

## **CABINET MEMBER DECISION**

### **Date of decision –31 August 2018**

## **UPDATED SCHOOL CROSSING PATROL POLICY**

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### **Relevant Cabinet Member**

Lucy Hodgson – Cabinet Member with Responsibility for Communities

### **Relevant Officer**

Director of Children, Families and Communities

### **Recommendation**

**1 The Director of Children, Families and Communities recommends that the Cabinet Member with Responsibility for Communities:**

**(a) notes the proposal to update the School Crossing Patrol (SCP) Policy and the legal, financial and HR implications described in paragraphs 15-17 of this report; and**

**(b) endorses the proposal as set out in this report and adopts a revised SCP Policy as attached as an Appendix.**

### **Background**

1. The Council has an agreed policy for the School Crossing Patrol Service, adopted by Cabinet in November 2017. There is no legal duty to provide any School Crossing Patrol (SCP) Service, but the Council has a discretionary power to do so under the Road Traffic Regulation Act 1984. It should be noted that even where an SCP is provided, it remains the responsibility of the parent and/or guardian to ensure that their child travels safely to and from school.

2. The policy takes account of all legislative requirements including the most recent code of good practice and Road Safety GB agreed guidance notes. (Road Safety GB is a national road safety organisation that represents local government road safety across the UK). The aim of the policy is to provide the School Crossing Service as efficiently, economically and sustainably as possible.

3. Work commenced on bringing the SCP Service in line with the agreed policy in June 2018. Application of the SCP Policy involved moving to close 15 sites, of which 4 were and remain vacant, and re-prioritising investment into road safety education in schools, which local authorities have a statutory duty to offer to all schools. Road Safety Education and training is designed to develop the behaviours and attitudes of all participating school children for safe road use as pedestrians, passengers, cyclists and novice drivers. These are behaviors that are potentially life-long for safe road use, anywhere, at any time, on any journey.

4. Following formal consultation with affected staff and feedback from parents, schools and community groups, two amendments were made to the proposed closures. These were:-

- to keep the SCP in post on the Birmingham Road site while further investigation takes place around improving the traffic management of the site to assess whether the SCP met the requirements of the Policy
- to re-locate the existing SCP in Catshill to a new location from the new academic year as a trial site for one term and then reassess in the light of the Policy.

5. The feedback also highlighted an appetite from schools/community groups to conduct a review of the current policy so as to consider introducing the sponsorship of SCPs where they would otherwise not be funded and provided by the Council in line with the November 2017 SCP Policy . A review of the SCP Policy has since been carried out and the proposed changes are outlined in the following section.

### **Proposed Policy Change**

6. As outlined in paragraph 2 the existing policy takes into account all legislative requirements including the most recent code of good practice and Road Safety GB agreed guidance notes. Therefore, there are no proposed changes to the criteria to assess the need for a school crossing, and whilst the PV2 test and SCP Policy criteria are met, the Council will continue to invest in SCPs for a particular location.

7. Investigations into national practice, suggests that in addition to sites which meet the Policy criteria for provision it is appropriate for the Council to consider providing SCPs on a cost-neutral (i.e. charged) basis at particular sites to meet community appetite where they would not otherwise be provided. Where Local Authorities consider introducing charging for SCPs there is a set of nationally agreed guidelines (see supporting information) to inform practice and decisions on when charging for SCPs could and should be introduced.

8. Following these national guidelines it is proposed that the concept of sponsoring a SCP is considered for zebra crossings only. Whilst having a zebra crossing and SCP is still considered a duplication of effort, SCPs on these sites can still help manage traffic and ensure motorists stop appropriately. These sites also have the relevant infrastructure in place e.g. dropped kerbs, lighting and signage. Sponsorship of SCPs on light controlled crossings is not being proposed as SCPs fulfil the same purpose as the light controlled crossing and have to work with the lights (they stop traffic so pedestrians may cross the road safely) and therefore, having both in place at the same site is a duplication of resources and maybe confusing for drivers. Sponsorship is also not proposed for sites that do not meet the PV2 test and SCP Policy criteria as there is no business requirement to invest resource into installing the necessary infrastructure e.g. dropped kerbs

9. Where schools/community groups would like to fund a SCP on a zebra crossing, funding agreements with schools/community groups and the Council would need to be put in place and a full-cost recovery model would be introduced as a charge (i.e. so the actual cost will be greater than just the SCP's salary), and the provision of a SCP at those sites would be entirely dependent upon continued sponsorship.

