

NORTH SOMERSET COUNCIL

DECISION OF THE EXECUTIVE MEMBER FOR CHILDREN AND YOUNG PEOPLE'S SERVICES AND THE EXECUTIVE MEMBER FOR STRATEGIC PLANNING, HIGHWAYS, ECONOMIC DEVELOPMENT AND HOUSING AND THE EXECUTIVE MEMBER FOR HUMAN RESOURCES, ASSET MANAGEMENT AND FINANCE
 with advice from the
DIRECTORS OF PEOPLE & COMMUNITIES AND DEVELOPMENT AND ENVIRONMENT and the HEAD OF PERFORMANCE IMPROVEMENT & HR



DECISION NO: P&C05

SUBJECT: SCHOOL CROSSING PATROL SERVICE REVIEW

DECISION:

That, following consultation with town and parish councils and school representative stakeholders, the Executive Members for Children and Young People's Services, Strategic Planning, Highways, Economic Development and Housing and for Human Resources, Asset Management and Finance support the following changes to the School Crossing Patrol Service to:

- Continue to support the provision of School Crossing Patrols at current sites under the present arrangements until 31 August 2016 by using funding from the Service and Asset Transfer Fund
- Support the continuation of the School Crossing Patrol service on a Traded Offer basis, which is to be made available to local community stakeholders on an annual basis from 1 September 2016 onwards
- Agree to the cessation of sites and the commencement of redundancy procedures as required where the Traded Offer is not taken up by local stakeholders

In the meantime

- To ensure that the service complies with the Road Traffic Regulation Act 1984, transfer the responsibility for managing the service to the Directorate for Development and Environment with effect from 1 September 2016 with transitional arrangements being in place from 1 April 2016

Details to date

1. School Crossing Patrols (SCP) were established by the School Crossing Patrol Act 1953 and implemented through the School Crossing Patrol Order 1954. The Road Traffic Regulation Act 1984 (RTRA) (Section 26) gave Local Authorities (as the appropriate authority) the power to 'make arrangements for the patrolling of places where children cross roads on their way to or from school, or from one part of a school to another by persons appointed by or on behalf of the appropriate authority between the hours of 8:00am and 5:30pm.' This was amended within Section 270 of the

Transport Act 2000, which came into force on 30 January 2001. This allows SCPs to operate “at such times as the Authority thinks fit”. Therefore, SCPs may now work outside the hours of 8.00am to 5.30pm and can stop traffic to help anyone (child or adult) to cross the road.

The Education and Inspection Act 2006 (section 508A) puts a duty on schools to promote sustainable travel to school. SCPs can contribute to this duty.

2. The SCP service is a non-statutory function. Whilst national guidelines are available – see <http://www.roadsafetygb.org.uk/misc/fckeditorFiles/file/downloads/SCP-Guidelines-Nov2013.pdf> - they are not intended to be prescriptive. Authorities providing the service decide how best to apply the guidelines and the criteria for assessing SCP sites. It must be noted that a positive assessment does not place an obligation on the Council to provide a patrol since the legal duty is on parents to ensure that their children arrive at school. Even where an SCP is provided, parents remain responsible for ensuring their children’s safety on their whole journey to and from school. There is no mandatory funding for this service.
3. The Director of Development & Environment is the ‘appropriate authority’ for the SCP service. This post holds the delegated powers with responsibilities for the local highway authority that fall under the RTRA Act. Whether by direct or indirect appointment, SCPs must be appointed by the appropriate authority. Under the Council’s constitution, the Director of People and Communities does not hold the same delegated powers.
4. A review of the SCP service started in 2011. Since this date the service has been rationalised and long-term vacant sites that no longer meet pedestrian / vehicle conflict ratio as per national guidelines have been removed. The budget for the SCP service in the 2010/11 financial year was c£95,600. The budget in the 2015/16 financial year was c£29,000. As well as a reduction of sites from 41 to 26, the School Access Officer (supervisor) post was deleted in March 2013. As at April 2016 of the 26 remaining sites, 4 have a permanent member of staff, 4 are patrolled by a temporary member of staff, one is part-staffed by volunteers and 17 are vacant. The budget for the service in the 2016/17 financial year is £0.
5. All SCP sites have been re-assessed since August 2015 to determine their eligibility for a SCP based on national guidance. Of the 26 sites, 5 meet the non-statutory guidance for a SCP. These are sites serving primarily pupils attending Backwell C of E Primary School, Hutton C of E Primary School, Milton Park Primary School, Winford C of E Primary School and Wraxall VA Primary School. Previous highways assessments for the Wraxall site concluded no highways improvements were believed feasible, although this was re-visited in May 2016 by Highways and Transport Officers. As the site is one of the busiest (from a traffic volume perspective) and most potentially difficult of the remaining schools crossing patrols sites, an engineering solution is still being sought. The remaining 21 sites do not qualify for a SCP in accordance with national guidelines as they have traffic calming and/or other pedestrian crossing offers or the sites do not have a high enough pedestrian/vehicle ratio to meet the level required to qualify for a SCP.

