
Meeting: Children, Families and Learning Overview and Scrutiny Committee

Date: 2 February 2010

Subject: Home to School Transport Policy

Report of: Deputy Chief Executive and Director of Children, Families and Learning

Summary: The report proposes changes to the Home to School Transport Policy, to take effect from April and September 2010.

Contact Officer: Sylvia Gibson, Assistant Director, Policy Planning and Commissioning

Public/Exempt: Public

Wards Affected: All

Function of: Executive

CORPORATE IMPLICATIONS

Council Priorities:

The proposals relate to the second of the Council's key priorities::

- Educating, protecting and providing opportunities for children and young people.

The proposals also support the priorities set out in the Children and Young People's Plan and the Local Area Agreement to ensure that children, young people and families:

- enjoy and achieve at school and meet their full potential;
- are supported in families with a low income;
- receive appropriate services if they have special educational needs or are identified as vulnerable.

The proposals also have an impact on National Indicator 198 (Mode of travel to school), which is a priority in the Local Area Agreement and a mandatory indicator in the Local Transport Plan. This target aims to reduce car use for journeys to school and to increase the number of children travelling by sustainable modes of transport.

Financial:

The proposed changes to Policy, if approved by the Council, would result in significant budget savings whilst ensuring that those entitled to support and those who are the most vulnerable are able to access school.

The current costs of providing home to School Transport are £8.1m. The 2009/10 Home to School Transport budget is overspent by £0.6m. By making the proposed changes to the Policy below to start in September 2010, it is possible that savings of approximately £0.6m can be made in the 2010/11 financial year and a further £0.4m in 2011/12. These savings are highlighted in the Council's current budget efficiencies work as potential red savings. Financial Information is included in Appendix B. All budget figures are projections and should be viewed as indicative savings. These projections do not take account of any costs which might be necessary to mitigate the effects of increased car use at schools.

Legal:

The Education and Inspections Act 2006 introduced some changes to the statutory arrangements for school travel, including the duty to promote sustainable modes of travel and in defining pupils who are eligible children and for whom the LEA must therefore secure that suitable home to school travel arrangements are provided. Bedfordshire County Council last reviewed its policy on school transport in September 2005 and it is therefore important that the Council undertakes a review before the academic year 2010/11 begins to ensure that its policies reflect the current statutory requirements.

This is a difficult area and one that is open to legal challenge. There is the potential for an adverse reaction from parents of children where policy changes result in the provision of previously free home to school transport being removed. Therefore, it is important that the Council conducts effective consultation on any proposed changes to the current policy and takes careful note of the outcome of the consultation before reaching decisions.

Risk Management:

Any changes to the policy will meet current legislative requirements and ensure that the assessment of eligibility for free home to school transport is fair and equitable for all families.

There is the potential for adverse reaction from parents of children where previous entitlement transport would be removed.

If the proposed changes are implemented, any potential road safety issues arising from increased car use would need to be assessed and might need to be mitigated.

Staffing (including Trades Unions):

The removal of transport for certain children attending special schools could have an impact on the numbers of fleet drivers and escorts employed by the Council.

Equalities/Human Rights:

Central Bedfordshire Council has a statutory duty to promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. An Equality Impact Assessment is being undertaken as part of the development of the policy. This will be revised and updated once the outcome of the consultation on the proposals are known. The Central Bedfordshire Equality Forum will also consider the draft policy and equality impact assessments at its meeting on 25 February 2010.

Community Safety:

In providing home to school transport on road safety grounds, the proposals support the protection of vulnerable children.

Central Bedfordshire Council is developing a Sustainable Modes of Travel Strategy for educational establishments, which is a statutory requirement for the Authority under the Education and Inspections Act (2006). The provision of safer walking routes to school forms a part of this strategy and supports the Council's agenda to provide safer and stronger communities.

Sustainability:

Central Bedfordshire Council is developing a Sustainable Modes of Travel Strategy for educational establishments, which is a statutory requirement for the Authority under the Education and Inspections Act (2006). Any changes to the Home to School Transport Policy and their impact will be considered as part of the development of this Strategy.

RECOMMENDATION:

That the Children, Families and Learning Overview and Scrutiny Committee considers and comments on the proposed changes to the Home to School Transport Policy as set out in the report and Appendices A and B.