10. In relation to the employment and management of SCPs, Section 26 (1) of the Road Traffic Regulation Act 1984 (as amended) states: *“Arrangements may be made by the appropriate authority for the patrolling of places where children cross roads on their way to or from school, or one part of a school to another....by persons appointed by or on behalf of the appropriate authority, other than constables”*

11. This means only the Council can appoint statutory SCP patrols or arrange for them to be appointed on their behalf. Patrols do not need to be paid employees, but they must be appointed by or on behalf of the council.

12. Section 26 (3) also states that the functions of the appropriate authority *“shall include the duty to satisfy themselves of the adequate qualifications of persons appointed to patrol, and to provide requisite training of persons to be appointed”*. Where it exercises its discretion to provide SCPs, the Council cannot ignore the duty to make sure suitable people are recruited and trained properly, even if patrols are sponsored by schools or community groups. This would have to be part of the legal agreement between the Council authority and the body/organisation sponsoring the service.

13. Where sponsorship for SCP is considered, the delivery of the service and management of the SCPs remains with the Council as it remains a statutory function and in order to utilise existing knowledge and expertise to train, manage and risk assess SCPs. It also allows a consistency of practice across the county and ensures the proper appointment and training of SCPs with their legal power to stop traffic conforms to legislation and best practice.

## **Recommendations**

14. It is therefore recommended that an updated School Crossing Policy (see supporting information) is endorsed and adopted to

- introduce the concept of sponsored SCPs for zebra crossings only on a full-cost recovery model; and
- on the basis that the employment and management of sponsored SCPs remains with the Council to ensure a quality and consistent service is offered.

## **Legal, Financial and HR Implications**

15. The Road Traffic Regulation Act 1984 provides the statutory framework for the employment and management of SCPs. There is a discretionary legal power, not a duty, to provide SCPs. Under Section 93 of the Local Government Act 2003, the Council is able to charge recipients of a discretionary service where they agree to such provision.

16. If a school and/or community group want to sponsor a SCP in line with the revised policy a funding agreement will be put in place and a full-cost recovery model would be introduced as a charge (i.e. so the actual cost will be greater than just the SCP officer's salary).

17. The current proposal to close 15 SCP sites includes some sites with Zebra Crossings. Officers on these zebra crossing sites will be kept in post for the time being whilst sponsorship is considered, but the remaining sites will close in accordance with the Policy and staff be placed at risk of redundancy.

## **Privacy and Public Health Impact Assessments**

18. The proposed changes to the Policy have no public health impact.

## **Equality and Diversity Implications**

19. This Policy review is focussed on the locations of the patrols and not the pedestrians using the sites. The evidence on which the recommendations on this report are based was taken from Traffic Survey data that was compiled for each site.

20. SCP sites are located in areas of need in terms of road safety as opposed to impact on a specific community or school, the recommended changes to the service should not adversely affect any particular groups of people and as such there are no specific equality implications.

21. THE COUNCIL MUST, DURING PLANNING, DECISION-MAKING AND IMPLEMENTATION, EXERCISE A PROPORTIONATE LEVEL OF DUE REGARD TO THE NEED TO:

- ELIMINATE UNLAWFUL DISCRIMINATION, HARASSMENT AND VICTIMISATION AND OTHER CONDUCT PROHIBITED BY THE EQUALITY ACT 2010
- ADVANCE EQUALITY OF OPPORTUNITY BETWEEN PEOPLE WHO SHARE A PROTECTED CHARACTERISTIC AND THOSE WHO DO NOT
- FOSTER GOOD RELATIONS BETWEEN PEOPLE WHO SHARE A PROTECTED CHARACTERISTIC AND THOSE WHO DO NOT

## **Supporting Information**

- School Crossing Patrol Policy
- National guidelines

## **Contact Points**

### County Council Contact Points

County Council: 01905 763763

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### Specific Contact Points for this report

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## **Background Papers**

In the opinion of the proper officer (in this case the Director of Children, Families and Communities) the following are the background papers relating to the subject matter of this report:

- November 2017 – LTP4 report