6. The Service and Asset Transfer Steering Group have overseen the continuing review of the SCP service. Twelve options for future delivery have been assessed, with the preferred option being the retention of the management of the service with the Council but the delegation of the funding for the service to local communities. Some initial conversations with schools and town and parish councils were undertaken in the 2013/14 financial year including a meeting with these representatives on 23 January 2014. Whilst most attendees were understanding of the financial pressures on the Council, all stressed the importance of the continuation of this service to assist with the safety of pupils walking to and from school.
7. The Council agreed to defer the removal of funding for this service in the 2014/15 financial year and funding was secured from a Public Health Grant in the 2015/16 financial year, although this is no longer available. Currently the service is being funded temporarily via a short-term allocation from the Service Asset Transfer Fund. This had enabled the service to continue to operate to-date, but this resource will cease at the end of August 2016. A new permanent funding source must be found if the service is to continue.
8. There are numerous precedents within North Somerset of traded services being offered to schools/town and parish councils. The option recommended involves fragmenting the service and devolving crossing patrols to individual schools funded by local stakeholders such as schools, local businesses or town and parish councils. Only the local authority can legally appoint School Crossing Patrols and the Council would still be responsible for ensuring school crossing patrols are appropriately recruited, trained and monitored. A Service Level Agreement (SLA) has been developed that meets legal obligations and details the extent to which actual devolution of responsibilities can be implemented. The SLA needs to be in place at each continuing or new patrol to ensure the Council can still fulfil its legal responsibilities in terms of road safety.

As a crossing patrol may serve more than one school and provide a general public service to any pedestrian, there is a risk it may not be a service that schools individually feel is appropriate to take on.

Recently many town and parish councils have taken on additional commitments in response to Council budget reductions (e.g. youth provision, public conveniences, public open spaces) and, whilst they are broadening their range of services and responsibilities, there will be limits as to what they are able to financially commit to. Road safety is however an area of interest for town and parish councils. Some town/parish councils are already working with the Council on road safety initiatives, such as Community Speedwatch.

9. The proposed new service (if approved) would comprise of a 12-month contract with a lead school of three elements across each single site: an initial site assessment; core SCP delivery if purchased; and additional services. These could be as follows:
 - New Site Assessment – a professional assessment of a SCP location to assess its 'fit' against the national SCP discretionary guidelines and to assess any other options for traffic calming. A report to support fundraising would be supplied

- SCP Core Service – a site pack and training materials including updates as required, all aspects of recruitment from advertising to DBS and other essential checks, full training, salary payment, staff support, absence management, equipment, road safety incident reporting and an annual site re-assessment
- Additional Services - occupational health assessment, payroll and support for additional SCPs, highways assessment and implementation if appropriate for further traffic calming measures.

