



**Executive
19 September 2011**

**Report from the Director of
Environment and Neighbourhood
Services.**

Wards Affected:
All

Proposed changes to the School Crossing Patrol Service.

1.0 Summary

The School Crossing Patrol (SCP) service is a discretionary one. The Council currently provides one of the largest services in London.

Alongside a number of other factors the service has contributed to a significant improvement in road safety and a significant reduction in road accident casualties in recent years.

Since the SCP service was first provided by the Council many physical measures have been introduced around school entrances to improve road safety there. However, unlike most other Council services, there has been no fundamental review to determine whether or not the service should continue to be provided and, if so, the extent to which the service should be provided.

This report explains that, following a review and consultation, a set of proposals has been developed and is recommended for adoption. At the heart of the proposals is the use of a model to assess where priority should be given to providing a SCP. This model assesses the level of risk at any site and the extent to which it is mitigated by measures (such as the presence of a controlled crossing).

A threshold has been set above which priority would be given to providing cover. Sites below the threshold would be defined as lower priority sites. Over time, as a result of natural staff wastage (only), provision at lower priority sites would be discontinued unless alternative arrangements were agreed with schools.

Alongside the use of a model is a proposal to provide the service to schools that otherwise would have no service through arrangements which would see the schools "buying" a SCP or providing volunteers.

Another part of the proposals would be the undertaking of actions, such as additional road safety education, at schools where the service would no longer be provided to mitigate the impact of any changes.

This report explains that consultation on an early set of proposals took place earlier this year. The results of the consultation are summarised and discussed within the report.

The report explains that following consideration of the feedback from the consultation, the proposals, whilst still now involving adoption of a risk evaluation model, are significantly different from those originally proposed.

Once the model is adopted, reductions in the number of SCP sites covered could be expected in future years through staff natural wastage at lower priority sites and as improvements to priority sites, such as the installation of controlled crossings, result in those sites being re-classified as lower priority sites.

The report describes the work that would be undertaken at any sites where the service would no longer be provided to minimise impact. This work formed an integral part of the original proposals and has not been revised. The report also recommends that officers undertake a detailed consultation with schools, including governors, encouraging them to contribute voluntarily to the costs of the service and further promoting the importance of road safety education in schools.

2.0 Recommendations

- 2.1 Agree not to proceed with the proposed withdrawal of School Crossing Patrol officers at this time,
- 2.2 Agree that the Director of Environment & Neighbourhood Services, together with the Director of Children & Families, undertake a detailed consultation with schools, including governors, encouraging them to contribute voluntarily to the costs of the service and further promoting the importance of road safety education in schools,
- 2.3 Agree the adoption of the risk evaluation matrix set out in Section 4.2, based on rates of vehicular and pedestrian traffic flows, additional risk factors and evaluation of mitigation, and the safety ranking of sites implied by that matrix,
- 2.4 Agree that this matrix be used to prioritise the deployment of school crossing patrol officers at such time when there is natural turnover of staff within the service, ensuring that sites with a higher risk assessment (with an adjusted score greater than 1×10^6) are prioritised for cover.
- 2.5 Note the prioritisation of risk mitigation measures at school crossing patrol sites, particularly the introduction of speed reduction interventions and controlled crossings that will continue to reduce the adjusted risk scores of sites.

3.0 Detail

3.1 Background – General

The concept of having a School Crossing Patrol (SCP) officer outside of schools in the UK, to assist pupils crossing to/from school safely, is well established and was originally facilitated by the School Crossing Patrol SCP Act 1954.

Until 2000 the SCP service in London was provided by the Metropolitan Police. After that date responsibility for the service was transferred to London Boroughs, along with the staff.

The Road Traffic Regulation Act 1984 provides that London Boroughs *may* make arrangements for patrolling school crossings but there is no duty to do so. As a consequence there is, nationally and within London, a wide range of service provision. In London there are authorities where there is no service provision, others where the minority of schools are provided with a SCP and others including Brent where the majority of schools are provided for.

The Schools Finance (England) Regulations 2008 specifically prescribe that the SCP service cannot be funded through the Schools Budget. SCPs *may* be funded by schools from sources other than the (delegated) Schools Budget. Consequently SCP services are typically funded from Local Authority General Fund (Revenue) budgets.

3.2 **Background – The SCP service in Brent**

In Brent the service is delivered by the Directorate of Environment & Neighbourhood Services. Historically, Brent has given priority (and allocated resources) to providing an extensive service.

On transfer from the Metropolitan Police there was provision for 27 school sites (locations) to be covered although only 17 staff were in post due to recruitment difficulties. The subsequent recruitment of staff, together with budgetary growth in 2001 and 2006, has seen the service expand significantly.

The service is not provided to secondary schools although secondary school pupils may use it as part of their home-school journeys.

At the present time, there is provision for 47 sites although a small number are currently unstaffed due to long term sickness and staff departures. This makes the service one of the largest SCP services in London.

The locations of the existing sites are shown at Appendix “A.”

The focus of the service has been on maintaining/improving road safety although in recent years the service has also supported the wider transport agenda (encouraging sustainable transport modes such as walking & cycling and School Travel Planning).

The service comprises 48 SCP officers (1 to provide cover) with 2 supervisors. The SCP officers work part time (10 hours per week) and have term time contracts. SCP officers are contractually obliged to work where directed although generally they operate at sites which suit their lifestyles and/or travelling arrangements.

