and young people
- Children are the users of the walked routes to school

5.49 Local authorities can secure the views of children in a variety of ways:

- Children and Young People's Partnerships (CYPP) – these exist in each local authority area with the purpose of bringing together all services working for children and young people aged 0-25. Each partnership provides a voice for children's services and takes a lead in driving forward partnership working
- Walked routes forms for parents and children – these can be filled-in to allow views to be expressed about the safety of walked routes
- School Councils – these are a group of pupils elected by their fellow pupils to represent their opinions and raise issues with head teachers or school governors

¹⁵³ <http://www.legislation.gov.uk/ukpga/1998/29/contents>

¹⁵⁴ Further information regarding this provision is outlined in Section 3 (Question 22 of this document),

¹⁵⁵ <http://www.legislation.gov.uk/mwa/2011/2/contents>

- Road Safety Officers – children and young people can feed their views to them when they visit schools
- School lessons – these can collect data to feed into School Councils, for example geography lessons that include a survey or risk audit of the local area
- Police and Communities Together (PACT) assemblies – these exist in each ward as a forum in which the Police and members of the public, including children, discuss topical issues/matters of local concern
- The All Wales Schools Core Liaison Programme – within this programme uniformed police officers deliver formal lessons in the classroom to reduce crime and disorder and to promote positive citizenship amongst children and young people
- School Travel Plans – these can be approved by a Local Authority Safety Group who would examine the Plans containing the children’s views on the safety of walked home to school routes
- The use of drop-in boxes which enable teachers, parents and learners to raise concerns

Views and Information collected from these engagement exercises could be taken into account and given due regard when assessments are carried out.

5.50 The frequency with which local authorities seek the views of children and young people is a matter for them. Welsh Ministers recommend that local authorities consider the following factors to help them decide when and how often to conduct the risk assessment process:

- An accident, incident or increase in personal injury
- High accident statistics
- The opening of new schools and / or mergers of existing schools (which involves the use of new routes)
- Changes made to a route – road works, infrastructure changes, temporary road closures
- Traffic – changes to traffic composition and volumes
- Changes affecting the route – cyclists, new builds/housing developments, large scale construction projects
- Bullying/anti-social behaviour – these could be addressed by Police Community Support Officers or School Community Police Officers

Part 4: Helping to Ensure the Safety of Children on the Home to School Route

5.51 There are a variety of ways in which local authorities can help ensure, as far as is reasonably practicable, the safety of children and young people on the walked route between home and school:

- The provision of more lollipop people
- Putting traffic calming measures in place
- Encouraging children to walk with adults, friends or groups (in walking buses)
- Encouraging parents to accompany their children to school
- Encouraging parents to share the school run – such a practice could be coordinated by Parent Teacher Associations or community groups)
- Providing kerb craft training for children and young people – this would be a good way of teaching children how to be safer pedestrians by taking them on to roads and showing them how the right decision-making and behaviour can help them to keep safe
- Making wider provision of travel training – this is particularly useful for those learners with additional learning needs who can be taught how to walk independently between home and school. Such training has been proven to be beneficial for recipients (who develop a greater sense of independence and confidence) and cost-effective for local authorities
- School lessons or assemblies to discuss safe behaviour
- Encouraging School Police Liaison Officers, including Police Community Support Officers, to walk the walked routes to ensure, as far as is practicable, they are safe
- Reducing speed limits around schools to 20 mph and tackle pavement parking
- Encouraging the practitioners involved in the planning, provision and approval of new residential streets or the modification of existing streets to refer to and use the Department for Transport's Manual for Streets
<https://www.gov.uk/government/publications/manual-for-streets>. This document explains how the relationship between buildings and the street is essential for creating places that are good for people

- Promoting awareness, understanding and implementation of the statutory All-Wales Travel Behaviour Code

Part 5: The Mechanics of the Risk Assessment Process

- 5.52 The Risk Assessment matrix is at Annex 1¹⁵⁶.
- 5.53 Welsh Ministers are of the view that the various criteria used for assessing risk should be weighted equally regardless of whether they are physical, topographical, social, environmental or geographic.
- 5.54 Parents can request to accompany the Risk Assessor during the risk assessment.
- 5.55 In the event of disputes between local authorities and parents, it is recommended that the existing dispute resolution mechanisms should be used:
- Step 1 - complaints are referred to the relevant local authority Transport Department
 - Step 2 – if unresolved, disputes are referred to the local authority’s Complaints Officer or Monitoring Officer
 - Step 3 – if still unresolved, complainants should take their case to the Public Services Ombudsman for Wales. Where cases are referred to the Ombudsman, the issue must comply with the specific eligibility criteria enabling referral, this can be found at <http://www.ombudsman-wales.org.uk/Contact%20us.aspx>

Part 6: Roles and Responsibilities

It is the Welsh Ministers’ view that:

Parents¹⁵⁷

- 5.56 Parents have the following responsibilities:

¹⁵⁶ It is recommended that this matrix be taken as a basis from which a local authority can develop a more detailed risk analysis assessment form as appropriate and in accordance with this statutory guidance.

