

# MAINSTREAM HOME TO SCHOOL TRANSPORT POLICY

## Assessment of availability of routes to be walked

### **1.0 Background**

- 1.1 The Local Authority has a duty to make arrangements to facilitate attendance at schools and colleges by providing transport in certain circumstances. This document outlines Cheshire East Council's home to school/college transport policy as it relates to the availability or otherwise of routes where a child resides closer to the nearest appropriate educational establishment than the maximum distance allowed for under the overarching home to school transport policy.
- 1.2 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 – such as physical mobility difficulties - 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.
- 1.3 Assessments do not determine whether a route is “safe” or “dangerous”. All roads may be thought of as presenting some element of road safety risk, whether they are heavily-trafficked urban routes, or more lightly-trafficked rural routes. Instead, the assessment determines whether transport should be provided at taxpayer expense because a particular walking route presents *exceptional* road safety hazards.

### **2.0 Statutory school age and statutory walking distances**

- 2.1 Statutory school age means the age when a child **must** be in school i.e. the term immediately following their 5<sup>th</sup> birthday to 16 years old (i.e. the last Friday in June of the year the child turns 16). [Education Act 1997 Sec 52]
- 2.2 The measurement of the 'statutory walking distance' is measured by the shortest walking route between home<sup>1</sup> and nearest school gate along which a child, accompanied as necessary by a responsible adult, can walk with reasonable safety. If there is no such route, the local authority must provide free transport no matter what distance the child lives from the school.

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<sup>1</sup> Measured to centreline of the road immediately outside the normal residence of the child

2.3 The adopted policy of Cheshire East is that, generally, children are expected to walk:

- Up to and including a maximum distance of 2 miles (3.21869 km) if child is attending a primary school
- Up to and including a maximum distance of 3 miles (4.82803 km) if the child is attending a secondary school

2.4 There are additional criteria required by law to be adopted for children whose family or personal circumstances are such that they are entitled to transport even if the above general criteria are not met. These are contained in the overarching home to school transport policy.

2.5 Cheshire East Council no longer directly provides travel assistance to children of post-statutory education age. For the avoidance of doubt, no travel assistance is given to children remaining in education irrespective of the availability or otherwise of an available walking route.

### **3.0 Measurement of distances**

3.1 Distances are measured by the shortest available walking route from the centreline of the road immediately outside the home address to the nearest school or college entrance. A route is available if it is a route along which a child, accompanied as necessary by a responsible adult, can walk with reasonable safety to school.

3.2 Distances are measured in a consistent fashion using computerised measuring systems:

- for in-borough measurements, the council's DataMap software is used.
- for distances that cross the borough boundary, a mixture of systems may be used, including DataMap, Google Maps or other equivalent system. This is because the DataMap system only currently covers addresses that fall in Cheshire East. These methods may change as new software becomes available.
- on request, we are able to provide a map of the available route and/or a list of the street/roads/footpaths etc measured in determining the distance between home and school.

### **4.0 Definition of Available routes**

4.1 Cheshire East Council's definition of an available route:

- Distances are measured by the shortest available walking route between the middle of the road immediately outside of the home address and the nearest school or college gate. In accordance with the provisions of the Transport Policy, the shortest available walking route is the shortest route which a child, accompanied as necessary, can walk with reasonable safety.
- 4.2 Route availability is assessed using a rigorous and robust assessment process as detailed in the Appendices. Where a route is assessed as unavailable, officers will initially explore using mapping-software to investigate whether an alternative exists and is less than 2 miles (primary) and 3 miles (secondary) before allowing transport.