The SCP service, and the individual SCP officers (SCPOs), are generally well valued by users (pupils and carers), the schools and the community at large. SCPOs are often an integral part of the local school community. Many SCPOs and their supervisors visit schools regularly to reinforce key road safety alongside sustainable transport and healthy lifestyles messages.

At a number of SCP sites there are measures, such as traffic signal controlled (pelican) or uncontrolled (zebras or islands) crossings and/or traffic calming features which mitigate the risk associated with crossing the road at those locations. Effectively the presence of a SCPO provides an added level of protection at those locations.

3.3 Background – Road casualty reduction

In recent years Brent has been one of London's highest performers in relation to the reduction of road casualties (of all classes and severities).

The number of children killed or seriously injured (KSI) in road accidents casualties has fallen from over 40 pa in the late 1990s to less than 15 pa in the late 2000s. Over the last 6 years 74 children have been injured on Brent's road - this represents a very small proportion (in the region of 0.15%) of the school population (circa 43,800).

Road casualty reduction targets are set nationally and regionally. Brent exceeded its (London mayoral) target of reducing children KSI by 60% by 2010 (based on the 1994/98 average baseline) in 2005.

A similar situation exists in relation to children receiving "slight" injuries as a result of being involved in a road accident.

Road casualty reduction, in Brent and nationwide, is the result of the combination of a wide range of activities and initiatives. In particular – improved and focussed road safety education, the introduction of engineering measures and changes in vehicle technology. Consequently, although the SCP service has been an integral part of the Council's successful strategy to reduce road, particularly child, casualties, it is impossible to identify the direct contribution that the SCP service has made to the reductions.

In general road accidents are rare, random and multi-factor events and always preceded by a situation in which one or more road users have failed to cope with the road environment.

Data on road accidents involving personal injuries in London is collected by the Police and verified, collated and disseminated (at a Borough level) by Transport for London. Despite the wealth of data available, within and outside London, there is no known correlation between the use of SCPs and road accidents/casualties. The nature of the data precludes the analysis that would be necessary to correlate use of SCPs and accident trends.

An analysis of the location of accidents resulting in all types (KSI and slight) of child casualties as a result of road accidents (over the last 3 year period for which data is available) has been undertaken and correlated with the location of current SCP sites.

The analysis indicates that:

- (i) The majority of child casualties are not associated with school related journeys (ie they take place when children are not moving to and from school)
- (ii) The majority of child casualties associated with school related journeys occur away from SCP sites
- (iii) There have been no child KSI casualties associated with school related journeys at in or the immediate vicinity of SCP sites.
- (iv) There has been 1 accident, resulting in a slight injury to a child, associated with a school related journey in the immediate vicinity of a SCP site
- (v) There is no evidence of clusters of accidents in the vicinity of schools that do not currently have a SCP

3.4 Background – current SCP site prioritisation arrangements

Currently all Brent sites are risk assessed on an annual basis to meet the Council's obligations in relation to the welfare of its employees. Additionally a full site review is completed every 2 years within a rolling programme. The site review includes a traffic (V) and pedestrian (P) count to determine a PV^2 score. This "activity/risk" score is used to rank sites so as to determine where to prioritise cover in the event of staff absence.

Guidelines exist (the "School Crossing Patrol Service Guidelines 2008") published by the Local Authority Road Safety Officer's Association (LARSOA) in conjunction with ROSPA to assist Council's which provide a SCP service.

The Guidelines describe what is considered to be best practice. They are not binding. The preface to the Guidelines states "*Authorities...should decide how best to apply the guidelines and the criteria for assessing SCP sites*", The Guidelines are essentially a general tool and are used accordingly by Brent officers.

The Guidance applies the long accepted principle that the higher the activity (in terms of pedestrians and vehicles at any location) the higher the risk of conflict and the hence higher the risk of accidents. This principle is used throughout the industry in various formats to guide decisions about the use of traffic control features (provision of crossings, traffic signals etc).

The Guidance effectively uses a formula to calculate a numerical value which is then used to determine whether provision might be appropriate at a site where no service exists.

Measured vehicle (V) and pedestrian (P) flows are used in the formula (PV^2) to calculate a value which is taken as empirical measure of potential conflict between pedestrians and vehicles and delays to pedestrians. The Guidance suggests that SCPs should be provided at sites where the PV^2 is above a certain value (and should not be provided where the PV^2 value is below a certain value).

Where the calculated PV^2 value for a site is close to the threshold the Guidance uses weightings related to site specific conditions to adjust the

coarse PV² score so as to produce a more refined result. This moves the score away from the threshold so as to produce a more definitive result in cases where it would otherwise not be clear whether an SCP should or should not be provided.

There are shortcomings to the Guidance:

- It was not designed as a mechanism for evaluating a service as a whole or prioritising within it. It has no specific recommendations around disestablishing sites and is not definitive when considering the impact of traffic control/calming measures (such as crossings) on the need for a SCP at a particular site.
- It implies that an SCP is not necessary where traffic signal controls are in place (ie where there is a pelican, toucan or puffin crossing or where the crossing point is a signal controlled junction with “green man” facilities) but is not specific on this issue.
- It is silent on the provision of SCPs at sites where there are zebra crossings although narrative within the guidance could be interpreted as saying that SCPs are unnecessary at zebra crossing sites.