¹⁵⁷ The Definition of ‘parent’ is outlined in section 576 of the Education Act 1996. For ease of reference the definitions of ‘parent’ and ‘parental responsibility’ are provided in the glossary (Section 2)

- It is for parents to decide at what age it would be appropriate for their child to walk unaccompanied to school
- In the event of a child not being eligible to receive free transport and having to walk to school, it will be for parents to make suitable travel arrangements for their children between home and school. Within the community, parents have the option of sharing the school run. The Welsh Government recommends that parents investigate whether community groups can coordinate this activity
- Parents are advised to ensure that their children are aware of the All-Wales Travel Behaviour Code ('the Travel Code') – the Travel Code sets out the standards of behaviour learners should adhere to when travelling between home and school, regardless of the mode of travel

Head teachers

5.57 Head teachers have a statutory responsibility to:

- Require pupils to comply with the Travel Code¹⁵⁸; and
- Determine the standard of behaviour considered acceptable (where it is not determined by the governing body or the Welsh Ministers)¹⁵⁹

It is recommended that head teachers:

- Incorporate the Travel Code into the School Behaviour Policy and ensure it is complied with
- Cooperate with the local authority, including other relevant agencies (such as the Police), should there be any breach of the Code or incidents concerning child protection issues

Under section 89(5A) of the Education and Inspections Act 2006¹⁶⁰, head teachers have the power to impose penalties on learners who have breached the Travel Code outside of school premises – for example, when learners are out of school premises and unsupervised by teaching staff (such as on the walk between home and school).

¹⁵⁸ See section 89(2A) Education and Inspections Act 2006.

¹⁵⁹ See section 89(3A) Education and Inspections Act 2006.

¹⁶⁰ <http://www.legislation.gov.uk/ukpga/2006/40/section/89>

Local Authorities¹⁶¹

5.58 Local authorities' responsibilities include:

- Identifying whether a walked route is available
- Identifying risks and putting in place mitigation where appropriate
- Working in partnership with partner organisations/agencies to complete risk assessments which address identified problems
- Consulting children and young people (including via other organisations/bodies)

A suggested Risk Assessment Checklist for local authorities is at Annex 2.

Health and Safety Responsibilities of Educational Institutions

The Welsh Government would expect the collection of children at the school gates to be included in the health and safety policy which all education employers must have. The Governors Guide to the Law which includes a chapter on health and safety provides further guidance, which can be found at the link below:

<http://wales.gov.uk/topics/educationandskills/schoolshome/schoolfundingandplanning/schoolgov/schoolgovguide/?lang=en>

5.59 The Health and Safety at Work Act 1974¹⁶² and associated regulations place overall responsibility for health and safety with the employer. The person or body that is considered to be the employer varies depending on the type of school :

- For community schools, community special schools, voluntary controlled schools, maintained schools, maintained nursery schools and pupils referral units the employer is the local authority. The Local Education Authority must provide health and safety guidance to those schools and ensure that staff who are delegated Health and Safety tasks such as risk assessment are trained and competent to carry out those tasks

¹⁶¹ Local authority means all relevant departments within the authority and is not limited to learner travel teams

¹⁶² 1974 c.37 <http://www.hse.gov.uk/legislation/hswa.htm>

- For foundation schools, foundation special schools and voluntary aided schools, the employer is usually the governing body

For independent schools the employer is usually the governing body or proprietor

Responsibility – Schools, Local Education Authorities (LEAs), Governing Bodies

- 5.60 The employer must have a health and safety policy and arrangements to implement it. The Health and Safety at Work Act 1974¹⁶³ applies.
- 5.61 Employers must assess the risk of all activities, introduce measures to manage those risks, and tell their employees about the measures. The Management of Health and Safety at Work Regulations 1999¹⁶⁴ apply
- 5.62 In practice, employers may delegate specific health and safety tasks to individuals (local authorities may delegate them to schools). But the employer retains the ultimate responsibility no matter who carries out the tasks. The employer should therefore maintain an audit track, making clear who is doing what and confirming that those tasks are being carried out
- 5.63 Education employers have health and safety responsibilities towards teachers, staff, pupils, visitors and volunteers including ensuring, so far as it reasonably practicable the health, safety and welfare of pupils in school and on off site visits.
- 5.64 Employees have responsibilities too. It should also be borne in mind that under the general law of negligence school teachers are required to treat and take care of a pupil under the age of 18 as a careful parent would (Williams v Eady [1893] 10 TLR 41, CA).

