



## **CABINET – 12/12/2006**

**SUBJECT: HSE ALL WALES PROJECT – TRANSPORT RISKS AT LEA SCHOOLS**

**REPORT BY: DIRECTOR OF EDUCATION & LEISURE**

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### **1. PURPOSE OF REPORT**

- 1.1 To seek approval from Members to the proposed way forward in responding to the actions required by the Health & Safety Executive (HSE).

### **2. LINKS TO STRATEGY**

- 2.1 The report links directly to the Education for Life and Sustainability Strategies.
- 2.2 The report also links to the 'Unlocking the Potential' strategy and in particular to better and improving services.

### **3. THE REPORT**

- 3.1 The HSE have been conducting inspections at various schools across every LEA in Wales over the last 2 years. CCBC was inspected during September 2006, which included 7 school sites.
- 3.2 On an All Wales basis, in the 4 years between 1996 and 2000, there were 104 transport related accidents to children on school premises reported to the HSE and two of these were fatal.
- 3.3 Attached as an Appendix is the HSE letter following the inspection. A total of 9 actions have been identified which the Council is required to address.
- 3.4 The Director of Education & Leisure and the Head of Planning & Strategy met with Mrs. Clayton, HSE Inspector, on 6 November 2006 to discuss the actions and a way forward/timescale.
- 3.5 The priorities for the Council are to train relevant school staff from all schools in risk assessment. Following this, there would be a need for every school to produce a risk assessment. The completion of these initial actions needs to be by the end of the summer term 2007.
- 3.6 Following this, there would be a need for the Council and schools to produce a prioritisation of remedial work. Education related work can be considered for funding from school

delegated budgets or Health & Safety capital, as appropriate.

- 3.7 Risk assessments will need to be undertaken jointly on joint-use sites, taking into account the need to ensure that the issues of leisure centre use and public traffic are addressed.
- 3.8 In order to comply with the actions identified in the HSE letter, it is proposed to appoint a project officer for a time limited 2 year basis to facilitate this initiative. It is recommended that this post be graded at Scale 6 (subject to the Authority's GLEA job evaluation process).
- 3.9 The work required principally involves Education & Leisure, albeit that there will be a need to link with other Council services e.g. Corporate Health & Safety and Engineering (road safety).
- 3.10 From the Directorate's perspective, it is recommended that the post initially be based with the Health & Safety team with close co-ordination and development with the Forward Planning & Transport Division. It is anticipated that following the initial 2 year period, the ongoing management of these initiatives would be the responsibility of Forward Planning & Transport. This has also been assumed within the HSE Transport Improvement Notice report also being considered at this Cabinet meeting.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 In order to comply with the action plan, it is recommended to establish a Scale 6 project officer post for a period of 2 years, at a cost of approximately £30,000 per annum, inclusive of oncosts.
- 4.2 The additional cost will be the subject of consideration as part of the Authority's 2007/08 budget process.

#### **5. PERSONNEL IMPLICATIONS**

- 5.1 The report outlines the need for a project officer post for a period of 2 years to ensure the actions outlined in the Appendix are complied with.
- 5.2 It is acknowledged that the precise grade of the proposed project officer post would be subject to the Authority's GLEA job evaluation process.

#### **6. CONSULTATIONS**

- 6.1 As detailed below. There are no comments received other than those reflected in the report.

#### **7. RECOMMENDATIONS**

- 7.1 Members approve the proposed way forward to respond to the HSE inspection as outlined in the report.
- 7.2 In recognition of the urgency to progress these improvements, Council, at its meeting on 9 January 2007, be recommended to include a budget provision for 2007/08 for the staffing change, and subject to that, to approve the temporary staffing increase outlined in the

report.

## **8. REASONS FOR THE RECOMMENDATIONS**

8.1 To enable actions to be progressed to ensure compliance with the HSE recommendations.

## **9. STATUTORY POWER**

9.1 Health & Safety at Work etc. Act 1974 and subsequent health & safety legislation.

9.2 This is a Cabinet function which requires a recommendation to the Council because of the absence of an approved budget.

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Nicole Skett, Principal Officer Finance  
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Emma Townsend, Health & Safety Manager  
Donna Jones, Senior Health & Safety Officer  
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Background Papers: HSE Inspections – Transport Risks at LEA schools file.

Appendix: HSE letter dated 24 October 2006.