In law there is little difference between the status of a light controlled (pelican or traffic signal) crossing and a zebra crossing. The flashing amber beacons at zebra crossings mean vehicles (motorists & cyclists) must get ready and then stop if a pedestrian is waiting to cross (or stop if a pedestrian is on the crossing). Pedestrians at pelican or signal controlled crossing have priority over vehicular traffic when the signals are red or flashing amber. However there is a general perception that light controlled crossings are safer than zebra crossings.

4.0 Proposals

This section of the report describes proposed changes to the service. The rationale for making changes is also described.

The proposals described in this section are different from an initial set of proposals that were developed earlier this year and the subject of consultation during May and June. The proposals described below have been revised significantly in response to the feedback received from that consultation exercise.

4.1 Proposals – rationale

The SCP service has continued to operate in the absence of a fundamental review to determine whether the service should continue to be provided and, if so, which sites should be given priority.

Across the country, local authorities are reviewing their SCP services. In the absence of comprehensive national guidance, other local authorities appear to have used an ad-hoc approach to determining the extent of their SCP service.

In recognition that the SCP service is a discretionary one, and in the face of reducing Central Government financial support, it is appropriate to review the service and to consider the introduction of a transparent and rational mechanism for prioritising continued provision.

4.2 **Proposals – adoption of a risk evaluation model**

Officers have developed a “risk evaluation model” which can be used to prioritise SCP sites according to the evaluated road safety risk at those sites.

In addition to being used to prioritise SCP sites, the model could also assist in prioritising where best to implement mitigation measures in the future. Using professional judgement, and with regard to the (limited) advice set out in the Guidance, officers have devised a scoring mechanism which takes into account both risk and mitigation at sites.

The model uses the LARSOA Guidance (the PV^2 formula with the site specific adjustments) to provide a measure of the risk (essentially based on activity) at sites.

The model then applies a measure of the extent of mitigation to the risk score. Key mitigating factors - whether there is a signal controlled crossing, a zebra crossing, traffic calming, a traffic island, within a 20mph zone or whether children are always accompanied at the site – are given percentage risk mitigating scores according to officers assessment of how far they mitigate against the risk. A site with a signal controlled crossing has a higher mitigating factor applied than a site with, for example, a simple traffic island. The model applies the “mitigation score” to a “risk score” for each site to provide a score of re-evaluated risk. By applying the measure of mitigation to the measure of risk the model provides an evaluation of how safe the site is. So if 2 sites are equally “busy” and one has no mitigation features whilst the other has a zebra crossing the former site would have a higher evaluated score (ie it would be considered riskier).

In essence there are 5 steps within the model:

1. Calculating the PV^2 score to evaluate the “base” risk
2. Adjusting the PV^2 score to take account of site factors
3. Calculating the mitigation level based on the type of school served and the existence of mitigating features and the type of road
4. Applying the mitigation score to the adjusted risk score to determine an evaluated risk score
5. Determining whether or not the evaluated risk score is above or below a defined threshold

Above the threshold, the re-evaluated risk is currently considered to be high enough to warrant the provision of a SCP. Below this threshold level, having given due weight to usage and site specific conditions, officers consider the risk to be adequately mitigated to an acceptable point, such that the provision of a SCP at the Council’s expense should not be a priority.

A model is recommended for adoption within which:

- (i) Sites at pelican or signalled controlled crossings on any road are considered adequately mitigated
- (ii) Sites at (infant only) schools where pupils are always accompanied by adults are considered adequately mitigated
- (iii) Sites at zebra crossings on classified A,B and C roads are not considered adequately mitigated
- (iv) Sites at zebra crossings on non-classified roads are considered adequately mitigated
- (v) Sites where there is traffic calming or traffic island or are within a 20mph zone would be considered as having a level of mitigation but lower than that provided by zebra or signalled controlled crossings
- (vi) The threshold for continued provision is set at 1×10^6

The model reflects the fact that classified roads are, by their nature, the roads that carry the majority of the Boroughs traffic, have a higher proportion of heavy goods, bus and emergency service vehicles and are more likely to have a higher proportion of vehicles travelling close to or above the speed limit in free flowing conditions than other roads.

This also reflects the general perception that motorist's level of compliance with the Highway Code in relation to zebra crossing is lower than in relation to signal controlled (pelican and traffic light) crossings.

The model has been run and the model output is provided at Appendix B.

4.3 **Proposals – how the risk evaluation model would be used.**

It is proposed to use the model to ensure that those “priority sites” above the threshold continue to be covered. As is the case currently, the service would not cover secondary schools.

Where the number of staff within the service is reduced through natural wastage, cover at those priority sites would continue through a re-assignment of staff from the pool of sites that are below the threshold and, by definition a lower priority. For practical operational reasons staff would be re-assigned away from lower priority sites on a geographical basis.

Where, through natural wastage, staff at lower priority sites (below the threshold) leave the service those sites would no longer be covered unless the costs of continued provision (or staff to provide the service) are provided by schools.

At the current time there are lower priority 2 sites which are being covered by temporary workers until such time as decisions on the proposals described in this report have been made. If the proposals described within this report are agreed that provision would cease from the start of the 2012 summer term (ie after Easter 2012) unless alternative arrangements are agreed with the affected schools.

