Individual Executive Member Decision

Home to School Transport Policy 2017-18 – Summary Report

Committee considering Individual Executive Member Decision on 19 May 2016

report: Corporate Board on 26 April 2016

Portfolio Member: Councillor Dominic Boeck

Date Portfolio Member

agreed report:

12 April 2016

Forward Plan Ref: ID3107

1. Purpose of the Report

1.1 To seek approval to consult on the Home to School Transport Policy for 2017/18 (statutory requirement).

2. Recommendation

2.1 To approve the consultation on Home to School Transport for 2017/18.

3. Implications

3.1 **Financial:** The Council made significant cuts to the mainstream Home

to School Transport provision in March 2016, removing discretionary and subsidised aspects of the Policy to generate c£400k savings. This included changes to the discretionary Fare Payer Scheme and the implementation of a Standard unsubsidised Rate. A Special Fare Payer Rate for children attending their catchment but not nearest school had previously been approved for 2016/17 in September 2015. This commitment was honoured for 2016/17, but is removed for 2017/18 as a direct consequence of the

decision in March 2016.

3.2 **Policy:** The Local Authority must publish the 2017/18 policy and the

post-16 statement by September 2016, to inform parents

making school choices for September 2017.

3.3 **Personnel:** None

3.4 **Legal:** The Policy meets the Council's statutory obligations

regarding home to school transport.

3.5 Risk Management: None

3.6 **Property:** None

3.7 **Other:** None

4. Consultation Responses

Members:

Leader of Council: To date no response has been received, however any

comments will be verbally reported at the Individual Decision

meeting

Overview & Scrutiny

To date no response has been received, however any

Management

comments will be verbally reported at the Individual Decision

Commission Chairman: meeting

Ward Members: To date no response has been received, however any

comments will be verbally reported at the Individual Decision

meeting

Opposition To date no response has been received, however any

Spokesperson: comments will be verbally reported at the Individual Decision

meeting

Local Stakeholders: n/a

Officers Consulted: Corporate Board

Trade Union: n/a

5. Other options considered

5.1 None

6. Introduction/Background

- 6.1 West Berkshire Council's Home to School Transport Policy sets out the circumstances in which it will provide free transport to children and young people travelling to school or college. It therefore relates to West Berkshire residents of statutory school age (from the term following 5th birthday to the end of Year 11).
- 6.2 West Berkshire Council's post-16 Transport Statement sets out how the Council will meet the requirements of the statutory guidance for post-16 pupils.
- 6.3 Local Authorities are required by law to provide help for some pupils but may also provide help for others on a discretionary basis, such as through the Fare Payer Scheme.
- 6.4 The Council reviews its Home to School Transport Policy, post-16 Transport Statement and Fare Payer Scheme annually and is required to consult on proposed changes.
- 6.5 The consultation covers the Home to School Transport Policy 2017/18.
- 6.6 For clarity, the Post 16 Transport Statement 2017/18 remains unchanged and therefore we are not required to consult on this document.

- 6.7 The Fare Payer Scheme is a discretionary Scheme, and not part of the Council's statutory provision. It has been the subject of changes as a result of the Council budget consultations.
- 6.8 The Fare Payer Scheme has 2 rates in 2016/17: the unsubsidised Standard Rate and the subsidised Special Rate Fee for children attending their catchment school, when it is not their nearest school. The public consultation confirmed that the Special Rate Fee would be retained for 2016/17.
- 6.9 In March 2016, the Council determined that all subsidies would be removed from Home to School Transport prices. Therefore, for 2017/18, the Scheme will only have the Standard Rate, and the Special Rate fee will be removed. This will be considered in the consultation.
- 6.10 The prices for 2017/18 will be determined by the Council in spring 2017.

7. Clarifications and Definitions

- 7.1 From the many responses to the major consultation about Home to School Transport in autumn 2015, there were a range of areas where the wording in the Policy could be improved. The proposed amendments do not change entitlement to transport. The proposed wording amendments are to provide greater clarity and have been added in response to feedback from families. We hope that this makes the Policy easier to understand.
- 7.2 We have added definitions:
 - Definition of Compulsory School Age
 - Definition of Home Address
 - Definition of Qualifying School
- 7.3 We have added or amended text to explain:
 - Provision for students attending a Pupil Referral Unit.
 - The criteria for parental and pupil disability and how this is assessed in relation to transport entitlement
 - The criteria (based on the Road Safety GB guidelines) for assessing available walking routes
 - That we do not provide escorts for pupils that we are transporting
 - The circumstances in which transport may be withdrawn
 - Clearer explanation of the circumstances for Appeals
 - How we consult on our Policy
- 7.4 We have altered the text to reflect the changes to provision of independent travel training for SEND pupils.

8. New provision

8.1 The Exceptional Circumstances section 5a now includes provision for students coping with exceptional social circumstances or who may be at safeguarding risk, including providing emergency school transport arrangements. This provision could also apply to mainstream students.