**Awdurdod Gweithredol  
Iechyd a Diogelwch**

**Health and Safety  
Executive**

Chief Executive  
Caerphilly County Borough Council  
Council Offices  
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Date 24 October 2006

Reference 110260431

Ein gweledigaeth yw cydnabod  
iechyd a diogelwch

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HM Principal Inspector  
Mr Steve Scott

Dear Mr Rosser

#### **HEALTH & SAFETY AT WORK ETC. ACT 1974**

#### **All Wales Project - Transport Risks at LEA Schools**

I refer to my inspections at various schools during September 2006 to look at transport risks as part of the above-mentioned project that is taking place across the whole of Wales.

The intervention was prompted by concerns about transport safety in schools and recent incidents involving pupils.

In the 4 years between 1996 and 2000 there were 104 transport related accidents to children on school premises reported to the HSE and two of these were fatal. Statistics are not available for transport related accidents to children outside the curtilage of the school, as these are usually not reportable under *Reporting of Injuries, Diseases and Dangerous Occurrence Regulations (Riddor) 1995*.

Issues at specific schools were conveyed at the time of visit in an Instant Visit Report. A copy of which was supplied to the LEA via Donna Jones, Senior Health and Safety Officer.

I should be most grateful if you would pass on my thanks to all those involved in the inspections for their assistance, openness and co-operation during this inspection.

I have identified a number of areas where action is necessary and a time scaled action plan is required to address these matters.

The following is a summary of my main findings:

## **1. MANAGEMENT ARRANGEMENTS**

At the time of the visit there was no strategy (policy) within the Authority for the management of vehicle movements on school sites.

The absence of a strategy means that areas of responsibility are not clearly defined for example if head teachers and local managers were to complete risk assessments, then who within the LEA has responsibility for monitoring that the assessments were completed and the identified control measures implemented.

Currently, it appears that the responsibility for "managing" all aspects of transport risks at LEA schools has fallen to the Education Health & Safety Team. The health and safety officers are driving forward any improvements to school sites. They are to be commended for their work in this area and the level of support they provide to the schools.

The health and safety team are identifying which schools will benefit from the allocated capital expenditure. These decisions are made with local knowledge and a lot of good works at a number of schools have been implemented to date. However, I would question that it is the health and safety departments' role to manage all aspects of transport risks and that without adequate risk assessments, schools are not being prioritised in accordance with risk.

It is essential to realise that adequate management of transport risks requires a holistic approach that examines vehicle movement within the school and outside the curtilage of the school in addition to other influencing factors and initiatives such as Safe Routes to Schools, park safe/walk safe schemes and cycle use.

Equally, identifying workable solutions clearly requires the involvement of a number of disciplines within the Authority and these arrangements need to be clearly set out within a strategy document. This should give due consideration of the communication mechanisms between departments and allocate responsibility for ensuring compliance at a suitably senior level.

## **2. RISK ASSESSMENTS**

The LEA issued all schools with an "Inspection/Risk Assessment Checklist: Vehicle movements & Pedestrian Safety" form in 2004. A circular advising schools about the need for traffic risk assessment, was first sent to all schools in 1998 following a HSE Health and Safety Inspection of Caerphilly CBC Education Department.

Some, but not all schools have completed this checklist. The majority of schools visited in September 2006 had completed the checklist - immediately prior to and in obvious preparation for my visit.



The checklists seen were completed to the best endeavours of school staff, however, as a result of the complete lack of training, the "risk assessments" were not suitable, sufficient or adequate.

To be suitable and sufficient risk assessments should include a site plan with significant features (eg pedestrian segregation, signs, pedestrian crossing places, traffic flow, speed limits, parking areas, etc) marked upon it.

An assessment should include consideration of all traffic movement on site, the segregation of pedestrians from transport, staff and visitor parking arrangements, provision of bus bays, reversing, drop off points, deliveries, refuse collection, neighbouring schools start and finish times, etc.

Training in both risk assessment and in particular the assessment of traffic risks would be necessary for head teachers (or other appointed person from within the schools) to be able to produce suitable and sufficient risk assessments and identify suitable control measures.

The LEA should be providing schools with the means to undertake traffic risk assessments, monitoring schools compliance with risk assessments and taking a management role in overseeing the correlation of risk assessments; assessing the suitability of identified control measures; identifying schools requiring funding to implement the control measures and prioritising the capital funding available to the LEA.

