

# Home to school transport

## Assessment of walked routes to school

### Introduction

This document sets out how Bath & NE Somerset Council will assess a walked route to school. The principles below are based on current national good practice guidance and procedures used in comparable Local Authorities.

### Background

Parents and carers are responsible for ensuring their children receive an appropriate education which in most cases includes ensuring regular attendance at school.

Where a child of school age (4-16) lives within the statutory walking distance<sup>1</sup> of their nearest qualifying school the Council will provide transport assistance if it considers that the route from home to school is such that a child accompanied by a responsible parent, carer or other person could not walk it in reasonable safety.

The law requires parents and carers to ensure that a child is accompanied on their journey to and from school if necessary. Parents and carers are therefore expected to make suitable alternative arrangements if they are unable to personally accompany their child.

The statutory walking distance is not necessarily the shortest distance by road. It is the shortest route along which a child, if accompanied by a responsible person, could walk from home to school in reasonable safety. As such the measured route may be longer than expected and may include footpaths, bridleways and other pathways, as well as recognised roads. The route from school may also differ from the route to school.

The assessment will be made by Officers in line with national good practice guidance<sup>2</sup>. Assessments do not determine whether a route is safe or dangerous - all routes should be thought of as presenting some risk. Instead the assessment will determine whether transport should be provided at taxpayer expense because a particular walking route presents *exceptional* safety hazards.

### Assessment principles

The general assessment principles are set out below. Further detail can be found in Appendix A and an example assessment report can be found in Appendix B. An outline process map can also be found in Appendix C.

1. It is assumed that the child will be accompanied if needed by a responsible parent, carer or other person deemed responsible by the parent or carer.
2. Consideration will only be given to relevant route and traffic conditions and not to personal safety or security - these are the responsibility of the accompanying person. Routes are not assessed as unacceptable solely due to any or all of the following factors:
  - Moral danger
  - Routes that are secluded
  - Routes that pass close to canals, rivers, ditches, lakes, ponds etc.
  - Routes that involve railway level crossings

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<sup>1</sup> Beyond 2 miles if below the age of 8 or beyond 3 miles if aged between 8 and 16

<sup>2</sup> Assessment of Walked Routes to School published by Road Safety GB

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Similarly, parents and carers are responsible for ensuring that their children have suitable clothing and footwear, reflective clothing or other visibility aids, torches etc.

3. Each route will be considered objectively and on its own merits. It is expected that the route will be kept well maintained by landowners and the Highway Authority. Concerns regarding overgrown vegetation, blocked paths, dangerous animals, etc. can all be reported via <http://www.bathnes.gov.uk/reportit>. Similarly, it is expected that traffic passing along the route will abide by all road traffic regulations, including remaining within posted speed limits.
4. The assessment will take into account the age of the child and the likely condition of the route at different times of the year.
5. Where appropriate each route will be walked in both directions at either the morning or afternoon school run time, at the same time of day that the child is being expected to travel to or from school.
6. Where a footway, verge or other roadside strip of reasonable width and condition exists or a suitable public footpath, bridleway or other pathway is available, this will be assumed to provide an acceptable route for that section of the journey.
7. Where a suitable verge or other roadside strip exists on a lightly trafficked or narrow road which can be stepped onto by the child (and accompanying person) when vehicles are passing and forward visibility provides sufficient sighting times, this will be assumed to provide an acceptable route for that section of the journey.
8. Many routes are along roads having no footway, verge or other roadside strip. On these parts of the journey consideration will be given to the width of the road, traffic speed, volume and composition and forward visibility for sighting times. Consideration will also be given to the personal injury collision records for the route over the latest three-year period.
9. Where road crossings are necessary, the availability of facilities to assist crossing will be taken into consideration. Where no crossing facilities exist an assessment of the risk arising from crossing the road will be made.
10. It will be assumed that any crossing facilities will be used where they are provided. If such facilities are not provided and the child is required to cross the road, the gap time between passing vehicles will be assessed to determine whether it is a safe crossing point<sup>3</sup>.
11. The following data will be collected, where applicable, for each section of the route and summarised in a recommendation report:
  - Date, time of day, weather, light and background noise conditions
  - Traffic volume and composition
  - Speed limit
  - Availability of street lighting
  - Road, footway, verge, footpath, etc. width and condition
  - Step-offs
  - Visibility and sight lines
  - Crossing points
  - Gap time
  - Supporting photos and/or videos
  - Personal injury collision record for the route
  - Possible mitigating measures

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<sup>3</sup> In accordance with DfT Local Transport Note 1/95: The Assessment of Pedestrian Crossings

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12. Recommendation reports will give a 'plain English' description of the most suitable route, together with an accurate plan showing the full extent of the recommended route from home to school.
13. In reaching their recommendation Officers will assess whether the route affords sufficient opportunity for pedestrians and vehicle drivers to avoid dangerous conflict whilst making normal progress.