Appendix C shows the priority sites and the lower priority sites.

Recognising that the Council will continue to implement measures (such as traffic calming or new or improved crossing facilities) in the vicinity of SCP sites, all sites will be reviewed annually and scores adjusted. Depending on the type of measure(s) introduced, this may mean that priority sites are re-classified as lower priority sites which would no longer be covered (if the staff member left the service or there was a need to re-assign that staff member to a priority site).

Additionally, surveys to measure activity (and hence the PV² scores) would be undertaken on a 2 year cycle and used to re-run the model. This would ensure that where there is major change (such as an enlarged or new school) an assessment of whether the site should be a priority one would take place.

4.4 **Proposals – alternative arrangements open to schools**

It is recognised that individual schools value their SCP service and that schools with lower priority sites where cover might cease through application of the model might wish to make arrangements such that the service could continue.

Bearing in mind that the Schools Finance Regulations preclude schools from funding SCPs from the Schools Budget, any school wishing to make arrangements to continue to have a SCP (in the event of the Council ceasing to provide one at a particular site) would need to ensure that arrangements are made to finance the service using funding sources (external income etc) other than the Schools Budget.

Officers have identified 3 options open to those schools:

- (i) To “buy back” the service from the Council. In this scenario, a SCPO would be provided within any continuing service for that particular school at a cost of £6000 per year (at 2012/13 prices). A Service Level Agreement would need to be entered between to school and the Council covering issues such as service length, notice period, cover arrangements etc. The Council would supply the service in entirety (staff, supervision, equipment, training etc). The Council would effectively be trading with the school and would have financial, managerial and operational responsibility for that element of the service (though the school would bear associated redundancy costs should they withdraw from the service)
- (ii) For the school to employ someone or identify volunteers who would be risk assessed, trained etc by the Council at the schools expense but at relatively low cost (£500 per SCP). The School would have financial and operational responsibility for the service. Arrangements would need to be made to ensure that SCP powers (to stop traffic) can be and are properly delegated to the individuals concerned,

- (iii) For individual schools to make their own arrangements to deploy individuals to encourage children (and their carers) to cross safely in the vicinity of the school. In those circumstances the Council would not be able to delegate authority to stop traffic to those concerned and consequently there would be potential liability issues for the schools to consider. Individual schools would have to make arrangements for risk assessment, training etc.

Subject to the Committee's agreement to the recommendations set out within this report officers would (i) immediately undertake a programme of engagement with schools which would ensure that they are aware of the alternative arrangements open to them should provision at their site cease and (ii) engage with any school as soon as possible after it has been identified that provision would cease (through implementation of the proposals) to explore the opportunities to continue provision through the "buy back" and other arrangements described above.

4.5 Proposals – other mitigation initiatives

It is also recognised that where a SCP has been provided at a site for many years children and parents/carers and motorists would have become used to the presence of a SCPO.

Regardless of the timing, when it is proposed, through implementation of the proposals described, to cease providing a SCP at any site a number of measures would be taken to ensure that children, parents/carers and motorists would be aware of the changes and their impact would be reduced.

Those actions would comprise:

- Reviewing, and adjusting/refreshing if necessary signage and road markings in the vicinity of the site,
- Visiting the schools affected by the changes to offer additional road safety education training, prioritising materials and training for children identified as particularly at risk of road accidents (specifically boys and children from Afro-Caribbean communities)
- Ensuring additional enforcement of "school keep clear" and yellow lines around the affected site.

4.6 Proposals – mitigation through the prioritisation of physical mitigation measures

In recent years the Council has implemented physical measures outside many schools to improve road safety. Measures have included new crossings (zebra or pelicans), traffic calming measures (speed humps etc), road narrowing's, kerb build outs, speed awareness signage and additional parking controls.

In the main the proposals have been funded by Transport for London (TfL) through the annual (LIP) programme and the type of measure to be introduced has been informed by the individual school's Travel Plan. Typically measures have been introduced at around 3-5 schools each year.

It is proposed to prioritise future submissions to TfL such that this work continues with priority being given to undertaking works, where practicable, at those SCP sites described (ie above the threshold) as priority sites. Over time this would see the number of lower priority sites increase and, subject to natural wastage, the number of SCP officers reduce.

4.7 Proposal – consultation with schools

The consultation exercise described later in this report has demonstrated that a number of schools are ambivalent about the value of the SCP service and that most schools do not believe that they should contribute to funding the service.

Additionally, although schools do support the provision of road safety education that provision is, to a degree, patchy.

The opportunity exists to improve the take up of road safety education and engage with schools on the subject of contributing to the cost of the service.

It is proposed that the Director of Environment & Neighbourhood Services and Children & Families undertake a detailed consultation exercise with schools to ensure they are aware of the proposals described, encourage them to contribute voluntarily to the costs of the service and improve the take up of road safety training in schools. The consultation would include engagement with school governing bodies.

5.0 Consultation

5.1 Consultation arrangements

Consultation on proposed changes to the service took place in May/June this year.

