

Education Transport Policy 2018/19 including options for Post 16 travel

Cabinet

Date: 26th April 2017

Author:	Cabinet Member for Children's Services and Cabinet Member for StreetSmart, Highways and Transport Head of Education and Head of Highways and Transport
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To set out the Council's legal duties in relation to Education Transport.
- 1.2 To propose the Education Transport Policy to be implemented for pupils attending education establishments from the start of the academic year 2018/19.
- 1.3 To request permission to consult on a proposed Education Transport Policy for the academic year 2018/19, including changes relating to Post 16 transport and Special Educational Need and Disability (SEND) 16 years to 25 years travel.
- 1.4 To promote appropriate independence skills, all young people will be supported and encouraged to travel independently to school, including through the use of public transport when assessed as reasonable to do so.
- 1.5 To propose the implementation of a Personal Travel Budget (PTB) offer as the primary method of transport assistance allocated to pupils with SEND, requiring transport and at all transition phases from September 2017 onwards.
- 1.6 This report particularly links to the Council's Vision, priority 2: "Offer education opportunities that lead to the right skills and right jobs in the right places" and priority 4: "Help people to help themselves while always protecting the most vulnerable children and adults".

2. Recommendations

Cabinet is recommended to:

- 2.1 Authorise the Head of Education and Head of Highways and Transport to conduct a consultation during May and June 2017 on the proposed Education Transport Policy 2018/19 including:
 - 2.1.1 Changes to remove automatic discretionary subsidised support for pupils accessing mainstream Post 16 education. There will be no changes for pupils already attending Post 16 schools or colleges who received travel assistance prior to September 2018.

Further information on the subject of this report can be obtained from Peter Nathan, 01793 463067, pnathan@swindon.gov.uk and Jason Humm, 01793 463201, jhumh@swindon.gov.uk

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- 2.1.2 Changes relating to Special Educational Need and Disability (SEND) 16 years to 25 years travel to introduce a Personal Travel Budget (PTB), a bus pass or a parental contribution to the transport required. There will be no changes for pupils already attending Post 16 schools or colleges who received travel assistance prior to September 2018.
- 2.2 Authorise the Head of Education and Head of Highways and Transport to implement the offer of a Personal Travel Budget (PTB) or bus pass as the primary methods of transport assistance allocated to pupils with SEND, requiring transport at all transition stages (year R, 3, 7 and 12) from September 2017 onwards and/or when changing school location.
- 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 Local authorities are only required to provide free home to school transport to pupils of compulsory school age (between 5-16 years) in specific circumstances set out in paragraph 3.42 below – mainstream transport policy.
- 3.3 The Government has increased the age to which all young people must continue in education or training, it does not mean that they must stay in school or college. Young People are also able to undertake work based learning, such as apprenticeships, or seek part-time education or training if they are employed.
- 3.4 Therefore, the statutory school leaving age of 16 years has not been changed and the Local Authority has a discretion as to whether to provide free home to school transport after that age, provided it has regard to relevant matters as set out in DfE guidance entitled post -16 transport to education and training
- 3.5 Although there is no automatic entitlement to free home to school transport for pupils aged over 16 years old, the Council is committed to ensuring that an appropriate level of assistance is provided for those who need it most and is supportive of Government guidance which promotes access to education for all.
- 3.6 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 2018 can be made from the start of September 2017.
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- 3.7 A summary of the Education Transport Policy 2018/19 is set out in the report from paragraph 3.42 and a description of Personal Travel Budgets (PTB) is set out from paragraph 3.53.
- 3.8 If the Council changes how it supports pupils with transport arrangements, the changes will only be implemented from September 2018 and the arrangements in place for pupils in post 16 education before that date will not change.