#### **Assessment notification**

Officers will make their recommendation in agreement with the Team Manager, Passenger Transport.

If a route is deemed unacceptable the Passenger Transport Team will notify the Admissions Team who will in turn notify the child's parent or carer and the school. The Council reserves the right to reassess unacceptable routes at any time and to revise their recommendation if appropriate.

If a route is deemed acceptable the Passenger Transport Team will notify the Admissions Team who will in turn notify the child's parent or carer, discuss the assessment and explain the appeal procedure. The child's parent or carer will also be signposted to the school's Travel Plan.

Where a route that was previously unacceptable is subsequently reassessed as acceptable the Passenger Transport Team will notify the Admissions Team who will in turn notify the child's parent or carer, discuss the reassessment and explain the appeal procedure. Parents or carers wishing to appeal a reassessment should write to the Group Manager, Transport & Parking. A minimum of 12 weeks' notice will be provided. The child's parent or carer will also be signposted to the school's Travel Plan.

#### **Appeal procedure**

The appeals process has two stages:

##### **Stage 1 – Senior officer assessment**

Parents or carers have 20 working days from receipt of our decision to make a written request for a review. Within 20 working days of receipt of the parent or carer's request the Group Manager, Transport & Parking will review the original decision and respond with a detailed reasons letter. If the parent or carer is not satisfied with the contents of this letter they can escalate the matter to Stage Two.

##### **Stage 2 – Appeal to independent panel**

Parents or carers have 20 working days from receipt of the detailed reasons letter to submit a request for appeal. This request is referred to Democratic Services who will set up an appeal hearing within 40 working days. The panel will consist of three members who have been trained in the law and guidance regarding home to school transport. Panel members are volunteers and are independent of the authority. Their role is to ensure a balance is achieved between meeting the needs of parents and the local authority. They also review compliance with road safety requirements.

The hearing process is based on a court model. We aim to ensure that the appeal process is conducted in a transparent and fair manner and that both parties feel they have been able to put their case and have been listened to.

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Approximately 10 working days before the hearing, the parent or carer will be sent an invitation to attend the hearing. They will be asked to send information and evidence in support of their appeal. Democratic Services will collate these papers together with any submissions from the authority and about seven days before the hearing, the papers will be sent out to both parties and to the Panel.

All papers will be treated as confidential and hearings will be held in private. If the parent or carer is unable to attend, the case will be heard in their absence.

At the hearing, the chair of the Panel will introduce all the parties and explain the role of the Panel and their powers. The hearing will then proceed in the following order:

- The senior officer will be invited to explain their reasons for the reassessment. The parent or carer and Panel may then ask the senior officer questions;
- The parent or carer will be invited to explain their reasons for appealing the reassessment. The Panel may then ask the parent or carer questions;
- Both parties will be given the chance to sum up;
- Both parties will leave the room and the hearing will be concluded.

After the hearing the Panel will make their decision. They will consider all the evidence, both written and oral, from both parties. In particular, they will consider:

- Whether the Council's home to school transport guidance was applied correctly when the reassessment was made;
- Whether the Stage 1 procedure was followed correctly;
- Whether providing transport for the child in question would be an effective and efficient use of Council resources;
- Whether the appeal made by the parent or carer outweighs the considerations above.

The Panel make their decision on the evidence and circumstances presented on the day and concerning the individual child in question. If the appeal is upheld, parents and carers need to understand that there is no guarantee that siblings would also be eligible for free transport in the future.

The Panel's decision is final and binding on both parties. There is a right of complaint to the Local Ombudsman but only if the complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled. If the complainant considers the decision was flawed on public law grounds, the complainant may apply for judicial review. The Panel's decision and their reasons will be contained in a letter sent to both parties within five working days of the hearing.

