

FINAL REPORT OF THE SCRUTINY REVIEW PANEL ON HOME TO SCHOOL TRANSPORT

Introduction.

1. This report sets out the conclusions and recommendations arising from the Scrutiny Review Panel investigation into Home to School Transport provision by the County Council.

Scope of the Review.

2. On 9 June 2010 the Scrutiny Commission appointed a Scrutiny Review Panel to consider the County Council's home to school transport policy. The Panel was asked to consider a) how 'available' walking routes are assessed and the appropriateness of the current method of assessment; and b) the issue of 'Historic Exceptions' and whether these services are still justified. In undertaking the review the Panel was asked to have regard to the financial, environmental and health implications of any proposed changes to existing policies in the context of the legal obligations placed on the Authority.
3. Soon after the establishment of the Scrutiny Review Panel the County Council began to use a new and more accurate computer mapping system to measure the distance from home address to school when checking whether children are eligible for free transport. The Panel was also asked to consider the implications of the introduction of the new mapping software for families and children.

Membership of the Panel.

4. The following members were appointed to serve on the Panel:

Mrs R Camamile CC	Mr E D Snartt CC
Mr M H Charlesworth CC	Mr D O Wright CC
Mr D Jennings CC	Mr M B Wyatt CC
Mr D Slater CC	

Mr Slater was appointed Chairman of the Panel.

Conduct of the Review.

5. The Panel met on six occasions between 8 September and 7 December 2010. The Panel, during the course of the Review:-

- (i) Received detailed information on the service structure and provision of home to school transport services in Leicestershire;
- (ii) Undertook a site visit to a route assessed for walking from home to school and received detailed information regarding the process by which the availability of a walking route is assessed;
- (iii) Met with a representative of Road Safety GB (formerly the Local Authority Road Safety Officers Association; LARSOA) in order to consider the national guidelines which are provided to local authorities for use in assessing the availability of walking routes;
- (iv) Considered the arrangements for 'Historic Exceptions' and 'School Special' services;
- (v) Considered representations from schools and parent groups of the schools affected;
- (vi) Considered examples of, and received information on, School Travel Plans;
- (vii) Received information on the implementation of the new distance measuring software and met with a representative of parents who had raised concerns about its implementation.

6. The Panel is grateful for the contributions of the following witnesses:

Mr D A Sprason CC	Leicestershire County Council
Mr M J Hunt CC	Leicestershire County Council
Cllr M Lay	Hinckley & Bosworth Borough Council Markfield Parish Council
Mr R Hall	Team Leader Road Safety, North Lincolnshire Council representing Road Safety GB
Mrs B M Carson	Headteacher, Saint Martin's Catholic School
Mr A Morris	Headteacher, South Charnwood High School
Mr S Andrews	Deputy Headteacher, South Charnwood High School
Mr M Furniss	Headteacher, The Martin High School, Anstey
Ms S Plunkett	School Bursar, The Martin High School, Anstey
Ms K Rush	Headteacher, Brookvale High School

Mr J Heubeck	Chair of Governors, Brookvale High School
Ms C Wilkins	Principal, Groby Community College
Mrs J Thompson	Chair of Governors, Groby Community College
Ms P Hollingshead	Premises Manager, Groby Community College
Mr T J Murphy	Chair of Governors, De Lisle Catholic Science College
Mr R Hughes	Chair of Governors, South Wigston High School
Mr P Pope	Deputy Headteacher, The Robert Smyth School
Mrs L S Marshal	Chair of Governors, Fleckney Church of England Primary School
Ms P Powell	Principal, Welland Park Community College
Ms G Underhill	Vice Principal, King Edward VII Science and Sport College
Mr R Palmer	South Charnwood High School Bus Action Group
Mr J Evans	South Charnwood High School Bus Action Group
Ms D Frost	South Charnwood High School Bus Action Group
Mr J Pearson	South Charnwood High School Bus Action Group
Ms J Eason	South Charnwood High School Bus Action Group
Mr M Williams	South Charnwood High School Bus Action Group
Mr D Marklew	St Martin's S835 Bus Action Group
Mr S Brownlow	Parent representative

7. The Panel was supported in its Review by the following persons and is thankful to them for their contributions:

Mr I Drummond	Assistant Director of Environment and Transport
Ms L Hagger	Assistant Director of Children and Young People's Services
Mr T Kirk	Passenger Transport Unit Group Manager

Mr D Moulard	Senior Engineer, Accident Investigation, Environment & Transport
Ms S Boot	School Admissions and Transport Officer
Ms J Rees	School Appeals and Pupil Services Manager
Mr M I Seedat	Assistant Head of Democratic Services
Mr P Hitchings	Committee Officer

Context of the Review.

8. In February 2010 the County Council approved its Medium Term Financial Strategy (MTFS) 2010/11 to 2013/14¹. The MTFS was produced in the context of the worst economic recession for decades and the universal acknowledgement that public expenditure needed to be reduced significantly certainly for the period of the current MTFS and probably longer.
9. The MTFS incorporated a total of £66m worth of savings with the intention to maximise the contribution made by efficiency savings. However, it was accepted that a savings requirement of this size could not be met with efficiency savings alone and a proportion of the savings would have to be identified from service reductions.
10. The MTFS included reductions to the provision of home to school transport service routes across the County; specifically, routes designated as 'School Specials' or as 'Historic Exceptions' from the start of the following school year (September 2010). 'School Specials' are where a bus service is provided for pupils living under the distance where statutory free school transport would be provided, and requires pupils to pay a daily fare but that fare is subsidised by the County Council. 'Historic Exceptions' are where bus services are provided free to children, despite the route length being under the statutory distance and despite the route having subsequently been assessed as available for children to walk.
11. Following the approval of the MTFS and implementation of proposals therein, a number of local groups raised concerns about the changes proposed for school bus services. At its meeting on 9 June 2010 the Scrutiny Commission considered the concerns raised and agreed to appoint a Review Panel to explore these further.
12. Subsequently, at its meeting on 27 July 2010, having considered consultations on the discontinuation of services which are provided as a Historic Exception, the Cabinet requested that the Review Panel also be

¹ <http://politics.leics.gov.uk/mgConvert2PDF.aspx?ID=43910>

asked to consider the issue of Historic Exceptions. This addition to the scope of the Panel was endorsed by the Scrutiny Commissioners.