9. Supporting Information

9.1 A comparison of the wording from the 2016/17 Policy and the proposed wording for the 2017/18 Policy explaining the clarifications and definitions is detailed in Appendix C (Mainstream pupils), Appendix D (students attending a Pupil Referral Units) and Appendix E (SEND pupils).

10. Proposals

10.1 It is recommended that the new provision amendments are the subject of public consultation.

11. Conclusion

11.1 It is recommended that permission to consult is granted to ensure the Council meets its statutory requirement.

12. Consultation and Engagement

12.1 This report has been commented on by Councillor Dominic Boeck, Rachael Wardell (Director) Ian Pearson (Head of Education), Cathy Burnham (Service Manager), Jane Seymour (Service Manager), Rachel Craggs (Equalities) and Leigh Hogan (Legal).

Background Papers: Home to School Transport Policy 2017-18, Post 16 Statement 2017-18, Department for Education Home to School Travel and Transport Statutory guidance Road Safety GB guidelines	
Subject to Call-In: Yes: The item is due to be referred to Council for final approval Delays in implementation could have serious financial implications for the Council Delays in implementation could compromise the Council's position Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months Item is Urgent Key Decision Report is to note only	
Wards affected: All	
Strategic Aims and Priorities Supported: The proposals will help achieve the following Council Strategy aim: MEC – Become an even more effective Council	
The proposals contained in this report will help to achieve the following Council Strategic priority: MEC1 – Become an even more effective Council The proposals contained in this report will help to achieve the above Council Strategicand priorities by	

Home to School Transport Policy 2017-18 – Summary Report

Officer details:

Name: Caroline Corcoran Job Title: Service Manager Tel No: 01635 519030

E-mail Address: caroline.corcoran@westberks.gov.uk

13. Executive Summary

- 13.1 The Council regularly reviews its Home to School Transport Policy, post-16 Transport Statement and is required to consult on proposed changes. The Council also consults on its discretionary Fare Payer Scheme.
- 13.2 For the 2017/18 Home to School Transport Policy, proposed wording amendments have been added to provide greater clarity, in response to feedback from families.
- 13.3 We have added exceptional provision for students coping with exceptional social circumstances or who may be at safeguarding risk, including providing emergency school transport arrangements.
- 13.4 The content of the post-16 Transport Statement is unchanged.
- 13.5 The content of the Fare Payer Scheme reflects the removal of the Special Rate fee.

14. Conclusion

14.1 Following the public consultation of the proposed changes, an analysis of the consultation responses and a revised Home to School Transport Policy will be brought forward for formal determination.

15. Appendices

- 15.1 Appendix A Equalities Impact Assessment
- 15.2 Appendix B Clarifications/Definitions Mainstream
- 15.3 Appendix C Clarifications/Definitions Students attending a Pupil Referral Unit
- 15.4 Appendix D Clarifications/Definitions Pupils with SEND

Appendix A

Equality Impact Assessment - Stage One

We need to ensure that our strategies, polices, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Home to School Transport Policy 2017/18
Version and release date of item (if applicable):	
Owner of item being assessed:	Caroline Corcoran
Name of assessor:	Caroline Corcoran
Date of assessment:	21/03/2016

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	/No		

1 What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?		
Aims:	The proposed wording amendments are to provide greater clarity and have been added in response to feedback from families.	
Objectives:	We hope that this makes the Policy easier to understand	
Outcomes:	Improved understanding of the Policy and how this applies to a family's circumstances	
Benefits:	Better communication with the public.	

2 Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

The following are relevant to Equalities:

Age

- Disability
- Pregnancy and Maternity
- Religion and Belief
- Sex

Group Affected	What might be the effect?	Information to support this	
	The Home to School Transport policy provides statutory transport provision, and we also offer Fare Payer provision for families who are not entitled to free transport – Positive Effect.	The Home to School Transport Policy applies to all children of Home to School Transport Age and provides statutory transport provision (as defined in Home to School Travel and Transport	
Age	The parent is expected to determine how their child will get to school and this may include making appropriate arrangements such as with a friend or a childminder to ensure that the child is accompanied, as appropriate. It if for families to determine their domestic arrangements.	guidance (Statutory guidance for Local Authorities, July 2014). The transport provision in the Policy meets the LA's statutory duties under the statutory guidance.	
Disability	The Home to School Transport policy has specific entitlement to transport for children with Special Educational Needs and Disabilities and also in relation to parents who cannot accompany their children due to temporary or permanent illness of disability – Positive Effect.	The DfE Home to School Travel & Transport Guidance July 2014 states that the eligibility of children with special educational needs, a disability or mobility problem should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability. Therefore transport arrangements should be made for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of the mobility issue of their parents.	
Gender Re- assignment	Gender is not a distinguishing factor in the application process or the allocation of school transport. There should be no greater impact on this group than on any other.		
Marriage and Civil Partnership	Marriage and Civil Partnership are not distinguishing factors in the application process or the		

