

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

19TH May 2016

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Children and Young People – Councillor Ann McCoy

Home to School Transport

1. Summary

The Council's current Home to School Transport Policy was developed as required by the Education Act 1996 and amended as required by the Education and Inspections Act 2006. The current policy, produced in 2011, is in line with statutory guidance as set out in 2010. Revised statutory guidance was produced in 2014 and the proposed revised policy, which is the subject of this report, is presented to Cabinet to approve as a draft policy and to agree to a period of consultation.

2. Recommendations

1. Approve the draft Home to School Transport Policy (**Appendix 1 attached**)
2. Approve the requisite 28 day formal consultation on the policy

3. Reasons for the Recommendation(s)/Decision(s)

The draft Home to School Transport Policy will reflect the most current national statutory guidance and will ensure that the local authority position is to support home to school transport for eligible children as set out in the statutory guidance. The proposed consultation will ensure that the Council meets the statutory expectation as included in the guidance of a consultation period of 28 working days and will ensure that parents, carers and key stakeholders have the opportunity to comment upon the proposed policy, changes to current practice and timeline for the implementation of changes.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

AGENDA ITEM

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**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

HOME TO SCHOOL TRANSPORT POLICY

SUMMARY

The Council's current Home to School Transport Policy was developed as required by the Education Act 1996 and amended as required by the Education and Inspections Act 2006. The current policy, produced in 2011, is in line with statutory guidance as set out in 2010. Revised statutory guidance was produced in 2014 and the proposed revised policy, which is the subject of this report, is presented to Cabinet to approve as a draft policy and to agree to a period of consultation.

RECOMMENDATIONS

1. Approve the draft Home to School Transport Policy (**Appendix 1 attached**)
2. Approve the requisite period of public consultation on the strategy

DETAIL

1. Local Authorities have statutory duties in relation to home to school transport. They must:
 - promote the use of sustainable travel and transport
 - make transport arrangements for eligible children.
2. The legislation (including statutory instruments) is referenced in paragraph 14 of this report. In July 2014 the Department for Education published statutory guidance for local authorities. The draft Home to School Transport Policy that is the subject of this report has been produced in line with this guidance. If approved for consultation there will be a further report to Cabinet in July 2016, outlining the responses to the consultation. If the policy is approved and adopted at that point, it will replace the current Home to School Transport Policy (2011) for all admissions to schools from September 2017.
3. All admissions to schools prior to September 2017 will be subject to the existing Home to School Transport Policy (2011), acknowledging that parents make school choices on, amongst other things, the home to school transport arrangements for a particular school, and that these arrangements should therefore continue until the child concludes their education at that school or chooses to move to another school. This is consistent with what is described as good practice in the statutory guidance for local authorities 2014. The presentation of this policy to Cabinet and the associated consultation period at this time also ensures that it does not coincide with any admissions round for school places or consultation on the determination of admissions arrangements.

4. Part 1.1 of the statutory guidance relates to the promotion of the use of sustainable travel and transport which is included in. This duty is included at Section 3 of the draft policy, together with the relevant link to information from the Council.
5. Part 1.2 of the statutory guidance refers to eligible children. Eligible children are:
 - Those aged below 8 years where the nearest suitable school is beyond 2 miles and those aged between 8 and 16 years where the nearest suitable school is beyond 3 miles [statutory walking distance eligibility]
 - All children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability [special educational needs, a disability or mobility problems eligibility]
 - All children who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk [unsafe route eligibility]

There are extended rights for pupils entitled to free school meals on the basis of income or those whose parents are in receipt of maximum Working Tax Credit. In such cases the 2 and 3 mile distance eligibility is extended and the nearest school for secondary aged pupils can be preferred on the grounds of faith or belief.

The eligibility criteria is included in Section 4 of the draft policy, with further information on children with special educational needs, disabilities or mobility problems continued in Section 5.