The proposals outlined in 4.2 above have been developed following an analysis of feedback from consultation on a set of original proposals that:

- (i) Proposed the adoption of a risk evaluation model that followed the same principles as that now proposed but evaluated the level of mitigation differently and proposed a different threshold,
- (ii) Proposed cessation of provision at all sites below the threshold (unless schools agreed buy-back arrangements) from September 2011,
- (iii) Proposed arrangements for mitigation and alternative (buy-back) arrangements with schools identical to those within the current proposals.

If implemented those (original) proposals would have seen the number of SCP sites reduced (unless alternative arrangements were to be agreed with schools) from 47 sites to 17 from September 2011.

Appendix D identifies which sites would have continued and where provision would have ceased had this set of proposals been implemented.

There were 3 strands to the consultation:

- (i) Consultation with staff
- (ii) Consultation with schools
- (iii) Open (public) consultation

The 3 strands of consultation took place more or less simultaneously. The consultations were timed to end on a date which would afford adequate opportunity for responses as well as opportunity for this report to be drafted and presented to Committee such that, if the Committee were minded to approve changes, those changes could be implemented by the start of the 2011/12 school year.

The Consultation report at Appendix E provides details of the consultation arrangements for each strand and provides details of the responses received.

The Director of Children and Families has been actively involved in both promoting the consultation to schools and in considering the outcomes of the consultation. She has specifically commented on issues that directly relate to schools and their pupil populations.

5.2 **Analysis and discussion of consultation responses.**

The consultation report at Appendix E sets out the responses received to the consultation in summary and in detail. It also describes the proposals (and the model) that were the consulted on. The number and nature of the responses received is such that it is not practicable to discuss and analyse each response.

5.3 Nine recurring themes can be identified within the responses. These themes are set out and discussed in turn below. In considering this narrative the Committee will need to be mindful that the responses were made to a set of proposals, particularly the model, which differs from those that are now proposed (and are described at 4.2).

Recurring themes:

- The consultation was poorly timed and/or inadequate
- The proposals will reduce road safety, at all sites or specific sites (where a SCP would no longer be provided) and this would inevitably increase accidents and road casualties
- The proposed model fails to adequately take into account of issues such as traffic volumes and composition, traffic speeds, congestion, general “busy-ness”, driving standards and user behaviour at each site

- The proposed model fails to take account of issues associated with the school roll at each school such as the level of autistic, SEN or financially disadvantaged pupils
- The proposed model fails to take into accounts schools with expansion plans or split sites or with large catchment areas
- The proposals will be detrimental to the environment and the health of pupils (and the Council's wider environmental and transport objectives) since they will reduce the number of pupils walking or cycling to school and the continuation of "walking bus" initiatives
- The proposals are wholly cost (savings) driven
- The Council is responsible for road safety and should continue to provide the service in entirety
- The cost savings that would be generated are minimal (in relation to road safety risk) and cannot be justified.

5.3.1 ***Issue/theme: The consultation was poorly timed and/or inadequate***

The consultation took place as soon as practicable after the service had been reviewed.

There are no prescribed time periods for consultation (other than staff consultation) on service specific proposals of this nature. The 30 day period for consultation with staff is consistent with the Council's managing change policies and procedures and the relevant legislation.

Officers are of the view that the proposals would directly affect a well-defined group of service users (the nursery & primary school community), that the proposals were relatively simple and the outcomes clear. Consequently the 30 day period offered sufficient time for the proposals to reach the desired audience, to be understood and for any responses to be composed and presented.

The consultation was timed to take place such that responses could have been analysed and a decision made by the Executive (at their 17th July meeting) and communicated to schools before the end of the school summer term so that, where necessary, alternative arrangements could have been put in place before the start of the Autumn term. A longer period of consultation would have compromised that timetable.

It is accepted that the consultation period included the school half term holiday period when schools would have been closed. Nevertheless officers are of the view that this did not compromise schools ability to respond – recognising that they were given an early warning of the proposals, a reminder during the consultation period and opportunity to clarify queries through the convenors group at a mid-way stage.

Officers are of the view that the consultation arrangements were adequate and proportionate, as evidenced by the number of, and content within the, responses received and provide a sound base for the Committee to make any decisions.

5.3.2 *Issue/theme: The proposals will reduce road safety, at all sites or specific sites (where a SCP would no longer be provided) and this would inevitably increase accidents and road casualties*

The risk-evaluation model has been developed in a way that prioritises those sites where road safety risk (after mitigation) is greatest.

The proposals also contain measures (review of signage, the provision of additional road safety training and prioritisation of parking enforcement) to ensure that motorists and users would be aware of changes (at sites where the SCP would be withdrawn unless provided by the school) to further mitigate against risk.

Officers have not been able to find any significant research correlating the impact of SCPs on accidents or accident trends or evidence to support the proposition that removing SCP will increase accidents or casualties. In general road accidents are rare, random and multi-factor events and always preceded by a situation in which one or more road users have failed to cope with the road environment.

There is no evidence that the withdrawal of a SCP at a particular site or sites will inevitably increase accidents or casualties there – just as there is no evidence that accidents will not take place at sites where a service would continue to be provided.

The proposals are consistent with the LARSOA guidance. Officers are of the view that adoption of a risk evaluation model based approach which appropriately weights mitigating measures is a reasonable approach in relation to this discretionary service.

Nevertheless the implementation of a revised model (with a higher number of priority sites) will reduce the impact of the proposals. The programme of consultation with schools will promote improved awareness of the importance of road safety education with schools and the implementation of the proposals through natural wastage rather than as originally proposed will spread the impact over time and afford opportunity for adjustment.

