

Ken Skates AC/AM
Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith
Cabinet Secretary for Economy and Infrastructure



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-P-KS-3471-17

Lynne Neagle AM
Chair
Children Young People and Education Committee

Lynne.neagle@assembly.wales

25 October 2017

Dear Lynne

Following your correspondence of 3 October and my letter in July this year I am writing to update you on actions taken to address your concerns about learner travel.

In my earlier response I committed my officials to undertake a survey of local authorities over the summer to monitor how they risk assess walked routes to school. The exercise has now been completed and I attach for your information a brief report on the local authority responses.

In addition to this report you will need to note that Welsh government has received correspondence about three walked routes to school. In two of these, I wrote to the local authorities concerned and the cases were resolved. The third case I also wrote to the local authority without resolution and the matter has been referred to the Ombudsman.

Your latest letter asked about the review of the learner travel guidance in 2016. This was a light review following a query about terminology where discrepancies had been identified by the Welsh Local Government Association. Minor changes were made to clarify meaning and ensure consistency. The changes did not relate to the risk assessments for walked routes to school.

You also asked about a review of the guidance in light of the Additional Learning Needs and Education Tribunal (Wales) Bill. The guidance will require review and revision in due course in order to ensure that it is consistent with the new statutory system of support for children and young people with additional learning needs introduced by the Bill. Whilst undertaking that review, officials will consider whether any aspect of the guidance requires strengthening in relation to these learners. The review will also ensure that the learner travel guidance and the new Additional Learning Needs Code are consistent in the information they provide.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I remain committed to ensuring the safety of all learner travellers. This is not limited to the safety of the routes they take to school but also through promoting active travel to provide learners with long term benefits in health and well-being.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Skates', written in a cursive style.

Ken Skates AC/AM

Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith
Cabinet Secretary for Economy and Infrastructure

Analysis of Local Authority Risk Assessment of Walked Routes to School –Returns

Introduction

The Children, Young People and Education Committee wrote to the Cabinet Secretary for Economy and Infrastructure in July 2017 regarding learner travel, in particular the risk assessments of walked routes to schools. The Cabinet Secretary responded addressing a number of their concerns and a commitment to undertaking a survey of local authorities to monitor the work of local authorities in risk assessing walked routes to school.

Background

The Learner Travel Measure 2008 places a duty on local authorities to assess the travel needs of all learners up to the age of 19. Local authorities must provide free transport to learners of statutory school age (5 – 16 years) based on age, distance and aptitude criteria. Local authorities also have a duty to assess the nature of the routes which learners could reasonably be expected to take to the relevant places where they receive education or training (s. 2(4) (e)). The regulations (s. 3(8)) state that a route is available if it is safe for a child (without a disability or learning difficulty) to walk with or without an escort as age appropriate.

If transport arrangements are not found to be suitable for a learner, for instance a walked route is found to be unsafe, causes the learner unreasonable levels of stress or takes an unreasonable amount of time the local authority has a duty to make other travel arrangements to ensure the learner attends their relevant place of learning.

Welsh Government provides non statutory guidance to local authorities to assist them in undertaking their duties. Local authorities must pay due regard to the guidance. Previous guidance issued to local authorities for risk assessing walked routes had been developed by Road Safety GB and was based on physical, geographic and traffic considerations. Following a public consultation in 2014 the guidance in Wales was amended to include social dangers.

The new risk assessment regime for walked routes to school guidance was issued by the Welsh Government in June 2014 as part of the publication of the revised Learner Travel Statutory Provision and Operational Guidance.

See link; <http://gov.wales/topics/educationandskills/allsectorpolicies/learner-travel/?lang=en>

It is for local authorities to decide whether and when to risk assess a walked route and this will depend on a number of factors, for example;

- When the route was previously assessed
- Recent accident or similar incident
- High accident statistics
- The opening or closure of schools
- Changes made to a route – road works, infrastructure changes
- Changes to traffic composition and volumes, including cyclists
- Changes affecting the route – new builds/housing developments, large scale construction projects

Methodology

The Minister wrote to all local authority leaders (8 December 2014) about the revised learner travel guidance and risk assessments of walked routes. The letter included details of the proposed monitoring regime for walked route risk assessments. Questionnaires (see attached at Annex A) have since been sent to local authority transport coordinators for completion, though generally have required a number of reminders to elicit responses. The most recent questionnaire was sent to local authorities on 21 August 2017.

Analysis

16 Local authorities returned completed questionnaires by 15 September 2017. Six local authorities did not respond to requests for information.

Three previous monitoring surveys have been undertaken between December 2014 and July 2016. The details are below including the variable response rate.

Details of Monitoring Exercises			
Time Period of Exercise	Number of Responses	Risk Assessments Undertaken	Nil Returns
Sept 2014 – July 2015	22	258	7
July – December 2015	16	161	3
January – June 2016	13	52	5
January – June 2017	16	91	2

The first exercise which returned the highest number of completed questionnaires and the highest number of completed risk assessments followed the release of the revised guidance and covered the longest time

span. The second exercise was completed over the first six months of the academic year. The last two exercises were completed over the second half of the academic year which may explain the reduced number of risk assessments undertaken.

The analysis below provides an overview of how the regime has operated between 1 January 2017 and 30 June 2017.

Question 1(a): How many walked routes to school have been assessed for the period 1 January 2016 – 30 June 2016?