The cost for the traded service is as below:

| Item | Cost |
|---|--------|
| Initial assessment for new sites | £250 |
| Year 1 cost for new sites | £4,400 |
| Ongoing annual cost | £3,400 |
| One-off cost for recruiting to vacant posts | £200 |
| | |
| Extras | |
| Occupational Health Assessment (where required) | £255 |

This is considered to cover the cost of the service, although changes in legislation and the renewal of end of life uniforms and equipment or lost uniforms or equipment would be excluded from the agreement. Highways staff would provide ongoing management for the service, promote the offer to schools and other stakeholders, ensure compliance with all legislation and identify opportunities for alignment with other transport initiatives.

- District councillors were offered the opportunity to attend a briefing session about the SCP review on 2 and 9 December 2015. These updates explained the option to offer the service on a traded basis in partnership with highways professionals. Led by officers, they were attended by Cllr Hall and 5 other councillors. Concerns were expressed about the removal of this important role. Councillors were supportive of the Traded Offer as an option to protect the delivery of this service and were hopeful this could increase rather than decrease the opportunities for SCPs to contribute towards road safety by making the service available at both established and potential new sites.
- Local stakeholders were invited to attend one of two briefing events held on 15 March 2016 where the Traded Offer was explained. Twenty-six stakeholders representing local schools and town and parish councils attended the meetings. There was general consensus at the meetings that the service should continue to be supported and paid for by the Council. Other comments included:
 - Queries in relation to the legitimacy of the employer

- Site specific questions including the need for new sites in towns such as Clevedon
- Questions about the potential costs of a volunteer model
- The need for engagement and clarification of the role of academies, especially secondary academies, in funding sites for the wider areas they serve
- Is the Council a monopoly provider?
- Concerns over the impact on pupils attending schools in poorer areas
- Significant concerns from schools about cuts in their budgets
- Concerns over the ability of the Council or partner stakeholders to recruit to a post that covers an hour a day over two shifts
- Questions as to why the Council cannot enlist the support of businesses and other funding organisations directly
- Clarification as to why only the Highways Authority can be the employer and why any agreement will have to be with a lead school
- Confirmation that any decisions about a change in funding for this service will be made by Executive Councillors with the support of the Leader of the Council

Attendees criticised the timing of the meeting that took place after the precepts for town and parish council budgets had been set. They also expressed concerns that the relevant Executive Members were not present. This was due to their attendance at another Council commitment.

12. A live petition on change.org currently has 1834 signatures (as at 27 May 2016). The petition advises of the numbers of children killed or injured as a result of road traffic accidents and asks the Council to reconsider withdrawing funding for School Crossing Patrols. The petition to North Somerset includes figures for child casualties throughout the district as opposed to outside schools. This figure includes children who were also passengers in vehicles.

Whilst the views of those signing the petition are understood, the Council is no longer in a position to fund this service that, if all 26 posts were full, would cost over £110k pa to fund (£88,400 pa in patrol costs plus c£25k pa in back office and on-costs).

13. An Equality Impact Assessment for this review has been undertaken and is available on request. The change to the SCP service developed from a review of all discretionary aspects of school travel and transport expenditure. This confirmed that the vast majority of expenditure (in excess of £3 million) is subject to a strict statutory regime, which gives the Council little or no discretion to alter eligibility criteria or charge. School crossing patrols in contrast are a discretionary service and there are a number of problems with the current delivery model, and a lack of evidence of their effectiveness compared to other road safety measures.

The potential impact of this proposal on children is difficult to quantify, mainly because much depends on the success of transferring crossing patrols to schools and town or parish Councils. If the approach is successful, the potential impact on children would be negligible, and there could be positive benefits if the number of operational sites actually increases as a result of a more deliverable model e.g. incorporating school patrol duties in a wider role, making it more attractive.

There is surprisingly little research evidence regarding the effectiveness of school crossing patrols, or the effect of reducing them. National and local data shows that the

rate of road accidents involving children has declined significantly in recent years, but this is likely to be due to a wide range of factors, the effect of which is very difficult to disentangle, including engineering improvements, safer vehicles and changes in pedestrian behaviour.

