

**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 8<sup>th</sup> 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 1<sup>st</sup> 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.

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