¹⁶³ See section 2 of the 1974 Act

¹⁶⁴ S.I. 1999/32425. See regulation 3.

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APPENDIX B

**Hazardous Routes to School Assessment
25 August 2016**

Equality Impact Assessment

Hazardous Routes to School Assessment

Contact: Mike Jones - Planning and Public Protection

Updated: 25/08/2016

1. What type of proposal / decision is being assessed?

Other

2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

The purpose of the assessment process is to ensure a consistent approach to the safety assessment of home to school walking routes.

3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

Yes

4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

(Please refer to section 1 in the toolkit for guidance)

Denbighshire undertake the assessment of home to school walking routes in accordance with the Welsh Government's document titled "Learner Travel Statutory Provision and Operational Guidance".

5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

(Please refer to section 1 in the toolkit for a description of the protected characteristics)

The home to school walking route assessment process is not likely to have a positive impact upon any of the protected characteristics listed.

6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

Denbighshire County Council provides Special Educational Needs transport for pupils with disabilities and this is subject to an application process, which is separate to the standard distance criteria used for assessing eligibility for school transport.

Section 5 of the Welsh Government's document titled "Learner Travel Statutory Provision and Operational Guidance" is the section of the document that specifies the criteria used for assessing the the physical risks associated with home to school walking routes. It doesn't make specific mention about catering for those with disabilities, however, many of the interventions referred to would benefit all pedestrians including those with a disability. Examples of these include the provision of dropped kerbs or pedestrian refuges.

No other protected characteristics are expected to be negatively affected by the assessment process.

7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.

No	
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8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?

<Please Select>	No
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Action(s)	Owner	By when?

9. Declaration

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

Review Date:	25/8/16
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Name of Lead Officer for Equality Impact Assessment	Date
Mike Jones	25/8/16

Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.

Report to: Communities Scrutiny Committee
Date of Meeting: 30th June 2016
Lead Member / Officer: Lead Member for Education/Head of Education
Report Author: Head of Education
Title: Review of Home to School Transport Policy

1. What is the report about?

1.1 Review of the Home to School Transport Policy.

2. What is the reason for making this report?

2.1 To consider the impact of the implementation of the new school transport policy from September 2015.

3. What are the Recommendations?

3.1 That Members consider the information provided herein; and

3.2 That Members give approval to update the Home to School Transport Eligibility Policy in light of the information provided.

4. Report details

4.1 Background

4.1.1 At the Freedom & Flexibilities Workshop on 17th June 2014 Elected Members gave approval to undertake a review of the existing School Transport policy. This process resulted in a revised Policy which was implemented from September 2015.

4.1.2 The stated purpose of the review from Freedoms & Flexibilities was to examine the following areas: (1) Ensuring 2/3 mile rule Primary/Secondary is adhered to; (2) Faith/Language Provision; (3) Post 16 Provision; (4) Feasibility of central pick up points; (5) SEN provision (6) Hazardous Routes

4.1.3 This review also recognised financial pressures on the School Transport budget at this time, some of which were attributed to historic anomalies in the services provided; which the review sought to correct. An example of which was the number of journeys where pupils were not attending their nearest suitable school but were still receiving free transport.

4.1.4 Following the review, Members ratified the policy at Cabinet on 30th September 2014, where it was resolved that: *g) an assessment of the impact of the review of the policy be conducted and presented to Scrutiny at the end of the first year of implementation.*

4.1.5 At the request of Members this review has been drawn forward to this Scrutiny meeting in June 2016.

4.2 Legislative Background to School Transport

4.2.1 The Learner Travel (Wales) Measure 2008 provides the legislative basis for providing school transport. Within this Measure Local Authorities are required to provide free school transport to the nearest suitable school for:

- Primary School pupils if they live more than 2 miles away from a school; or
- Secondary School pupils if they live more than 3 miles away from school.

4.2.2 A definition of nearest suitable school is provided in the Learner Travel Statutory Provision and Operational Guidance June 2014, which complements The Learner Travel (Wales) Measure 2008; an extract of which is shown in Appendix 1.

4.2.3 If pupils live under the distances mentioned in 4.2.1, then within the Legislation they are reasonably expected to walk to school, accompanied as necessary, providing there is a safe walk route available to them. If a safe walk route is not available then the Local Authority will provide free school transport to their nearest suitable school.

4.2.4 The Learner Travel Statutory Provision and Operational Guidance 2014 also includes statutory guidance on risk assessing walked routes to school. Section 1, chapter 5 of this guidance sets out the risk assessment criteria. An extract of this chapter is shown in Appendix 2.

4.2.5 If parents express a preference for admission to a school which is not their nearest suitable school then the Local Authority will not provide free transport; however, parents may pay for concessionary seats on transport provided (within the Authority's closed school contracts), if seats are available. Concessions are not permitted where there is a parallel bus service available. The conditions which apply to concessions under Denbighshire's policy are shown in Appendix 3.

