

3 Decision Making Criteria

3.1 Disagreement with distance measurement

Walking routes

Appeals on grounds of disagreement with distance measurement are initially investigated by PT using the MapInfo tool.

If the distance between the home and child's school is found to be more than the statutory distance, the child is provided with free transport.

Routes which are significantly under distance

If the distance between the home and child's school is more than 20 metres (for a 3 mile measurement, or 13.3 metres for a 2 mile measurement) under the statutory distance, the appellant is informed that there is no right to free transport on the grounds of distance from school.

If, after consultation with PT, the appellant does not accept the Council's decision and still wishes to pursue an appeal on grounds of distance, the distance is re-measured by a different officer and the matter is referred to the OP.

Routes which are of borderline distance

If the MapInfo distance measurement is found to be less than 20 metres than the statutory distance (for a 3 mile measurement, or 13.3 metres for a 2 mile measurement), PT will arrange for a wheel measurement to be performed, to which the appellant will be invited. The distances from the appellant's home to school, and back again, are measured and averaged.

If, after consultation with PT, the appellant does not accept the Council's decision and still wishes to pursue an appeal on grounds of distance, the matter is referred to the OP.

Distance measurement of driving routes (for disputes over nearest suitable school)

If the appellant is querying the distances between their home and the surrounding schools, the MapInfo measurement is used, but only on roads which can be accessed by vehicles (ie a driving route is measured).

3.2 Safety of nearest available walking route

The criteria used by the RSO and ETAC in establishing the safety of walking routes are detailed in a separate document (Criteria for establishing the safety of walking routes to school).

3.3 Appeals on grounds of exceptional circumstances

Appeals on grounds of exceptional circumstances are referred to the OP in the first instance. Appeals may cite any (or all) of the following circumstances:

- The child's special needs or medical condition
- The parent or carer's medical condition
- ~~The parent or carer's financial circumstances~~
- Other exceptional circumstances

Appeals on grounds of the child's Special Educational Needs or medical condition

Most children who need transport to school on grounds of their Special Educational Needs (SEN) or medical condition are already in receipt of transport as directed by the Special Needs Officer (SNO). Appeals on the grounds of the child's SEN or medical condition should be accompanied by evidence which satisfies the OP on the balance of probabilities that the child is unable to walk to school safely accompanied by an adult. This should be from a medical practitioner, such as a paediatrician, doctor, or educational psychologist.

Appeals on grounds of the parent or carer's medical condition

Appeals on grounds of the parent or carer's medical condition should be accompanied by evidence from a specialist consultant or doctor that satisfies the OP that, on the balance of probabilities, the parent or carer is unable to accompany the child to school. Evidence should also be provided to satisfy the OP that there is no other capacity for the child to be accompanied by members of the extended family or friends, or for the family to employ a carer to accompany the child to school.

~~**Appeals on grounds of the family's financial circumstances**~~

~~Appeals on grounds of the family's financial circumstances should be accompanied by evidence that shows that the child is entitled to free school meals, or the child's parents are in receipt of income support, income based job seekers allowance or working tax credit at the maximum level, and that it is not possible for the child to be accompanied to school on foot.~~

Appeals on grounds of other exceptional circumstances

Appeals on grounds of other exceptional circumstances should be accompanied by evidence to satisfy the OP that the family are unable to arrange for the child to access school. For example, this may be because a parent has to accompany children to more than one designated catchment (or nearest) school at similar times and has no other capacity for the child to be accompanied by members of the extended family or friends, or for the family to employ a carer to accompany the child to school or take advantage of other facilities such as out-of-school clubs. ~~In these cases, consideration will always be given as to whether the schools chosen by the family are their designated catchment area or nearest schools – families choosing other schools will normally be considered responsible for making their own transport arrangements.~~

Appeals on grounds of the family's financial circumstances should be accompanied by evidence that shows that the child is entitled to free school meals, or the child's parents are in receipt of income support, income based job seekers allowance or working tax credit at the maximum level, and that it is not possible for the child to be accompanied to school on foot.