## **5.0 Withdrawal of transport / offers of transport**

- 5.1 Where a route was previously unavailable and becomes available, reasonable notice of the transport provision to be withdrawn will be issued in writing to the parent. This period will be a minimum of a school term, or 12 weeks where shorter.
- 5.2 Where a parent disputes the assessment of an available route, or a request is made for an assessment where no previous assessment has been undertaken, there is a process of review (see Appendix 2.). Should an initial assessment reveal that no available route exists that presents an acceptable level of short-term risk, the council will normally provide transport until such time as a full assessment has been undertaken.
- 5.3 The council has a duty to ensure all children travel in reasonable safety and comfort. Any behaviour affecting other passengers, the public or the driver that endangers (whether intentionally or unintentionally) themselves or others may lead to transport being withdrawn from a pupil, either temporarily or permanently. In these circumstances, the arrangement and cost of transport will fall to the parent and it will remain the duty of the parent to ensure their children continue to attend school, irrespective of the availability or otherwise of a walking route.
- 5.4 Where a pupil or student has been assessed as eligible for assisted or free transport in error, reasonable notice of the provision to be withdrawn will be issued in writing to the parent. Where information has been provided that – in the opinion of the council – is both false, and has been deliberately or negligently provided, the council reserves the right to cease transport provision with immediate effect.
- 5.5 Where temporary factors are considered to be the reason for a route being assessed as not available (eg through significant planned roadworks temporarily rendering part of the route unavailable, ground conditions during winter months etc) the council may exceptionally consider provision of transport for the period(s) of unavailability. In these instances, notice periods for withdrawal may be shortened from that set out in 5.1 above.

## **6.0 General Points**

- 6.1 All roads – urban and rural – are potentially dangerous. Provision of transport is considered and provided only where road conditions are exceptionally or abnormally hazardous, as set out in the assessment criteria. The council considers that the most appropriate means of ensuring children can safely travel to school is through road safety education, and parents and schools are expected to educate children in road safety matters from an early age.
- 6.2 Parents are responsible in law for ensuring their children receive an appropriate education which in most cases includes ensuring regular attendance at school. The law also requires parents to ensure a child is accompanied on their journey to and from school by an adult if necessary, with no age limit for the child prescribed in law for this responsibility. The council expects parents to make suitable alternative arrangements if they are unable to personally accompany the child.
- 6.3 Parents are responsible for ensuring their children have suitable clothing and footwear, reflective clothing or other visibility aids, torches etc.
- 6.4 It is expected that traffic along assessed routes will abide by all road traffic regulations, including remaining within posted speed limits, obey one-way traffic restrictions, not park in a manner which creates an obstruction to the highway etc. The council is entitled to expect that the police will undertake enforcement action.
- 6.5 In accordance with the law, the council assumes that children are accompanied by an adult as necessary. Routes are not classed as unavailable solely due to any or all of the following factors. They are, however, used to assess risks and hazards that a child may face that can be avoided if the child were to be accompanied as necessary in assessing the availability of a route:
- Lonely routes
  - Moral danger
  - Routes that pass close to canals, rivers, ditches, lakes, ponds etc
  - Routes that require railway crossings if a suitable, authorised crossing is present
- 6.6 General enquiries and specific requests should initially be addressed to:

Address: Cheshire East Transport  
Floor 6, Delamere House  
Crewe  
CW1 2LL

Telephone: 0300 123 5012

Email: [schooltransportenquiries@cheshireeast.gov.uk](mailto:schooltransportenquiries@cheshireeast.gov.uk)

If you require this information in an alternative version such as large print, Braille, tape or help in understanding it in your language, please contact 0300 123 5012, or e-mail: [schooltransportenquiries@cheshireeast.gov.uk](mailto:schooltransportenquiries@cheshireeast.gov.uk)

## **7.0 Exceptional circumstances**

- 7.1 Exceptionally, the council may consider circumstances that affect the availability or otherwise of walking routes in ways not set out in this summary of policy. Requests for consideration should be made to:

School Admissions  
Children, Family and Adult Services  
Cheshire East Council  
Delamere House  
Crewe  
CW1 1LL

Further details available on our website: [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

## **APPENDIX 1**

### **PROCESS FOR ASSESSING WHETHER OR NOT WALKING ROUTES TO SCHOOLS ARE UNAVAILABLE**

#### **1. Definitions**

*A walking route is available if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school.*

This process is based on the statutory guidance 'Home to School Travel and Transport Guidance' produced by the Department for Education and Skills (DfES) in 2007 and the Assessment of Walked Routes to School guidelines produced by Road Safety GB in 2012 which provides guidance on the interpretation of both case law and what is generally accepted by many Local Authorities as good practice in assessing various elements of the walking route between home and school.

