



Report subject	Home to School Transport Policy
Meeting date	23 November 2021
Status	Public Report
Executive summary	<p>BCP Council is legally required to have a single home to school transport policy. A BCP Council Policy has been drafted to replace the three existing policies. The draft policy has been developed to ensure consistency across the conurbation. It will provide a single point of reference for families and officers regarding eligibility and how it is assessed.</p> <p>Permission to publicly consult in January-February 2022 is being sought from cabinet. The consultation will be held in accordance with the requirements of the Department for Education's statutory guidance. Key stakeholders will be targeted during the consultation period.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>(a) Cabinet agrees for officers to go out to public consultation on the draft Home to School Transport policy.</p> <p>(b) Delegates authority to the Director of Education, Children's Services to commission a public consultation of the draft policy.</p>
Reason for recommendations	The Council is legally required to have a home to school transport policy. A single policy will provide one point of reference for families and officers when requesting and agreeing transport assistance.

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Wards	Council-wide
Classification	For Decision

Background

1. BCP Council has a statutory duty to make home to school transport arrangements for all eligible children.
2. Currently there are three policies that are referred to when making decisions regarding eligibility – one for each of the three predecessor local authorities.
3. To simplify the process for BCP Council residents and ensure that all decisions are made with consistency across the conurbation, a single home to school transport policy has been drafted. The draft policy is attached at appendix one.
4. Home to school transport assistance is normally made available for eligible children and young people who attend a qualifying school in the following circumstances:
 - a. they live beyond the statutory walking distance,
 - b. or cannot walk to school because of their special educational needs, disability or mobility difficulties;
 - c. or are on a route that is within the statutory walking distance (where a child/young person is accompanied by an adult as necessary) that is considered to be unsafe;
 - d. or receive free school meals, or whose parents/carers receive the maximum working tax credit. Normally assistance will only be provided if the family live beyond the statutory walking distance.
5. The nearest qualifying publicly funded school is the nearest or catchment school with places available that provides education suitable for the age, ability and aptitude of the child/young person, and any special educational needs or disability the child/young person may have. This means that when seeking transport assistance, a qualifying school is typically the nearest or the catchment school with vacancies unless a low income family is seeking transport assistance for attendance at their nearest secondary faith school for evidenced religious reasons.
6. A reasonable distance is legally defined as:
 - a. Up to two miles walking distance from home to school for statutory school age children under eight years old
 - b. Up to two miles walking distance from home to school for statutory school age children and young people aged eight-16 years old and receiving the maximum working tax credit or the child/young person is eligible for free school meals

- c. Up to three miles walking distance from home to school for all other statutory school age children and young people aged eight-16 years old
7. There are some exceptions where home to school transport assistance may be provided and details are included in the policy.
8. BCP Council decides the most appropriate means of supporting children and young people to travel to and from school linked to the aims of promoting independence and sustainability, while ensuring cost efficiency. The following types of travel assistance are provided:
 - a. Issue of a travel pass for use on bus and/or train networks, supported by independent travel training, if needed.
 - b. Personal travel budgets for children and young people with an education, health and care plan (EHCP).
 - c. Minibus
 - d. Taxi
 - e. Fuel, wear and tear contribution if it is shown to be a cost-effective solution and/or there are no suitable or appropriate alternative arrangements available.
9. The opportunity to appeal the decision of the eligibility assessment and the form of travel assistance offered is available to families.

Consolidation of existing policies

10. Eligibility for home to school transport assistance in all three existing policies is assessed using the statutory minimum requirements for most applications. The statutory minimum requirements are prescribed in the Department for Education's [Home to School Travel and Transport Guidance: Statutory Guidance for Local Authorities \(July 2014\)](#).
11. A single policy for BCP Council has been developed to ensure statutory minimum requirements are met whilst providing a single document that all families and officers can reference.
12. Differences in the existing policies have been reviewed during development of the draft policy. Changes to the policy and which residents the changes affect, are highlighted in the draft. In summary, the changes are:
 - a. Transport assistance for year 10 and year 11
 - b. Transport assistance for 16–19-year-olds
 - c. Transport assistance for 19–25-year-olds
 - d. Stage one appeals

Transport assistance for year 11

13. The Bournemouth Borough Council policy provided transport assistance for families with children and young people in year 10 and year 11 if families moved home and their new address was over three miles away from the school. The Dorset County Council policy provided transport assistance for families in exceptional circumstances (an unavoidable move or where a new school would not be appropriate). The Borough of Poole policy did not provide transport assistance due

to moves in year 11 and parents/carers were expected to request an appeal to consider exceptional support.