4.2.6 Parents are told during the school Admissions process that free transport will only be available to the nearest suitable school. A map is provided on the Denbighshire website where parents can check which school is their nearest. The following link will take you to the map on the Council's website: <https://maps.denbighshire.gov.uk/mydenbighshire.aspx>

4.2.7 On a discretionary basis the Local Authority will also provide free school transport to the nearest Welsh medium school or Faith based school if this is a parental preference.

4.3 **Response to the Policy Change in 2015**

- 4.3.1 Once notification of the Policy change was sent to parents in early 2015, both Education Support/Passenger Transport received around 250 calls requiring clarification of the change; from a total number transported of 3119 (Primary 584, Secondary 2236 and SEN 299)
- 4.3.2 Following on from these enquiries the Authority received around 35 appeals/complaints from parents regarding the changes made (Appendix 4 shows the appeals process). These primarily related to the removal of feeder taxis and hazardous routes between home and the pick-up points provided. Some of these complaints were escalated to the Local Ombudsman and the Authority responded accordingly.
- 4.3.3 The Authority's position was that parents were responsible for ensuring their children safely got to and from their designated pick-up point, unless there were circumstances which would allow for the use of discretion.
- 4.3.4 Nothing in the Learner Travel (Wales) Measure prevents the Authority from using pick-up points in the way described in the policy, or indeed insisting that it is parental responsibility to ensure they get safely to and from the pick-up points used.
- 4.3.5 In regard to 4.3.3, the Local Authority received a Judicial Review challenge brought at the end of 2015. It contested that the Local Authority had a duty to transport from home to the pick-up point due to hazardous routes.
- 4.3.6 The Authority sought legal counsel in regard to the Judicial Review and they suggested that our policy wording required clarification. Our Legal counsel also advised on circumstances for which the Authority should apply discretion regarding provision of feeder taxis to and from the pick-up point.
- 4.3.7 In light of the guidance provided the Authority re-examined the situation for those who brought the Judicial Review, and also considered other information they now provided regarding their circumstances. These reassessments permitted the Authority to use its discretion in providing feeder taxi services and their services were reinstated.
- 4.3.8 Letters before action were also received from other families who raised concerns regarding their situations. As such the Authority re-examined these cases along with all other previous appeals/complaints to ensure consistency of approach. This process resulted in a number of feeder taxi services being reinstated.
- 4.3.9 Proactively the Authority also wrote to another 165 families who were identified as potentially living on a hazardous route, asking them to apply for transport and provide further detail of their circumstances. This same correspondence was provided in a press release and on Denbighshire's social media.

4.3.10 To date around 85 services have been put in place following these reassessments. As part of this process the number of hazardous routes has also increased to 152.

4.3.11 Guidance has now been issued to clarify the current policy and prevent misinterpretation. This guidance is shown in Appendix 5 and is available on the Authority's website alongside the Policy.

4.4 **Policy Review – Next Steps**

4.4.1 In view of the guidance in Appendix 5, there is now a requirement to update the current policy to incorporate this. There are also some minor updates required within the policy on other unrelated sections.

4.4.2 This process will require the Authority to undertake a consultation exercise with all relevant stakeholders. Any review of the policy will need to be fully completed 12 months before its implementation. The expected time-line for this process is shown below:

- **New policy draft finalised by December 2016**
- **Consultation with stakeholders from January 2017**
- **New policy finalised by June 2017**
- **Ratification by Council of the policy by September 2017**
- **Implementation of new policy from September 2018**

4.5 **Budgetary Implications**

4.5.1 The previous policy revision in 2015 ensured alignment with the Learner Travel (Wales) Measure 2008 and removed historic school transport anomalies. The cost of service was considered as part of this review to ensure school transport was efficient and cost effective. The implementation of pick-up points was part of these efficiency changes, as was ensuring adherence to the nearest suitable school policy.

4.5.2 Now the Authority has clarified certain aspects of our policy within the context of the Learner Travel (Wales) Measure 2008, it has raised the issue of cost of service in meeting these requirements.

4.5.3 Ensuring the school transport budget is scaled correctly to meet the requirements mentioned in this report is of critical importance. The expected budget pressure for 2016/17 is likely to be between 200k and 300k, with the picture becoming clearer once the six monthly position is known. This issue is being assessed with the Head of Finance and once concluded a report will be brought back to Members.

5. **How does the decision contribute to the Corporate Priorities?**

The services described herein are all in support of the priority of "Improving Education".

6. What will it cost and how will it affect other services?

The current budgetary position for School Transport is being investigated. There is an expectation that the cost of service will increase to meet ongoing obligations under the Learner Travel (Wales) Measure 2008.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

This report is defining the review for School Transport. No finalised draft of the Policy is yet available although once completed an Equality Impact Assessment will be carried out before final ratification in 2017.