Criteria for establishing the safety of walking routes to school

This document should be read in conjunction with the document "Education Transport Appeals Decision Making Criteria and Procedures"

The correct terminology is that walking routes are ***not dangerous*** for an accompanied child or ***not safe*** for an accompanied child.

Routes for which road safety appeals will be considered

In accordance with the Council's Education Transport Policy, safety appeals will be considered for routes which are:

- between the child's home and the catchment or nearest school, or the home and the allocated bus stop to the catchment or nearest school (if the child is eligible for free transport); and
- under the statutory walking distance for the child's age (2 miles for under 8 years and 3 miles for aged 8 years and over); and
- for a child of compulsory school age.

The route may include footpaths, bridleways and other pathways as well as recognised roads.

Sometimes there are several potential ~~available-under distance~~ routes. In these circumstances, the Road Safety Auditor and ETAC will be asked to consider them all, starting with the shortest until all available routes have been considered, or a route which is not dangerous has been identified.

The Council will not accept road safety appeals in urban or semi-urban areas, where it is possible to find several safe under-distance routes, unless it can be demonstrated that the route includes a significant unavoidable hazard.

Accompanied children

For the purposes of the road safety assessment, it will be assumed that all children are accompanied by a responsible adult. The route will not fail to be available because of dangers which could occur if the child were unaccompanied.

Overview of Procedure

1. Appeals on grounds of Road Safety will initially be referred by the Passenger Transport Department (PT) to a Road Safety Auditor, who will be asked to assess the route and produce a report.
2. If the Road Safety Auditor considers the route to be not safe for an accompanied child of appropriate age, PT will provide free transport, under delegated authority, to the child and all other children affected by the decision (i.e. those who have to pass through the unsafe section of route on their way to school). The Committee will be informed via an Information Bulletin.
3. If the Road Safety Auditor considers the route to be not dangerous for an accompanied child of appropriate age, the matter will be referred to ETAC and the appellant will be invited to attend the meeting, along with the Road Safety Auditor. A presenting Officer from CYP will also attend.
4. Prior to the meeting a Site Visit will be held. Members of the Committee will attend, and the appellant and local County Councillor

will also be invited. The site visit will be supported by the Road Safety Officer and an Officer from the Passenger Transport Department.

5. At the meeting, the Committee will consider the case in the following order:
 - a. The safety of the route for an accompanied child pedestrian of appropriate age.
 - b. The safety of the route taking into account any specific circumstances the appellant may have.
 - c. The appellant's personal circumstances unrelated to safety, as appropriate.
6. The Appellant, the Road Safety Auditor and the presenting Officer (from CYP) will be asked to leave the meeting whilst the Committee reaches a decision. The Appellant will be informed of the decision by letter in the week after the meeting.
7. If the Committee finds that the route is not safe for an accompanied child of appropriate age, the child and any other child affected by the decision will be granted free transport. The Committee must specify which parts of the route it considers to be unsafe, and why.
8. If the Committee finds the route not dangerous for an accompanied child of appropriate age, no further appeal concerning that section of route will be accepted for 5 years unless a significant change to the route has occurred.
9. The Committee's decision is final and the Appellant is advised to consult the LGO if they are concerned that processes have not been followed, or the Council has not acted fairly.

The assessment of the Route by the Road Safety Auditor

The Road Safety Auditor will assess the route in accordance with the Guidelines produced by Road Safety GB (December 2011 or latest version), with the following amendments:

Site Survey

The Road Safety Auditor will assess the route at a time when children are walking to or from school, and will drive the route prior to assessing it on foot. The time of the site visit will be recorded in the Road Safety Report. The site will not necessarily be visited more than once.

The Road Safety Auditor will record all potential conflicts within the highway (junctions, bends, farm entrances etc) and label them. These labels will be used to identify points along the route in the report and in any future appeal hearing.

Accident Record

The Road Safety Auditor will request and report information on any recorded injury accidents on the route, and will highlight in the report any accidents which involved pedestrians.

Traffic Counts, Gap Time and Road Crossings

On roads with light traffic flow, the Road Safety Auditor will record and report the volumes of traffic witnessed during the assessment of the route. This data will not necessarily be obtained in 3 consecutive 5 minute periods.