Proposed changes to mainstream post 16 transport

- 3.9 Over the past few years the Council has been reviewing all other areas of discretionary travel assistance it provides in addition to statutory duties. This has included removing transport previously provided on faith grounds.
- 3.10 The remaining area of discretionary support is for pupils accessing Post 16 provision. The Education Act 1996 gives the local authority a discretion to decide what transport and financial support, if any, it thinks is necessary to facilitate attendance of learners of sixth form age provided it takes into account relevant matters as set out in the relevant DfE guidance on post 16 transport.
- 3.11 For those post 16 pupils accessing mainstream education, the Council's current Home to School Transport Policy provides subsidised support up to the age of 19 years for those who are studying on a full-time basis at their nearest school or college if it is over the 3 mile walking distance. Parents are asked to make a contribution towards their transport costs (currently £396 for inner zone and £455 for the outer zone) with the Council providing a subsidy of 10% or above for the remaining amount.
- 3.12 Where pupils are using an existing school bus the parental contribution towards the cost of transport is the same as above, however, based on the cost of a seat the subsidy is 55% of the total cost.
- 3.13 Disadvantaged pupils are able to apply for a government bursary from their post 16 provider to help them overcome any specific barriers to participating in education.
- 3.14 In the 2016/17 academic year the 16 to 19 age population of Swindon is 21,700. The majority of these young people made their own travel arrangements for education as for many, there are better alternatives to the Council's scheme. Therefore, 0.1% (27) of the post 16 population received discretionary subsidised transport assistance through the Council's policy, costing £19.3K and only 12 of those paid any parental contribution towards the cost.
- 3.15 Therefore, the Council are proposing to remove automatic discretionary subsidised support for pupils accessing mainstream Post 16 education.

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- 3.16 The Council will take account of statutory guidance (see further information as to the guidance under Legal implications) including the needs of young people who are not in education, employment or training, young parents and those who do not have the ability to access any other travel arrangements. The way in which the Council will take account of the needs of these categories of young people is by considering applications for subsidised assistance from full-time pupils who can demonstrate that they could not access any post 16 education without additional help from the Council. This will include pupils who:
- 3.16.1 are unable to access education unsupported;
 - 3.16.2 are young parents;
 - 3.16.3 have exceptional individual circumstances (i.e. for vulnerable or socially excluded young people)
- 3.17 Such decisions for discretionary support will be made on a case by case basis within the established discretionary process of senior officer reviews. This process will take into consideration points such as the setting attended and its distance from home, the availability and cost of transport and the needs of the learner. The financial situation of the family will be taken into account when determining the appropriate level of subsidy to be offered.
- 3.18 Following the consultation, the Council will consider the findings. If agreed, the revised policy would be phased in from September 2018 for new learners transferring to post 16 education. There will be no change for pupils who are currently receiving discretionary post 16 assistance and who remain with the same provider to complete their education.

Proposed changes to 16 years to 25 years SEND transport

- 3.19 A new national SEND Framework was introduced in 2014. This is gradually replacing SEN Statements with Education, Health and Social Care Plans (EHCP) which will now apply to pupils over 16 (previously different arrangements were in place for young people over 16). These are based on a new approach which aims to address the needs of young people and their families in an integrated and holistic way through working closely with young people and their families on outcome focused solutions. It provides a greater emphasis on personalisation, development of independence and opportunities for individual budgets.
- 3.20 Although there is no automatic entitlement to home to school transport for SEN pupils aged 16 and over, the Department for Education issued guidance on Post 16 transport and training in February 2014, which states that Local Authorities “have a duty under the Education and Skills Act 2008 to encourage, enable and

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assist the participation of young people with learning difficulties and/or disabilities up to the age of 25 in education and training.”