8. What consultations have been carried out with Scrutiny and others?

This Scrutiny report is the first consultation with Members regarding a Policy update. Consultation with all relevant stakeholders is planned as per the time line shown in 4.4.2 and will be progressed once the policy review process has been agreed.

9. Chief Finance Officer Statement

It is important that the council has the appropriate policy in place and the review will ensure this is so. The financial implications of implementing the policy have been estimated as being between £200 - £300k and will be considered in the budget round, although a more precise estimate will not be available until October/November 2016. It should be noted that while the latest school transport review was highlighted during the 2015 budget process, the transport budget was not reduced as a consequence.

10. What risks are there and is there anything we can do to reduce them?

There may be adverse publicity in updating this Policy, although the amendments are clarifying the obligations under the Learner Travel (Wales) 2008, for which all previous appellants and complainants have already been addressed.

11. Power to make the Decision

The Learner Travel (Wales) Measure 2008

Scrutiny's powers with respect to policy development and review are outlined in Article 6.3.3 of the Council's Constitution.

Contact Officer:

Education Resources & Support Manager (Planning & Resources)

Tel: 01824 712692

Report to:	Communities Scrutiny Committee
Date of Meeting:	8 September 2016
Lead Officer:	Scrutiny Co-ordinator
Report Author:	Scrutiny Co-ordinator
Title:	Scrutiny Work Programme

1. What is the report about?

The report presents Communities Scrutiny Committee with its draft forward work programme for members' consideration.

2. What is the reason for making this report?

To seek the Committee to review and agree on its programme of future work, and to update members on relevant issues.

3. What are the Recommendations?

That the Committee considers the information provided and approves, revises or amends its forward work programme as it deems appropriate.

4. Report details

- 4.1 Section 7 of Denbighshire County Council's Constitution sets out each Scrutiny Committee's terms of reference, functions and membership, as well as the rules of procedure and debate.
- 4.2 The Constitution stipulates that the Council's scrutiny committees must set, and regularly review, a programme for their future work. By reviewing and prioritising issues, members are able to ensure that the work programme delivers a member-led agenda.
- 4.3 For a number of years it has been an adopted practice in Denbighshire for scrutiny committees to limit the number of reports considered at any one meeting to a maximum of four plus the Committee's own work programme report. The aim of this approach is to facilitate detailed and effective debate on each topic.
- 4.4 In recent years the Welsh Government (WG) and the Wales Audit Office (WAO) have highlighted the need to strengthen scrutiny's role across local government and public services in Wales, including utilising scrutiny as a means of engaging with residents and service-users. Going forward scrutiny will be expected to engage better and more frequently with the public with a view to securing better decisions which ultimately lead to better outcomes for citizens. In future the WAO will measure scrutiny's effectiveness in fulfilling these expectations.

- 4.5 Having regard to the national vision for scrutiny whilst at the same time focussing on local priorities, the Scrutiny Chairs and Vice-Chairs Group (SCVCG) has recommended that the Council's scrutiny committees should, when deciding on their work programmes, focus on the following key areas:
- budget savings;
 - achievement of the Corporate Plan objectives (with particular emphasis on the their deliverability during a period of financial austerity);
 - any other items agreed by the Scrutiny Committee (or the SCVCG) as high priority (based on the PAPER test criteria – see reverse side of the 'Member Proposal Form' at Appendix 2) and;
 - Urgent, unforeseen or high priority issues

4.6 Scrutiny Proposal Forms

As mentioned in paragraph 4.2 above the Council's Constitution requires scrutiny committees to prepare and keep under review a programme for their future work. To assist the process of prioritising reports, if officers are of the view that a subject merits time for discussion on the Committee's business agenda they have to formally request the Committee to consider receiving a report on that topic. This is done via the submission of a 'proposal form' which clarifies the purpose, importance and potential outcomes of suggested subjects. No officer proposal forms have been received for consideration at the current meeting.

- 4.7 With a view to making better use of scrutiny's time by focussing committees' resources on detailed examination of subjects, adding value through the decision-making process and securing better outcomes for residents, the SCVCG has decided that members, as well as officers, should complete 'scrutiny proposal forms' outlining the reasons why they think a particular subject would benefit from scrutiny's input. A copy of the 'member's proposal form' can be seen at Appendix 2. The reverse side of this form contains a flowchart listing questions which members should consider when proposing an item for scrutiny, and which committees should ask when determining a topic's suitability for inclusion on a scrutiny forward work programme. If, having followed this process, a topic is not deemed suitable for formal examination by a scrutiny committee, alternative channels for sharing the information or examining the matter can be considered e.g. the provision of an 'information report', or if the matter is of a very local nature examination by the relevant Member Area Group (MAG). In future no items will be included on a forward work programme without a 'scrutiny proposal form' being completed and accepted for inclusion by the Committee or the SCVCG. Assistance with their completion is available from the Scrutiny Co-ordinator.