14. The draft policy expects parents/carers to consider the location and distance of their child or young person's school from their new home when deciding to move. Parents/carers can submit an appeal detailing the circumstances of their move and reasons for requesting transport assistance. Stage one and stage two appeals will have authority to agree transport assistance if appropriate.

Transport assistance for 16–19-year-olds

15. All three existing policies provide information on transport assistance for 16–19-year-olds. The draft policy adopts the eligibility criteria defined in the Poole policy.
16. To support more flexibility and choice for children and young people with an EHCP, the draft policy has reduced the qualifying distance from five miles to three miles.
17. The draft policy has adopted the existing charge for transport that was in place for Poole residents. The charge will only apply to families who do not qualify for maximum working tax credit or free school meals.

Transport assistance for 19–25-year-olds

18. All three existing policies provide information on transport assistance for 19–25-year-olds. The draft policy adopts the eligibility criteria defined in the Poole policy.
19. To support more flexibility and choice for children and young people with an EHCP, the draft policy has reduced the qualifying distance from five miles to three miles.
20. The draft policy has adopted the existing charge for transport that was in place for Poole residents. The charge will only apply to families who do not qualify for maximum working tax credit or free school meals.

Stage one appeals

21. The Department for Education's (DfE) [Home to School Travel and Transport Guidance: Statutory Guidance for Local Authorities \(July 2014\)](#) requires local authorities to provide a two stage appeal process for families to access if they are dissatisfied with the outcome of their transport application.
22. The DfE recommends a senior officer undertake the review, the draft policy proposes that a senior officer undertakes the review in the following circumstances:
 - a. Appeals for children and young people with EHCPs; and
 - b. Appeals regarding the distance measurement or safety of the route.
23. It has been identified that senior officer(s) involved in the development of an EHCP will have the knowledge and expertise regarding the needs of the child or young person in relation to their special educational needs or disability (SEND) to appropriately assess the stage one appeal submitted.
24. For appeals regarding distance measurement or safety of the route, a senior Children's Services officer who has knowledge and understanding of the home to school transport policy and supported by relevant transport officer(s) when required, will be able to appropriately assess the stage one appeal submitted.
25. When families submit stage one appeals requesting review due to their circumstances or other needs, the draft policy proposes referral of the appeal to the school transport appeal review (STAR) panel. The STAR panel is modelled on the

education awards review panel that was established under the Poole home to school transport policy.

26. The STAR panel will comprise of three senior officers from Children's Services supported by a senior officer from the school admissions team and/or the SEND team. Including Children's Services senior officers in the stage one appeal will ensure a child/young person and family focussed approach to the review. The STAR panel will have discretion to make a range of decisions including upholding the family's appeal, providing temporary transport assistance and signposting/referral to appropriate support.
27. Following both senior officer or STAR panel review, the family will receive a detailed decision letter and the opportunity to request a stage two appeal. The stage two appeal will be heard by a panel of council members.

New additions to the policy

28. The draft policy proposes the following additions:
 - a. Temporary housing
 - b. Children in Care
 - c. Fuel, wear and tear rate.
29. Providing transport assistance for families in temporary housing and for Children in Care where appropriate will support education continuity for vulnerable children and young people.
30. The fuel, wear and tear rate has been recommended at 45 pence per mile in line with the HMRC expected rate for employee travel claims. It will only be agreed where other assistance options are unable to be commissioned and it is best value to the Council. Cost effective and sustainable options including bus/train passes, minibuses and shared taxis will be explored in the first instance.

Consultation

31. The DfE's guidance requires local authorities to publicly consult on changes to its arrangements for at least 28 working days.
32. The recommended public consultation is proposed to start on Tuesday 4 January 2022, ending on Friday 18 February 2022.
33. The consultation will be available online for anyone to respond and will be promoted using appropriate communications channels to raise awareness. Paper copies will be made available in BCP Council libraries and children's centres. Key stakeholders will be targeted including, but not limited to:
 - a. Families in receipt of transport assistance.
 - b. Families with children and young people with an EHCP.
 - c. Families applying for school place(s) to start in September 2022.
 - d. Schools, academies and their governors, trustees and stakeholders.
 - e. Early years providers.
 - f. Professionals who work with children, young people and their families including but not limited to social workers, health visitors and early help officers.