- 3.21 The guidance also states that “the transport needs of young people with learning difficulties and/or disabilities should be reassessed when a young person moves from compulsory schooling to post-16 education.”
- 3.22 Under the current policy, at present there is a discrepancy between how all pupils who opt to extend their education post 16 are supported as follows:
 - 3.22.1 Mainstream children attending a 6th form or College are eligible for a subsidised bus pass that requires a contribution of up to £450 from the parents.
 - 3.22.2 Pupils with an Education Health and Care Plan (EHCP) that require transport currently receive that free of charge to the chosen special school 6th form or College.
- 3.23 There are currently 122 pupils with and EHCP receiving free assistance with transport to post 16 education facilities, with a budget of approximately £450K, excluding any escort costs. This equates to approximately £4K per pupil per year, equivalent to £100 per week over the school year.
- 3.24 The Council is facing significant financial challenges. The current target is for savings of £16m to be realised from the general fund for 2018/19 and a further £15m for 2019/20. The total budget for mainstream and SEN transport is £3.5m for 2016/17 but will be £4m in 2017/18 due to increased demand.
- 3.25 According to the February 2014 DfE guidance “Local authorities may ask pupils and their parents for a contribution to transport costs.”, but would be expected to “exercise their discretion in determining in what circumstances it is appropriate to ask for a contribution, but in exercising their discretion they should:
 - 3.25.1 ensure that any contribution is affordable for pupils and their parents
 - 3.25.2 ensure that there are arrangements in place to support those families on low income
 - 3.25.3 take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups. For example, as young people with learning difficulties and/or disabilities are more likely to remain in education or training longer than their peers, any contribution sought from the families of young people with learning difficulties and/or disabilities would need to allow for the fact they may have to make a

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contribution over a longer period than the families of those with children who do not have a learning difficulty and/or disability.”

- 3.25.4 The guidance then suggests that to aid transparency, local authorities set out the average cost of post 16 transport in their area which will enable parents to understand the extent of the LA subsidy.
- 3.26 In response to the new SEND framework, the Council is changing how subsidised travel assistance is provided for pupils aged 16-25 with learning difficulties and/or disabilities entering post 16 education from September 2018.
- 3.27 Whilst transport is not automatically provided for pupils with an EHCP, currently additional consideration for support is given when their learning difficulty or disability makes travel assistance essential, or they have to travel much further from home to attend a school or college which can meet their needs.
- 3.28 Therefore it is proposed in the revised policy that support will be considered for pupils with an EHCP who are studying on a full-time basis (over 540 guided learning hours for the academic year) at their nearest school or college which can meet their educational needs and is over the 3 mile walking distance. This covers pupils who are:
- 3.28.1 Completing a non specialist course - until the end of the academic year in which they reach 19 years of age;
- 3.28.2 Completing a specialist course - until the end of the academic year in which they reach 21 years of age;
- 3.28.3 Completing a course funded by Swindon Borough Council using the high needs top-up funding available for the individual - until the end of the academic year in which they reach 25 years of age
- 3.29 The Council is committed to implementing the DfE guidance to create opportunities and provide support for young people with learning difficulties and/or disabilities to prepare for adulthood and fully engage in their community. This leads to an emphasis on tailoring assistance to individual pupils and helping them to gain independent travel skills to a level and timescale appropriate for them.

Other Councils' policies

- 3.30 The transport arrangements for post 16 pupils with SEND have been under review across the country following the introduction of the SEND reforms in 2014. The table below sets out the range of approaches taken and charges applied in other Local Authorities.

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Local Authority	Post 16 Service provided?	Charge? If so £ / year	Under review or notes to consider
Birmingham	Yes	£600	
Bradford	Yes	£370	Yes
Bristol	Yes	£380.70	Every Post 16 Student regardless of travel support package /cost contributes
Darlington	Yes	No	Yes
Halton	Yes	£300 from Sept 2017	Yes
Knowsley	Yes	£3 /journey	Yes
Manchester	Yes	£510	No
Sunderland	Yes, only for SEND	From Sept 2016 £651 per year for 16-18yrs From Sept 2017 £651 per year for 16-25yrs	The £651 cost is based on an all zone Nexus bus pass for any mainstream post 16 student in Tyne and Wear. Low income families and LAC are exempt from the contribution. Since the contribution was introduced, an increase in Independent Travel and Mileage Rate requests has been noted.
Wakefield	Yes	£370.60	Yes. Considering limiting SEND transport to 3 years between 16&25.