### **3. CONTROL MEASURES**

The objective of control measures is to ensure that pedestrians and vehicles can circulate in a safe manner.

Risks should be eliminated by means of physical controls, or if not reasonably practicable controlled by management controls in conjunction with information & education. Management controls should only be used where physical controls are shown to be not reasonably practicable or as interim measures. They must be supported by robust monitoring arrangements when implemented, as unfortunately, management control relies heavily on staff behaviour and frequently falls out of use over time.

Some schools do not have vehicle access, and technically may feel that they have no transport risks to manage. I would point out that vehicle movements occurring immediately outside the school premises which may be associated with school activities such as staff arriving and leaving work, school transport delivering pupils, deliveries, etc are still part of the schools undertaking and should be included in a risk assessment.

HSE is aware that some Trade Unions have advised their teaching members not to supervise pupils awaiting or boarding school buses at the end of the day, particularly

outside the school premises. I would reiterate that boarding of organised school transport is still part of the undertaking and therefore if the risk to children from boarding buses is identified as requiring supervision, the LEA must ensure that this supervision is provided. Senior members of staff at *Oakdale Comprehensive School* were seen supervising pupils boarding contracted school buses, making sure they used designated crossing points and remained on footpaths, ensuring their safety.

Although in general terms management of traffic outside the school area is outside the remit of the HSE (unless it is still part of the undertaking) it must be recognised that this is often the area of greatest concern at school premises. Care should be taken that actions to reduce the risks on the school site (which is commended) may transfer the risk to outside the school, an example being closing the school gates and not allowing parents cars onto site at the end of the school day. eg *Llanfabon Infants*. Such decisions should be made with input from Highways/road safety departments, so that the risk is managed and reduced, and not just transferred.

The authority currently uses the "green cone" scheme, to reinforce existing parking restrictions outside a number of schools. It was pleasing to note that it is planned to increase the use of this scheme throughout the Authority.

Another area where schools can exert control is over the timing of deliveries. If any contracts are let centrally, then that commissioning department must recognise the need to stipulate within contracts or service level agreements that deliveries are not made at times of peak pupil movement. Similarly waste collection must be scheduled outside these times (this issue was identified in the waste collection audit conducted in July 2005 & 2006). Any other Council department, particularly buildings maintenance must also be aware of access restrictions.

During the visit a CCBC van had to be stopped from driving into *Oakdale Comprehensive School*, and at *Newbridge Comprehensive School* a delivery vehicle had to be stopped; they were both attempting to drive through a gate that was heavily congested with pupils walking through it.

Risk assessments must also consider taxi's delivering children "to the door", consideration should be given to vehicles themselves not going to the actual door (especially where this involves driving through pedestrian traffic), specific drop off points, better use of escorts, or use of staggered starts.

The work of Susan Davies, the Safe Routes to School Co-ordinator, involving and educating children in travel plans, appears to have had a positive impact on pupil safety from traffic risks. The use of travel plans and the safe routes, has not always addressed "safe routes within the school". This is an area that should now be built upon, continuing the good working relationships between Safe Routes to School Co-ordinator (Highways), Schools and the Education Safety Officer (LEA).

This is particularly pertinent at *Newbridge Comprehensive* where the increased flow of pedestrian traffic from the construction of the new town train station and associated walkways, cycle paths and bridges into the rear of the school site, in conjunction with the current risks created by transport using the leisure centre has a serious impact on



the safety of pupils within the school grounds. The risks to pupils and members of the public from transport on the School/Leisure Centre site should be addressed as part of the planning/development process immediately, to ensure that there is suitable segregation of pedestrians from vehicle traffic.

I was particularly pleased to note the steps taken in conjunction with Highways and the Safe Routes to School co-ordinator to restrict vehicle access around *Ysgol Gynradd Gymraeg Caerffili* at school start and finish times, by using the temporary road closure, utilising safe access via St llans for the safe route into school and also the use of their car park as a pick up point. This is a good example of departments working together. Care must be taken that the closure of St llan does not reintroduce any risks from vehicles to children at *YGG Caerffili* ie by ensuring there remains safe drop off points and pedestrian access.

Equally, where decisions are taken to close any other schools, an assessment of the additional traffic (both vehicle and pedestrians) on neighbouring schools should be undertaken.

