

Education Transport Policy 2017/18

Cabinet

Date: 13th July 2016

Author:	Cabinet Member for Children's Services Head of Education
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To present to Cabinet the results of the consultation on the Education Transport Policy for the academic year 2017/18.
- 1.2 To seek Cabinet's approval of the arrangements within the Education Transport Policy for the academic year 2017/18.
- 1.3 This report particularly links to the Council's updated study of long-term school place planning. It also relates to 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 Note the responses to the consultation as summarised in the body of the report and set out in full at Appendix 2.
- 2.2 Approve the Education Transport Policy 2017/18 (Appendix 1), having regard to the responses within the consultation attached as Appendix 2 of the report.
- 2.3 Authorise the Head of Education to implement the Transport Policy for 2017/18.

3. Detail

Background

- 3.1 The Local Authority funds home to school transport assistance from its Core Budget to assist pupils with attendance at school, where the travelling distance exceeds the national statutory limit or is unsafe to walk.
- 3.2 The Local Authority has a legal duty to consult on and determine its Education Transport policy for 28 days before the applications for the year are made. Applications for a place at school for September 2017 can be made from the start of September 2016.
- 3.3 Home to school transport assistance is provided for by the Education Act 1996 and this was extended in 2006 to increase the rights for children from low-income families.

Further information on the subject of this report can be obtained from Peter Nathan, 01793 463067, pnathan@swindon.gov.uk.

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- 3.4 Swindon Borough Council supports schools in developing School Travel Plans to encourage the use of sustainable methods of transport, including walking and cycling.

Consultation Process

- 3.5 The Local Authority carried out its consultation between the 13th May and 28th June 2016.
- 3.6 The Local Authority publicised the consultation on its website and through all local schools and 16-19 establishments in the area. The consultation was also sent directly to Governing Bodies, neighbouring Local Authorities, Town and Parish Councils, Locality Teams, Transport providers, the MPs for Swindon, Parent and Carers Group, Independent Parental Special Education Advice (IPSEA) and the Admissions Forum.
- 3.7 The consultation sought views on the proposed transport policy and could be made in writing or by using an online survey tool. There were 24 responses made to the consultation which are included in Appendix 2. A large number of the responses were made by parents.

Outcome of the Consultation Process

- 3.8 The main issues identified in the consultation were:
- 3.8.1 A number of comments questioned compliance with the Education Act 1996 Schedule 35B).
- 3.8.2 A comment was raised concerning a presumption that because a child has an Education Health and Care Plan or Statement of Special Educational Needs that they are automatically entitled to transport provision.
- 3.8.3 A request that children currently attending Chiseldon Primary School living in Badbury Park should receive transport assistance when they attend secondary school.
- 3.9 The Council has recognised the concerns and has addressed them as follows:
- 3.9.1 When preparing the draft policy, Counsel's advice was sought in relation to the Education Act 1996 Schedule 35B and the policy is compliant. **See response 1 in the Appendix 2**
- 3.9.2 Not all children are eligible for transport assistance by the virtue of them having an Educational Health and Care Plan or Statement of Special Educational Needs. **See response 4 in Appendix 2.**
- 3.9.3 The designated transport areas have not changed since their creation. As such those children living within the area of Badbury Park fall within the

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designated transport area for The Dorcan Academy and as such would not be eligible for transport to The Ridgeway School unless they qualify on low income grounds.

Mainstream Transport Policy

- 3.10 The Council's proposed Education Transport Policy 2017/18, as legally required, provides for free home to school transport to be offered to those pupils who meet all the following criteria:
- 3.10.1 Are of statutory school age (5-16)
 - 3.10.2 Attend their designated appropriate school; and
 - 3.10.3 Live more than 3 miles from their designated 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 designated appropriate school.
- 3.11 In addition, the Education and Inspection 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:
- 3.11.1 Primary – the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
 - 3.11.2 Secondary – the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
 - 3.11.3 Secondary - the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).
- 3.12 The designated appropriate school is defined by the designated transport areas established by Cabinet in 2013 for September 2014 onwards. These are used to determine the designated appropriate school to which transport is provided to, subject to the eligibility criteria described above. It is not proposed to change these areas for 2017/18. The maps of the areas are available within the current 2016/17 policy and on request.
- 3.13 If a parent chooses to send their child to a school other than the designated appropriate school, then (apart from the provisions of the Education and Inspections Act 2006) transport assistance is not normally provided and the parent is responsible for any travel costs.
- 3.14 Parents are asked to consider how their child will get to school as part of the decision making process when applying for a place at a primary or secondary
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school. Information regarding the policy is provided within the composite admissions guides.