5.3.3 *Issue/theme: The proposed model fails to adequately take into account of issues such as traffic volumes and composition, traffic speeds, congestion, general “busy-ness”, driving standards and user behaviour at each site*

It is recognised that every site is unique. It is not practicable to measure and weight every particular issue at every site.

The “risk” part of the model evaluates the level of activity at each site which is a well-accepted proxy indicator of risk modified using the LARSOA guidelines to take into account certain risk factors.

The “mitigation” part of the model evaluates the impact of certain key factors on the level of risk.

The development of the model has been informed by annual site assessments which indicate that speed and driver compliance are not significant issues at current sites during operational times.

A number of risk issues raised in the consultation are transitory (they might vary throughout the day, or by the day or even by time of year) and could not be measured practically or incorporated within a usable model. The impact of other issues such as congestion or general busy-ness is difficult to evaluate – there is a view that congestion lowers speeds and makes sites safer whilst the contrary view is that congestion increases accident risk.

It is the case that road users generally amend their behaviour in a response to the road conditions that prevail at the time so as to reduce the level of risk. Hence drivers and pedestrians would act differently so as to reduce risk to themselves and others in response to certain factors (such as congestion) in a way that could never be adequately incorporated into a model.

Officers are of the view that the model takes account of the principal risks and mitigating arrangements and its application would be a reasonable approach.

However officers are of the view that the model but could be improved by adjustments that differentiate between zebra and signal crossings on different categories of roads. This would provide an improved assessment of the level of mitigation the crossings provide at certain sites and has been accommodated within the amended model now recommended for adoption.

5.3.4 *Issue/theme: The proposed model fails to take account of issues associated with the school roll at each school such as the level of autistic, SEN or financially disadvantaged pupils*

Officers are of the view that variations in the school population such as the proportion of pupils with special needs are essentially transitory, can vary from year to year and it would not be appropriate to take account of such factors within the model.

The Director of Children and Families has specifically made the point that this element of the school population should not be a factor in the model.

This issue has been considered as part of the Equalities Analysis.

5.3.5 *Issue/theme: The proposed model fails to take into accounts schools with expansion plans or split sites or with large catchment areas*

The extent of a schools catchment area is considered irrelevant. Although the model does not take expansion plans into account risk is measured in the model in relation to activity and hence any school that expends significantly will have an increased risk as evaluated by the model. Similarly the impact of split sites is taken into account in the measure of (pedestrian) activity used in

the model. Where movement takes place between split sites during the day that would be outside of SCP operational times and an issue for schools to consider and mitigate.

The introduction of an annual review of the risk assessment of SCP sites, plus a biannual survey of foot and vehicle traffic, will also identify any significant changes including additional demand due to school expansion.

5.3.6 *Issue/theme: The proposals will be detrimental to the environment and the health of pupils (and the Council's wider environmental and transport objectives) since they will reduce the number of pupils walking or cycling to school and the continuation of "walking bus" initiatives.*

The assumption here is that the removal of a SCP will, because of a perceived additional road safety risk, result in a significant number of pupils travelling to school by car – with an associated impact on health of pupils and the environment.

Officers are of the view that this is unlikely to be a significant issue. There are a number of factors in addition to the perceived level of risk at the crossing site which influence a parent/carers decision on whether to take a pupil to school by car. These factors include distance, vehicle availability, cost, parent travel patterns, the whole "home to school" route and individual values.

Wider behavioural change messages, within and outside schools, about the benefits of walking and cycling to school will continue and, together with prioritised parking enforcement outside school entrances, will mitigate against the likelihood of a significant number of parents/carers driving their children to school as a result of implementation of the proposals.

Similarly there is no evidence that the proposals would compromise the continuation of existing walking bus arrangements. It may be the case that, if parents/carers perceive that the absence of a SCP increases risk they may be more inclined to support walking bus arrangements.

5.3.7 *Issue/theme: The proposals are wholly cost (savings) driven*

The original proposals would, if implemented, result in a cost saving. The proposals were developed as a response to (i) a fundamental review of the service that had not been undertaken (unlike most other services) before now, (ii) the recognition that conditions at many sites had changed and (iii) the recognition that the service was significantly larger than many services (in similar condition) across London.

Inevitably, at the current time any contribution to savings (particularly from discretionary services) is of value but identifying savings has not been the principle driver for the proposals.

In response to the consultation the proposals have been amended such that any changes will now be made in response to natural staff wastage. As

natural wastage cannot be predicted no specific cost savings have been identified.

It is erroneous to suggest that the original proposals were wholly cost driven but notwithstanding that point it is clear that the revised proposals are not based around cost savings.

5.3.8 *Issue/theme: The Council is responsible for road safety and should continue to provide the service in entirety*

There is no legislation requiring the Council to provide a SCP service. The provision of the service is discretionary and the Council has no duty to provide the service in whole or in part.

All sections of the community (motorists, schools, parents, carers etc) have a general obligation to contribute reasonably to road safety through their actions. Parents/carers have a general responsibility to ensure children in their care are safe and this extends to ensuring they are safe in journeys to and from school.