13. Since the MTFs was agreed in February 2010 the Coalition Government has announced further reductions in public spending in all areas. The scale of these reductions is unprecedented and could not have reasonably been anticipated at the time the current MTFs was constructed. The additional savings requirement is now estimated at £90m (as compared to the £66m when the MTFs was agreed).

Home to School Transport Statutory Responsibilities.

14. Section 509 of the Education Act 1996² requires local authorities to arrange such free transport as is considered necessary, taking account the age of the person and nature of the route which he or she could reasonably be expected to take. Section 444 of the Act defines walking distance as up to two miles for children aged under eight and up to three miles for children aged eight or over. The Panel notes that Leicestershire County Council is more generous in its provision of school transport as is shown by the table below.

Distance	National criteria	Leicestershire criteria
Up to 2 miles	Children aged under 8 years old	Children up to the age of 11 years old (primary school age)
Up to 3 miles	Children aged 8 years old or over	Children aged 11 years old or over (secondary school age, i.e. 11-16)

15. Where the shortest available walking route between a child’s home and school is less than two or three miles, depending on the age of the child, a local authority must assess the route to determine whether it is one along which a child accompanied by a responsible adult can walk with reasonable safety. The words ‘available’ and ‘unavailable’ are used to describe whether a route passes an assessment to reflect legal terminology for such routes (Section 444 of the Education Act 1996). Where a walking route assessment determines that no walking route is available, the local authority must provide free transport to school regardless of distance criteria above.
16. Pupils who attend a voluntary aided school who qualify for transport assistance are charged a fee of £240; referred to as denominational

² <http://www.legislation.gov.uk/ukpga/1996/56/contents>

school transport (DST). Transport assistance is also provided for pupils aged 16 and above. However, these elements of home to school transport are not within the scope of the Panel.

17. The Education Act 1996 states that parents have the primary responsibility for ensuring their children attend suitable education (Section 7 and 8 of the Education Act 1996). It is the responsibility of the local authority to ensure that parents meet these requirements. Where a child is entitled to home to school transport the local authority assumes responsibility for the child from the time at which that child steps onto the transport provided by the local authority and not from when they leave their home.
18. The table below summarises the number of children attending schools in the County, as per the 2010 Summer Census of Schools:-

Year Group	The number of children attending schools in Leicestershire	Number of these children who are entitled to free transport	Number of these cases which are denominational school transport
Primary school (up to 11 years old)	47,030	1,389 (3%)	161
Secondary school (between 11 and 16 years old)	37,722	11,192 (30%)	910
Post 16 students at secondary school or further education colleges	7,658	4,691 (61%)*	-

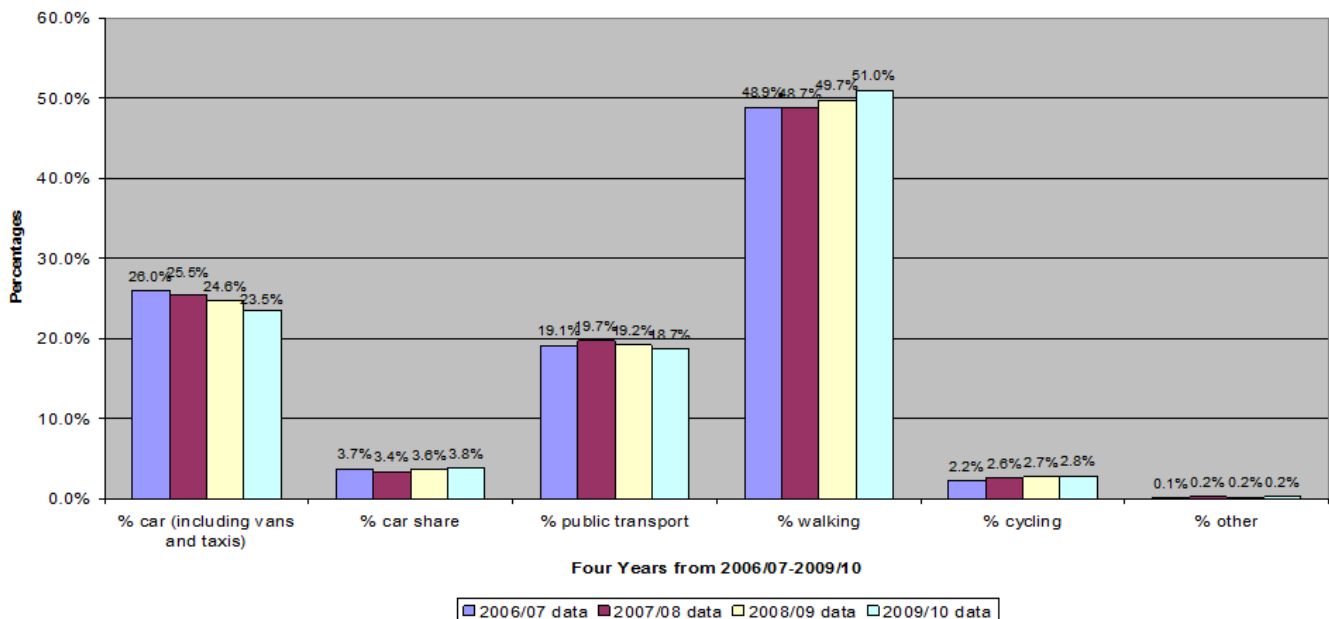
*Please note that a contribution of £240 is required as this is a discretionary service.