Background

1. A local authority has a statutory responsibility to provide free home to school transport for certain children of statutory school age. There are currently 31,032 children, aged 5 to 15 attending Central Bedfordshire Schools. Transport is provided daily for approximately 6,200 children to both mainstream and special schools. Transport is also provided for children who, due to their special educational need, attend a residential school. The total cost of providing this transport is in excess of £8 million per year.
2. For the academic year 2009/10 Central Bedfordshire Council adopted the Home to School Transport Policy previously in place in Bedfordshire County Council. This Policy was previously reviewed in September 2005.

3. As part of Central Bedfordshire Council's overall aim to make the most effective use of resources available and to ensure they are targeted where they are needed most, a review of entitlement to home to school transport has been undertaken. The proposals for changes to the policy set out below are now being consulted on.
4. This report sets out proposed changes to the policy and the consultation process taking place between 6 January and 12 February 2010.

Entitlement to Transport

5. Transport based on distance, nearest school policy and extended rights to free travel¹ meets the specific duties on a local authority as set out in the Education Act 1996 and the Education and Inspections Act 2006.
6. Free transport is provided for all statutory age children who live in Central Bedfordshire and who attend their catchment area or nearest school where the distance from home to school is over the statutory walking distance:
 - More than 2 miles from home for children aged under 8
 - More than 3 miles from home for children aged 8 and over

In addition, where children are in a family with a low income there is additional entitlement:

- Children aged 8 but under 11 must have travel arrangements made where they live more than 2 miles from the nearest or catchment school.
 - For children aged 11 and over free transport is provided in one of two ways; to a choice of 3 schools within 6 miles of the child's home and also to the nearest school preferred by reason of a parent's religion or belief up to a maximum of 15 miles from home.
7. Families with a low income are defined as those children entitled to free school meals or whose family is in receipt of maximum working tax credit.

Additional Transport

8. In addition to the specific duties under the Education Act 1996 and the Education and Inspections Act 2006 there is a general duty for local authorities to provide any transport it considers necessary, free of charge.
9. A review of the policy for providing such transport, taking account the responsibility on parents to make arrangements for their child to get to school where the distances are less than the statutory distances set out in paragraph 6 above, has also been undertaken.

¹ The Education and Inspections Act 2006 extended entitlement to transport, over and above the distance criteria set out in the Education Act 1996. Children living in "low income families" defined as entitled to free school meals or whose parents are in receipt of the maximum level of Working Tax Credit are now entitled to transport where previously they would not have been.

(a) Road Safety Transport

Where children live within the statutory walking distance of their catchment or nearest school, the local authority has to ensure that it is possible for them to walk to school, accompanied by a responsible adult if necessary. Where this is not possible, because the route to school is not safe, the local authority must make arrangements for free transport.

The current criteria used to assess routes are based on guidance from the late 1990's. To ensure that the Council is complying with current guidance it is proposed that any assessments from 1 April 2010 are based on the national guidance of the Road Safety Officer Association "Identification of Hazards and the Assessment of Risk of Walked Routes to School".

The Introduction of these guidelines may increase demand for provision of free school transport on road safety grounds.

Proposal 1

The Council proposes to start the re-assessment of routes on road safety grounds from 1 April 2010. These re-assessments may result in changes to current entitlement to free transport on road safety grounds. Parents will receive full and timely information of any proposed changes.

(b) Denominational Transport

In considering entitlement to free transport a council has to take into account any wish of a parent for their child to be provided with education or training at a particular school or institution on grounds of the parents' religion or belief. There is no statutory entitlement to such transport, as attendance at a denominational school is through parental choice.

Under the current Home to School Transport Policy, transport is provided for just under 300 statutory aged children to attend their nearest school of the relevant denomination where the 2 or 3 mile distance criteria are met. The average cost of providing this transport is £2,000 per pupil, per year, compared with the average cost of transport to a mainstream school which is in the region of £775 per year. There is clearly a disproportionate cost in providing such transport compared with the cost of other mainstream school transport.

Proposal 2

The Council proposes to end the provision of transport to denominational schools with effect from 1 September 2010. This proposal does not affect the entitlement to transport for families with a low income as set out in paragraph 5 of this report.

(c) Permanently Excluded Pupils

Where a pupil has been permanently excluded from school the pupil is first allocated a place in the Pupil Referral Unit and is then allocated a new school place through a process called the In Year Fair Access Protocol. Where a new school is allocated in this way a child will be entitled to transport to the new school as long as the 2 or 3 mile distance criteria or road safety criteria are met. Currently some pupils receive transport inside this statutory distance.