Cabinet Forward Work Programme

- 4.8 When determining their programme of future work it is useful for scrutiny committees to have regard to Cabinet's scheduled programme of work. For this purpose a copy of the Cabinet's forward work programme is attached at Appendix 3.

Progress on Committee Resolutions

- 4.9 A table summarising recent Committee resolutions and advising members on progress with their implementation is attached at Appendix 4 to this report.

5. Scrutiny Chairs and Vice-Chairs Group

Under the Council's scrutiny arrangements the Scrutiny Chairs and Vice-Chairs Group (SCVCG) performs the role of a coordinating committee. The Group is due to hold its next meeting on 20 September 2016.

6. How does the decision contribute to the Corporate Priorities?

Effective scrutiny will assist the Council to deliver its corporate priorities in line with community needs and residents' wishes. Continual development and review of a coordinated work programme will assist the Council to deliver its corporate priorities, improve outcomes for residents whilst also managing austere budget cuts.

7. What will it cost and how will it affect other services?

Services may need to allocate officer time to assist the Committee with the activities identified in the forward work programme, and with any actions that may result following consideration of those items.

8. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

No Equality Impact Assessment has been undertaken for the purpose of this report as consideration of the Committee's forward work programme is not deemed to have an adverse or unfair impact on people who share protected characteristics.

9. What consultations have been carried out with Scrutiny and others?

None required for this report. However, the report itself and the consideration of the forward work programme represent a consultation process with the Committee with respect to its programme of future work.

10. What risks are there and is there anything we can do to reduce them?

No risks have been identified with respect to the consideration of the Committee's forward work programme. However, by regularly reviewing its forward work programme the Committee can ensure that areas of risk are considered and examined as and when they are identified, and recommendations are made with a view to addressing those risks.

11. Power to make the decision

Section 7.11 of the Council's Constitution stipulates that scrutiny committees and/or the Scrutiny Chairs and Vice-Chairs Group will be responsible for setting their own work programmes, taking into account the wishes of Members of the Committee who are not members of the largest political group on the Council.

Contact Officer:

Scrutiny Coordinator

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Communities Scrutiny Committee Forward Work Plan

Note: Items entered in italics have not been approved for submission by the Committee. Such reports are listed here for information, pending formal approval.

Meeting	Lead Member(s)	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
27 Oct 2016	Cllr. Bobby Feeley	1. Managing Supporting Independent Living (SIL), Reablement and the Health & Social Care Support Worker Service (HSCSW) in Denbighshire	To outline the potential benefits of adopting a streamlined approach to managing these services for both service-users and the Council, and the time line for its adoption	Better and more efficient use of financial and human resources for the provision of these services, increased customer satisfaction and ensuring that vulnerable people are kept safe and supported to live as independently as possible for as long as possible	Phil Gilroy/Katie Newe	June 2016
15 December	Cllr. Eryl Williams [Education]	1. Home to School Transport Eligibility Policy	To consider a draft version of the revised policy ahead of its publication for stakeholder consultation	An opportunity to suggest final amendments/revisions to the draft policy prior to approving it for consultation with stakeholders	Karen Evans/Geraint Davies/Ian Land	June 2016
2 February 2017						
23 March						
15 June	Cllr. David Smith	1. Caravan Site Regulation Procedure	To evaluate the implementation of the Caravan Site Regulation	(i) an evaluation of the procedure's effectiveness in ensuring that caravan sites are abiding by their planning and licensing permission	Graham Boase/Paul Mead	May 2016

Communities Scrutiny Committee Forward Work Plan

Meeting	Lead Member(s)	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
			Procedure	ensuring that they help support the development of the local economy and keep vulnerable people safe; and (ii) identification of any problems encountered during the procedure's enforcement and/or any anomalies or unforeseen risks that came to light during enforcement		
20 July						
7 September						
19 October						
30 November						

Future Issues

Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
Community Infrastructure Levy (CIL)	To outline the proposals for implementing the CIL in Denbighshire	The development of an appropriate and effective CIL scheme for the County	Graham Boase/Angela Loftus	February 2013

For future years

Communities Scrutiny Committee Forward Work Plan

Information/Consultation Reports

Information / Consultation	Item (description / title)	Purpose of report	Author	Date Entered

Note for officers – Committee Report Deadlines

Meeting	Deadline	Meeting	Deadline	Meeting	Deadline
27 October	13 October	15 December	1 December	2 February 2017	19 January 2017