*Specifically, the DfES guidance states, in Part 3, Travel arrangements for 'eligible children' and a section covering Children unable to walk in safety to school because of the nature of the route covered the following:*

- 81. Where children live within "statutory walking distance" of their nearest qualifying school (or other place where education is provided under section 19(1)), local authorities will be under a duty to make travel arrangements where the nature of the route is such that a child can not reasonably be expected to walk (accompanied as necessary) in reasonable safety.*
- 82. In assessing the comparative safety of a route, a local authority should conduct an assessment of the risks a child might encounter along the prescribed route (including, for example, canals, rivers, ditches, speed of traffic along roads, overhanging trees or branches that might obscure fields of vision for the pedestrian or motorist, etc.). The assessment of a route should take place at the times of the day that pupils would be expected to use the route.*
- 83. Route assessments should feed into the local authority duty relating to sustainable school travel [...] and may inform the local authority's plans for upgrading the infrastructure supporting sustainable school travel.*
- 84. In conducting the risk assessment, local authorities should take a range of factors into consideration, including:*
  - the age of the child;*
  - whether any potential risks might be mitigated if the child were accompanied by an adult (see also paragraph 86 below);*
  - the width of any roads travelled along and the existence of pavements;*

- *the volume and speed of traffic travelling along any roads;*
- *the existence or otherwise of street lighting; and*
- *the condition of the route at different times of the year, at the times of day that a child would be expected to travel to and from school.*

85. *Whilst it is the responsibility of the parent to ensure that a child attends school regularly, the local authority should consider whether it is reasonably practicable for the child's parent/carer to accompany the child along a route which would otherwise be classified as too dangerous to walk in reasonable safety.*

86. *In conducting their risk assessments, local authorities should use data on recorded accidents along potential routes. However, a lack of such accidents should not be taken as conclusive evidence that a route is safe. It may well be that a route is potentially so dangerous that no reasonable person would walk along the route, or allow their children to do so – resulting in such a low level of pedestrian use that there were very few or no recorded accidents.'*

## **2. Process**

- (a) A request to assess a route for availability is made to Cheshire East Transport (normally from a parent or school, but also where the council considers transport is being provided for a journey to school that has potentially become available).
- (b) The request is passed to an Assessing Officer nominated or appointed by Cheshire East Transport, who will undertake an initial desktop evaluation of walking routes from the home address to the school. Should available walking routes be identified that are shorter than the statutory walking distance based on the age of the child, then no further assessment is undertaken. Should one or more routes be identified but there is doubt over the availability of the route, initial assessment of the potential route will be undertaken.
- (c) If an initial assessment reveals that there may be hazards that require a full assessment to be undertaken, the council will consider whether to provide transport assistance as an interim arrangement until the full assessment has been completed.
- (d) Evidence already available to the Assessing Officer will be taken into account in the full assessment, and other aspects of assessment may (but will not always) include a site visit, information on traffic volumes (where required and where available) and accident history records.

- (e) A written report of site visit (using a standard format) and other information (such as accident data) will be considered.
- (f) The findings of the process above will be considered by Cheshire East Transport, who will review the assessment and provide a written report on whether the route is available. The outcome of the assessment will be communicated to the applicant.
- (g) Appeals against decisions can be made in accordance with the process set out in Appendix 2
- (h) If a route is assessed to be unavailable, then free transport will be arranged with as soon as reasonably practicable. If a route is assessed to be available, but free transport has been provided (because previously the route was assessed as unavailable and remedial works have been undertaken to make the route available), the council will give notice in accordance with the guidance set out in the policy.