19. The process of determination of transport entitlement is triggered when a child starts a new school or changes school. The Children and Young People's Service (CYPS) receives applications from parents for their child to attend a school, determines the allocation of school places and then assesses entitlement to transport based on distance criteria as set out in statute and policy (as explained in paragraph 14 above) using new computer distance mapping software. Pupils eligible by distance in years 1 to 11 (aged between 5 and 16 years) receive bus passes directly. Pupils requiring DST, 16 + transport and farepaying transport must apply for transport on a yearly basis.
20. This entitlement information is passed on to the Environment and Transport Department (ETD) to assist in the design of a network of buses to schools ensuring as far as possible the service is delivered efficiently.

The loading of school transport vehicles is reviewed regularly and over a number of years the Authority has achieved significant cost savings through regular reviews of bus loadings and subsequent amendments to routes.

21. Where a child does not qualify for free home to school transport the County Council may offer other arrangements such as farepaying places. Parents of a child who is not entitled to transport assistance can apply for a farepaying place on a school bus where there are empty spaces: they are charged at a flat rate of £300 for primary school and £400 for secondary school (as determined by the Authority). Farepaying places have to be applied for on an annual basis as they rely on at least annual reviews of bus loadings undertaken by ETD. Where spaces are available and existing farepayers re-apply for spare spaces, they receive preference over new applicants.
22. Evidence collected by the County Council through the School Census suggests that generally, when parents are choosing which school to send their children to, the availability of transport is a low priority. Overwhelmingly, quality of education was of highest priority to parents.
23. The chart below identifies 5-15 year old pupils' mode of transport to and from school within Leicestershire and how this has altered since 2006/7. The proportions of children's mode of travel to school has not changed significantly, although, as a result of the introduction of School Travel Plans the number of children walking and cycling to and from school is increasing and the proportion travelling by car is falling.

Pupils Mode of Travel 2006/07-2009/10 (Percentages)



24. The Travel To School Initiative was announced in September 2003 by the Department for Transport and the then Department for Education. The core of the programme was to help all schools develop School Travel Plans, identifying what can be done in each school, for each pupil, to support sustainable travel. Schools have no legal obligation to produce or maintain a School Travel Plan therefore the Authority can only encourage a school to do so.

Findings of the Panel.

25. The Panel's findings are broadly divided into the following five sections with its recommendations included therein:
- Walking Route Assessments.
 - Appropriateness of Walking Route Assessment Criteria.
 - Partnership Working and Communication with Key Stakeholders.
 - 'Historic Exceptions'.
 - Implementation of the New Computer Mapping System Used to Measure Home to School Distances.
26. In carrying out this Review it has been the intention of the Panel to ensure that application and implementation of the County Council's Home to School Transport Policy is clear, transparent, fair and applied consistently across the County.

Walking Route Assessments.

27. Walking route assessments are undertaken by officers in ETD with professional expertise in road safety awareness and identifying traffic hazards. The Panel notes that there are limited numbers of officers working for the Authority with this specialist expertise. They are required to assess the availability of a route having regard to safety and bearing in mind traffic and highway conditions. Whether or not a particular walking route is available to school children is decided in accordance with the County Council's assessment criteria attached as Appendix B. These criteria were agreed by members in 2001 based on the national guidance (which was in draft form at the time) published by the then Local Authority Road Safety Officers Association (LARSOA) now referred to as Road Safety GB (Appendix C).
28. Arising from its discussion with a representative of Road Safety GB the Panel notes that the guidelines are an example of best practice only and local authorities are not obliged to follow them. However where a local authority chooses not to follow them it may be placed at greater risk of

liability in the event of an incident, unless it can demonstrate clear and cogent reasons for not following guidelines.

29. The Panel also notes that application of the guidelines can vary from authority to authority and from route to route as the nature of road characteristics vary, and often many routes have similar features but subtle differences which will determine whether or not a route is deemed to be available or not. The guidelines are therefore intentionally non-prescriptive in order to allow officers to exercise their professional judgement, while supporting the route assessment process by offering some degree of consistency to those professional judgements.
30. Road Safety GB is undertaking a review of its guidelines which is expected to be completed and published at the end of 2011. It is expected that the review will be focussed on making the guidelines simpler for people assessing routes to use and remove or clarify current information considered to be too vague or very technical. It is unlikely that the review will result in any change in the material factors which need to be taken into account during a walking route assessment.
31. The Panel considered the approaches adopted by other local authorities in particular to ascertain whether they adopted the Road Safety GB guidance and which factors they took account of during a walking route assessment. Appendix D shows examples of the practice of Leicestershire compared with those of neighboring local authorities and Appendix E shows examples of the practice of other UK local authorities.
32. The Panel notes the significant responsibility placed upon the assessing officer. The Panel accepts that, to some extent, this must be the case as there are many subtle variations in the features of routes which require the professional judgement of officers. The Panel is of the view that it would be most helpful if Road Safety GB was to run training sessions for relevant officers on the new walking route assessment guidelines in order to develop a more consistent approach to those assessments, and to support local authorities in the succession planning of staff able to carry out assessments.