The Council has a general duty to maintain its highway network in a safe condition so far as is reasonably practicable but this does not extend to an ultimate responsibility for the behaviour and safety of all road users and does not extend to a specific responsibility for providing a SCP service.

The proposals have been amended to include the consultation programme with schools to improve understanding that responsibility for road safety does not stop with the Council and to improve the take of road safety education within schools.

5.3.9 *Issue/theme: The cost savings that would be generated are minimal (in relation to road safety risk) and cannot be justified.*

There is no evidence that the proposals, if implemented, will significantly adversely impact on road safety. Officers are satisfied that the approach represents a reasonable approach to provision of a discretionary service. The proposals have been amended so that they will be introduced by natural (staff) wastage rather than as originally proposed which will result in relatively small savings over a number of years. The financial implications of implementing the proposals are set out in this report. It is for the Committee to decide, based on the information provided, including the responses to the consultation whether the proposals, with associated savings, are justified – with reference to the Council's wider priorities and financial position.

6.0 Proposed way forward

Officers are recommending that the Executive approve the use of the risk evaluation model (as described in 4.2) to determine which priority sites should have continual cover and which lower priority sites would cease to be covered over time as a result of natural staff wastage.

The responses to the consultation demonstrated a general opposition to the proposals and support for the status quo. Key themes are considered above, and the consultation responses set out in detail at Appendix E,

Officers are of the view that the rationale for making changes and using a risk evaluation model to determine where provision should be made is sound but that it would be reasonable to adjust the way the level of mitigation in the model is assessed in response to concerns about traffic volumes, speed and the perceived level of mitigation provide by different types of controlled crossing.

Accordingly the model has been amended and it is proposed that the model described at 4.2 is adopted.

Officers are also of the view that it is not reasonable to maintain the status quo in recognition of improvements to the environment around schools and road safety levels generally in recent years but that it is reasonable, recognising the feedback to the consultation, to introduce the changes through natural wastage rather than as originally proposed.

This means that provision will continue at the 27 priority sites until such time as they fall below the threshold and become (through the introduction of mitigating measures) lower priority sites and affected by staff natural wastage.

It also means that provision will continue at the 20 lower priority sites until such time as staff leave those sites through staff natural wastage or by re-assignment to priority sites following staff natural wastage there.

Arrangements would be put in place to allow continued provision at any site (where provision would otherwise cease) through “buy-back” or other arrangements with schools should the schools be minded to take that course of action.

Additionally separate arrangements will be made to provide targeted road safety education, additional parking enforcement and review, and refresh where necessary, road markings and signs in the vicinity of schools where provision would cease (unless alternative arrangements are agreed).

7.0 Financial Implications

The Schools Finance (England) Regulations 2008 specifically prescribe that the SCP service cannot be funded through the Schools Budget. However schools are free to use non-schools budget funds to procure these services or alternatively to provide such services using voluntary means (such as parents).

Schools in Brent have collective reserves as at 31st March 2011 of £13.6m

The approval of the recommendations set out in this report would see any reductions in the SCP service come about through natural staff wastage only. Since it is not possible to identify when staff might leave the Council’s service

through retirement and/or resignation, it is difficult to predict the timing or extent of any savings.

However, it would be reasonable to assume that up to 3 members of the SCP service may leave through natural wastage each year. Accordingly it is envisaged that savings of around £18,000 per year could be anticipated from 2012/13 onwards until such time as the service is reduced to the minimum acceptable level.

The cost of changing some of the existing high priority sites into lower priority ones by the introduction of Zebra crossings or traffic calming mechanisms would be covered by funding provided from TfL's Local Implementation Plan (LIP).

Costs of consultation incurred to date have been met from within existing budgets. The cost of the programme of further consultation with schools and any mitigating measures to be undertaken in the event that cover is no longer provided at a number of schools are not budgeted for but would need to be met from within existing departmental resources.

The current cost of the SCP service is £345,000 pa. There were no assumptions in the 2011/12 budget of any savings as a result of reducing this service but savings have been factored in from April 2012. Should reductions in this service not be approved, alternative savings of equivalent or greater value will need to be made from April 2012.

8.0 Legal Implications

There are two specific legal matters which members need to be apprised of when making the decision regarding the future of the SCP service. These are in addition to general public law principles relating to decision making.

The first of those specific legal matters is the Council's role in relation to the SCP service. The Road Traffic Regulation Act 2004 provides that the Council *may* make arrangements to appoint people for the patrolling of places where children cross roads on their way to or from school, at such times as the Council thinks fit. There is no statutory requirement placed upon a local authority to provide school crossing patrols. There is no "duty". There is however a power, that is, a discretion, to do so. In the exercise of those powers the Council must act reasonably, taking into account all relevant considerations and complying with other administrative law requirements.

There is no criteria set in law which must be applied by a Council in deciding SCP arrangements. There are national guidelines, but they are only guidelines and not binding. There is not a statutory duty to provide the service in a particular way. The Council is entitled to determine its own set of criteria to decide whether and if so where SCP provision should be made, provided those criteria are reasonable and fit for purpose. It is also entitled to review and alter the criteria for that service.

The Council has historically chosen to decide the allocation of SCPs by application of the School Crossing Patrol Service Guidelines 2008 published by Local Authority Road Safety Association. Officers have now reviewed the

criteria to be applied going forward. The proposed revised criteria are objectively relevant and reasonable for the purpose of assessing a need for a SCP.