The number of school crossing patrol sites in North Somerset has already reduced significantly in recent years. Following a previous review in 2010, the number of approved sites reduced from 41 to 26. This reduction has not been accompanied by any increase in accidents but there is insufficient data to draw any firm conclusions from this: serious road accidents involving children are thankfully very rare, which means that caution should be exercised in drawing generalisations.

The EIA concluded that the evidence about the overall impact of the proposal is inconclusive. On balance, it seems likely that the proposal would lead to a reduction in the number of operational crossing patrols in North Somerset, but, based on the research evidence base and local experience, the negative impact of this on road safety is likely to be modest. Unless a pupil is entitled to free home to school transport, parents remain responsible for ensuring their child(ren) go from home to school safely. Any injury to a child walking to and from school is considered to be a serious and unwanted event by all.

14. Stakeholders were asked to make an Expression of Interest to fund a SCP site by 8 April 2016. An overview of site status and details of the organisations that have responded positively for the 2016/17 financial year are detailed in appendix 1. Whilst the appendix lists primary schools, the law allows SCPs to help anyone (child or adult) cross the road. Both primary and secondary-aged pupils use the patrols that are not exclusively school-site specific.

The funding received in April each year will fund the SCP in the following academic year i.e. funding from April 2016 will fund a SCP during the period September 2016 to August 2017.

15. As a result of the above responses, as other funding for this service has not been fully secured, of the 8 filled sites:
- Funding agreements are being progressed and 4 sites are likely to continue
 - 4 sites will cease at the end of the 2015/16 school year, of which one site will benefit from road safety enhancements
 - 2 vacant sites are to be funded

Where no funding has been secured, the Council will consult with the staff concerned in accordance with the arrangements set out in its Redundancy Policy.

Other Alternatives Considered:

- Further disestablish SCP sites which do not meet a higher criteria – sites not meeting the new criteria would be disestablished and the posts deleted. Only 5 sites currently qualify for a SCP
- Deletion of long term vacant posts – 17 posts (as at April 2016) are currently vacant. The disestablishment of crossing patrols which have long term vacancies would

achieve an annual savings of around £20,000 (although resources for all these posts are no longer within a SCP budget)

- Non - renewal of fixed term contracts and disestablishment of these sites - 4 posts are currently on fixed-term contracts (of which the end date varies per contract). The disestablishment of crossing patrols on fixed-term contracts is a redundancy but would achieve an annual saving of around £5,500
- Reduce the hours of all crossing patrols to 5 hours – all new posts are for 5 hours per week only. 1 post still works for more than 5 hours per week. Consultation has been undertaken with the individual concerned for the proposed change in contract
 - Reduction in need for crossing patrol sites through new traffic calming measures - this is a capital resource-intensive solution and could prove cost prohibitive. The typical cost of a pedestrian crossing is around £25k, pedestrian refuges around £9k
 - Disestablish crossing patrol at the sites which have a pedestrian crossing – only 3 such crossings still exist (at West Street, Banwell, Down Road, Portishead (High Down Schools) and on the High Street, Portishead (St Peters). The previous review disestablished the crossing patrol from all sites that had benefited from traffic calming measures except where the professional judgement of an assessor was that the continuation of a School Crossing Patrol should be supported. It may now be appropriate however to disestablish the crossing patrols in all such cases.
- Sponsorship and external funding - Other authorities, such as Swansea and Dorset, have explored private sector sponsorship and a small number of their sites are sponsored by businesses specific to that area. This would involve some difficulty in service planning from year to year and a potentially erratic delivery of the service. Regulations limit the ability of the sponsor to significantly include details of their sponsorship at SCP sites and this could reduce the benefits of advertising for some companies
 - Volunteer schemes - the closest example of this type of arrangement in North Somerset has been at Blagdon Primary School. At present this does not involve a cost saving to the Council as the salary budgeted for the vacant post is paid to the PTA as a way of them raising funds for their wider activities. A cost saving would only be achieved if the PTA or school were sufficiently committed to the voluntary provision of the service to offer it without receiving funds from the Council and if it were to pay for all on-costs
- Out-source the management of SCP service (e.g. to a neighbouring authority) – this would need to be through a procurement exercise to an organisation with the necessary skills, knowledge and systems in place, for example to a neighbouring highways authority. The contracted authority would be responsible for the recruitment, management and training of staff and for quality assurance through regular SCP observations. It is likely that this option would involve NSC retaining a role around conducting site assessments (e.g. to check they meet the criteria) and may result in only limited cost savings
- Decommissioning of service – this would result in the cessation of the service

