

# Education Transport Policy 2020-21

**Cabinet**

**Date: 10<sup>th</sup> July 2019**

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Author: Cabinet Member for Finance, Education and Skills  
Head of Education

Wards: All

Parishes Affected: All

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## **1. Purpose and Reasons**

- 1.1 To seek Cabinet's approval of the Education Transport Policy for 2020-21.
- 1.2 This report particularly links to the Council's updated study of long-term school place planning. It also relates the Vision priority 2: "Offer education opportunities that lead to the right skills and right jobs in the right places."

## **2. Recommendations**

Cabinet is recommended to:

- 2.1 Approve the Education Transport Policy 2020-21.
- 2.2 Approve the Designated Transport Areas for 2020-21.

## **3. Detail**

- 3.1 Free home to school transport is set out within the Education Act 1996, which was extended in and provides for free home to school transport to be offered to all pupils who meet the following criteria:
  - 3.1.1 Are of statutory school age (5-16);
  - 3.1.2 Attend their designated appropriate area school (or another school at which the Local Authority has offered a place); and
  - 3.1.3 Live more than three miles from their catchment area school (or two miles if under eight years of age) or do not have a safe walking route when accompanied by an adult to their catchment area school.
- 3.2 In addition, the Education & Inspections Act 2006 widened statutory home to school transport for pupils from low-income families, in certain circumstances. Low-income families are defined as those who are entitled to free school meals or are in receipt of their maximum level of Working Tax Credit. These provisions are therefore, as follows:
  - 3.2.1 Primary – to the nearest suitable school if more than two miles from home;
  - 3.2.2 Secondary – to any of the three nearest suitable schools if between two and six miles from home (which, in practice, applies to all Swindon pupils who travel beyond two miles);

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Further information on the subject of this report can be obtained from Emily Heaton, 01793 46 5769, eheaton@swindon.gov.uk.

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- 3.2.3 Primary/Secondary – to the nearest school preferred on the grounds of religion or belief (as defined by the Equality Act 2006) if between two and fifteen miles from home.
- 3.3 As mentioned above in paragraph 3.2, children must currently be attending the ‘designated appropriate area school’ and live over the 2 or 3 mile statutory distances, in order to qualify for assistance with transport.
- 3.4 The Education Transport Policy 2014 introduced “designated transport areas” which defined the designated transport area for a school
- 3.5 If a parent chooses to send their child to a school other than the designated appropriate area school, then (apart from the provisions of the Education & Inspections Act 2006) free school transport is not normally provided and the parent is responsible for any travel costs.
- 3.6 The draft Education Transport Policy applicable for the 2020-21 academic year is attached as **Appendix 1** to the report. This draft is an amalgamation of the separate transport policies that were in place in prior to 2012 and, therefore, includes Mainstream Home to School Transport, Post-16 and Special Educational Needs Transport Policies.
- 3.7 The proposed policy on which views were sought has no changes since the 2019-21 policy, only minor wording amendments and the Designated transport areas only have the new areas / schools that have opened – Badbury Park, William Morris and The Deanery, all of which are in existing areas. The proposed Designated Transport Areas are included as **Appendix 2**.

## Consultation

- 3.8 The Education Transport Policy must be determined by the 31<sup>st</sup> July in the determination year. The Local Authority has a legal duty, following consultation, to publish by September of each year its transport policy, which will apply 12 months later. The consultation ran between the 29<sup>th</sup> April and 10<sup>th</sup> June 2019 for a total of 6 weeks.
- 3.9 The Local Authority publicised the consultation on its website and information was also sent directly to neighbouring Local Authorities.
- 3.10 Survey responses could be made in writing or by using an online survey tool. The LA received a total of 1 response to the consultation. This respondent did not agree with the proposed policy as they stated that the policy “does not reflect the requirement in law to provide transport to the nearest school regardless of any designated area which an LA may adopt”.
- 3.11 However, within the Education Act 1996, an eligible pupil is defined as attending a ‘relevant school’. However, ‘relevant school’ can be defined as nearest, or

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designated area, as is the case in Swindon. The respondent has agreed with the proposed Designated Areas.

- 3.12 Therefore no changes are proposed either to the draft Education Transport Policy or the proposed Designated Transport Areas. Therefore Cabinet is recommended to adopt this policy and designated area scheme as attached at Appendices 1 and 2

## **4. Alternative Options**

- 4.1 The Education Transport Policy must be determined annually for parents applying for school places in the following year. In relation to the arrangements proposed there are no alternatives proposed that differ from the arrangements for 2020-21.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 The Education Transport Budget for mainstream is £523K and for SEND is £3.186m for 2019/20.
- 5.2 However, changes to the policy may have direct impact on the number of pupils eligible.

### Legal and Human Rights Implications

- 5.3 The Council is required to comply with the statutory provisions referred to in the report. All other legal and human rights implications have been considered in the preparation of this report. The recommendations are considered compatible with Convention Rights.
- 5.4 Under Section 89b of the School Standards and Framework Act 1998 and associated regulations, and the Education Bill 2011 the Council, in its role as a Local Authority, has to determine the co-ordinated scheme and other admission arrangements.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.5 The proposals for additional school places comply with Section 17 of the Crime and Disorder Act 1998 to develop school policy to maximise school attendance.

### Diversity Impact Assessment

- 5.6 A Diversity Impact Assessment was undertaken and a copy can be obtained from the report author.

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- 5.7 It is considered that the Education Transport Policy does not discriminate against disability, ethnicity, religion, sexual orientation, marital/civil partnership status or pregnancy/maternity

## Risk Management

- 5.8 The Education Transport Policy provides transport for those eligible and helps to safeguard those children on school transport with the policies and procedures in place. The Policy for 2020-21 proposes no changes and therefore it is considered any risks to adopting this policy is low.

## **6. Consultees**

- 6.1 The Director of Finance (Section 151 Officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.
- 6.2 The policy was on the Council's website and neighbouring local authorities were also consulted.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1 - Education Transport Policy 2020-21
- 8.2 Appendix 2 – Designated Transport Areas 2020-21 can be found on the Swindon Borough Council website at:  
[https://www.swindon.gov.uk/downloads/20019/consultations\\_engagement\\_and\\_surveys](https://www.swindon.gov.uk/downloads/20019/consultations_engagement_and_surveys)

## **9. Key Decision/Decision in Cabinet Work Programme**

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme for July 2019.