

		AGENDA ITEM 5
		CYP/17/12
Committee:	Children and Young People Policy and Scrutiny Committee	
Date:	5 July 2012	
Provision of Bicycle Allowance for entitled children		
Enquiries to:	Emma Toublic, Head of SCF Strategic Transport and Awards 01245 431625 or ext. 21625 emma.toublic@essex.gov.uk	

The proposal is as follows:

Cycle allowance

An allowance of £50 per term may be paid (at the discretion of the Head of SCF Strategic Transport and Awards) to parents of secondary age pupils who are entitled to free transport but wish to use a cycle to travel to school.

Such allowances will only be payable where the cost of transport would exceed the amount of the cycle allowance.

Cycle Purchase Scheme

ECC will consider that, instead of issuing yearly bus passes, it will make available a one-off arrangement for parents/carers to purchase a bicycle, safety kit, (e.g. helmet, fluorescent jacket etc.), and road safety training for pupils to a value not exceeding £250 per child.

This would be on the understanding beforehand that:

- responsibility for ownership and liability for maintenance, insurance, and safekeeping is transferred to the pupil and/or parents/carers
- successful completion of mandatory road safety (e.g. Bikeability) training course by the pupil, with continued safe use of the bicycle and consideration for others including motor vehicles, cyclists, and pedestrians between home and school using cycle-ways, roads, and other public access, and
- parents/carers would be required to sign a ECC declaration form accepting the conditions of the scheme

Where a pupil's parents/carers purchase a bicycle for the pupil under this scheme, it is on the understanding that this would replace any other transport support for the remainder of his/her education. If a bicycle were subsequently lost, damaged, or stolen, it would then be the responsibility of his/her parents/carers to provide a suitable roadworthy replacement bicycle for the pupil.

There would be no further recourse for other transport support from ECC for the completion of his/her period of statutory education unless the circumstances for the family changed meaning that the child was unable to use a bike in the future.

Why has this suggestion been put forward?

- To promote healthy lifestyles amongst school children
- To provide flexibility in the offer of home to school transport
- To take advantage of the Mountain Biking event being held in Essex as part of the 2012 Olympics and to encourage more sustainable means of travel amongst our students across the County.
- Other authorities (i.e. Peterborough City Council) have already put in place Cycle Purchase or Allowance Schemes and they have had good levels of success in doing so.

What options were considered?

This is stand alone offer as an extension to our current provision of home to school transport – it will be offered as an alternative to bus or taxi.

Why is a particular option favoured?

There are two proposals – one for a Cycle Allowance and one for a Cycle Purchase Scheme – we would like to offer both options as this would then allow for a child who has no requirement for a new bike to be paid an allowance to use the bike they already own and also for ECC to purchase a bike for those that still wanted to utilise this offer but did not currently own a cycle.

The proposal is particularly attractive to those students aged 16 and over attending schools and colleges where more flexibility is required in their attendance and they would like to utilise a bike to access school or college.

What is the cost of the proposal?

This proposal will only be offered where it is a reduced cost to the County Council when compared with the provision of contract or public transport. There will be no additional cost to the County Council for implementing this arrangement.

What are the insurance issues - particularly what are the implications for the Council in the case of a child having an accident)?

We have received advices from RMCS and they advise the following:

On the specific question of what are the implications of a child having an accident. Whilst the brokers appreciate the risks associated with riding a bicycle mean that there is a higher probability of any accident occurring, those children could use the free transport available and be involved in an accident just as easily. Therefore the liability risk for the Council has not changed but the potential for an accident may have increased. They have suggested that you may want to obtain legal advice on this if you have not already done so.

Based on the risk mitigation proposed in relation to the road safety training they have suggested a reassessment after a period of time to test whether the child continues to perform against the requirements of the road safety training, or indeed whether it is proposed to provide a refresher training course after a period of time. But this would incur extra costs.

They suggest that one of the difficulties in the event of an accident would be proving that the Council were responsible for the same. That might be relatively straightforward where a vehicle is involved, and the driver is found to be at fault (and therefore hopefully their insurers). A high proportion of accidents involving cyclists will involve an offending third party vehicle of some description. Any claims for loss or damage to the cycle or the child would, depending on the circumstances of the accident, be pursued against the offending party in the first instance. They accept that the Council have provided the means of transport to the child, but if a child has been knocked off their bike by a third party it is difficult to see how this could be the fault of the Council. Where it might get difficult, however, is where the third party is uninsured, for example.

Home to School Travel and Transport Guidance issued by the DfE makes reference to cycle schemes in Part 2 para 50. It states:

“On condition that the relevant parental consent has been obtained by the local authority, a number of allowances and other arrangements might be considered to meet the local authority duty relating to travel arrangements. Examples include

A cycling allowance paid by the local authority where the parent agreed for their child to cycle to and from school instead of catching a bus for, say a three miles journey;

It goes on to say that such arrangements require parental consent and that these should be renewed by the LA on a yearly basis or when the child moves school, whichever is the shorter period."

Where will ownership of any cycles rest (both short term and long term)?

The ownership of the cycle will rest with the parent/child. The County Council will provide an allowance to the child where the family provide the cycle and a voucher for the purchase of a cycle where there is no bike available currently. In both cases we will expect the child to utilise safety equipment, which will be provided as part of our agreement. Furthermore the family will be responsible for the maintenance of the bike.

Will there be any contractual arrangements with parents?

The responsibility of ECC and the Parent/Child will be outlined in an agreement that will need to be signed prior to the award of either the Cycle Allowance or Cycle Purchase. This will be an extension of the current agreement which parents are required to sign prior to the provision of any transport under our statutory or discretionary policies.

ECC will be required to renew this arrangement on at least a yearly basis, or if the child moves school and maintains their entitlement to transport, whichever covers the shorter period, as outlined above.

Will this be an ongoing scheme or a time limited trial in the first instance?

We would expect this to be an ongoing offer as part of our transport policy for the foreseeable future. If a limited trial in the first instance would make this more feasible to stakeholders then this would definitely be something we would consider.