
Meeting: Children's Services Overview and Scrutiny Committee
Date: 13 December 2013
Subject: Home to School Transport Policy
Report of: Cllr Mark Versallion – Executive Member - Children's Services
Summary: This report proposes changes to the Home to School Transport Policy, to take effect from September 2014, as outlined in a presentation to the Committee on 3 September 2013. The report proposes changes to the Home to School Transport Policy adopted by the Council Executive on 9 March 2010.

Contact Officer: Karen Oellermann, Assistant Director Commissioning and Partnerships
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 Policy also supports the following priorities set out in the Children and Young People's Plan:

- Improved educational attainment
- Protecting vulnerable children
- Early help and improving life chances
- Being healthy and positive

Financial:

1. The proposed changes to the Home to School Transport Policy are not designed to achieve efficiencies but to improve the application and assessment process.
2. The cost of providing Home to School Transport in the financial year 2012/13 was £7.5m. The parental contribution in 2012/13 towards transport costs was £300k. The Council also received the Extended Rights to Free Travel grant of £91k from the Department for Education to assist providing transport for children from low income backgrounds. This required the council to fund approximately £7.1m from core budget.

3. Transport is provided free to most children who meet the eligibility criteria but offered to some on a subsidised basis.

Legal:

4. The policy details the way in which the Council will exercise its powers and duties to provide home to school transport in accordance with Section 509 of the Education Act 1996 and the Education and Inspections Act 2006.

Risk Management:

5. Any changes to the policy will meet current legislative requirements as described above. The proposed policy will also meet the requirements of the Department for Education guidance about parental appeals. The new policy will be fairer and more equitable for all families.

Staffing (including Trades Unions):

6. There would be no impact upon staffing levels within the local authority.

Equalities/Human Rights:

7. 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 is known.

Community Safety:

8. The Council has a statutory obligation to consider the Safe Routes requirements for transport to school. The proposed policy details how the Council will exercise this responsibility in line with the national standards captured with Road Safety GB guidance.

Sustainability:

9. Central Bedfordshire Council has developed and adopted a strategy which meets its Statutory Duty under the Education and Inspections Act (2006) to promote sustainable travel and transport. This is entitled 'Sustainable Travel to Schools and Colleges: A Strategy for Central Bedfordshire' and forms an important part of Central Bedfordshire's 'Access to Services' part of the Local Transport Plan 2011 - 2026 which was adopted by the Council Executive in March 2011. The proposed changes to the Home to School Transport Policy will take into account Central Bedfordshire's duty to promote travel by sustainable modes to educational establishments as set out in the strategy.

RECOMMENDATION:

- **That the Children's Services 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 to be presented to the Executive at their meeting on 4 February 2013.**

Background

10. The Council is required to have a Home to School Transport Policy. The Council Executive agreed to adopt the current policy in March 2009

11. The Council has a statutory responsibility to provide free home to school transport for children who are entitled. This entitlement is outlined in Section 509 of the Education Act 1996 and the Education and Inspections Act 2006. The detail of the entitlement criteria is clearly outlined in the proposed policy (Appendix A)
12. The Home to School Transport Policy does not apply to post 16 education or training. This is covered by the Council's Post 16 Transport Policy as adopted in August 2011. Although the compulsory participation age has increased, the Council's statutory requirements for transport have not changed.
13. The Department for Education (DfE) issued statutory guidance in May 2007 relating to the Council's duty to provide home to school transport. This guidance has been used to develop the proposed new policy.
14. In March 2013 the DfE issued further guidance "Guidance on home to school travel and transport" which changed the requirements for appeal processes. This guidance has since been retracted due to the DfE not following a satisfactory consultation. However a consultation on the proposed changes is expected soon and is likely to be adopted.
15. This report sets out proposed changes and improvements to the policy and the findings of the consultation that took place between 4 October 2013 and 22 November 2013.
16. This report builds on the presentation by Cllr Mrs Clarke, Deputy Executive Member for Children' Services, at the meeting of this Committee on 3 September 2013 where the proposed amendments to the current policy and consultation process were reviewed and discussed.
17. The policy is being amended now to respond to the changed requirements expected regarding appeals and to ensure that parents/carers are aware of the eligibility criteria and application process in time to apply for the 2014/15 academic year.