### **3. Assessment Report Format**

#### **General**

- This guidance is a general summary of the factors taken into account in the assessment of available walking routes.
- The start and end points of the assessment and the details of the route taken will be provided along with a map of the route assessed. The route will be split up into sections (note these) for the purpose of reporting.
- The time of day the assessment is undertaken will be stated
- The weather and light conditions will be noted.
- Photographs will be taken to exemplify areas likely to be of concern

#### **Section characteristics**

The Assessment will;

- record if there is a footway and if so, the general availability and condition of it. An assessment of the suitability of the footway will be made with photographs of any narrow sections. An assessment will be made as to whether it is available for walking and of sufficient width and quality. The condition and maintenance of the footway maintained and other pedestrian use will be noted.
- define length/names of the roads on the route and any relevant characteristics, for example, whether the route is rural/urban, single/dual carriageway, A/B class, one-way, speed limit, estimated vehicle speeds and whether traffic calmed.
- define road widths and any variations where there is no footway, (noting locations where the road narrows at 'pinch points'). In the absence of footways a note of the forward visibility for sighting times will be made.
- Highlight any feature along the route that may need re-assessment in the future (e.g. likely change in traffic patterns or vegetation that may compromise available footway width)
- Consider whether there are any alternative walking routes.

#### **Crossing – assessment**

The Assessment will:

- consider whether there is a need to cross a main road or significant side road or entrance on the section of route being assessed.
- Make reference to the fact that there are side roads and entrances and specifically note any that are likely to have significant traffic movements and which need to be crossed.

- where roads need to be crossed, consider if, there is at least 4 seconds' sighting time for drivers to see pedestrians and whether waiting time to cross is less than 60 seconds (keeping a record of the average timings).
- Note any crossing facilities on the assessed section (central refuges, zebras, pelicans, etc.)
- note if crossing is recommended to take place at a specific location.

### **Walking at the side of the road assessment**

The assessment will:

- Consider whether there is a footway on the section and if there is an available walking route on both sides of the road
- Consider which side of the road the footway is situated on and whether it has a reasonably even surface and is of sufficient width (generally deemed to be 0.5m, although each case is treated on its own merits and widths may be unacceptable or acceptable if wider or narrower than this guideline.)
- Consider whether 'availability' is likely to remain the same throughout the year and in all conditions
- Consider the characteristics (length, width and 'condition') of the verge or footway. Where no footway (or no continuous footway) exists, a further assessment is undertaken in accordance with the criteria set out below:

On roads of less than 6.5 metres in width extremely hazardous routes will be seen to exist where the traffic exceeds the maximum vehicle numbers per hour shown in the table below for the relevant width of road or where potential escape/refuge from traffic falls below the level set out in the table for relating traffic volumes and individual lengths of road where escape/refuge is not possible. Its purpose is to specify a level of hazard where the council will assume responsibility for transport costs. Below this level the council assumes parents will take this responsibility themselves. The table which measures the availability of verge or refuge against traffic volumes, for roads of different widths, is shown below:

<b>Acceptable maximum length of single sections of road without verges or refuge before broken by a verge or refuge</b>	<b>Acceptable number of vehicles per hour by road width</b>			
	<b>&lt;3.5m width</b>	<b>3.5m - 4.5m width</b>	<b>4.5m – 5.5m width</b>	<b>&gt;5.5m width</b>
	Max	Max	Max	Max
10m	201 - 240	301 - 360	401 - 480	501 - 600

15m	161 - 200	241 - 300	321 - 400	401 - 500
25m	121 - 160	181 - 240	241 - 320	301 - 400
35m	81 - 120	121 - 180	161 - 240	201 - 300
55m	61 - 80	91 - 120	121 - 160	151 - 200
75m	41 - 60	61 - 90	81 - 120	101 - 150
120m	31 - 40	46 - 60	61 - 80	76 - 100
160m	21 - 30	31 - 45	41 - 60	51 - 75
240m	11 - 20	16 - 30	21 - 40	26 - 50
300m	6 - 10	9 - 15	11 - 20	13 - 25
500m	1 - 5	1 - 8	1 - 10	1 - 12

#### Footnotes

- 1 Where visibility, audibility and escapability factors for pedestrians are substantially worse or better than the norm, the acceptable length of non-verged road will be respectively reduced or increased by one step in the table (above).
- 2 A verge is a minimum area that a pedestrian could use as a refuge which is defined as 1.5 metres in length and 0.5 metres in depth.
- 3 Only single unbroken sections of non verged road will be measured and applied against the table - the cumulative effect on non-verged lengths on an entire route will not constitute the road being classified in its own right.
- 4 Where HGV (ie large lorries) numbers, in the hourly traffic count, are more than 10 and where this constitutes more than 10% of the total traffic volume, extremely hazardous routes will be seen to exist regardless of whether the total traffic volume fails to reach the levels required in the table.