In addition to the application of the revised risk criteria, consideration will also need to be given to whether exceptional circumstances at individual sites exist such that there should be a departure from application of the criteria.

In reaching a decision as to how and when the revised criteria should be applied Members must also take into account the outcome of the consultation exercise and comply with the public sector equality duty.

With regards the alternative arrangements available the Council is permitted under the Local Authorities Goods & Services Act 1970 to enter into arrangements with schools to provide such services and to charge for such services, or where there is a community school to cost recover.

The second specific duty is in relation to the Equality Act 2010.

'Meeting the general equality duty requires 'a deliberate approach and a conscious state of mind'. R (Brown) v Secretary of State for Work & Pensions [2008] EWHC 3158 (Admin).

Members must know and understand the legal duties in relation to the public sector equality duty and consciously apply the law to the facts when considering and reaching decisions where equality issues arise.

The Equality Act 2010 introduces a new public sector equality duty which came into force on 6th April 2011. The duty placed upon the council is similar to that provided in earlier discrimination legislation but those persons in relation to whom the duty applies have been extended.

The new public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.

A 'protected characteristic' is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;(including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and

gender.

Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life.

The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities.

Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding.

Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.

In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty. The advice set out to members in this report is consistent with the previous Codes and published guidance.

The equality duty arises where the Council is deciding how to exercise its discretion under the Road Traffic Regulation Act 2004 in relation to the provision of a SCP service.

The Council's duty under Section 149 of the Act is to have 'due regard' to the matters set out in relation to equalities when considering and making decisions on the provision of SCPs. Accordingly due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the decision making process. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision.

There is no prescribed manner in which the equality duty must be exercised. However, the council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups, and by gathering details and statistics on who use the service and how the service is used. The potential equality impact of the proposed changes to the SCP service has been assessed, and that assessment is found at Appendix F and a summary of the position is set out in 9.0. A careful consideration of this assessment is one of the key ways in which members can show "due regard" to the relevant matters.

Although certain parts of the information on equalities issues relating to the SCP service was gathered before the new duty came into force the information is considered sufficient to enable compliance with the new duty.

Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality then adjustments should be made to avoid that effect (mitigation). The steps proposed to be taken are set out in 4 of the report and considered in Appendix F.

Members should be aware that the duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its public functions (which includes the discretion to provide a SCP service). “Due regard” means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions. There must be a proper regard for the goals set out in s.149. At the same time, Members must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important, and are brought together in the report. The weight of these countervailing factors in the decision making process is a matter for members in the first instance

9.0 Diversity Implications

The proposals described in this report have been closely examined for their impact on service users. The full EIA and its supporting Annexes are at Appendix F.

The EIA considers the “worst case” scenario in which there would be no SCP’s at any of the 20 lower priority sites as evaluated through the use of the risk evaluation model. This is a worst case in that (i) it assumes that no alternative provision is made at any of those sites through “buy back” or other arrangements with schools and (ii) the proposals are to be implemented through natural staff wastage and are therefore unlikely to be implemented in entirety for a number of years, but the EIA considers the full impact of those potential staff changes.

Detailed demographic information was used to inform the analyses in this report, and is described within the EIA.

The EIA draws from a wide range of sources, including:

- the boroughs demographic information including studies of indices of deprivation
- road accident casualty data
- other surveys and strategies, for example the Council’s work to reduce transport related accidents which has successfully reduced injuries through targeted work with young people from BME communities.
- Information on school rolls
- The responses to the consultation

The primary reason for providing a SCP service is to maintain or improve road safety outside schools. The analysis therefore primarily focussed on the potential adverse impact (potential reduction of road safety) on those groups with protected characteristics.

Mitigation of the possible effect of the cessation of provision of SCPs at certain location was an integral part of the original (and revised proposals). The mitigation proposed has been considered for these potential adverse impacts within the Analysis.

The EIA shows that the identified adverse impacts are mitigated by proposed actions, in particular through targeted activities to be undertaken at locations impacted by proposed changes in advance or at the start of the introduction of the proposed changes.

Officers therefore consider that the potential adverse impact on a small group of users which is not completely mitigated by other steps is justified by the need to review and adjust the service and the tight financial restrictions on the Council.

10.0 Staffing Implications

The implementation of the proposals described in this report will result in the cessation of provision at lower priority SCP sites as staff leave the service through natural wastage. The implementation of the proposals would, over time, also see staff re-located from lower priority sites to priority sites in response to staff leaving those sites through natural wastage.

SCP staffs are contractually required to work at any site as directed although, in general, people remain at a particular site throughout their careers to accommodate where they live and their lifestyles.

The report sets out the arrangements that have been made to consult with staff. Further consultation will be required, particularly around re-locating staff, if the proposals are approved. The proposals will be implemented in accordance with the Council's managing change policies and procedures

11.0 Other Implications

There are no significant implications other than those discussed within this report.

Background documents

None

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List of Appendices

Appendix "A" – List of current SCP sites

Appendix "B" – Risk evaluation output

Appendix "C" – List of priority and lower priority sites (through applying the model)

Appendix "D" – Changes to provision proposed within the May/June 2011 consultation.

Appendix "E" – Consultation report

Appendix "F" – Equalities Analysis