(a) The Panel looks forward to the conclusions of Road Safety GB's review into its current guidance and welcomes plans to clarify and simplify the information contained within.

(b) The County Council should consider inviting Road Safety GB to provide training sessions for local authority officers on the new walking route assessment guidelines, once published.

Appropriateness of Walking Route Assessment Criteria.

33. Arising from concerns raised about the appropriateness of the walking route assessment criteria by schools, parents and local Councillors, the Panel identified a number of specific issues which require detailed consideration. These issues are considered below.

Children will be Accompanied by a Responsible Adult

34. The Panel notes that case law (Appendices 3-8 of the Road Safety GB guidance at Appendix C) places a responsibility and an expectation that a child will be accompanied by a responsible adult. This expectation is fundamental to the Road Safety GB guidelines and the Authority's criteria for assessing walking routes and is based on case law. Appendices D and E show that in carrying out walking route assessments all other local authorities assume that a child will be accompanied on a route.
35. The Panel notes the concerns expressed by a number of schools that, in practice, children often walk without a responsible adult present; particularly where a parent is in full-time employment. However the Panel is of the view that if the criteria were amended to assume the child is unaccompanied, the Authority would assume responsibility for the child's personal safety for the entirety of its journey from home to and from school. Such an amendment would require other factors with regard to the personal safety of a child to be taken into account, resulting in a significant number, if not all, of routes currently deemed available being reassessed as unavailable and a large number of children becoming entitled to free transport when they had previously not been.
36. The Panel notes that neither policy nor statute indicates the number of children that can be accompanied by a single adult. Where parents find it particularly difficult to accompany their child to school it may be appropriate for schools and parents to work together through the School Travel Planning process to organise 'walking buses' for which there are many examples of good practice.

(c) The Panel endorses the current County Council criterion which assumes that children will be accompanied by a responsible adult on their journey to school, in line with the legal requirement.

(d) The Panel recommends that, as part of the School Travel Planning process, arrangements for walking buses be more widely promoted.

Accompaniment of a Child Where a Parent Has a Disability Which Affects Their Ability to Walk Their Child to School

37. A recent Local Government Ombudsman investigation³ into a complaint against Surrey County Council found that the local authority had failed in its duty to take into account the condition of a parent whose disability prevented them from accompanying their child to school. With this case in mind the Panel is keen to ensure that Leicestershire County Council is fulfilling its obligations with regard to where a parent has a disability which affects their ability to walk their child to and from school.
38. In accordance with the Disability Discrimination Act 1995⁴ the County Council has included within its policy the requirement to make reasonable adjustments to ensure children whose parents have a disability which would prevent them from accompanying their child are provided with support to attend education. The law does not define what a reasonable adjustment might be.
39. The Panel notes that a route not being available to a disabled parent would not necessarily mean that route being unavailable to all. In the past, when the Authority has been alerted to the particular circumstances of a child requiring a reasonable adjustment, officers have considered each case individually, and engaged and negotiated with parents to ensure that a reasonable adjustment is made. The Panel also notes that the County Council's policy offers a process for assessing both temporary and long term medical conditions which may necessitate the need for free transport.

(e) That the Panel concurs with the current policy of the County Council which requires officers to have regard to the particular circumstances of a pupil and their parents in determining whether a reasonable adjustment needs to be made in each circumstance.

Minimum Path Width

40. Guidance provided by Road Safety GB (Appendix C) suggests that paths should be of 'reasonable width' which would normally be one metre, however, officers have the discretion to exercise their professional judgement. The Panel notes, (see Appendices D and E) that many other local authorities do not specify a minimum width.
41. The Panel notes that it is extremely difficult to specify a width because if a minimum width is specified then where a path becomes narrower for a

³ <http://www.lgo.org.uk/complaint-outcomes/surrey-county-council-09-010-645/>

⁴ <http://www.odi.gov.uk/disabled-people-and-legislation/equality-act-2010-and-dda-1995.php>

short distance it would result in the entirety of a route failing an assessment. For example, if the path close to a school's entrance became narrower than the specified width because of, say, the existence of a bus stop/shelter the entire route would fail to be available and all children attending the school would qualify for free transport. The Panel also concludes that it would be extremely difficult to write into procedures how exceptions (pinchpoints) to a minimum width should be dealt with, and that this would result in further confusion and be open to challenge. Many representations suggest that a minimum of 1.5 metres should be applied. If this was the case desktop estimates suggest that over 80% of children in the County may become eligible for free transport, and the budget for free transport would increase from approximately £9m to £36m, which would clearly be unaffordable.

42. Where traffic levels are acceptably low (as specifically stipulated in the Council's assessment criteria and Road Safety GB guidance and not subject to the exercise of an officer's judgement), the representative from Road Safety GB confirmed that the absence of a footway will not necessarily mean a route is unavailable.

(f) The Panel recommends that no minimum footpath width should be specified in the guidelines.

Path Condition and Path Obstructions

43. Road Safety GB guidance does not specify a minimum standard of path condition but does suggest that paths should be 'reasonably even'. The County Council has adopted the same criteria.
44. The Panel is of the view that footways should be suitable for pedestrians and parents with pushchairs and concludes that the County Council should maintain footways to the minimum required set out in the Transport Asset Management Plan. The Panel notes that, in most cases, it is less expensive to maintain the footway adequately than to assess the route as unavailable and provide home to school transport and this should be borne in mind in future maintenance programmes.
45. Where overgrowth of vegetation obstructs a public footway and is the responsibility of a private landowner the Council will contact the landowner to request them to remove any overgrowth. If they do not do so, the Authority clears the obstruction and charges the landowner. However, the Panel is of the view that the County Council, in order to make better use of resources, should be more assertive in requiring private landowners to remove obstructions to public footways.

