

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	14 th June 2016
Report of:	Kath O'Dwyer, Deputy Chief Executive & Executive Director – People
Subject/Title:	Review of Available Walking Routes to School
Portfolio Holder:	Cllr Liz Durham – Children and Families Portfolio Holder

1.0 Report summary

- 1.1 In 2012 the Cabinet approved a policy for the assessment of walking routes to school throughout the Borough. Various routes were reassessed in accordance with the new policy and those parents affected received a letter from the Council giving them notice that the free transport they had thus far enjoyed was to be withdrawn from April 2013. Following significant feedback from parents and others, a decision was made not to withdraw the free transport for the time being.
- 1.2 The Council now finds itself in the situation where a small number of routes have been assessed as available under the Council's current published policy but free transport is currently provided. There is therefore a need to regularise the position for all families across Cheshire East to ensure that where routes have been assessed as available to walk our policy is implemented consistently. It is therefore proposed to notify those families who would be affected by free transport for these routes being withdrawn from April 2017. It is also proposed to improve other routes in the Borough which would result in further routes also being classified as available with the consequence that free school transport for those improved routes would also be subsequently withdrawn.
- 1.2 National and local policy specifies that parents should be given a minimum of 12 weeks notice in writing where a route that was previously unavailable becomes available and home to school transport is to be withdrawn. To ensure that schools and parents have an opportunity to comment on possible changes and to consider their future transport arrangements, it is recommended that information on the proposed changes is made available to schools and parents in the summer term 2016 for a period of at least 12 weeks (excluding August) with a proposal that free transport is withdrawn from the start of April 2017.
- 1.3 This proposal needs to be considered in the context of the mid term financial plan where a range of saving proposals will be required. The proposal to review and reclassify this group of available walking routes to school is submitted ahead of the wider package of savings in order to enable timely

engagement with schools and families potentially impacted by these proposals. This would include providing information to families who have children starting at the school in September 2016, as any final decision is likely to be taken in October 2016, or later, as part of the Council's overall budget decision making for the financial year 2017/18.

- 1.4 Cabinet is asked to note the proposal to withdraw free transport entitlement in accordance with the Council's own policy where there is an available and safe walking route, and to agree to progressing improvements to the highway so that a small number of further routes may be re-classified as available walking routes to school. The re-classification of these routes would result in pupils being able to walk safely to school and as such it would also remove their statutory eligibility for free transport to school.

2.0 Recommendations

- 2.1 It is recommended that Cabinet:

- Notes the reclassification of routes that have been re-assessed as available walking routes to school and agrees that free school transport for those routes be withdrawn from April 2017.
- Authorizes the Executive Director – People, to spend £150,000 from the Local Transport Plan budget allocation for 2016/17 to improve further walking routes to school to bring them up to required standard so that free school transport for those improved routes may be subsequently withdrawn.

3.0 Reasons for Recommendations

- 3.1 Councils are required by law to make travel arrangements to facilitate attendance at school where no suitable, available walking route to school exists.
- 3.2 1152 students are currently receiving free home-to-school transport because no walking route is available, which represents around 35% of children entitled to transport provision. This compares with 26.5% in Cheshire West and Chester, 10% in Staffordshire and 14.3% in Derbyshire.
- 3.3 Since October 2012, all new walking routes to school have been assessed under the Council's adopted policy on Available Walking Routes to School. The original intention was that the new policy would also trigger a review of historical routes currently deemed to be unavailable on road safety grounds. This review, which has recently been completed, has taken into account the significant improvements to the highway, footpaths and Public Rights of Way network that have occurred over the past few years.
- 3.4 This assessment has enabled all routes to be categorised into 5 phases of possible implementation:

- I. Phase 1 (2017/18) comprises routes that have been classified as an available walking route to school without any need for additional cost or highway improvement
 - II. Phase 2 ((2018/19) comprises routes that have the potential to be re-classified with some additional cost for highway improvement
 - III. Phase 3 comprises routes that have potential to be re-classified with some additional cost for highway improvement. These routes are potentially more difficult to resolve than those in phase 2.
 - IV. Phase 4 comprises routes that have potential to be re-classified but further assessment is required for feasibility of improvement schemes.
 - V. Phase 5 comprises routes that are unlikely to be re-classified, in the foreseeable future, unless there are major developments in the area that would trigger changes to the highway.
- 3.5 A list of the phase 1 and phase 2 routes and their assessment is shown in appendix 1.
- 3.6 If it is contemplated that free school transport is withdrawn, national and local policy specifies that parents should be given a 12 week notice period. To ensure that schools and parents have an opportunity to comment on possible changes and to consider their potential future transport arrangements, it is recommended that information on the proposed changes is released in the summer term 2016 with the intention that free transport be withdrawn from the start of April 2017.
- 3.7 Through the Local Transport Plan 2016/17 a budget of £150,000 has been established for capital investment to improve and upgrade existing routes that can be brought up to standard to be deemed available walking routes. To ensure the budget is used effectively, it is proposed to prioritise the improvement of routes that require minor works which will show a potential minimum 2:1 benefit to cost ratio over a 3 year period.

4.0 Background/Chronology

- 4.1 In October 2012, the Council adopted a policy setting out the assessment criteria for available walking routes to school, which forms part of the overall Home to School Transport Policy. The statutory walking distances to school are:
- 2 miles for a child who is under 8 years of age (primary age children in CEC)
 - 3 miles for a child who is over 8 years of age (secondary age children in CEC)
- 4.2 When determining whether a child's home is within the statutory distance, there must be a walking route to the qualifying school that is "available". If the nature of the route is such that it presents exceptional road safety hazards and a child cannot reasonably be expected to walk to school – even when accompanied by a responsible person – then the Council will deem it "unavailable". This means that the child becomes eligible for free transport to and from school.

