



Parent/Guardian's Signature Date

APPLICATION FOR FREE TRANSPORT PROVISION ON EXCEPTIONAL HAZARD GROUNDS

Exceptional Hazard will be determined using only the criteria approved by the Education Committee. These criteria are set out below for the information of parents to help them in deciding whether or not to submit a formal application given their particular circumstances.

CRITERIA TO BE USED TO DETERMINE EXCEPTIONAL HAZARD

The Legal Responsibility of Parents

The legislation about the provision of free transport is set out in Section 509 of the 1996 Education Act and as interpreted by the Courts over the years establishing what is termed "Case Law". The Courts have established that within their legal duty to bring about the attendance of their children at the schools at which they are registered, parents must do those things which are reasonably practicable to be done and which an ordinary prudent parent would do. This includes such things as seeing that they get up in the morning and set out in reasonable time; in the case of an unwilling child, if necessary, taking the child to school; and accompanying the child in situations where it would be unsafe for the child to go to school or college unaccompanied. This duty is reinforced by the Children and Young Persons' Act 1933.

GENERAL CRITERIA

Road Safety

- I. Road Safety is a matter of education. Apart from the responsibilities that fall to parents under the law, it is imperative that they, in co-operation with and supplementary to their children's schools, ensure their children learn and understand the highway code to the extent that they may look to their own safety in the due course of time.
- II. Since all roads are potentially dangerous, whether in a rural or urban setting, it is considered, for that reason alone, necessary to discriminate and make special provision over and above that provided under the normal transport policy. However, from time to time, because of other factors, routes may become of exceptional danger in either the short or long term and it is in these cases where special transport arrangements may be considered subject to the specific criteria set out overleaf.
- III. As is described above, parents have a duty to bring about the attendance of their children at schools which they are registered and must, in fulfilling this duty, do those things which are reasonably practicable to be done and an ordinary prudent parent would do. This may include accompanying the child, or arranging for the child to be accompanied in situations where it would be unsafe for the child to go to school unaccompanied. As the law stipulates no age limit on this responsibility it would include situations relating to moral and other dangers of secondary or college aged children.
- IV. Where appropriate the Authority will expect parents to provide children with suitable footwear and clothing, including reflective clothing to cope with the prevailing circumstances on the route. This may include flashlights when and where necessary.
- V. Where speed limits exist, the Authority will expect traffic to comply with them. Where this is not the case the Authority will assume that the police have been asked to take any necessary enforcement action.
- VI. The crossing of a road on its own is not a matter for consideration under the exceptional hazard criteria as most children somewhere in the course of getting to and from school need to undertake this task. The establishment of school crossing patrols is a matter for the County Road Safety Officer, for which a nationally determined formula exists.

SPECIFIC CRITERIA

Exceptional hazard will only be determined where:

- I. No alternative 'safe' route exists within the "walking distance" from the home to school and, for primary school children 2 miles or more, for secondary aged and other older children, 3 miles or more measured over the nearest available route: ie the shortest walking distance.
- II. The exceptional hazard still exists where a suitable adult person accompanies the child, (General Criteria section iii).

Subject to the following additional qualifying/quantifying criteria:

- Being accompanied by a suitable adult person means that exceptional hazard should not be presented by:
 - Lonely routes
 - Moral danger
 - Canals, rivers, ditches, dykes, lakes and ponds
 - Railway crossings
- Exceptional hazard will not be seen to exist where, criteria existing individually or in combination:
 - There exists a footway or walkable roadside strip
 - There exists a public footway or bridleway
 - There exists an adequate width of road to allow vehicles to give pedestrians a reasonable berth even though there is no footway or verge 'adequate width' is normally a minimum of 5.5 metres of usable road surface.
 - On narrower up to 5.5 metres width roads there exists a verge that can be stepped onto for refuge subject to:
 - The road being 'lightly trafficked', maximum two-way traffic volume of no more than 240 vehicles per hour of which total the maximum proportion of HGV's is no greater than 5%.
 - Within this traffic flow short lengths of road, *e.g. bridges etc, where no verge exists, are acceptable and can be considered safe to negotiate.
 - The relevant accident statistics do not indicate a blackspot (relevant means pertinent to pedestrians).
 - Visibility is not normally and generally dangerously impaired by tight bend, high hedges or other obstacles.

The roads are considered to be within the immediate vicinity of the child's home. This recognises that such roads will be used for the variety of activities out of school time in a perfectly safe and acceptable manner, accompanies or not.

*A short length of road will normally be defined as a distance relative to volume of traffics shown below:

Number of vehicles per hour**Acceptable length of road without verges
or refuge * on roads under 5.5m in width**

201-240	10m
161-200	15m
121-160	20m
81-120	35m
61-80	55m
41-60	75m
31-40	120m
21-30	160m
11-20	240m
6-10	300m
1-5	500m+

PLEASE RETAIN THIS SHEET FOR FUTURE REFERENCE

*Minimum of 1.5 meters in lengths and 0.5meters in width



HEREFORDSHIRE EDUCATION COMMITTEE

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A full description of the exceptional hazard(s) including appropriate route references, and the reasons why you consider they fall within the committee's exceptional hazard criteria, should be set out on the reverse of this form. Before completing this form you need to read carefully the information on the adjacent pages, particularly the circumstances where the hazard will not be seen to exist.

APPLICANT TO COMPLETE

DETAILS OF PARENT OR GUARDIAN

TITLE **SURNAME**

FULL POSTAL ADDRESS

.....
.....
.....

POSTAL CODE

DETAILS OF PUPIL

SURNAME **FORENAME**.....

MALE/FEMALE **DATE OF BIRTH**

SCHOOL/COLLEGE ATTENDED

FOR OFFICE USE ONLY:

ROUTE

START POINT

END POINT

ROUTE APPROVED OR REFUSED

REMARKS

.....
.....

DATE..... **SIGNATURE OF OFFICER**

Description of what the exceptional hazard(s) is/are and where it is located please include appropriate route references.

Continue on a separate sheet if necessary

Reasons you consider The Exceptional Hazard(s) justify the provision of Transport