46. The Panel notes that, the Authority is reliant upon being alerted by the public to issues regarding condition or obstruction of footways.

(g) The Panel recommends the County Council adopt a more robust approach in requiring private landowners to remove obstructions to public footways.

Frequency of Walking Route Assessments and Material Changes on Routes

47. Walking routes are not assessed annually as there tends generally to be little change in the conditions of a route. Reassessments are usually the result of a request made by parents or schools objecting to the results of an assessment or where a material change has occurred on a route. When, following assessment, a walking route is deemed unavailable, ETD will notify CYPS, and CYPS will, in turn, inform parents of the eligibility of their child for home to school transport.
48. The Panel notes there are currently approximately 140 routes which have been assessed in the County. Reassessments are resource intensive and this is not aided by the fact that only a few officers are trained to undertake them. It is the view of Road Safety GB that reassessments should be undertaken only when material changes occur on a route which may alter the availability of that route. However, schools have indicated that they are concerned about the frequency of assessments due to the changing nature of the road infrastructure. The Panel notes these concerns.
49. The Panel notes that where temporary work is carried out on roads in the County it is a requirement that traffic management arrangements are made to ensure a walking route remains open. If this is not possible, the County Council will inform parents and, where appropriate, provide transport for the period for which the work is undertaken.
50. The Panel is of the view that when officers assess a route they should include within their assessment a list highlighting particular features of a route which will require more frequent re-assessment than the entire route. For example, an officer may indicate that an entire route should be reassessed within 10 years, but if it is known that a housing development is due in the next 5 years then a reassessment may be appropriate when that development is nearing completion or has been completed.
51. The Panel is of the view that schools and parents should be offered the opportunity to request an appeal. The appeal will be activated on the production of written evidence of a material change to a route. Following this submission the route would be re-assessed by an officer not previously involved in the assessment who would need to have regard to

the evidence submitted. This decision would be final and would not be subject to a further appeal.

- (h) The Panel recommends that, apart from where a reassessment is required as a result of any issue/development identified in the original assessment as a potential material change, the County Council should undertake a desktop reassessment of routes every 10 years, where a material change is identified the route will be fully reassessed.**
- (i) The Panel recommends an appeals mechanism be established to allow a school or a group of parents through the governing body to object to the results of assessments carried out by officers and to bring to the attention of the County Council material changes which may occur on a walking route.**

On Street Lighting

- 52. A number of representations received by the Panel suggested that walking route assessments should take account of street lighting along a route.
- 53. The Panel notes that Road Safety GB guidelines (Appendix C) state that “the presence or absence of street lighting on a route is not considered to be a factor” in assessing the availability of a walking route. The County Council’s assessment criteria (Appendix B) assumes that lighting should not be taken into account as the majority of journeys between home and school are undertaken between 8-9 am and 3-4 pm, which are daylight hours, even in winter; school hours are based upon daylight hours for this reason. In practice, an assessing officer may take into account lighting conditions where, in their professional judgement, it is required; such as nearby designated crossing points. Appendices D and E suggest the majority of other local authorities do not take into account lighting along a route.
- 54. The Panel has considered casualty statistics for the periods of time that children would be walking to and from school (Appendix F). These indicate that over a 10 year period the number of child casualties has reduced significantly. In assessing a walking route an officer has regard to the accident record of that particular route.
- 55. The Panel notes that the County Council is currently undergoing a programme of switching off lighting around the County to reduce the County Council’s carbon footprint and light pollution. Any efforts to install additional lighting, particularly on rural routes, would be contrary to these aims. Additional lighting for school routes would also present significant cost implications for the Authority as many routes may be deemed

unavailable and would require upgrading of the existing lighting infrastructure, or provision of school transport.

56. The Panel notes that the County Council provides advice to children on making themselves easier to see and personal protective equipment through “Be Seen Be Safe” campaigns. It is the view of the Panel that it is also the responsibility of schools and parents to ensure that children understand the dangers of travelling during the hours of darkness.

- (j) The Panel concludes that street lighting should not be a factor in the assessment of the availability of walking routes, except where the assessing officer judges it as necessary.**
- (k) The Panel recommends that parents and schools be reminded they have a responsibility to ensure that children understand the dangers of travelling during the hours of darkness and that the good work of the ‘Be Seen Be Safe’ campaign provided in schools continue.**

Volume of Traffic Around School Sites

57. Representations received by the Panel suggest there has been substantial increases in the numbers of vehicles on local roads and on site at schools, particularly for those schools where a school bus service has recently been removed. Where traffic has increased at a school the Panel feels it is the responsibility of schools, through the use of robust School Travel Plans, to address this issue.
58. The Panel notes that national statistics suggest that the volume of traffic on British roads has decreased slightly⁵ recently. Assessments of walking routes take into account volume of traffic, measurements of which are prescriptive within the assessment criteria.
59. The Panel feels that schools would have the opportunity to request reassessments where they felt a significant increase of traffic had occurred and where they could provide evidence for such a material change on a route under the grounds of appeal suggested earlier in this report.

- (l) The Panel concludes that, where traffic has considerably increased on site at a school, it is the responsibility of schools, through robust School Travel Plans drawn up by the school with assistance from Council officers, to address those increases.**

⁵<http://www.dft.gov.uk/pgr/statistics/datatablespublications/roadstraff/traffic/qbtrafficgb/2010/q12010>

Times at Which Walking Route Assessments are Undertaken

60. Some representations made by schools suggest that assessments are not always undertaken at the busiest periods of traffic and this results in walking routes being determined as available where they should not be.
61. The Panel has previously noted that walking route assessments are undertaken by officers with regard to safety in respect of traffic and highway conditions. They are therefore normally undertaken at times most relevant to the hours of the school day, in the morning (between 8-9am) when traffic is expected to be at its highest volume, and also in the afternoon (between 3-4pm) if local conditions dictate.

