

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Regulatory Sub-Committee (School Transport Appeal).
Date:	24 September 2019
Title:	School Transport Appeal: Calthorpe Park School
Report From:	Director of Childrens Services

Contact name: Neil Beswick

Tel: 01962 846921

Email: Neil.beswick@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to review the walking route from Leipzig Barracks, Church Crookham to Calthorpe Park School

Recommendation(s)

1.1 That the Sub Committee considers:

- i) whether the nature of the route, or an alternative route, means that it is available for children if unaccompanied; and
- ii) if the answer to (i) is no, whether the route is available if accompanied.

1.2 If the answer to (ii) is yes, separate consideration by the County Council's Children's Services Department would be given to any representations by parents or carers who are unable to accompany their children by virtue of individual circumstances.

Executive Summary

2. Parents have appealed, on safety of route grounds, against the decision to not award local authority funded school transport for their child, from Leipzig Barracks, Church Crookham to Calthorpe Park School.

Contextual Information

3. Leipzig Barracks lies approximately 2.9 miles to the south of Calthorpe Park School. The walking route is within the statutory three miles distance beyond

which free transport is provided for children aged eight or over attending their catchment area school, or a nearer school.

4. The parent applied for local authority funded transport to commence from the start of the new academic year in September 2019, and the application was rejected as the walking route was measured at under the 3-mile cut off point by using the Council's Geographical Information System (GIS).
5. The parent questioned the measurement as nearby neighbours were receiving local authority funded transport, and an Inspector from the Passenger Transport Group was instructed to measure the walking route using a calibrated 'trundle' wheel.

The distance measured from the where the parent's property meets the public highway to the nearest available entrance to the school was 4694 meters, which when converted into miles equates to 2.92 miles.

6. The parent then appealed the walking route, through the Council's Stage One Appeal process, on the grounds of safety of route for the following main points;
 - 6.1. The footpath along Hitches Lane is adjacent to a major construction area for a new housing estate, and the parent is concerned this may cause disruption to the walking route
 - 6.2. A section of the walking route near to their home passes through an "unlit and deserted Pathway"
7. The Home to School Transport Manager reviewed the parent's Stage One Appeal and found that the Council's Home to School Transport Policy had been correctly applied, and judged the walking route to meet the Road Safety GB Assessment of Walked Routes to School criteria, and the appeal was refused.
8. The parent then asked for their appeal to be escalated to Stage Two, at which point a Road Safety Officer from the Council's ETE Directorate was commissioned to carry out a full assessment of the walking route using the Road Safety GB Assessment of Walked Routes to School criteria.
9. The Road Safety Officer carried out the assessment on 10 September 2019 and declared the walking route to be 'safe'

Other Key Issues

10. The parent's appeal highlighted the fact that after re-measuring with a 'trundle' wheel several other families in the Leipzig barracks area had

previously been awarded local authority funded school transport in error as they live within the 3-mile cut off point. These families have since received a terms notice that transport will be withdrawn at the end of the current school term

11. The school transport provided to Calthorpe Park School from the Church Crookham area is provided by a Council funded public bus service, and parents of children who are not eligible for school transport can pay a fare to access the service.

Conclusions

12. Members will have had the opportunity to inspect the walking route. The County Council's position is that, under the criteria, the walking route is 'available'.
13. It is for members to consider, following the guidance of Appendix 1:
 - (i) whether the nature of the route, or an alternative route, means that it is available for children if unaccompanied; and
 - (ii) if the answer to (i) is no, whether the route is available if accompanied.
14. If the answer to (ii) is yes, separate consideration by the Children's Services Department would be given to any representations by parents or carers who are unable to accompany their children by virtue of individual circumstances.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

See guidance at <https://hants.sharepoint.com/sites/ID/SitePages/Equality-Impact-Assessments.aspx?web=1>

Insert in full your **Equality Statement** which will either state:

- why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- will give details of the identified impacts and potential mitigating actions*