Financial Implications:

- There is no Council set budget in 2016/17 for this service, although interim arrangements are in place to ensure that the service can continue in its current form until the end of the 2015/16 school year. A failure to secure stakeholder funding will result in a cessation of this service in some areas from September 2016 onwards.
- Formal redundancy arrangements may need to commence with 4 members of staff. The cost of redundancy payments has been calculated and is estimated to be in the region of £4237.00.

Implications for Future Years:

There is no budget allocated to this service.

Signed:
Executive Member for Children and Young People’s Services

Dated:

Signed:
Councillor Elfan AP Rees
Executive Member for Strategic Planning, Highways, Economic Development & Housing

Dated:

Signed:
Councillor David Pasley
Executive Member for Human Resources, Asset Management and Finance

Dated:

Confirmation of advice given:

Signed:
Sheila Smith
Director of People and Communities

Dated:

Signed:
David Carter
Director of Development and Environment

Dated:

Signed:
Paul Morris
Head of Performance Improvement and HR

Dated:

Appendix 1

School Crossing Patrol Position Statement 20th May 2016

1. Summary position

- Four existing, staffed sites with funding secured
- Two existing unstaffed sites with funding secured
- One existing staffed site with alternative potential Highways solution
- Four existing staffed sites with no funding secured

2. Detailed Position

| School | Current status | Criteria met? | Alternative funding available | Comments |
|-------------------------------------|----------------------|---------------|-------------------------------|--|
| Ashcombe 1 | Vacant | No | No | |
| Ashcombe 2 | Vacant | No | No | |
| Backwell Juniors | Permanent postholder | Yes | Yes | Backwell PC funding |
| Banwell | Temporary postholder | No | Yes | Banwell PC funding |
| Blagdon | Volunteers | No | No | |
| Bournville | Permanent Postholder | No | No | Significant traffic calming measures in place |
| Christchurch | Vacant | No | No | Traffic calming measures in place |
| Corpus Christi | Temporary postholder | No | No | |
| Court de Wyck | Vacant | No | Yes | Cleeve & Yatton PCs funding |
| High Downs | Vacant | No | No | Zebra crossing in place |
| Hutton | Temporary postholder | No | Yes | School funding |
| Kings Hill | Vacant | No | No | Possible road safety measures through Local Transport Plan |
| Locking | Vacant | No | No | |
| Milton Park | Vacant | Yes | No | Possible road safety measures through Local Transport Plan |
| St Andrews | Vacant | No | No | Zebra crossing in place |
| St Francis | Vacant | No | No | |
| St Nicholas Chantry (Highdale Road) | Vacant | No | No | |
| St Nicholas Chantry (Old Street) | Temporary postholder | No | No | Zebra crossing in place |
| St Peters | Vacant | No | No | Zebra crossing in place |
| Sandford | Permanent | No | Yes | Sandford PC funding |

| | | | | |
|---|-------------------------|-----|------|---|
| | postholder | | | |
| Trinity | Vacant | No | No | |
| Uphill | Vacant | No | No | |
| Walliscote (Carlton St) | Vacant | No | No | Pelican crossing in place |
| Walliscote (Walliscote Grove Road East) | Vacant | No | No | |
| Winford | Vacant | No | Yes? | Winford PC funding (to be confirmed) |
| Wraxall | Permanent postholder | Yes | No | Engineering solution being investigated |
| Wrighton | Vacant | No | No | Very narrow road |