(m) The Panel notes that assessments are undertaken at the most appropriate times of day and recommends that this is publicised to schools and parents.

Crossing Points

62. Some schools raised concerns that children are expected to cross roads in dangerous locations. The suitability of a road for crossing is measured according to Road Safety GB's precisely defined national guidelines (Appendix C) adopted into the County Council's criteria for assessing routes (Appendix B). These include specific measurements of sighting times between crossing pedestrians and approaching vehicles as well as waiting times to cross. The Panel notes that any alteration in how measurements for crossing points are carried out would need to be justified and the Panel was unable to find sufficient justification for altering the Authority's assessment criteria relating to crossing points.
63. The Panel is pleased to note that guidance on crossing roads and using designated crossing points is included within road safety awareness training provided to children of early age (aged between 5 and 6 years old) by the County Council's Road Safety Education Team.
64. The Panel is of the view that if a school or parents consider that suitable crossing points do not exist this should be brought to the attention of the Authority through School Travel Plans or the regular Highways Forums held in each of the 7 Districts. The Panel also concludes that the County Council should advise schools of the locations of assessed crossing points so that this information can be included in their School Travel Plan.
65. Where a school believes a route has been wrongly assessed and is able to provide written evidence it would have the opportunity to request a

reassessment of that route using the procedure identified in recommendation (i).

- (n) The Panel recommends the County Council should inform schools of a route which has been assessed including details of the location of crossing points and encourage schools to include the assessed crossing points within their School Travel Plans and through those School Travel Plans make this information available to parents and pupils attending the school.**

Bridges over Main Roads

66. Representations received by the Panel indicate that the safety precautions on bridges over main roads are insufficient to ensure children's safety.
67. The Panel notes that bridges crossing main roads were built with safety rails and crash barriers where appropriate. The Panel is therefore of the view that bridges have sufficient safety precautions in place to prevent accidents.
68. The Panel notes that young children receive training in road safety awareness and that national guidance expects that children will be accompanied by a responsible adult and all road users will behave reasonably and responsibly (Appendix C). It is felt it would be unlikely for an accident to occur on a bridge unless a child was misbehaving. Having concluded that walking route assessments should expect a child to be accompanied and behave appropriately, the Panel feel these factors are sufficient to prevent accidents from occurring.

Location of Schools

69. Representations received by the Panel suggest that walking route assessments should take into account the rural locations of many schools in Leicestershire and that these routes could be more affected by inclement weather conditions. It is noted that some assessments have been undertaken in inclement weather conditions and that officers do have regard to such seasonal factors when assessing features of a route.
70. The Panel notes that the Review Panel on Winter Maintenance has committed the County Council to supporting schools by offering them the opportunity to purchase salt bins for a set fee which will include 4 refills of salt/grit during winter season, to ensure they are better equipped to deal with winter conditions.

- (o) The Panel wishes to reinforce the recommendations made by the Scrutiny Review Panel on Winter Maintenance that the County Council should offer all schools the opportunity to purchase salt bins for a set fee, including 4 free refills of salt/grit during winter season, to ensure that schools are better equipped to deal with winter conditions.**

Partnership Working and Communication with Key Stakeholders.

Home to School Transport Policy and Walking Route Assessment Criteria

71. In reviewing this policy the Panel considers that the Home to School Transport Policy document is itself confusing, as there are a number of inconsistencies in language used and in layout of the document. The Panel feels that the document should be rewritten in a more user friendly format and officers should ensure consistency of language throughout the document in order to make it accessible and transparent to all users.
72. Arising from its meeting with schools the Panel notes comments made that there had been little consultation or information circulated to schools regarding changes to the home to school transport policy. The Panel is of the view that the home to school transport policy and the walking route assessment criteria should be communicated to schools. In particular the Authority should ensure that any proposed changes include clear arrangements for implementation and a period of time for schools and parents to make necessary arrangements to respond to changes.
73. The walking route assessment criteria used by the County Council is not currently accessible to members of the public or schools unless specifically requested. Arising from discussions with schools the Panel also notes the level of confusion amongst schools as to the existence of national guidelines that Leicestershire County Council follows with regard to walking route assessment criteria. The Panel concludes that, alongside information regarding walking route assessments, it would be appropriate for the assessment guidelines to be communicated to schools.

- (p) The Panel recommends that the Home to School Transport Policy is rewritten in a user friendly format, in order to make it accessible and transparent to all users, and schools should be encouraged to include links on their websites to an up to date version of the policy.**

- (q) The Panel recommends that any changes to existing arrangements should be communicated to schools, with clear arrangements for the implementation of those changes in order that schools and parents be given sufficient time to make necessary adjustments to respond.**
- (r) The Panel recommends that walking route assessment criteria should be published on the County Council's website and schools should be encouraged to publish the document to their own websites. Where this information is published it should include details of the appeals process identified in recommendation (i).**

School Travel Plans

74. 80% of schools in Leicestershire have completed a School Travel Plan. In addition a number of schools are working towards a completed document. Where schools have a School Travel Plan in place they have seen noticeable changes in the way children travel to school (see Appendix H). The Panel is of the view that School Travel Plans are a valuable tool for encouraging improved health regimes for children, and for managing traffic congestion associated with school journeys; with positive impacts on the environment and the safety of roads around Leicestershire.
75. The Panel is disappointed to note that some schools have chosen not to produce a School Travel Plan and would urge the County Council to be more proactive in encouraging schools to prepare, maintain and update School Travel Plans. The County Council could be supported in this role by local County and District Councillors who often maintain links with schools in their electoral divisions by serving on their governing bodies.
76. The Panel suggests that parents also have an important role to play in addressing these issues. In many cases local authorities and schools are working hard to encourage the uptake of more environmentally friendly, safer forms of transport, however the onus is placed upon parents to choose to alter their habits to adopt such changes. It is important that parents are made aware of the positive impact that they might have on the environment, the safety of roads and the health of their children by following advice provided by schools and the local authority.

