

Classification	Item No.
Open / Closed	

Meeting:	Cabinet
Meeting date:	**
Title of report:	Education Services – School Crossing Patrols
Report by:	Executive Director for Children & Young People Services
Decision Type:	Key Decision
Ward(s) to which report relates	All

Executive Summary:

School Crossing Patrols are provided to serve a number of schools across the borough.

There is no statutory requirement to provide a school crossing patrol but, where they are provided, they can make an important contribution to road safety.

Where a crossing patrol is in place, there is a requirement for the Council to have arrangements in place for the employment and training of staff, and to enable enforcement to take place.

The funding for the service has previously been delegated to schools and is contained within their Individual Schools Budget (ISB) allocations from 2015/16. Following consultation on increased Traded Services offers, all schools were provided with an additional £5,000 to their Lump Sum allocation plus an extra £30 per pupil for Primary and £20 per pupil for secondary. This provided more than sufficient funding to cover the cost of the increased traded services including Health and Safety and School Crossing Patrols.

However, because a number of schools were unwilling at the time to sign up to a Traded Services arrangement, to protect the service a decision had to be made to meet the cost from within the High Needs Block. This decision came after the school budgets for that year had been set and funding could not be recovered. The position is no longer sustainable from the High Needs Block and the cost of the service will now need to be met by individual schools through their delegated budgets.

Cabinet will note that it received a report on the 2nd September 2020 in respect of the Dedicated School Grant (DSG) and the need to address the significant deficit, particularly in relation to the High Needs element of the DSG. This proposal is a key measure in seeking to address that deficit.

Through a Service Level Agreement, the Council will continue to employ and train staff on behalf of schools, and ensure statutory compliance.

There is no direct impact on the Service but over time, individual schools may choose not to fund the provision, which may see the withdrawal of crossing patrols.

Recommendation(s)

That:

Cabinet is asked to support the proposal to transfer responsibility for School Crossing Patrols costs to schools, to be funded from resources already delegated to them through and retained within their individual school budgets.

Key considerations

1.0 BACKGROUND

- 1.1 The services that the Council provides in relation to schools and families are continually responding to the changing educational landscape, demand for services, and the need to ensure financial viability and sustainability.
- 1.2 The review considers specifically the contribution made from the High Needs Block which is facing significant deficit and which is subject to a deficit recovery plan that is open to scrutiny from the Department for Education (DfE) and where all contributions to services, such as School Crossing Patrol, need to be reduced or removed in order to sustain the High Needs Block within its' annual allocation plus recover the accumulated deficit as a priority.
- 1.3 Cabinet received a report on the 2nd September 2020 in respect of the Dedicated Schools Grant (DSG), and the significant pressures particularly on the High Needs element of the DSG. As a consequence of those pressures there is a significant financial deficit, and the proposal set out in this report is a key measure in seeking to address that deficit.

2.0 The proposal

- 2.1 School Crossing Patrols are employed by the Council in a number of locations across the borough. Whilst there is no legal requirement to appoint School Crossing Patrols, where they are already in place, they are governed by legislation. The cost of School Crossing patrols is currently met through the High Needs Block.
- 2.2 Following an initial decision of Schools Forum in October 2014, funding was delegated to schools through the DSG with effect from 1 April 2015 and the service offered to schools as a traded service. However, following a poor uptake of the traded offer, and the potential impact on a number of School Crossing

Patrols, a decision was taken to fund the current model from the High Needs Block at a cost of £470,000. Funding had already been delegated through the DSG to all schools.