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### Appendix A - Assessment definitions

#### Walkway surface condition

For at least three quarters of length:

Good = unbroken, smooth surface

Acceptable = Continuous surface, trenches backfilled smoothly

Poor = Continuous surface, trenches backfilled unevenly

Potholed = Discontinuous surface, many potholes

#### Crossing types

Standard Kerbs = no dropped kerbs

Dropped Kerbs = footway level lowered to road level

Raised table = road raised to footway level to reduce vehicle speed

Refuge = island for pedestrians in middle of road.

Zebra = zebra crossing

Signalised = light controlled crossing to stop traffic on a red signal

School crossing patrol = crossing point assisted by a patrol officer

#### Visibility at road junctions

"Adequate" visibility distance meets, or exceeds, the following:

20 mph roads = 1.5 times Highway Code stopping distance at 20mph of 12m = 18m

30 mph roads = 1.5 times Highway Code stopping distance at 30mph of 23m = 35m

40 mph roads = 1.5 times Highway Code stopping distance at 40mph of 36m = 54m

60 mph roads = 1.5 times Highway Code stopping distance at 60mph of 73m = 110m

#### Number of gaps available to cross a road, per 5 minutes

A gap is defined as a suitable gap in the traffic flow to allow a person to walk at average speed to a refuge island mid-way across a road or across the whole road. This person would require a gap of 3 seconds to cross to a refuge and 6 seconds to cross a normal single carriageway road.

As the traffic speed increases, the time element of 3 or 6 seconds will remain unchanged but the length of the gap will increase accordingly. At 20mph a 3 second gap will equate to around 27 metres between cars but at 30mph a 3 second gap will equate to around 40 metres.

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“**Acceptable**” is defined as 4 or more gaps available per 5 minutes.

#### Virtual footways

Virtual footways (as defined by a solid white line on the road surface plus symbols) may be provided where the remaining carriageway is sufficient for a vehicle to pass a pedestrian without encroaching into the virtual area. Where a virtual footway is present on the carriageway, this will alert drivers to the potential presence of pedestrians in the road so no step-offs are required.

#### “Hazardous” situations

In **medium to high traffic flow** situations (i.e. traffic flow exceeding 35 vehicles per 5 minutes) hazardous situations will generally arise where there is no footway provision. While the carriageway might be wide enough for traffic to pass around pedestrians the presence of opposing flow could lead to vehicles passing uncomfortably close to pedestrians. Hence, for these levels of traffic flow, roads having no footway provision will be considered “**hazardous**”.

Example of a “hazardous” road, medium to high traffic flow, no footway provision.



For **light traffic flow** situations, (i.e. traffic flow less than 35 vehicles per 5 minutes), the analysis is more complex, lending itself to two broad groupings, namely “within villages” and “between villages”. In both cases the roads tend to be tortuous so traffic speed is

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generally low or well below the national speed limit. The “hazardous” roads will tend to be single track roads with high banks or hedges abutting the carriageway such that pedestrians are confined within that road space. These are normally found off the main traffic routes.

**Within a village setting** traffic speed will normally be very low and traffic volume will usually be well below the classification “light”, this being less than 35 vehicles per 5 minutes. In such cases, within the village it is expected that there will be frequent driveways and gateways present to allow pedestrians to step aside. Roads will be considered “adequate” in this context.

**Between villages** the frequency of driveways will be minimal and field gates, verges and occasional passing places often will provide the only practicable means to step aside. Defining what is adequate in this context must be subjective as the nature and layout of these roads varies so much. These roads tend to be off main routes and again are subject to very low traffic flows and low speeds. In this context “hazardous” would suggest narrow single lane roads bounded by high banks or hedges with significant lengths between step-offs. The issue is where a car and a pedestrian meet head-to-head and both come to a stop but it proves difficult for either to pass, as in the photo below.

Example of a “hazardous” road between villages, light traffic flow, significant lengths between step-offs.