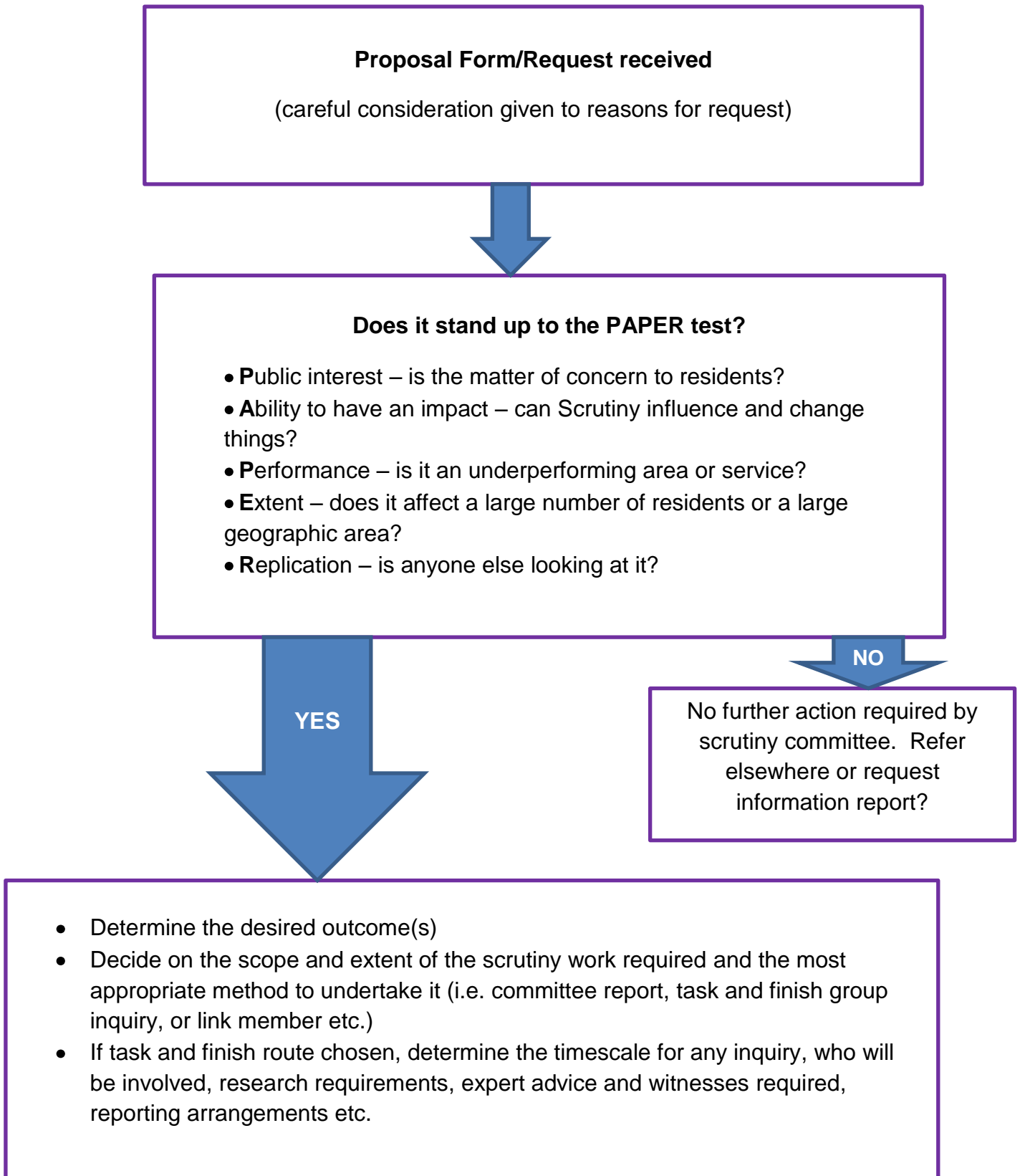
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Member Proposal Form for Scrutiny Forward Work Programme	
NAME OF SCRUTINY COMMITTEE	
TIMESCALE FOR CONSIDERATION	
TOPIC	
What needs to be scrutinised (and why)?	
Is the matter one of concern to residents/local businesses?	YES/NO
Can Scrutiny influence and change things? (if 'yes' please state how you think scrutiny can influence or change things)	YES/NO
Does the matter relate to an underperforming service or area?	YES/NO
Does the matter affect a large number of residents or a large geographical area of the County (if 'yes' please give an indication of the size of the affected group or area)	YES/NO
Is the matter linked to the Council's Corporate priorities (if 'yes' please state which priority/priorities)	YES/NO
To your knowledge is anyone else looking at this matter? (If 'yes', please say who is looking at it)	YES/NO
If the topic is accepted for scrutiny who would you want to invite to attend e.g. Lead Member, officers, external experts, service-users?	
Name of Councillor/Co-opted Member	
Date	