Proposal 3

The Council proposes to provide transport based on distance criteria, with all requests for transport inside the distance criteria referred for decision to the Director of Children, Families and Learning or nominee for consideration against criteria which will be agreed with the School Forum on an annual basis.

(d) Medical Needs

Where a child attends their catchment area or nearest school, transport is currently considered on medical grounds irrespective of distance between home and school. The medical condition can be temporary or long term and each application is considered on an individual basis. An application for transport has to be supported by a GP or consultant.

Proposal 4

The Council proposes to continue with existing arrangements where transport is requested on medical grounds for a child to attend their catchment or nearest school and where that need is endorsed by a child's GP or Consultant.

(e) Pupils in Years 10 and 11

Sometimes families and children, through no choice of their own, experience disruption in their home circumstances. This can cause particular difficulty for a child in their GCSE examination year if they have to move address and are not able to remain at their previous school where they have started a course of study.

Proposal 5

In order to help children achieve their full potential and to succeed in their GCSE examinations the Council proposes that where a child attending school in Central Bedfordshire in years 10 and 11 has to move in exceptional circumstances to a new address in Central Bedfordshire they will be provided with transport from their new address to their previous school as long as they have completed at least one term in year 10 at their previous school.

(f) Looked After Children and Refugees and Asylum Seekers

Whilst representing only a very small number of the total school population, Looked After Children and Refugees and Asylum Seekers can be some of the most vulnerable children in need of support. School places for these pupils are identified that can best meet a child's individual needs. The school will not always be the nearest school to their home address.

Proposal 6

The Council proposes that Looked After Children and Refugees and Asylum Seekers are supported with transport, if required, to attend schools that best meet their needs. This may mean that transport will be provided to schools where the 2 or 3 mile distance criteria or road safety criteria are not met.

(g) Special Educational Needs Transport

Under the current home to school transport policy, all pupils who have a place in a special school or specialist provision in a mainstream school are provided with free transport. This means that in some cases transport is provided for children who live a very short distance from school.

The Council recognises that some children with special educational needs may not be able to walk even relatively short distances to school. However others may be able, with appropriate support, to walk or use alternative ways of getting to school.

Proposal 7

It is proposed that from September 2010 the need for transport for a child with special educational needs will be assessed as part of the Statutory Assessment process. For those children who live more than the statutory distance between home and the nearest school that can meet their needs, transport will be provided. As part of the Statutory Assessment the most appropriate mode of travel will be agreed.

For those children who live within the statutory distance the Assessment will include consideration of whether, with parental support, a child could reasonably be expected to walk to school. Where this is not possible the need for transport will be included in a child's Statement of Special Educational Need and will be provided free of charge. Entitlement to transport agreed in this way will be reviewed at every Annual Review.

To support this change, it is proposed that with effect from April 2010, supported travel training is introduced for children in special schools and specialist provisions in mainstream schools. This programme would support young people in making travel choices whilst at school but also when they move on to more independent living.

(h) **Concessionary Places on School Contract Vehicles**

The Council is committed to supporting children to access school. Where children are not entitled to free transport, parents can buy a pass for any spare seats on a school contract vehicle once those entitled have been allocated a place. Passes can be bought for one term at a time and are allocated on a first come first served basis. This does not apply to routes that are public registered services where children pay the bus company direct.

The charge for a concessionary place will be £133.95 from April 2010. Some families with a low income can be allocated seats free of charge.

Proposal 8

To ensure consistency it is proposed that the benefits taken into account when assessing whether a pass is to be issued free of charge will be the same as those for entitlement to transport for families with a low income. This will mean that certain families who are in receipt of working tax credit, but not at the maximum rate will no longer be allocated a free pass.

Consultation Process

10. The Consultation began on 6 January 2010 and will end on 12 February 2010. The Consultation questionnaire has been circulated widely and is available on the Council Website. The consultation document and questionnaire are attached at Appendix A. The Council will consider the proposals and responses to the consultation at its Executive Meeting on 9 March 2010.

Conclusion and Next Steps

11. The Committee is requested to consider the proposed changes to the Home to School Transport Policy and to give their comments to be fed back in to the review of the Policy.

Appendices:

- Appendix A: Consultation Document and Questionnaire
- Appendix B: Financial Information