
Meeting: Executive
Date: 4 February 2014
Subject: Home to School Transport Policy
Report of: Cllr Mark Versallion, Executive Member for Children's Services
Summary: The report proposes that the Executive agrees to adopt the Home to School Transport Policy for Central Bedfordshire from September 2014.

Advising Officer: Edwina Grant, Deputy Chief Executive and Director of Children's Services

Contact Officer: Karen Oellermann, Assistant Director Commissioning and Partnerships

Public/Exempt: Public

Wards Affected: All

Function of: Executive

Key Decision Yes

**Reason for urgency/
exemption from call-in
(if appropriate)** Not applicable

CORPORATE IMPLICATIONS

Council Priorities:

The Home to School Transport Policy relates to the second of the Council's key priorities:

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

The Policy also supports the 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 Policy, if approved by the Executive, 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 will increase to £141k in 2014). This required the Council to fund approximately £7.1m from the core budget.
3. The Council receives the budget for home to school transport as part of the revenue support grant. It is up to the Council to determine how it is spent whilst meeting the statutory requirements.
4. The School and Early Years Finance Regulations state that councils cannot use the Dedicated Schools Grant (DSG) to fund home to school transport.
5. The home to school transport budget has reduced by £2.25m since 2010 due to securing procurement efficiencies, through improved assessment and application processes and by implementing new policies.
6. The Home to School Transport Policy adopted in March 2010 achieved efficiencies of £622k mainly due to the removal of denominational transport.

Legal:

7. The current Home to School Transport policy, agreed by the Executive on 9 March 2010 ensured the Council is compliant with the relevant legislation.
8. 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.
9. Adopting the proposed policy will ensure that the Council is meeting its legal responsibilities.
10. The duty placed on the Council is to make such travel arrangements as they consider necessary to enable the attendance of “eligible children” within their area, at the relevant ‘qualifying school’.
11. The duty applies to ‘eligible children’ in the Council’s area who are attending their nearest ‘qualifying school’, where:
 - the school is beyond the statutory walking distances of two miles for children below the age of eight and three miles for those aged eight and over; or
 - the child is from a ‘low income family’ and is over age eight, but under 11 years of age, and they are living more than two miles from the nearest school; or

- the child is from a 'low income family' and is of secondary age (aged 11- 16) and attending a qualifying school that is between two and six miles from the child's home (as long as there are not three or more nearer suitable qualifying schools); or
- the child is from a 'low income family' and is of secondary age (aged 11-16) and attending their nearest school preferred on the grounds of religion or belief, between two and 15 miles from home.

12. The Council must also make travel arrangements for those pupils who are unable to walk to school because of their special educational need (SEN), disability or mobility problems and children who cannot reasonably be expected to walk because the nature of the route is such that they cannot walk in reasonable safety.

Risk Management:

13. The proposed changes to the policy will meet current legislative requirements and will provide a policy that will meet the proposed changes to appeals outlined below.

Staffing (including Trades Unions):

14. There would be no impact on staffing.

Equalities/Human Rights:

15. The Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
16. When the current Home to School Transport policy was developed in 2010 a full equality impact assessment was undertaken in consultation with the Equality Forum. As part of the policy review and consultation process undertaken in 2013 the equality impact assessment has been refreshed. The policy has not changed substantially and includes a number of provisions which take account of the needs of vulnerable groups.

Public Health:

17. Walking to school where possible would enhance the health outcomes for pupils and their accompanying family members.

Community Safety:

18. 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:

19. The 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 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.

Procurement:

20. The process of procuring transport is handled separately from the process set out in this report.

Overview and Scrutiny:

21. The draft Home to School Transport Policy was originally presented to the Children's Services Overview and Scrutiny Committee on 3 September 2013.
22. The findings of the consultation and final draft policy were discussed and reviewed at the meeting of 13 December 2013.
23. In light of the report and the further clarification provided at the meeting the Committee discussed the following issues in detail:-
 - Some of the language in the draft Policy was not appropriate for a public document. The Committee accepted that some of the language was necessary for a policy document and noted that a plain-English guide would also be produced in consultation with parents/carers and partners.
 - Whether it would be feasible to include a 'lay' member on the transport appeals panel. The Deputy Chief Executive/Director of Children's Services commented that it would be a challenge to include a lay person in light of the Council's responsibility for the Policy. However, the Deputy Chief Executive/Director of Children's Services agreed to consider how this principle might be addressed.
 - The Policy used terms that described specific disabilities and referred to levels of disability (for example 'severe') which may lead to confusion.
 - The Policy referred to children walking between home and school and walking with 'reasonable safety', this needed to be cross-referenced with the section on safeguarding.

The proposed policy has been amended to reflect the comments from members of the Overview and Scrutiny Committee.

24. **RECOMMENDED:** that the comments of the Children's Services Overview and Scrutiny Committee as detailed in the Minutes be considered and provided to the Executive for their consideration of this item.

