

**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET MEMBER FOR EDUCATION**

**7 October 2021**

**Joint Report of the Executive Director for Children's Services  
and the Director of Economy, Transport and Environment**

**HOME TO SCHOOL TRANSPORT – ROUTE INSPECTION**

**1. Divisions Affected**

Bolsover North

**2. Key Decision**

This is a key decision as it may have ongoing financial consequences for the Authority which would have to be met from its Home to School Transport Budget. In each case under consideration, however, cost does not have a bearing on the question of whether a route should be regarded as unsafe.

**3. Purpose**

To consider a parental request that a route be considered unsafe for the purpose of establishing eligibility for free transport to Heritage High School.

**3.1 Background**

A parent of a pupil attending Heritage High School has raised concerns regarding route safety for the purposes of home to school transport from Bakestone Moor via Peter More Hill and Sheffield Road (A616) Creswell. This route is the shortest available route from the student's home address to the School. **NB** Sheffield Road was included in a previous inspection undertaken in 2012 from Creswell to Heritage High School where the route was determined Safe for the purposes of home

to school transport. As such, only the road crossing from Peter More Hill onto Sheffield Road has been included in this inspection.

The inspection was undertaken in accordance with the Authority's Walking Route Assessment Criteria (Appendix A of the Transport Policy for Children and Young People).

#### **4. Information and Analysis**

- 4.1 The Authority provides assistance with travel for full-time primary and secondary school pupils who do not live within walking distance of their normal area school. This distance, as defined in the 1996 Education Act, is 2 miles for children under 8 and 3 miles for children aged 8 and over measured by the nearest available route (Transport Policy for Children and Young People).

An exception may be made to these distance rules if the Authority agrees that a particular route is hazardous for a pupil, accompanied if necessary, to undertake on foot. In making such a decision, the Authority will not only consider the nature of the route or alternative routes the pupil could reasonably be expected to take, but also the age of the child and whether, due to disability, the parent is unable to accompany him or her

#### **4.2 Walking Route Assessment Criteria**

The Authority's criteria for the assessment of route safety in relation to home to school transport situations are set out below:-

- a) In assessing the safety of a particular route, consideration be given only to danger relevant to traffic/highway conditions;
- b) It is essential that each case be considered objectively on its merits;
- c) It is assumed that the child is accompanied, if necessary, by a parent or other responsible person and will be suitably clad;
- d) Where a footway or roadside strip of reasonable width and condition, public footpath or bridleway exists, this will normally be assumed to provide a safe route for that part of the journey;
- e) Where, on a lightly trafficked or narrow road, a verge exists which is not easy to walk on, but which can be stepped onto by the child and

accompanying person when vehicles are passing, it can normally be assumed to provide a safe route for that part of the journey;

f) Many routes may lie along roads having neither footway nor verge. On such roads consideration should be given to the width of the carriageway, traffic speed and composition (such as frequent heavy goods vehicles) and to visibility (ie sharp bends with high hedgerows or banks);

g) The absence of street lighting is not in itself a measure of the availability of a safe route although where children are unable to step off the road surface it could become a significant factor;

h) Consideration should be given to the relevant accident record of the route with particular regard to the effect on pedestrian movement; and

i) Where road crossings are necessary, the availability of facilities to assist such crossings should be taken into consideration as should the extent of visibility.

Where a route is deemed hazardous for any of the above highway reasons the matter should also be referred to the Cabinet Member for Highways and Transport to consider if the danger can reasonably be removed by appropriate highway management means. Granting of "hazardous route" status should be on the clear understanding that this status would cease if and when necessary highway measures are taken to remove the cause of the danger.

## **5. Consultation**

In preparing this report the relevance of the following factors has been considered:

Prevention of Crime and Disorder, Equality of Opportunity and Environmental, Health, Legal, Personnel and Property considerations.

## **6. Alternative Options Considered**

Not applicable in this case

## **7. Implications**

Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8. Background Papers**

These are held on file with the Children's Services Admissions and Transport Team.

## **9. Appendices**

Appendix 1- Financial and Legal Implications

## **10. Recommendation(s)**

Following the Hazardous Route Panel's inspection of the route identified in 3.1 Background above on 22 July 2021, the Cabinet Member for Young People considers and approves the Panel's recommendation that this route be declared Safe for the purposes of home to school transport.

NB The Panel requested that overhanging trees and shrubs along a section of Peter More Hill be cut back. This is not a condition of the above recommendation. The request has been submitted to the relevant department within the local authority.

**11. Reasons for Recommendation(s)**

The Inspection did not identify any areas of concern for a student travelling along the route accompanied as necessary.

**12. Is it necessary to waive the call in period?**

No

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**This report has been approved by the following officers:**

<p><b>On behalf of:</b>  Director of Legal Services and Monitoring Officer Director of Finance and ICT Managing Executive Director Executive Director(s)</p>	
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**Implications**

**Financial**

- 1.1 Any routes which are declared unsafe by the County Council automatically require the provision of free transport to children who have to travel along those routes if there is no alternative route under the relevant distance to the School (see 4.1 above Information and Analysis - Transport Policy for Children and Young People). Therefore, any routes so designated have ongoing financial consequences for the Authority which would have to be met from its Home to School Transport budget.
- 1.2 In each case under consideration the cost does not have a bearing on the question of whether a route should be regarded as unsafe.

**Legal**

- 2.1 Under section 508B and Schedule 35B of the Education 1996 the LA has to make such travel arrangements as they consider necessary and free of charge in order to secure suitable home to school travel arrangements for those children who fall within the definition of an *eligible child*, and for the purpose of facilitating the child's attendance at school.
- 2.2 Under paragraph 4 of the 35B the Education Act 1996 an 'eligible child' is defined as including those children who cannot reasonably be expected to walk because of the nature of the routes.