- g. Parent and family support and advocacy groups including Parent Carers Together.
34. A suitable communications plan will be developed to promote the consultation to the wider public. Schools and early years providers will be asked to help promote the consultation.
 35. Media relations, website, social media, e-newsletters, internal communications and communication will be made through children and families channels.
 36. The consultation will be available at haveyoursay.bcpCouncil.gov.uk.

Options Appraisal

37. The existing legacy policies cannot continue as the council has a statutory requirement to ensure policies and processes are in place for BCP Council. Taking no action is therefore not an option.
38. Adoption of one of the three existing policies would require public consultation because there are differences in each of the policies that would affect residents assessed using either of the discarded policies.
39. The draft policy has been co-produced with colleagues from the SEND team and the passenger transport team, reflecting on Children's Services' child-centred practice approach. It has been developed with advice and support from the communications team.
40. It is recommended that the council consult on the new draft policy.

Summary of financial implications

41. The SEND home to school transport budget for 2021/22 is £6,485,200 with a projected overspend of £845,500. This reflects the home to school transport needs resulting from the placement of increased numbers of children and young people with EHCPs in specialist provision.
42. The mainstream school home to school transport budget for 2021/22 is £853,800 with a projected overspend of £19,163.
43. Transport assistance is demand-led by its statutory obligations and forecasting of expenditure is impacted by factors that are difficult to control or predict including location of appropriate school setting, location of home, behavioural needs, medical needs requirement for a passenger assistant and more recently pressure on the supply market leading to price inflation. Nationally there is a trend of home to school transport costs increasing in large part due to the rise in identification of children requiring EHCPs.
44. There remains continued financial risk to the budget due to the unpredictability of the transport needs. The draft policy is not anticipated to impact on the council's home to school transport expenditure because overall it provides for the minimum statutory requirements.

Summary of legal implications

45. If a policy were not in place, the council would not meet its legal duty and would be at risk of legal challenge from families regarding how eligibility and transport mode decisions are made.

46. A single home to school transport policy will resolve existing differences in the three current policies. This will prevent legal challenge from families citing differences in decision-making, policy and outcomes.

Summary of human resources implications

47. There are no anticipated changes to human resources from introducing the policy.

Summary of sustainability impact

48. BCP Council is committed to encouraging children and young people to walk, cycle or scoot to school. The conurbation has an extensive network of safe walking routes (where accompanied by an adult if necessary) using footpaths and shared use paths that are included when assessing eligibility based on home to school distance.
49. The draft policy supports the council's climate change emergency and officers will continue to promote and support sustainable travel to school including on foot, cycling, scooting and public transport in line with the [Transforming Travel](#) agenda.

Summary of public health implications

50. Providing home to school transport assistance for eligible children and young people supports their health and wellbeing by enabling them to regularly attend school.
51. Transport assistance in itself can improve the health and wellbeing of eligible children and young people by removing obstacles to attending school and, where appropriate, developing independent travel skills.

Summary of equality implications

52. An equality impact assessment screening tool has been completed and is attached at appendix two
53. A single policy will be accessible online for all BCP Council residents and paper copies will be provided on request.
54. Transport requests will be assessed using the policy criteria. Where the child/young person and/or their family have additional needs or requirements these will be considered during the assessment.
55. Transport for eligible children and young people will be provided based on the individual needs of the child/young person and/or their family using the criteria in the policy.
56. Families will have the opportunity to access a two stage appeal process if they are unhappy with either the decision or the transport offer.
57. For eligible young people who are 16+, the charge for transport can be waived if the young person and/or their family are in receipt of maximum working tax credit or eligible for free school meals.

Summary of risk assessment

58. The council cannot continue to operate using the existing policies and could be subject to challenge by discrepancies between the three policies. A single policy will help prevent legal challenge from families and meet the council's legal obligations.

Background papers

[Bournemouth Residents Home to School Transport Policy and associated advice and guidance](#) (published works)

[Christchurch Residents Home to School Transport Policy and associated advice and guidance](#) (published works)

[Poole Residents Home to School Transport Policy and associated advice and guidance](#) (published works)

The Department for Education's [Home to School Travel and Transport Guidance: Statutory Guidance for Local Authorities \(July 2014\)](#) (published works)

The Department for Education's [Post-16 Transport and Travel To Education and Training Guidance \(January 2019\)](#) (published works)

[The Education Act 1996 sections 508A, 508B, 508C, 508D, 509AD](#) (published works)

[The Education Act 1996 Schedule 35B](#) (published works)

Appendices

Appendix one – Draft home to school transport policy

Appendix two – Equality impact assessment conversation screening tool