4.3 The Council's adopted policy sets out the assessment criteria in determining whether a route is available based on the Home to School Travel and Transport Guidance produced by the Department for Education & Skills (DfES) in 2007 and the Assessment of Walked Routes to School guidelines produced by Road Safety GB in 2012. This report also takes into account the statutory guidance for 'Home-to-school travel and transport' that was updated in July 2014 by the Department for Education.

5.0 Benefits of the proposal

5.1 Assessing all routes, using the existing policy, will ensure an equitable approach in applying one set of criteria consistently across the Borough. If it is decided that free school transport should be withdrawn from any routes it may also unlock the potential for bus operators to operate a commercial service along these routes and give pupils various options on ways to travel to school. In addition there is a range of health benefits associated with walking to school.

5.2 Walking provides daily exercise for children. In 2014-15, 28% of Year 6 children in Cheshire East were overweight or obese. Incorporating physical activity into a child's daily routine is a good place to start addressing obesity. There are additional health benefits of walking to school including: blood pressure control; bone, muscle and joint health; reduced risk of diabetes; and improved psychological wellbeing.

5.3 Walking is known to improve academic performance. Children arrive brighter and more alert for their first morning class. In a UK Department for Transport survey, nine out of ten teachers said their students are much more ready to learn if they've walked to school. Walking reduces stress and increases creativity, both of which will help a child's performance at school.

5.4 Walking gives children good life experience and gets them outdoors - It's an opportunity for them to be independent, think responsibly, and make decisions for themselves. Some children feel less anxiety about being at school when they know how to get home; it's much harder to learn that route from the perspective of a car. If a child is still young or immature, then walking in groups with friends or siblings is a good option, as is the "walking school bus." Parents take turns collecting children from houses in the neighbourhood and accompany them to school.

6.0 Communications Plan

6.1 A communication plan has been developed to help manage the dissemination of information to schools and public regarding the review of Cheshire East's 'available walking routes to school' and the possible subsequent impact on free school transport. This will ensure effective communication with all stakeholders.

6.2 As part of this process, discussions with schools and TSS will include consideration of potential transition arrangements where that free school transport is withdrawn from any routes.

7.0 Wards Affected and Local Ward Members

7.1 All wards may be affected by the proposals outlined in this paper.

8.0 Implications of Recommendation

8.1 Policy Implications

8.2 These proposals are in line with Cheshire East Council's adopted policy on Available Walking Routes to School which was approved on 15 October 2012.

8.3 Legal Implications

8.4 The council is required by both the Education Act 1996 and the Education and Inspections Act 2006 to make suitable travel arrangements for certain students to attend school. Case law has established that local authorities are required to make school travel arrangements where a child, lives under the statutory walking distance to school but does not have a route available that can be walked in reasonable safety.

8.5 For a route to be available, it must be a route to school, along which a child, accompanied as necessary, can walk with reasonable safety.

8.6 Under the terms of the Council's policy, any parent who is dissatisfied with the Council's assessed route on the grounds that it contains unacceptable road safety hazards may make a request for reconsideration on certain specified grounds. The review will be undertaken by an officer of the Places Directorate and will be completed within 20 days wherever possible. Parents who remain dissatisfied can complain to the Local Government Ombudsman or, ultimately, bring a claim for judicial review if they consider that the Council has failed to follow its published Transport Policy or review procedure.

8.7 Parents who may suffer particular hardship of whatever nature as a result of the withdrawal of free transport also have a right to an appeal before the School Transport Appeals Sub Committee on the grounds that they have exceptional circumstances that merit consideration on an individual basis and justify the Council departing from its published policy.

8.8 If free transport is not withdrawn from those routes which have been classed as available to walk, the Council may be exposed to criticism from the parents of children using other routes across the borough which are also classed as available but for whom no free transport is provided.

9.0 Financial Implications

- 9.1 A potential savings plan, associated with the available walking routes programme is outlined below. This shows the potential savings if it is decided to implement phases 1 to 3.

Financial Year	2017/18	2018/19
In-year savings	£225,100	£45,000
+ year 1 savings		£225,100
+ year 2 savings		
Total	£225,100	£270,100

- 9.2 The case for re-classification of routes is strengthened further by consideration that these savings, whilst only reported for one year, will actually recur as revenue pressures in future years if accessible walking routes are not implemented. The estimated cumulative potential savings if it is decided to implement phases 1 to 2 is £495,200 by 2019.

10.0 Equality Implications

- 10.1 This document applies to children living in the Borough of Cheshire East and describes free and assisted transport entitlement to mainstream schools, academies and colleges. This policy does not apply to pupils attending independent schools and colleges. Some children with Special Educational Needs require specific transport, for which a separate assessment of their needs is undertaken. Under the Equality Act 2010, where necessary, reasonable adjustments for children with mobility or other issues will be given consideration in relation to the type of transport or vehicle that is used, and also in the availability or otherwise of routes.
- 10.2 A full equalities impact assessment will be undertaken to inform any decision on whether or not to withdraw any free school transport.

11.0 Rural Community Implications

- 11.1 This proposal applies to pupils whose walking route to school is under 3 miles for secondary aged pupils and 2 miles for primary aged pupils. All pupils over this distance, travelling to their local or closest qualifying school would be eligible for transport.

12.0 Human Resources Implications

- 12.1 None.

13.0 Risk Management

- 13.1 Maintaining existing arrangements will result in inconsistency and inequity in the provision of transport across the Borough.

14.0 Access to information/Bibliography

- 14.1 The Cheshire East Council Available Walking Routes to School Policy can be found at:
http://www.cheshireeast.gov.uk/public_transport/school_transport/walking_routes_to_schools.aspx

15.0 Contact Information

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