Special Educational Needs Transport Policy

- 3.15 There are no specific statutory provisions relating to the transport of children with special educational needs. This covers children with a Statement of Special Educational Needs (SEN) or an Education Health and Care Plan (EHCP). Children with SEN are covered by the same legislation as all other pupils, as mentioned above, and so the same general eligibility criteria are applied. However, the child's SEN Needs will also be taken into account.
- 3.16 The placement of a child with special educational needs in a mainstream, special school or special resource provision does not automatically result in the provision of transport assistance. The SEN Panel will undertake an assessment of the child's needs and apply the general and SEN specific criteria to determine whether transport should be provided. It is important to note that the provision of a Statement of SEN or an EHCP does not automatically result in the provision of assistance with transport.
- 3.17 If assistance with transport is agreed to be necessary because of the child's SEN needs, it will be specified by the appropriate SEN panel. The assistance with transport provided will be subject to an Annual Review and the type of transport assistance may change to reflect the changing needs of the pupil. The provision of transport assistance may cease to be necessary as the child grows older and if they become more independent. Such decisions will be taken on an individual basis.
- 3.18 The policy has been updated and rewritten in sections in line with legislation, in order to clarify the policy to make it clearer and easier to understand. This has been in line with advice sought by legal counsel.
- 3.19 The revisions made have not affected any entitlement for students currently receiving transport assistance including those with Special Educational Needs.
- 3.20 Full details of the proposed policy are set out in Appendix 1 to the main report.

Independent Travel Training (ITT) and Personal Travel Budgets (PTB) for children / young people with SEN

- 3.21 Swindon Local Authority is committed to providing the best and most appropriate travel assistance for families of children with SEN and it has been working on providing other forms of assistance that might be more appropriate for some students with SEN such as Independent Travel Training (ITT) and Personal Travel Budgets (PTB). An SEN Travel Advisor was also appointed on a temporary basis in order to progress this work within Swindon.

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Independent Travel Training (ITT)

- 3.22 For students with SEN in secondary and post 16 / 19 settings Swindon Local Authority identified that in order to promote independence for students with SEN independent travel training would be key for those students where this would be appropriate in order to prepare for adulthood. Swindon Borough Council commissioned WITTS and SEQUEL to deliver independent travel training to named delegates within certain settings in Swindon with the agreement that once travel trained they would identify and train students with SEN within their settings that would be appropriate for ITT. Ten delegates were trained and also two pilot groups of students were identified. To date two settings in Swindon have added ITT into their timetables for students in order to progress this as part of the established offer for students with SEN. The delegates have formed an Independent Travel Trainer Group to share their experience and the intention is to enable all secondary schools, post 16 and 19 providers to have a named travel trainer in place so that their students with SEN could benefit from this programme in the near future.

Personal Travel Budget

- 3.23 A PTB is a sum of money provided to parents or carers of children and young people with SEN that are eligible for transport assistance. They enable families to arrange the transport for their child directly, and if they choose, to work with other families to achieve the best possible travel arrangements for the students. Swindon has been running a pilot scheme of PTB's since April and initially two pilot groups were identified and PTB's were offered to all these students, with 6 families agreeing to take up the PTB. This has not only given greater independence to those families in choosing the best option to transport their child to school, but has also made a considerable financial saving for the Council on that individualised transport. Parental feedback received so far on PTB's has been very complimentary. In the next academic year we hope to have an uptake of 10% of PTB's and we have written a number of promotional leaflets and guides to promote this, all available on the Local Offer website at <http://children.mycaremysupport.co.uk>.
- 3.24 In order to support sustainability a bike could be purchased through the PTB.

4. Alternative Options

- 4.1 The Local Authority is required to determine and publish the Education Transport Policy to ensure arrangements exist to support pupils who require assistance to attend school. If a policy is not determined, the Council could be open to legal challenge and increased costs in respect of home to school transport.

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5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

5.1 The overall home to school transport budget for 2016/17 financial year amounts to £2,765,900.

5.1.1 Mainstream Transport - £728,900

5.1.2 Special Transport - £2,047,000

5.2 The following table shows the number of children eligible for transport during 2015/16 academic year

	Number of pupils (2015/16)	Cost during 2015/16 financial year
Mainstream transport and Post-16	685	£643,566
SEN transport	659	£2,832,178 including escorts

5.3 Savings are being made year on year by the removal of discretionary transport and efficiency measures as previously approved by Cabinet. The precise impact on the budget is difficult to predict as it depends on parental preference.

Legal and Human Rights Implications

5.4 Legal and Human Rights considerations have been fully taken into account in compiling this report and it is believed that the recommendations are in compliance with Convention Rights.

5.5 Under Section 508B of the Education and Inspection Act 2006, Local Authorities have a duty to make such travel arrangements as they consider necessary, to facilitate attendance at a school for eligible children as those categories of children in the area but for whom travel assistance will always be required. This includes children of compulsory school age attending the nearest available school who live beyond the statutory walking distance and children who do not have a safe walking route when accompanied by an adult to their designated school. It also includes low-income families in certain situations.

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

- 5.6 The proposals for education transport comply with Section 17 of the Crime and Disorder Act 1998, to develop school policy to maximise school attendance.

Diversity Impact Assessment

- 5.7 A diversity impact assessment has been completed. No adverse implications were identified to the proposal; no adverse impacts were identified on the basis of ethnicity, religion, sexual orientation, marital/civil partnership status, or pregnancy/maternity. The policy decision identified as a positive impact for disabled young people. The assessment is available from the author on request.

Risk Management

- 5.8 The policy ensures the safeguarding of children by ensuring that children who are required to attend a school which is greater than the statutory walking distance or is an unsafe route, are provided the relevant transport assistance.

6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Proposed Education Transport Policy 2017/18
8.2 Appendix 2 – Consultation survey questions and results

9. Key Decision/Decision in Cabinet Work Programme and Forward Plan

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme and Forward Plan for Month Year.