- (s) The Panel recommends the County Council continue to be proactive in encouraging schools to produce and maintain School Travel Plans, and the Authority can be supported in this role by County Councillors who are uniquely placed to engage with schools on behalf of the Authority.**

(t) The Panel recommends that schools are encouraged to regularly update their Travel Plans and actively promote them to parents, as the onus is placed on them to change their children's travel habits.

'Historic Exceptions'

77. As noted in paragraph 12, the Panel has been asked to review arrangements for the provision of services provided as an Historic Exception. The Panel notes these services have arisen where a route that was not previously available has become available, usually following some material change which has affected pedestrian travel, however the County Council bus service was not subsequently withdrawn. These services are therefore provided free of charge, outside of policy requirements. The Panel notes there may be further Exceptions in the County where an assessed walking route has since become available due to a material change.
78. In reviewing the arrangements for Historic Exceptions, the Panel was keen to consider the number of routes which receive an Historic Exception, the number of pupils travelling on these services, and the cost to the Authority. This information is attached as Appendix G.
79. The Panel notes that a number of commercial providers have shown an interest in providing alternative services for Historic Exceptions. The Panel also notes that, if Historic Exception bus services are withdrawn some children will continue to receive free home to school transport as they live over the statutory distance over which transport is provided for free. Therefore, if these services are withdrawn, there might be opportunities for children ineligible for free transport to apply for farepaying places. Where children are ineligible for free transport and are not able to obtain a farepaying place on a County Council bus or a commercial bus service, a walking route would be available to them.
80. The Panel notes concerns expressed that, if County Council bus services are withdrawn from these schools the number of private car road users may increase. The Panel therefore feels that schools affected by the withdrawal of a School Special service or a Historic Exception service should have a School Travel Plan in place (see Appendix H).
81. Where County Council bus services are removed the County Council should make clear to schools and parents the options available to them, including where farepaying places might be available, how commercial bus services can be sought, a map showing the available walking route and information on how to appeal the decision of a walking route assessment.

- (u) The Panel recommends that the implementation of the County Council's Home to School Transport Policy should be clear, transparent, fair and consistently applied and there is no longer justification for the continuation of services which are provided as a 'Historic Exception' as these are outside of policy.**
- (v) The Panel recommends the County Council should withdraw the bus service on 'Historic Exception' routes at the end of the current academic year; (July 2011, i.e. no free bus services would be available from September 2011).**
- (w) The Panel recommends that where these services are removed parents and schools should be advised at the earliest opportunity (immediately after any Cabinet decision), and the Authority should advise schools of arrangements that may be available to them, including replacement by commercial services.**
- (x) The Panel does not recommend that these routes should be reassessed, however, where a school disagrees with the result of a route assessment they should be advised of the appeals process outlined earlier in this report.**

Implementation of the New Computer Mapping System Used to Measure Home to School Distances.

82. The measurement of distance from home to school is based upon statute. The measurement is carried out from a child's home address (from the nearest point at which the home address meets a public highway) to the nearest school entrance; the precise co-ordinates for which are included in the measuring software used by the County Council.
83. In May 2010 Leicestershire County Council implemented a new and more accurate computer mapping system to measure these distances. The measurement of a distance is by available walking route, not by carriageway, and accounts for crossing points and public footways. The Panel notes that when offering objections to walking routes parents often use software such as Google Maps to measure the distance of a route. Google Maps measures distance by carriageway centre line and to general postcode co-ordinates and is not as accurate as the new computer mapping system.
84. The Panel notes that all applications for children entering a new secondary school in September 2010 were tested for eligibility using the new computer mapping system and, as a consequence of introducing this new method of measuring, there were a number of cases where children who had previously been deemed to live over 3 miles from school and entitled

- to free transport but were now found to live less than 3 miles away and were no longer eligible to statutory free transport. There were also instances where the opposite held true, children previously ineligible for free transport have become eligible. This change has been applied across the County and approximately 200 children are affected. The new system has meant that, in some households, older siblings will continue to receive passes while younger siblings have been informed they are not eligible under the distance criterion now that distance has been accurately measured.
85. Whilst information about this change was placed on the County Council's website and in information sent to parents, reference to the change was not explicit and a number of families were unaware of the impact that the change could have on children starting a new secondary school this September. As a result of the distress caused to families in this situation, temporary arrangements have been put in place, whereby the County Council has offered a year's grace period for children affected, at an estimated cost of between £80k and £107.4k, and temporary arrangements for those families with a child starting at a secondary school this year who have an older sibling (either currently at the same school and in receipt of a bus pass this year, or previously at the same school and in receipt of a bus pass and still of compulsory school age). This arrangement provides a free bus pass for the younger child for the school year which started in September 2010. Schools were asked to support this action by alerting relevant families through the distribution of a letter.
86. The Panel was keen to examine the new mapping system and observed a demonstration on 4 October 2010. One of the Panel's initial concerns was that the measuring tool was so accurate that it may be divisive in local communities; as a child may be entitled to free transport whilst a neighbour on the same street may not. However, the Panel accepted that it is necessary to maintain an absolute distance for the measuring of routes as reverting to an older system whereby eligibility is determined by street or village, would be a departure from the statutory distances stipulated by law, would introduce a degree of subjectivity into the measuring process leaving the Authority open to legal challenge and would have substantial cost implications for the Authority as many more children across the County would become eligible for free transport.
87. The Panel is concerned to note, from its meeting with a representative of parents who have been affected by the change, that some parents feel aggrieved there was no formal consultation with regard to the new software and little warning was given to parents giving them limited time to consider alternative arrangements. Parents also indicated some confusion as to why some children have been granted free bus passes temporarily and some have not. The Panel notes that the MapInfo system is an