RECOMMENDATIONS:

The Executive is asked to:

1. **adopt the Home to School Transport Policy, attached at Appendix A, to apply to all transport provided from 1 September 2014, without phasing the new policy in; and**
2. **grant delegated authority to the Deputy Chief Executive/Director of Children's Services in consultation with the Executive Member for Children's Services to approve any subsequent minor variations to the Home to School Transport Policy.**

<i>Reason for Recommendations:</i>	<ul style="list-style-type: none">• <i>To ensure that the Council meets its statutory obligations.</i>• <i>To ensure that the Council adopts a fair, equitable and transparent policy to support all pupils and their families.</i>• <i>To ensure that the Council adopts a Home to School Transport Policy that can be implemented within the available resources.</i>
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Executive Summary

25. The Department for Education issued Home to School Transport Guidance in 2007. The proposed policy is designed to ensure that the Council meets its statutory responsibilities as set out in this guidance.
26. The eligibility criteria within the proposed policy have been developed to comply with the Department for Education guidance through discussion with education and transport experts from within the Council and its partners.
27. The eligibility criteria within the proposed policy adhere to the statutory requirements as set out on the Education Act 1996 and to best practice currently applied within other councils.
28. The proposed policy is designed to improve the application process and the way in which transport is provided. It has not been designed to secure financial efficiencies or to reduce the eligibility criteria.
29. The proposed policy includes more detail about all partners' responsibilities, including schools, parents/carers and drivers, to improve sharing of relevant information and safeguarding practice.
30. The policy does not affect the Post 16 Transport Policy which was approved by the Executive on 23 August 2011.
31. A public consultation took place between 4 October and 22 November 2013. The consultation was sent directly to all schools within Central Bedfordshire and schools in neighbouring councils where large numbers of Central Bedfordshire children attend.

32. The proposed changes to the policy are being presented to the Executive now for implementation from September 2014. This is to ensure that parents/carers and pupils are aware of the eligibility criteria that will apply to them with appropriate notice before starting the new academic year.
33. There is a duty on the Council to keep the policy under review and a delegation is being sought to allow for minor variations to the policy to be made. The reference documents, including application forms are not part of the policy so can amended or improved if needed without consultation.

Background Information

34. The Council is required to have a Home to School Transport Policy to explain how the statutory service will be delivered.
35. The current Home to School Transport Policy was adopted on 9 March 2010 and meets the statutory requirements but does not meet the recent guidance outlined in paragraph 40 below.
36. In 2012/13 over 5,000 5-16 year old pupils received free, subsidised transport or paid for a concessionary place out of a total of 33,500 children in Central Bedfordshire. This includes pupils accessing mainstream schools, academies and special schools within Central Bedfordshire and in other council areas.
37. It is projected that around 6,500 more children will attend schools in Central Bedfordshire due to demographic growth within the next 5 years. This will impact on the transport budget in future years as more pupils will be entitled to statutory transport. However, the way that the Council has commissioned new school places means that more children will be accessing local schools, and therefore a much smaller proportion of the additional children will be entitled to home to school transport.
38. The additional number of pupils has been projected in budget figures to illustrate the potential pressures. The proposed policy will ensure that the best systems are in place to mitigate against financial pressures due to demographic growth.
39. The Council has reviewed the current Home to School Transport policy and compared it to best practice from other councils to identify how to improve clarity of eligibility and the application process for parents/carers and partners. The Transport Commissioning and Entitlement Team also consulted relevant internal teams to ensure the new policy was consistent with other travel related initiatives.
40. In March 2013 the Department for Education (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 the detail of a satisfactory consultation. However the DfE have confirmed that they will re-start a consultation on the same proposed changes soon.

41. The proposed policy meets the new requirements of the guidance mentioned in paragraph 40 above.
42. Since 2010, more than £2.25m of efficiencies have been achieved from Children's Services transport budgets. These have been achieved by policy improvements and by retendering and better planning of routes.

Proposed Improvements to the Policy

43. The proposed changes to the current policy are:

- a) An explanation 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 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 mentioned in paragraph 40.

- 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 school admissions guide to provide a more joined up approach.

Consultation Process

44. A public consultation started on 4 October 2013 and closed on 22 November 2013. This included consultation documents being sent directly to all Central Bedfordshire schools, details of the consultation being advertised on the Council web site and advertised via the Council social media platforms.
45. The consultation questionnaire and guidance notes were also sent to lead officers of neighbouring councils and schools outside of Central Bedfordshire where large numbers of Central Bedfordshire children currently attend.

Consultation Findings

46. The Council received 49 responses to the consultation and one letter on behalf of Campton Parish Council who queried why the consultation was not sent directly to them. However, residents of Campton were strongly represented in the responses, and the governing body of Campton Lower School submitted a detailed response.
47. The majority of responses agreed with the proposals and found that the new explanations regarding eligibility were clear.
48. 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/carers to provide a clearer explanation of the national guidelines that have to be followed, and how these will be implemented.
49. The consultation documents and findings were reviewed in full by the Children’s Services Overview and Scrutiny Committee and are available for all members as background papers.

Conclusion and Next Steps

50. The Executive is asked to agree the proposed policy.
51. Following the decision of the Executive, the policy will be published on the Council website in accordance with the statutory guidelines and will be implemented from September 2014.

52. Following the decision of the Executive, the Council will develop, and continually review user guides with parents/carers and partner organisations. These will be designed to be simple explanations of the policy to support parents and schools to understand their roles and how this policy applies to them.

Appendices:

Appendix A – Proposed 2014/15 Home to School Transport Policy

Background Papers: (open to public inspection)

Home to School Transport Guidance, Department for Education, 2007

Guidance on home to school travel and transport, Department for Education, March 2013 (retracted)

Equality Impact Assessment

Consultation papers and findings

Location of papers: Priory House, Chicksands