- From the 16 responses received 91 risk assessments were undertaken.
- The majority of the risk assessments were undertaken by three local authorities; Carmarthenshire, Conwy and Merthyr Tydfil.
- Since the revised guidance was issued in 2014 three local authorities have reported undertaking no risk assessments; Bridgend, Ceredigion and Wrexham.
- Since 2014 five local authorities have reported undertaking a high number of risk assessments (40 - 136); Carmarthenshire, Conwy, Denbighshire, Merthyr Tydfil, Newport.
- During the same period the remaining 14 local authorities have undertaken in their areas between 1 – 21 risk assessments per authority.

Question 2: Were any routes assessed more than once in the same period?

- Only two local authorities repeated a risk assessment, both at the request of a parent and one also because of long term road works.

Question 3: What were the specific issue that led to the risk assessments taking place (physical, environmental, social, topographic or geographical)?

- The risk assessments issues identified were over a range of issues as listed above.
- One local authority was systematically reviewing all walked routes and in relation to local planning applications.
- Two local authorities were measuring walking distances.
- One local authority also considered accident statistics and pedestrian counts.

Question 4: Which other agencies did you engage with?

- All the local authorities who carried out risk assessments worked with other agencies (the Police; Safeguarding Children's Boards; relevant

schools; Local Authority Services (Education, Health and Safety, Road Safety Units, Planning, Traffic and transport engineers)

Question 5: Were learners consulted during the same period?

- Nine local authorities consulted learners; Caerphilly, Carmarthenshire, Ceredigion, Merthyr Tydfil, Monmouthshire, Neath Port Talbot, Rhondda Cynon Taf, Swansea and Vale of Glamorgan.
- Five local authorities did not consult learners; Anglesey, Conwy, Denbighshire, Gwynedd and Torfaen.

Question 6: How were the primary, secondary or college learners consulted?

- Seven local authorities used informal discussions and often used road safety officers.
- Five used written consultation, with one using a form.
- One provided a drop-in box.

Question 7: Have you got evidence of your engagement with learners?

- Seven local authorities kept records of engagement.

Question 8: Were parents/carers consulted during the same period?

- Six local authorities consulted parents/carers.

Question 9: How were risk assessments made available to the public?

- Eleven local authorities made reports available on request.
- Six sent the report to parents, one of these was also sent to the school and one sent to a councillor.
- Only one local authority made the information available through a web site.

Conclusions

The Welsh government guidance on risk assessing walked routes to school is not statutory and there is no duty on local authorities to provide data to Welsh government on the risk assessments they undertake. As a consequence not all local authorities have responded to the exercises requesting information. This means that the data is limited.

From the data received it is apparent that some local authorities are diligent in undertaking assessments whilst others report that they undertake few or no assessments. This may in part be due to the low number of learners walking

to school in their area or because the local authority has already completed a comprehensive programme of risk assessments. In some areas a large proportion of learners receive free transport to school based on their age and the distance to their nearest suitable school. Under these circumstances there might be a reduced number of walked routes that need to be risk assessed.

The Welsh Government provides funding to local authorities to improve road safety on the national and local road network. This has been consistent for a number of years and for 2017-18 for example, £12.6 million has been awarded and to proactively mitigate against identified risks.

It is positive to note the reported engagement with learners and parents along with the range of agencies involved in the risk assessment processes.

Monitoring

The Welsh government guidance on risk assessing walked routes to school is not statutory and there is no duty on local authorities to provide data to Welsh government on the risk assessments they undertake. The Welsh Government will however continue to keep the process under review through monitoring of the process of Local Authority Risk Assessment of Walked Routes to School on an annual basis.

RISK ASSESSMENT OF WALKED ROUTES TO SCHOOL – MONITORING FORM

Return on the Risk Assessment Process

Local Authority:

Reviewed by:

Date:

1. (a) How many walked routes to school have been assessed in the academic year 2014-2015?

(b) If no walked routes have been risk assessed, please state the reason(s) for this.



RISK ASSESSMENT OF WALKED ROUTES TO SCHOOL – MONITORING FORM

2. Were any routes assessed more than once in the academic year 2014-2015?

Yes

No

If so, why?

3. What were the specific issues that led to the risk assessments taking place:

Physical

Environmental

Social

Geographical/
Topographical

Any others, please list:

4. Which other agencies did you engage with?

Police

Local Safeguarding
Children's Boards

Local Authority
Services

None

RISK ASSESSMENT OF WALKED ROUTES TO SCHOOL – MONITORING FORM

Any comments:

5. Were learners consulted during the same academic year?

6. How were the primary (p), secondary (s) or college learners (c) consulted? Please indicate by using P, S and C below

- Written Correspondence
- Informal Meetings/Discussions
- Children and Young People's Partnerships

RISK ASSESSMENT OF WALKED ROUTES TO SCHOOL – MONITORING FORM

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- Walked Routes to School Form
- School Councils
- Road Safety Officers
- School Lessons
- Police and Communities Together (PACT) assemblies
- The All Wales Schools Core Liaison Programme
- School Travel Plans
- Drop in boxes
- Other

7. Have you got evidence of your engagement with learners?

Yes	No
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RISK ASSESSMENT OF WALKED ROUTES TO SCHOOL – MONITORING FORM

8. Were parents/carers consulted during the same academic year?

Yes

No

If so, how?

9. How did you make the risk assessments available to the public? Please tick:

- Copy of risk assessment sent to school
- Copy of risk assessment sent to parent
- Copy of risk assessment made available on request
- Copy of risk assessment made available online through the Council website
- Other – please state