internal tool for improving the accuracy of systems used by the County Council and as such there was no formal requirement for the Authority to consult service users on its implementation. However the Panel takes the view that the County Council should have explicitly informed affected parties at the earliest opportunity that a change was to take place, and that in the future the processes for measuring distances and by which a parent may object to the result of a particular route measurement should be made clear to parents.

88. There have been requests from parents to see maps of the route which has been measured with details of the precise distance included, and some parents are unhappy that these have not been produced. The Panel notes, with disappointment, that it is currently technically not possible to provide such printed maps using the new mapping software, however that the County Council, on request, does provide detailed walking route information to parents about the route which has been measured; including the names of roads followed. It is uncertain at present whether parents are satisfied with the information that is provided to them. The Panel is keen for printed maps to be available for parents in the future and considers that the County Council should continue to re-examine the way in which this information is provided to parents. It is also considered that parents should have a clear process to follow where they would wish to object to the measurement of a particular route, which should include a requirement for any reassessment to be signed off by a senior officer of the Authority.
89. The Panel feels in the interests of clarity, transparency, fairness and consistency, the most appropriate action for the Authority to take is to equalise the situation as soon as possible, allowing for parents and schools to have sufficient forewarning of intended changes. A date should be set, after which the absolute measurement of distances by the new mapping software is strictly applied to all children in the County.
90. As has been indicated in other sections of this report, the Panel also feels that parents and schools should be advised of the various other arrangements which may be available to their child.

(y) The Panel supports the use of the distance measuring criteria set out in the County Council's Home to School Transport Policy and the use of the new mapping system as the tool used to measure this distance.

(z) The Panel recommends that, where reasonable objections regarding the measurement of a route's distance are submitted in writing to the Authority, a policy should be in place allowing for the route to be re-

- measured and the result should be signed of by an appropriate senior officer.
- (aa) The Panel recommends that, when it becomes technically possible to do so, printed maps of the routes which have been measured should be made available to parents.
- (bb) The Panel supports the intentions of officers to carry out the following actions to be implemented at the end of the academic year; July 2011: –
- (i) To explicitly inform all parents/carers in their school place offer letter in the Spring Term 2011 that home to school transport routes for all children entering a new phase of education will be tested for eligibility for free home to school transport using the new mapping system. Following this, letters will be sent to parents advising them of their entitlement, or not, to home to school transport on a statutory basis and how to apply for DST, 16+ and farepaying transport as part of that advice if not entitled. Any decision to entitlement will be made regardless of arrangements currently in place for older siblings that may already be attending the same school.
 - (ii) To explicitly inform all parent/carers whose children started secondary school in September 2010 that the home to school transport routes for all children that entered their new phase of education in September 2010 will be tested for eligibility for free home to school transport using the new mapping system, a decision will be made regardless of arrangements currently in place for older siblings that may already be attending the same school and there will be no reclamation of the cost of free passes provided to those children during the academic year 2010/11.
 - (iii) To explicitly inform all parents/carers that those children whose home to school transport routes were tested under the old system will be re-tested for eligibility using the new measuring system and that their current passes will continue to be honoured until their current academic year is completed (i.e. July 2011).
- (cc) That all parents and schools be informed of how to request the details of a route which has been measured, and any appeals mechanism which might arise as a result of this Review.

Resource Implications

The MTFS contains details with regard to savings for the removal of services.

The recommendations of the Panel will be met from existing resources. Any changes to these recommendations, particularly relaxation of the assessment criteria, would have significant cost implications which would need to be funded by sums diverted from elsewhere or by increasing Council Tax.

Environmental Implications

While the removal of the affected bus services may result in more cars on the roads, the commitment to work with schools on School Travel Plans and to make available and maintain adequate walking routes should help mitigate the environmental impact of these changes.

Encouraging children to walk to school will have a significant impact on the environment, congestion and carbon emissions as well as improving the health and well being of children.

Equal Opportunities

The current Home to School Transport Policy includes a section on 'Exceptional Circumstances' that covers the following areas:

- Where a child is subject to a child protection plan;
- Family bereavement;
- Single parent families;
- Children temporarily in care;
- Temporary fragmentation of the family;
- Families in receipt of state benefit or re-housed.

This is not an exhaustive list and all requests are considered individually. There is additional guidance within the national policy (Education Act 1996) on extended rights for low income families, transport on the grounds of medical condition, respite transport assistance, and faith school attendance, all of which are reflected in the Leicestershire Policy.

Circulation under the Local Issues Alerts Procedure

None.

Background Papers

File containing the reports submitted to the Scrutiny Review Panel on Home to School Transport.

Recommendations

The Scrutiny Commission is recommended to support the findings of the Panel and refer the recommended actions to the Cabinet for its consideration;

A handwritten signature in black ink, appearing to read 'D. Slater', with a large loop at the end of the signature.

**Mr. D. Slater CC
Chairman of the Panel**