The proposed changes to post 16 SEND transport

- 3.31 New pupils transferring to post 16 education in September 2018 must complete an application form to request assistance. Pupils already attending post 16 settings and receiving assistance will be contacted during the spring term to review their requirements for the 2018/19 academic year. For all pupils the primary offer of assistance will be through a Personal Travel Budget (PTB) at 55p

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per mile or bus pass. Both options will require an annual parental contribution which will be in line with the cost of transport available to mainstream post 16 pupils from the travel providers, currently equivalent to £495.

- 3.32 There will be no changes for pupils already attending Post 16 schools or colleges who received travel assistance prior to September 2018, although the Local Authority would encourage pupils/families who wish to investigate whether a Personal Travel Budget (PTB) would be more suitable for their needs to engage with the Council at their earliest convenience.
- 3.33 In exceptional circumstances where a PTB is unsuitable for the individual's needs a further transport needs assessment will be undertaken, if alternative transport provision is deemed appropriate there will be an annual parental contribution requirement towards any transport assistance. The cost of this will be £495 to reflect the charge applied to mainstream post 16 pupils.
- 3.34 Under the proposed changes the Local Authority have regard to requests for assistance on a case by case basis, therefore, the level of assistance ultimately offered will depend upon the needs of the learner and the travel arrangements already serving the school or college. The annual review process will provide an opportunity to discuss a pupil's transition to post 16 education and to take travel implications into account when making decisions.
- 3.35 This will not change who receives support, but will help the Council to give young people and their family's more choice and control over decisions affecting them and help them to improve independence as they move into adulthood. This will provide pupils with:
 - 3.35.1 the flexibility to make their own travel arrangements with the help of a personal travel allowance
 - 3.35.2 enhanced life skills to travel independently by supporting travel training and activities
 - 3.35.3 additional support for those with exceptional needs
- 3.36 Discussions will take place with pupils and their family as part of the EHCP annual review and transition planning process and independent travel training will be offered to all pupils as part of the process. The Council will continue to consider requests for assistance on a case by case basis, but from September 2018 we propose to only offer a Personal Travel Allowance in most circumstances.
- 3.37 The Personal Travel Budget (PTB) will be the Council's contribution towards the cost of the learner's travel arrangements, and will be paid direct to the learner or their family minus the annual contribution of £495. It will be the responsibility of

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the pupil or their family to make the travel arrangements that are best suited to their needs and circumstances, which can be adapted later if necessary.

Proposed consultation process

- 3.38 It is proposed to conduct a wide consultation between May and June 2017. Key consultees will include:
- 3.38.1 parents and carers, including those with learning disabilities and/or disabilities,
 - 3.38.2 Special School headteachers and governors,
 - 3.38.3 College Principals,
 - 3.38.4 Independent Specialist providers,
 - 3.38.5 local User-Led organisations,
 - 3.38.6 Ward Councillors,
 - 3.38.7 staff across education, health and social care.
- 3.39 Consultation will take place through some face to face meetings with parents and carers and User -Led groups, Drop in sessions will be held as well as on-line promotion and feedback opportunities on-line and hard copy
- 3.40 After the consultation period, a report will be considered by Cabinet in July 2017.
- 3.41 If agreed, the revised policy will be phased in from September 2018 for new pupils transferring to post 16 education. The Council will engage fully with young people and their families as part of transition discussions during Key Stage 4.

Summary of education transport provision - pre 16

Mainstream Transport Policy (pre 16)

- 3.42 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:
- 3.42.1 Are of statutory school age (5-16)
 - 3.42.2 Attend their designated appropriate school; and

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- 3.42.3 Live more than 3 miles from their designated appropriate 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.
- 3.42.4 In addition the education and Inspection Act the Council is legally obliged to provide transport to a child who is attending his or her nearest qualifying school (or designated school if it is not the nearest) which is within walking distance, but is unable to walk to that establishment (accompanied as necessary) by reason of their SEN and /or disability , he or she will be eligible for transport free of charge
- 3.43 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:
- 3.43.1 Primary – the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
- 3.43.2 Secondary – the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
- 3.43.3 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).
- 3.44 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.
- 3.45 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.
- 3.46 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 school. Information regarding the policy is provided within the composite admissions guides.