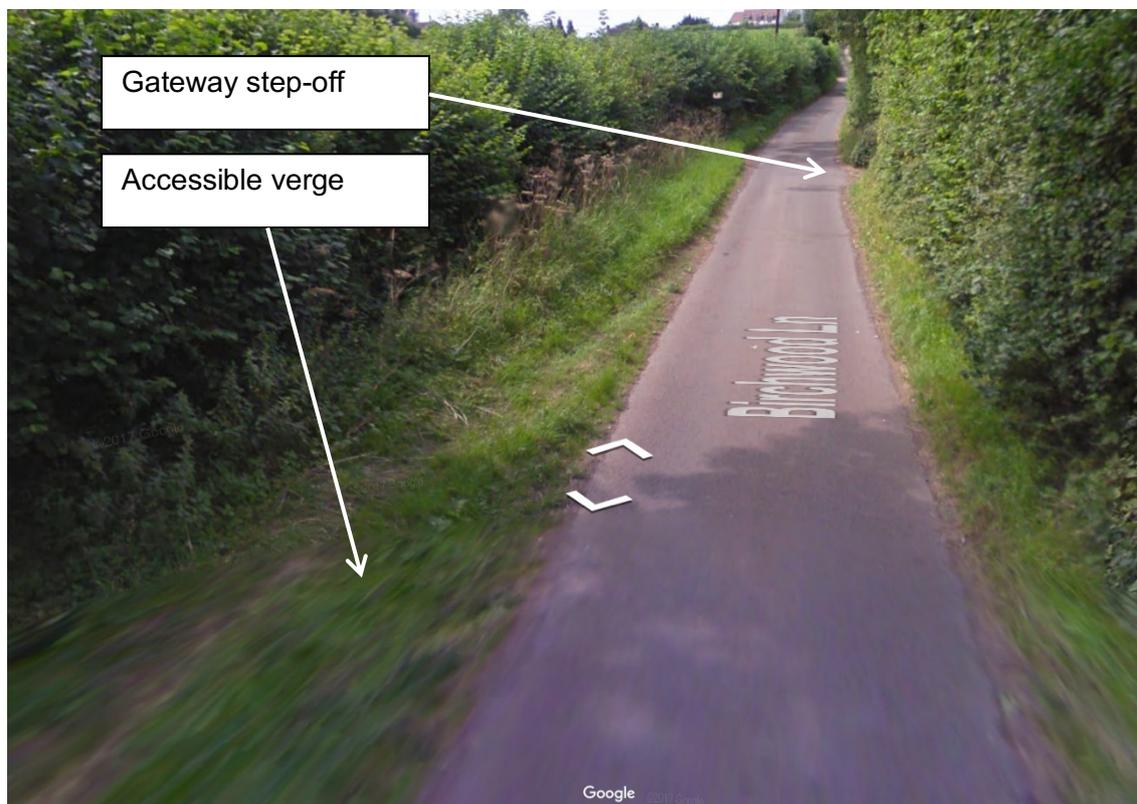


**Between villages** other single lane roads might have field gates, verges and occasional passing places which serve to provide intermittent step-off space. Provided the traffic flow is light (i.e. less than 35 vehicles per 5 minutes) then these will be considered “adequate”, as in the photo below.

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Example of an “adequate” road between villages, light traffic flow, intermittent step-offs.



#### **Road crossings**

When assessing the suitability of routes to school, as well as the nature of the road travelled along, the crossing of roads will also be considered. Within housing estates, or within villages, crossing roads which are lightly trafficked should be easy enough as traffic flow should be light and the quiet environment means that approaching cars can be heard as well as seen. These road crossings will not be assessed. The assessment of road crossings, as shown in the assessment reports, will generally be limited to situations where traffic flow is higher and delays or difficulty might be experienced when crossing.

#### **Recommended route to school**

As part of the assessment process, we will look at the route between the pupil's home and school destination. Initially we will look at the shortest, most direct route and will assess that. If we find that it contains a "hazardous" element we will look for an alternative route and provided this alternative route falls below the 2 or 3 mile distance threshold we will recommend that as the safe route to school. If all of the routes we assess have a "hazardous" element, as might happen in more rural areas for example, this will be shown in the assessment report.

#### **Change from “hazardous” to “non-hazardous” status**

Some assessments may result in a route being changed from "hazardous" to "non-hazardous" status. Where this is the case, the assessment report will include a narrative explaining why this status has changed. If records hold a specific reason for the original "hazardous" status then the explanation will be concise. However there are often no

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records of why a route was previously classed as "hazardous". If this is the case then the narrative will reflect that this was a decision made some time ago for reasons not recorded, but that this review considers the route to be "non-hazardous".

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## **Appendix B - Example recommendation report**

(See separate spreadsheet)

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## Appendix C - Outline process map