#### **4. Assessment Criteria**

Whilst the following criteria are specific, professional judgement will be exercised to take account of any local circumstances and the merits of any individual case, as required.

<b>Factor Assessed</b>	<b>What is Assessed</b>	<b>Assumptions</b>
The age of the child	<p>The age of the children using the walking route will be assessed.</p> <p>The age of the child is assessed to distinguish between the 2 maximum walking distances from home to school i.e. 2 or 3 miles.</p>	<p>The existence of public transport (bus or rail) or farepaying places on contracted Home to School Transport is not taken into account when assessing a walking route.</p>
Whether any potential risks might be mitigated if the child were accompanied by an adult	<p>The route is assessed on the basis that a responsible adult will accompany the child as necessary.</p> <p>There may be circumstances where this may not be possible i.e. because of disability. Such circumstances would be considered by means of an appeal.</p>	<p>Existing case law about adults accompanying children remains unchanged</p> <p>It is recognised that parents may decide that accompaniment is not required as the child matures; however the legal precedent suggests that parents accompany as necessary until the child reaches normal school leaving age.</p>
The existence or otherwise of street lighting	<p>Where crossing roads or where there is no available footpath the existence or otherwise of street lighting will be considered (where visibility of pedestrians at the side of the road could be compromised).</p>	<p>The existence or otherwise of street lighting is taken into account where this will assist drivers in seeing pedestrians walking in the road or at identified crossing points where no light controlled (Pelican or Toucan) or Zebra crossings exist. If a continuous suitable footway exists then street lighting is desirable but may not be required for a route to be assessed as available.</p>
The condition of the route at different times of the year, at the times of day that a child would be	<p>Site visits will cover the whole route but focus on parts of the route with potential hazards, and will take place at the time in the morning (or afternoon) when children would be travelling to school.</p>	<p>The route will be kept well maintained by landowners and the Highway Authority. Where problems are identified, such as overgrown foliage and damage to footways we will ask landowners to repair this or the Council will repair this and recharge landowners as</p>

expected to travel to and from school	<p>Assessments when undertaken will consider seasonal variations in conditions along a route.</p> <p>Assessments may identify improvements to routes which if undertaken would make the route available, even if the route is deemed to be not available in the interim</p>	<p>appropriate</p> <p>Assessments will consider the condition of the route at different times of the year and in particular the effects of vegetation growth.</p>
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## **5. Frequently Asked Questions** (These do not form part of the assessment process)

**What time are the assessments undertaken?** - Assessments usually take place in the morning during the times that children will be travelling to school but assessments may also be undertaken when returning home in the afternoon. Visits are timed, where possible, so that crossing assessments of main roads take place at the times when the number of children travelling to school is highest. Detailed timings and measurements are undertaken.

**What happens if I can't walk with my child?** Any adult can walk with a group of children. We will work with schools to identify other ways of travelling to school through School Travel Plans. Where the walking route is less than 2 miles for children who attend primary school and less than 3 miles for secondary age children the responsibility for ensuring children attend school remains with the parent - this is not a council responsibility.

**What happens if the footpath is really narrow?** There is no minimum width for a footpath to be acceptable for walking. Officers will use their professional judgement on the available width including hedgerows and verges next to the footpath to determine its availability as suitable for walking.

**What if my child has to walk in the dark?** Generally school start and finish times are such that children can walk to school in daylight. There will be a limited number of times when this is before sunrise and after the sun sets i.e. in twilight hours. In these cases it is the parents' responsibility to accompany their child if they feel it is appropriate. You may decide that your child can walk unaccompanied but the legal responsibility remains with parents to make appropriate arrangements to ensure that their child attends school.

**What accident data will be included?** The report will include a general reference to all accidents on the route, additional reference to accidents involving pedestrians, and a detailed reference to pedestrian accidents at designated crossing points.