6. The statutory guidance makes specific reference to the responsibility of parents for ensuring that children attend school regularly and expresses a general expectation that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so. This expectation is included in the draft policy, for all children, including those with special educational needs, disability or mobility problems.
7. Changes to the distance eligibility for children with extended rights, including where a school is preferred on the grounds of faith or belief, is included in the draft policy.
8. In line with the statutory guidance, the draft policy makes specific reference to parental preference, stating that, where a parent expresses a place for a child to attend a school that is not their nearest suitable school, transport is not the responsibility of the local authority. This includes parental preference for a faith school or academy (except for those children eligible under the extended rights criteria). This is a change from the existing policy through which 'free transport is provided, in accordance with the statutory distance criteria, when pupils attend the nearest denominational establishment appropriate to the pupil's particular faith'.
9. The statutory guidance includes a requirement for local authorities to have in place an appeals panel and sets out a recommended review/appeals process. This is included in Section 1 of the draft policy and the detail of the detail of the process is set out in Appendix 2.
- 10 This policy applies to children of compulsory school age (5-16). This includes children who join reception at the age of 4 i.e. in their fifth year. It does not apply to young people over the age of 16, beyond the final year of their compulsory schooling i.e. beyond year 11, except those young people with an education, health and care plan.
- 11 The commitment of the Council as a corporate parent is reflected in the policy. In recognition of the importance of stability of education for the majority of children taken into

the care of the local authority, every effort will be made to maintain continuity of school placement, including the local authority taking responsibility for the cost of transporting children taken into care to and from school. This is outlined in Section 6 of the draft policy.

12. Discussions have taken place and information has been shared at headteacher/principal meetings and Governor Forum, as well as with Diocesan Directors of Education regarding the updating of the Home to School transport Policy. The formal 28 working day (excluding school holidays) consultation process will take place between 20.05.16 and 05.07.16 and will consist of meetings and engagements with key stakeholders through on-line consultation. Key stakeholders include elected members, parents, headteachers and principals, governing bodies, schools forum, academy trusts, diocesan authorities and neighbouring local authorities. Feedback will be included in the report back to Cabinet in July 2016. Over the consultation period, officers will also take the opportunity to consult with other local authorities to establish best practice with regard to the appeals process. This will be reported back to Cabinet in July 2016.

COMMUNITY IMPACT IMPLICATIONS

13. Implementation of the draft policy prepared for consultation could have a positive impact upon the following:
 - Children taken into the care of the local authority who would receive free transport to maintain continuity of school placement
 - Pupils entitled to free school meals or whose parents are in receipt of the maximum Working Tax Credit because of the extended rights criteria

Children with special educational needs and/or disabilities will have individual assessments relating to transport.

Parents who wish to apply parental preference for a place at a school based upon faith or belief may do so on the understanding that they will be responsible for home to school transport. Otherwise they may apply for a place at a nearer suitable school.

It is proposed that the policy will only apply to children taking up a school place from September 2017.

FINANCIAL IMPLICATIONS

14. The Medium Term Financial Plan references savings from the Community Transport Budget. The removal of free transport on the basis of faith or belief would result in a £20,000 saving in 2017/18 and a total saving of £80,000 - £100,000 by 2021/22.

LEGAL IMPLICATIONS

15. The statutory guidance for local authorities 'Home to school travel and transport guidance' (July 2014) refers to the following legislation (including statutory instruments):
 - Sections 444,508A, 508B, 508C, 508D,509AD, and Schedule 35B of the Education Act 1996, as inserted by Part 6 of the Education and Inspections Act 2006
 - Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002
 - Equality Act 2010
 - School Admissions Code
 - Section 48 of the School Standards and Framework Act 1998

RISK ASSESSMENT

16. This Home to School Transport Policy and associated consultation is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

17. Any impact upon Council Plan, policy, principles and priorities are likely to relate to:
- Protecting the vulnerable through targeted intervention
 - Promoting equality of opportunity through targeted intervention

This will be included in the report to Cabinet after the public consultation.

CORPORATE PARENTING IMPLICATIONS

18. A reference to corporate parenting is included at paragraph 11 of the report and in Section 6 of the draft policy (appendix 1).

CONSULTATION INCLUDING WARD/COUNCILLORS

19. See paragraph 12

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Education related? Yes

Background Papers None

Ward(s) and Ward Councillors: Applies to parents and children in all wards

Property

There are no implications in relation to the Council's property. This report does not impact upon the Capital Programme and Asset Management Plan.