Special Educational Needs Transport Policy –pre 16

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- 3.47 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.
- 3.48 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.
- 3.49 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

- 3.50 Swindon Local Authority is committed to providing the 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 pupils 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.

Independent Travel Training (ITT)

- 3.51 For pupils with SEN in secondary and post 16 / 19 settings Swindon Local Authority identified that in order to promote independence for pupils with SEN independent travel training would be key for those pupils where this would be appropriate in order to prepare for adulthood. Swindon Borough Council commissioned WITTS and SEQOL 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 pupils with SEN within their settings that would be appropriate for ITT. Ten delegates were trained and also two pilot groups of pupils were identified. To date two settings in Swindon have added ITT into their timetables for pupils in order to progress this as part of the established offer for pupils 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

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place so that their pupils with SEN could benefit from this programme in the near future.

- 3.52 It is proposed to develop independent travel training further. This is a priority area of focus through the Education Transport Project under the Going Local Transformation Programme. The benefits to enabling independence are significant.

Personal Travel Budget

- 3.53 A PTB is a sum of money provided to parents or carers of children and young people with SEN (if they agree to support being provided in that way) 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 pupils. 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 pupils, 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 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>.
- 3.54 In order to support sustainability a bicycle 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.

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 £3.523m.
- 5.1.1 Mainstream Transport - £720k
- 5.1.2 Special Education Needs Transport - £2.803m including £830k of escorts costs

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- 5.1.3 The number of SEN children being transported or receiving a personal travel budget has increased from 628 in September 2015 to 693 in January, 2017. This increased demand means that the budget for SEN transport for 2017/18 has increased by £500k.
- 5.2 The level of savings for 2018/19 cannot be quantified until the level of demand and impact of the new policy has been assessed.
- Legal and Human Rights Implications
- 5.3 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.
- 5.4 Under Section 509B 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.
- 5.5 Local authorities have discretionary powers under Section 508C of the Education Act 1996 to make arrangements for those children not covered by Section 508B. A local authority has discretion to provide transport for children who are outside of the statutory eligibility criteria
- 5.6 Local authorities have a duty under the Education Act to publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age and also in relation to post 16 transport. The policy must set out for post 16 young persons the extent to which the arrangements include those for persons with learning difficulties and disabilities.
- 5.7 The Local Authority has discretion under the Education Act as to whether to provide free home to school transport for post 16 young persons provided it has taking into account to relevant matters as set out in DfE guidance entitled post - 16 transport to education and training. The relevant matters under the guidance to which the Council must have regard to are:
- 5.7.1 the needs of those for whom it would not be reasonably practicable to attend education/training if no arrangements were made including young parents, those who live in rural areas and young people who are not in education, employment of training ;
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- 5.7.2 the need to secure reasonable choice;
 - 5.7.3 distances, journey times, cost of transport;
 - 5.7.4 the duty to secure to encourage, enable and assist participation of young people with learning difficulties and/or disabilities up to the age of 25 in education and training.
- 5.8 The Local Authority is also required under the Equality Act 2010 when reaching a decision on this report to have due regard to the need to:
- 5.8.1 eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - 5.8.2 advance equality of opportunity between people who share a protected characteristic and those who do not.
 - 5.8.3 foster good relations between people who share a protected characteristic and those who do not.

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

- 5.9 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

- 5.10 A diversity impact assessment has been completed and there is potential impact to families with children with Special Educational Needs and Disabilities. Whilst the proposals do not prevent access to education facilities the purpose of the report is for the consultation to assess the impact of the proposals on these groups.

Risk Management

- 5.11 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 Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

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7. Background Papers

7.1 None

8. Appendices

8.1 Appendix 1 – Proposed Education Transport Policy 2018/19 (*Copies of the Policy Document have been forwarded to Cabinet members under separate cover. The Policy Document is available for inspection on the Council's website and copies can be obtained, on request, from Committee and Member Services*).

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 April 2017.