**What if there isn't a footway?** Even if there isn't a footway the walking route might still be assessed as available. The assessment will take account of traffic flows and whether pedestrians and car drivers have enough time to slow down or pedestrians have time to step off the road onto a verge.

**What do I do if I think the walking route is unsafe?** No walking route can be absolutely safe; the term used in guidance is reasonable safety which would make the walking route available. If you think the route isn't available you have the right to appeal. You must demonstrate that there is a change to the route that would not make it reasonably safe to walk along, or other circumstances that you feel the council should take into account that it hasn't already considered.

## **APPENDIX 2**

### **SCHOOL TRANSPORT REVIEW (APPEAL) PROCEDURE – AVAILABLE WALKING ROUTES**

#### **1.0 Commencement Date**

1.1 This Procedure has effect from 1 January 2013.

#### **2.0 Review of available walking route**

2.1 If a parent/carer or young person is dissatisfied with the Council's assessed route on the grounds that it contains unacceptable road safety hazards, then a request for reconsideration can be made. There are two grounds for a review:

- (a) If there is a material change in relation to an existing available walking route which may affect the availability of that route; **or**
- (b) If there is a new available walking route assessment.

In either case referred to above, a parent/carer or a young person (or a group of parents/carers) may request that the available walking route be reviewed if they are dissatisfied with the assessment undertaken because it has not taken into account the published national guidance relating to route assessment in force at the time.

2.2 For the purposes of 2.1(a) above, 'a material change' means works (other than temporary works) which have been undertaken since the route was last assessed where those works significantly affect:

- the use of the highway
- the road layout
- the footpath
- the traffic volume
- the speed of traffic

2.3 Any request for a review of the availability of a walking route must be made in writing setting out the material change in question (in the case of an existing route) and why the parents/carers or young person consider that the assessed route is not available. Any supporting evidence relied upon by parents/carers or the young person must be submitted with the review request.

- 2.4 Receipt of a request for review will be acknowledged within 5 working days.
- 2.5 The review will be undertaken by a nominated officer from the Places and Organisational Capacity Directorate ('the Reviewing Officer') who will have had no previous involvement in relation to the available route assessment.
- 2.6 The Reviewing Officer will consider if there has been a material change in relation to an existing available walking route. If the Reviewing Officer is not satisfied that there has been such a material change, he or she will notify the parents/carers or young person of that fact in writing providing reasons for his/her decision.
- 2.7 In the case of new available walking route assessments or if the Reviewing Officer determines that there has been a material change in circumstances in relation to an existing route assessment then an assessment will be undertaken by the Reviewing Officer who will consider and take into account:-
- a) written material and representations submitted by the parent/carer or young person;
  - b) published national guidance in force at the time.
- 2.8 The assessment of the Reviewing Officer will wherever possible be completed within 20 working days of receipt of the review request (unless there are exceptionable circumstances in which case the assessment will be completed as soon as practicable thereafter). The review outcome will be communicated to the parent/carer or young person in writing by a representative from Cheshire East Transport enclosing a copy of the assessment and wherever possible this shall take place within 5 working days of the assessment being completed.

### **3.0 General**

- 3.1 The decision of the Reviewing Officer is binding on the parents/carers/young person and the council.
- 3.2 There is no further right of appeal or review in relation to the processes set out in 2 above. A parent/carer or young person may refer the matter to the Local Government Ombudsman if he or she considers that the Transport Policy or this review procedure has not been correctly followed or properly applied in the case. Referrals to the Local Government Ombudsman should be submitted to:

The Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
Telephone: 0845 602 1983  
Fax: 0247 602 0001  
Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)



## **4.0 Requesting a Review**

- 4.1 Parents/carers or young persons wishing to request a review under this procedure should do so by contacting:

The Transport Manager  
Cheshire East Transport  
Highways and Transport  
Floor 6  
Delamere House  
Crewe  
CW1

Tel: 0300 123 5012

Email: [schooltransportenquiries@cheshireeast.gov.uk](mailto:schooltransportenquiries@cheshireeast.gov.uk)