Consideration of a topic's suitability for scrutiny



Cabinet Forward Work Plan

Appendix 3

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
27 Sept	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Rhyl Waterfront Development: Hospitality Phase Agreement	Approval of the first Phase Agreement (Hospitality zone) in relation to the Rhyl Waterfront Development project	Tbc	Councillor Hugh Evans / Rebecca Maxwell
	3	Proposed appropriation of Restrictive Covenants on Rhyl Promenade in association with the Waterfront Development	To appropriate restrictive covenants on East Parade Car Park Promenade, Rhyl in association with the delivery of the phase agreements.	Yes	Councillor Hugh Evans / David Mathews
	4	Town and Area Plan Funded Projects Update	To consider funding allocations for town and area plan projects	Yes	Councillor Hugh Evans / Alan Smith
	5	Update on Denbigh Hospital	To seek members consent to make the General Vesting Declaration on the site to complete the CPO	Yes	Councillor David Smith / Gareth Roberts
	6	Endorsement of North Wales Economic Ambition Board	To seek endorsement of the Vision document.	Yes	Councillor Hugh Evans / Rebecca Maxwell

Cabinet Forward Work Plan

Meeting		Item (description / title)	Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
		Vision for Growth			
	7	Update on Bus Services following collapse of GHA Coaches	To provide an update on the situation and way forward	Tbc	Councillor David Smith / Peter Daniels
	8	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
25 Oct	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Corporate Plan Performance Report 2016/17 Q1	To consider progress against the Corporate Plan	Tbc	Cllr Julian Thompson-Hill / Alan Smith
	3	Update on options appraisals for In-house Care Services	To consider and, if appropriate, make a decision on the potential options for future provision of the services identified in the report	Tbc	Cllr Bobby Feeley / Phil Gilroy
	4	Draft LDP Annual Monitoring Report 2016 & commencement of LDP Review	To note the LDP Annual Monitoring Report 2016 and approve potential next steps to address issues highlighted including commencement of the LDP Review process	Yes	Cllr David Smith / Angela Loftus
	5	Faith Based Secondary	To seek approval to	Yes	Councillor Eryl

Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
		Provision	commence the formal stage of public consultation on proposals to close Blessed Edward Jones Catholic High School and to open a new Faith school		Williams / Karen Evans
	7	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
15 Nov	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Update on options appraisals for In-house Care Services	To consider and, if appropriate, make a decision on the potential options for future provision of the services identified in the report	Tbc	Cllr Bobby Feeley / Phil Gilroy
	3	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
13 Dec	1	Finance Report	To update Cabinet on the current financial position of	Tbc	Councillor Julian Thompson-Hill /

Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
			the Council		Richard Weigh
	2	Corporate Plan Performance Report 2016/17 Q2	To consider progress against the Corporate Plan	Tbc	Cllr Julian Thompson-Hill / Alan Smith
	3	Update on options appraisals for In-house Care Services	To consider and, if appropriate, make a decision on the potential options for future provision of the services identified in the report	Tbc	Cllr Bobby Feeley / Phil Gilroy
	4	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
24 January	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Update on options appraisals for In-house Care Services	To consider and, if appropriate, make a decision on the potential options for future provision of the services identified in the report	Tbc	Cllr Bobby Feeley / Phil Gilroy
	3	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator

Cabinet Forward Work Plan

Note for officers – Cabinet Report Deadlines

<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>
<i>September</i>	<i>13 September</i>	<i>October</i>	<i>11 October</i>	<i>November</i>	<i>1 November</i>

Updated 24/08/16 - KEJ

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Progress with Committee Resolutions

Date of Meeting	Item number and title	Resolution	Progress
30 June 2016	5. Review of the Home to School Transport Policy	<p>RESOLVED:</p> <ul style="list-style-type: none"> • to give approval for Officers to proceed with a review of the Home to School Eligibility Policy on the timescale detailed in the report • that the review should include issues raised by parents and Members following the implementation of the previous review of the policy, and • that at the conclusion of the review of the policy, a draft of the revised Home to School Transport Eligibility Policy be submitted to the Committee for consideration at its meeting in December 2016 	<p>Lead Member and officers advised of the Committee's recommendations.</p> <p>Consideration of the revised draft policy is listed on the Committee's forward work programme for its meeting on 15 December 2016 (see Appendix 1)</p>
	6. Supported Independent Living	<p>RESOLVED that:</p> <p>(i) subject to the above observations, to receive the report, and</p> <p>(ii) that a detailed report be presented to the Committee at its October 2016 meeting on the potential benefits of adopting a streamlined approach to managing Supported Independent Living (SIL), Re-ablement and the Health & Social Care Support Worker Services (HSCSW).</p>	<p>Lead Member and officers advised of the Committee's recommendations. The requested report is listed on the Committee's forward work programme for its next meeting on 27 October 2016</p>

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