Proposed amendments

18. The proposed policy has been completely re-written to reflect good practice from other Councils, the learning from Council staff who are responsible for school transport and to reflect the comments and complaints received over the last three years.
19. The proposed policy is designed to support parents/carers, school staff, Council staff and colleagues from partner agencies understand the eligibility criteria and application process. The policy will be accompanied by 'user guides' that will be reviewed and amended to reflect best practice and feedback from parents/carers and school staff.
20. The proposed changes to the current policy are:
 - a) Details of how the Council will support 4 year olds with transport provision when they meet the standard eligibility criteria

The current policy only provides transport for children after their 5th birthday in line with the statutory education age. However, many children start school aged 4.

This proposed change is designed to provide transport to children in the academic year they become 5 using the same entitlement criteria outlined for all other children.

- b) An improved appeals process

The current policy enables parents to appeal against an entitlement decision using the Council's complaints process.

The proposed policy will implement an appeal process whereby parents can appeal in writing and also request that an appeal hearing take place, where they can present their case in person. This is in line with new DfE guidance.
- c) A clearer explanation of eligibility as a result of medical needs

The proposed policy includes clearer guidance for parents, and medical practitioners about what evidence is required to provide transport on medical grounds relating to children and/or parents/carers. This also includes clearer guidance about when and how medical needs will be reviewed.
- d) Detail of how the Council withdraws transport if it has been awarded in error

The current policy states that if the Council awards transport in error, it will not be removed until the end of the academic year in which the error was realised. This can mean that transport is provided for nearly 12 months when it is not required in line with the policy.

The proposed policy states that transport awarded in error will be removed in no less than 12 weeks. This is in line with best practice from other Councils.
- e) Improved guidance regarding the provision of transport on road safety grounds.

The current policy includes reference to national road safety guidance that is now out of date.

The proposed policy includes updated information relating to the national guidance – Road Safety GB, and includes details about how assessments of transport routes will be completed.
- f) A clear explanation of what the council recognises as 'catchment areas' and 'qualifying schools'.

The current policy refers to 'catchment areas' and 'qualifying schools' as one of the entitlement criteria.

The proposed policy explains in much more detail what catchment areas and qualifying schools are, and reflects the changes to the educational landscape that have happened in the previous 3 years.

This includes reference to academies, free schools, University Technical Colleges and more. The proposed policy is more aligned with the Council's admissions guide to provide a more joined up approach.

Consultation Process and findings

- 21. A full public consultation started on 4 October 2013 and closed on 22 November 2013. This included consultation documents (see Appendix B) being sent directly to all schools, details of the consultation being advertised on the Council web site and advertised via the Council social media platforms.
- 22. The Council received 49 responses to the consultation and one letter on behalf

of Campton Parish Council. Full consultation findings are attached at Appendix D.

23. Headline feedback from the consultation shows that the majority of responses agreed with the proposals and found that the new explanations regarding eligibility were clear.
24. Some responses to the consultation stated that the explanations could have been clearer, particularly around road safety. The Council will work closely with partners, schools and parents to provide a clearer explanation of the national guidelines that have to be followed, and how these will be implemented.

Conclusion and Next Steps

25. The Committee is requested to consider the proposed changes to the Home to School Transport Policy and to comment on the proposals to be included in the Executive report for its meeting on 4 February 2013.

Appendices:

Appendix A: Draft of Central Bedfordshire Council Home to School Transport Policy 2014/15.

Appendix B: Consultation questionnaire

Appendix C: Consultation summary

Appendix D: Consultation findings