- 2.3 Whilst the Schools Forum agreed the original proposal in 2014, it will be consulted during the autumn term on the intention to implement. Forum are due to meet on 20 October 2020 where this item will be considered.
- 2.4 In 2014, a framework was put in place by the Council, setting out criteria for the establishment/retention of School Crossing Patrols. This has enabled a phased reduction in the number of patrols. The current level of provision costs £395,000.
- 2.5 Whilst the cost of the service has reduced, it continues to place a demand on the High Needs Block, for provision that schools receive funding for through the Dedicated Schools Grant. The removal of School Crossing Patrols as a cost pressure on the High Needs Block forms part of the deficit recovery plan for the HNB. There is no option to remove the funding directly from schools budgets under the National Funding Formula operational requirements.
- 2.6 It is proposed that the responsibility for provision be delegated to schools with effect from 1 April 2021, to be funded through their Individual School Budgets (ISB) that were enhanced to cover the cost of this from April 2015. It would be for schools to determine future arrangements for School Crossing Patrols to serve their communities.
- 2.7 The framework for School Crossing Patrols put in place in 2014 provides clear criteria for determining the need for a crossing patrol, and procedures for the removal of crossing patrols where there is no longer a need. This framework will be retained for use by schools in determining any future changes to provision.
- 2.8 This framework considers issues such as road safety, community need and local risk factors, and will enable schools to continue to demonstrate that they are promoting road safety.

Statutory position

- 2.9 Under the **Road Traffic Regulations Act 1984** local authorities may make arrangements for the patrolling of places where children cross roads on their way to or from schools. A school crossing patrol appointed by a local authority under the Act has the power to require vehicles to stop.
- 2.10 **The Road Traffic Act 1988** (section 39) gives local authorities a general duty to promote road safety.
- 2.11 The **Education and Inspections Act 2006** gives a duty to local authorities to promote sustainable travel to school.
- 2.12 **School Funding Regulations** give schools the freedom to spend their delegated budget on anything for the "purposes of the school".

- 2.13 If school governing bodies consider the provision of school crossing patrols to be meeting the purposes of the school then they are entitled to use their delegated budgets to fund them.
- 2.14 There is nothing in legislation that requires local authorities to appoint school crossing patrols. Patrols have generally been seen as an important element in meeting the duties to prevent accidents, promote road safety and sustainable travel to schools, but these duties can also be met in other ways.
- 2.15 However, the legislation states that a School crossing Patrol can only be appointed by the appropriate local authority and must be trained, paid and managed by the SCP service of the appropriate Authority, and this cannot be delegated to a school
- 2.16 Therefore, where a School Crossing Patrol is already in place, the Council would need to retain responsibilities for recruitment, training, payment and management of the service. In the event of a school determining to dis-establish a crossing patrol, the Council would retain employment duties for any staff affected.
- 2.17 This will be achieved through the use of a Service Level Agreement with schools whereby, the local authority continues to provide this element of the service on their behalf, to be delivered as now, through the School & College Transport Team.

Other alternative options considered

- 2.18 None. This proposal is the only available one that will address the anomaly of the funding arrangements currently in place.

3.0 CONCLUSION

- 3.1 Cabinet is asked to support the transfer of the responsibility for funding School Crossing Patrols with effect from 1 April 2021, from the High Needs Block to individual schools delegated funding, for which provision has already been made in their budget allocation. This proposal will secure a saving to the High Needs Block of £0.395m.

Community impact / Contribution to the Bury 2030 Strategy

Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Schools, through decisions of their Governing Bodies are responsible for determining the use of the schools delegated budget. It is possible for a school to choose to discontinue a school crossing patrol that is there to serve the school.	A framework is in place that includes criterion for determining the need for a school crossing patrol. This will be used to support schools in decisions about the continuation of crossing patrols. The Council authority will continue to employ staff on behalf of schools, and provide all appropriate training and support.
In delegating responsibility to schools, it will be for schools to determine whether they wish to continue to fund a crossing patrol. This may result in the withdrawal of some school crossing patrols	The Council has a framework in place, with clear criteria for the establishment and dis-establishment of crossing patrols. This will be retained for use by schools, and will guide the need for a crossing patrol.
In the event of schools determining to dis-establish a crossing patrol, the Council, in will retain responsibility for the employment duties in relation to any staff affected.	

Consultation:

The proposal, as set out in this report, is limited to changes to the funding arrangements in relation to School Crossing Patrols. Following the decision of Cabinet, consultation will follow with Schools Forum.

Legal Implications:

To be completed by the Council's Monitoring Officer

Financial Implications:

To be completed by the Council's Section 151 Officer

Report Author and Contact Details:

Paul Cooke, Strategic Lead (Education Services) – 0161 253 5674.
P.cooke@bury.gov.uk

Background papers:

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning