

**Extract from Learner Travel Statutory Provision and Operational Guidance
June 2014.**

Definition of Nearest Suitable School

- 1.38 The definition of nearest “suitable school” is where the “education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have
- 1.39 Local authorities need to consider the suitability of the school when deciding if the placement is appropriate for the learner. Deciding which suitable school is the learners ‘nearest’ is a matter for the local authority to determine in accordance with their own learner travel and education policy. Local authorities need to set out how the nearest suitable school is identified and publish this information in their learner travel policy in accordance with provisions outlined in the Learner Travel Information (Wales) Regulations 2009.
- 1.40 Parents and learners may express a preference for a particular school, a particular type of language provision or faith school, but the Measure does not confer on those parents and learners any rights to free transport to their preferred school and or location, unless that school is determined by the local authority to be the learner’s nearest suitable school and the learner meets the distance criteria.

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 school¹. 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 flow² **or**
 - “Step offs”³ 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 more than 15% of the traffic is exceeding) – vehicle stopping distances are set out in the Highway Code⁴ **or**
 - Sufficient gaps⁵ 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)

¹ Section 2 of the Measure

² Traffic flows are defined in Chapter 5 paragraphs 5.8 – 5.12

³ For the purposes of this document the definition of “Step-offs is provided in the glossary (Section 2).

⁴ <https://www.gov.uk/browse/driving/highway-code>

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

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 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 safety⁶ 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.

⁶ For the purposes of this document the definition of 'Safety' is provided in the glossary (Section 2)

- 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 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 risk⁷ is identified, it is recommended that suitable measures are considered – for example the introduction of speed humps or speed cameras⁸.

⁷ For the purposes of this document the definition of ‘Risk’ is provided in the glossary (Section 2).

⁸ Speed humps and speed cameras are normally only put in place in response to Road Traffic Collision statistics.

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.
- 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 flooding⁹
 - if this is a regular occurrence and
 - when severe flooding occurs, whether a suitable detour is available

⁹ 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 Wales¹⁰.

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.

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>

¹⁰ <http://naturalresourceswales.gov.uk/alerts/?lang=en>

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 antisocial behaviour whilst the Local Safeguarding Children Boards have responsibility for safeguarding/child protection matters.
- 5.41 Section 25 of the Children Act 2004¹¹ 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

¹¹ <http://www.legislation.gov.uk/ukpga/2004/31/section/25>

(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 2007¹² 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 been risk-assessed and made safer should feature in these Plans.
- 5.43 The Welsh Government published statutory guidance¹³¹⁴, 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)¹⁵

- 5.44 Under sections 325-327 of the Criminal Justice Act 2003¹⁶, 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

¹² S.I. 2007/2316. - <http://www.legislation.gov.uk/wsi/2007/2316/contents/made>

¹³ Under sections 25(B) 26 and 27(4) of the Children Act 2004

¹⁴ <http://wales.gov.uk/topics/childrenyoungpeople/publications/strongerpartnerships/?lang=en>

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

¹⁵ <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangementsmappa--2>

¹⁶ <http://www.legislation.gov.uk/ukpga/2003/44/section/325> ¹⁵² Section 325(3) Criminal Justice Act 2003.

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).
- 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 1998¹⁷ (particularly as information relating to children is sensitive)¹⁸.

¹⁷ <http://www.legislation.gov.uk/ukpga/1998/29/contents>

¹⁸ Further information regarding this provision is outlined in Section 3 (Question 22 of this document),

Extract from Denbighshire's Home to School Transport Eligibility Policy

4.12 Concessionary Transport

The Authority will consider concessionary transport if a learner does not qualify for free transport against any of the criteria detailed in this policy but could be placed on an existing contract transport route that has empty seats. The following circumstances would however apply:

- (a) A reasonable charge per term will be applied. We will review this annually*
- (b) Concessions may be withdrawn at short notice when seats become unavailable*
- (c) Concessionary passes cannot be issued at short notice at the start of the academic year as it is necessary to identify whether there are surplus places on contract vehicles*
- (d) Concessionary fares cannot be offered where public transport runs alongside school transport*

Further guidance and contact information regarding concessionary travel is also available on Denbighshire's School Transport web pages.

Extract from Denbighshire's Home to School Transport Eligibility Policy

7. APPEALS

- 7.1 *The parent, guardian or carer will normally be notified in writing within 15 working days of an unsuccessful application. The refusal will provide details of their right of appeal.*
- 7.2 *The parent, guardian or carer can put their appeal in writing to admissions@denbighshire.gov.uk stating their reasons for appealing against the decisions.*
- 7.3 *An Independent Officer will consider the appeal against the Home to School Transport Policy and make a decision based on the information provided.*
- 7.4 *The parent, guardian or carer will be notified of the outcome of their appeal in writing within 5 working days of their appeal being received, provided no further information is required to support the decision. Following this decision there are no further grounds for appeal.*

Denbighshire County Council Home to School Transport Eligibility

Additional Guidance Regarding Use of Pick-up Points

In relation to section 4.2 of Denbighshire's Home to School Transport Eligibility Policy, the Local Authority considers that the provision of shared pick-up points is a suitable transport arrangement within the meaning of section 3 of the Learner Travel (Wales) Measure 2008.

The Authority will endeavour to locate pick-up points reasonably close to learners' homes, in the expectation that parents and guardians will be able to make use of their designated pick-up point in order to ensure for their child a safe and timely journey to and from school.

Nothing in the Policy creates an expectation that all children should walk to the pick-up point, as in some cases this will be inappropriate. If a parent or guardian believes that the use of a pick-up point is not suitable for their child, they should bring their concerns to the attention of the Authority, which will then investigate the child's circumstances to determine whether the Authority owes a duty to make any additional or alternative transport arrangements for that child. Any additional or alternative arrangements will be made under sections 3 and 4 of the 2008 Measure.

Discretionary arrangements can also be made under section 6 of the 2008 Measure; in which case, the cost of any additional arrangements may be charged to the parent or guardian responsible for the child.

Should parents or guardians require further information regarding the guidance above, please email your request to admissions@denbighshire.gov.uk or write to:

Education Support,
Denbighshire County Council,
County Hall, Wynnstay Road,
Ruthin LL15 1YN.