There were examples in a number of schools of letters being sent to the parents requesting their cooperation in where they park or access the school. These indicate that schools are trying to take steps to minimise the problems, but unfortunately they tend to have limited and temporary success.

#### **4. COMMUNICATION & INFORMATION**

Education Health & Safety Officers are consulted during planning applications for new School sites or extensions. This practice should continue (and be confirmed in the LEA strategy). In addition, the Authorities Planning Department should also ensure that planning applications for a school's neighbouring areas are also referred to Education for consultation. Eg planning permission to build residential housing in close proximity to a school, is likely to impact on any measures that have been taken to minimise the risk from traffic to pupils.

The use of "Mrs Tufty" has endeavoured to increase younger pupil safety through pupil education.

#### **5. ISSUES AT INDIVIDUAL SCHOOLS**

Individual schools were issued with a written Instant Visit Report at the time of the inspection. The issues identified at the schools visited, will not be unique to that site. The type of risks/control measures raised should be considered and addressed at all schools. In summary those identified included:-

1. ensuring member of staff receive training on undertaking traffic risk assessments
2. installing segregated pedestrian walkways
3. restricting delivery times



4. restricting all vehicles movement between set times (including staff & school mini bus)
5. locking vehicle access gates at set times
6. locking pedestrian gates to direct flow of pedestrians (& increase site safety)
7. designated clearly signed car parking areas
8. ensuring good communications & joint risk assessments on shared sites
9. safety by position of "bus bays" and other transport pick up points

#### **6. ACTION REQUIRED**

1. **Produce a LEA Strategy (Policy) outlining robust management arrangements for the effective planning, organisation, control, monitoring and review of the risks posed by vehicle movements at school sites.**
2. **Ensure appropriate liaison between all relevant parties eg LEA, Schools, Safe Routes to Schools Co-ordinator, Road Safety, Highways, representative of any other interested party eg where shared sites.**
3. **Establish systems for effective consultation and communication with regard to planning proposals and school closures, to ensure there is an assessment of any increased traffic (both vehicle and pedestrians) risks.**
4. **Provide appropriate information, instruction and training of school based staff to enable each school to undertake a suitable and sufficient risk assessment.**
5. **Ensure all schools have undertaken a suitable and sufficient assessment of the risks posed by vehicle movements at school sites.**
6. **Correlate the information contained in all school risk assessments.**
7. **Where additional control measures are required, develop time scaled, risk based, prioritised action plans.**
8. **Provide and maintain appropriate interim measures where identified risk cannot be promptly controlled**
9. **Identify and promulgate best practice in the management of transport risks at school sites.**

I would remind you that as the employer, the Authority retains legal responsibility for compliance with duties under the *Health & Safety at Work etc Act 1974* and subsequent health and safety legislation. Under schemes of local management or devolved budgets, the LEA remains the employer, even though governors may control some expenditure. Governors must therefore act in accordance with the health and safety policy and guidelines issued by the LEA to fulfil their own legal duties.

In practice, employers may delegate specific health and safety tasks to individuals (LEAs may delegate specific tasks to schools). But the employer retains the ultimate responsibility no matter who carries out the tasks.

## 7. INFORMATION TO EMPLOYEES

*Section 28(8) of the Health and Safety at Work Act 1974* is concerned with the provision of information to employees about matters relating to their health, safety and welfare at work. To comply with my duties under this Section, I should be grateful if you would ensure that this letter is disseminated to the appropriate employees representatives and to all schools.

## 8. CONCLUSION

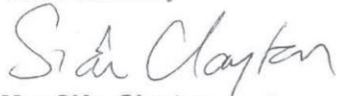
HSE does recognise the potential cost implications of some traffic management schemes and is sympathetic to the need to spread such costs over a realistic timescale, identified and prioritised following comparison of all LEA schools risk assessments.

I intend to re-visit the LEA and review action taken. Where schools have not carried out suitable and sufficient risk assessments or implemented reasonably practical control measures consideration will be given to taking enforcement action.

I hope that the issues raised in this letter assist you in improving the transport safety within your schools. **I look forward to receiving a copy of your proposed action plan and confirmation of actions taken/proposed at each of the individual schools visited.**

Should you wish to discuss this or any other matter further, please do not hesitate to contact me.

Yours sincerely



**Mrs Siân Clayton**  
**HM Inspector of Health & Safety**  
Services Team

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