

**Subject: Review of Available Walking Routes to School response to the Call-in of the Cabinet Decision taken 14<sup>th</sup> June 2016**

**Meeting Date: 19 July 2016**

**Executive Director: Kath O'Dwyer**

**Director of Education and 14-19 Skills: Jacky Forster**

## **1. Background**

At a meeting on 14 June 2016 the Cabinet for Cheshire East Council made the decision to;

- note the reclassification of routes that have been re-assessed as available walking routes to school and agrees that free transport for those routes be withdrawn from April 2017.
- authorise 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to bring them to the required standard so that free school transport for those improved routes may be subsequently withdrawn

A route that is classified as available is one that the Council deems suitable for a child to walk in line with Councils approved “ Mainstream Home to School Transport Policy – Assessment of availability of routes to be walked” which is based on Road Safety UK Guidance.

In making this decision the cabinet noted that;

- it is the parents/carers responsibility to get their child to school.
- the child would be accompanied by a responsible person, such as a parent or other adult.
- routes are assessed on the basis of road safety and not personal safety in line with case law.

Road Safety UK Guidance (2011) states:

“Routes are assessed in terms of road safety, and not personal safety. Case law has found that assessments must look at the relationship between pedestrians and traffic only. Personal safety issues of children travelling alone are not considered. Local authorities are not legally obliged to provide free transport just because parents perceive the route to be unsafe on the grounds of personal safety and security”

The Council’s Mainstream Home to School Transport Policy – Assessment of availability of routes to be walked is attached to this report.

## **2. Call in Submission**

The Call-In submission provides three reasons for the call-in which have been responded to below.

### **2.1 Relevant information not considered.**

Ward Councillors who represent the seven schools noted in the report have information in relation to the walking routes that has not been considered.

#### **2.1.1 Response**

Further information provided by the Ward Councillors will be considered as part of the call- in process. This specific information has not been provided with the call in. However, there have been a number of questions received since the Cabinet decision and subsequent call- in and these have been responded to in the attached Frequently Asked Questions.

The Cabinet report outlined the appeal process which parents could initiate if they were dissatisfied with the assessment on the grounds that it contained unacceptable road safety hazards and a timescale of 20 days for an officer to review, where possible.

The 'Frequently Asked Questions' and the 'Route Assessments' for the five routes in phase one are attached to this report.

### **2.2 Viable alternatives have not been considered.**

This review has not been given consideration at Children and Families Overview & Scrutiny Committee. Members are requesting that Children and Families Overview & Scrutiny Committee be given opportunity to scrutinise and offer advice from the new information that the Ward Councillors have received

#### **2.2.1 Response**

The Children and Families Overview and Scrutiny Committee will review the decision with the meeting organised on 19<sup>th</sup> July 2016 to be held at Sandbach Town Hall to facilitate public attendance. The Overview and Scrutiny Committee have organised a visit to the initial five routes on 18<sup>th</sup> July 2016 and will be accompanied by the Road Safety Officer and another officer. Advice offered by the Overview and Scrutiny Committee from the new information that Ward Councillors have received will be considered through this process.

In terms of viable alternatives, the Cabinet report outlined the potential for bus operators to operate a commercial service and the option of a "walking school bus" was provided. Information was provided on the appeal process for those families who may suffer particular hardship, and it was proposed that potential transition

arrangements would be considered with the schools affected and Transport Service Solutions.

### **2.3 The decision taken by Cabinet could be open to challenge.**

Recognising that there will be a twelve week notice period for parents and carers to comment on possible changes to the children's transport arrangements, this is not a consultation. It is therefore necessary, as the Chair of Children and Families Overview & Scrutiny Committee said at Cabinet, that we should examine this Review. As good practice and in the interests of the council's responsibility within its road safety policy to our children, scrutiny should have the opportunity to comment. It must be noted that information given at Cabinet in relation to the Children and Families work programme was incorrect - at this time the committee does not have the Review of Routes to school on its agenda.

#### **2.3.1 Response**

Policy requires a twelve week notice period for the withdrawal of transport. However, by taking the decision in June 2016 for the withdrawal of transport from April 2017 a nine-month notice period was being provided to ensure that schools and parents had an opportunity to comment on possible changes and to consider potential future transport arrangements.

Information provided about the role of Overview and Scrutiny was provided in good faith, as a discussion had taken place about the role of Overview and Scrutiny with the Chair. However, the agreement reached was that this would be discussed at the next Overview and Scrutiny meeting with a view to this being added to the forward plan for overview and therefore it was not on the forward plan.