	allocation of school transport. There should be no greater impact on this group than on any other.	
	Pregnancy and maternity are not distinguishing factors in the application process or the allocation of school transport.	
	In practice, however, it may be more difficult for women in the later stages of pregnancy.	
	In normal circumstances, the parent is expected to determine how their child will get to school and this may include making appropriate arrangements such as with a friend or a childminder to ensure that the child is accompanied, as appropriate.	
Pregnancy and Maternity	The Home to School Transport Policy includes provision where a parents' disability prevents them from accompanying the child along a walking route.	
	We would normally expect other adult(s) with parental responsibility to take the child to school or make appropriate arrangements. However, we can consider a temporary medical condition for a parent under the provision for exceptional circumstances. This could include issues associated with pregnancy where there is medical evidence from the GP and/or Consultant. Transport or alternative support may be provided for a time-limited period based on the medical information available.	
	D	
Race	Race is not a distinguishing factor in the application process or the allocation of school transport. There should be no greater impact on this group than on any other. The consultation was made available in different language formats on request.	
Religion and Belief	The Guidance also states that 'the Act places a duty on local authorities to make arrangements for secondary pupils from low	The DfE Home to School Travel & Transport Guidance July 2014 states that 'under the European Convention on Human Rights

	income backgrounds to attend the nearest school preferred on grounds of "religion or belief", where that school is between 2 and 15 miles from their home. Local authorities should pay particularly careful attention to the potential impact of any changes on low income families (those not eligible under extended rights) whose parents adhere to a particular faith or philosophy, and who have expressed a preference for a particular school because of their religious or philosophical beliefs.' The affected secondary schools are Willink and Kennet schools, and neither is faith-based. Therefore, there is no impact from this proposal.	(ECHR), parents do not enjoy a specific right to have transport arrangements made to and from any religious or secular school. In addition, the Equality Act 2010 does not apply to the exercise of an authority's functions in relation to transport.'
Sex	For assessment purposes to determine entitlement to free transport, parental responsibility is equally shared by both parents. It is for each family to decide how to manage their domestic arrangements, and what works for them. In a 2-parent household, this may rely on one parent more than the other in terms of school runs	The statutory guidance states that it is the parents' responsibility to accompany the child to school, and this expectation affects both genders.
Sexual Orientation	Sexual Orientation is not a distinguishing factor in the application process or the allocation of school transport. There should be no greater impact on this group than on any other	

Further Comments relating to the item:

The proposals relate to clarification and definition changes to the Policy to make it easier for non-experts to understand.

3 Result		
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No	
Please provide an explanation for your answer:		
The Home to School Transport Policy will be the subject of consultation, and we will carefully consider any equalities concerns which emerge.		
Will the policy, strategy, function or service have an adverse impact	No	

upon the lives of people, including employees and service users?

Please provide an explanation for your answer:

The Exceptional Circumstances section 5a now includes provision for students coping with exceptional social circumstances or who may be at safeguarding risk, including providing emergency school transport arrangements. This provision could also apply to mainstream students. Therefore, the changes are delivering improved provision for vulnerable students.

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4 Identify next steps as appropriate:		
Stage Two required		
Owner of Stage Two assessment:		
Timescale for Stage Two assessment:		
Stage Two not required:	We will determine if a Stage 2 for the paper which determines the Policy, subject to the feedback from the formal consultation.	

Name: Caroline Corcoran Date: 21/03/2016

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

Appendix B

Clarifications and Definitions - Home to School Transport Policy 2017/18

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
School Admissions	The Council may also take steps to create safe walking routes.	The Council may also determine available walking routes using the Road Safety GB guidelines.	
The Statutory Position			 Definition of Compulsory School Age Compulsory school age starts at different times as described below: Children becoming 5 years old between 1st January and 31st March are of compulsory school age at the beginning of the term after 1st April. Children becoming 5 years old between 1st April and 31st August are of compulsory school age at the beginning of the term after 1st September. Children becoming 5 years old between 1st September and 31st December are of compulsory school age at the beginning of the term after 1st January. We provide transport for children of compulsory school age. Children who are not of compulsory school age but are attending a nursery or Reception class are not eligible for transport.
Definition of Home Address	The Statutory Guidance states that "A child's "home" is the place where he/she is habitually and normally resident".	There is guidance on what constitutes a home address in the School Admissions Guides and the same rules would apply: http://info.westberks.gov.uk/index.aspx?articleid=27811 Primary http://info.westberks.gov.uk/index.aspx?articleid=29469 Secondary	

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Definition of a Qualifying School	Most schools in West Berkshire fit the criteria of <i>qualifying</i> school.	Most schools in West Berkshire and our neighbouring Local Authority areas fit the criteria of <i>qualifying school</i>	
Free Transport			Please note that the <i>nearest qualifying school</i> may be outside of West Berkshire in a neighbouring Local Authority area.
Available route and parental disability	Where a walking route is considered to be safe for a child who is accompanied, but a parent has a disability which prevents them from walking the route, support will be provided where the pupil lives within the statutory walking distance from school.	Where a walking route is considered to be available for a child who is accompanied, but a parent has a disability which prevents them from walking the route, we will consider the family circumstances. Parental responsibility is equally shared by both parents. Depending on the circumstances and the medical condition, transport or alternative solutions may be offered. The application must be supported with medical evidence from the GP and/or Consultant.	For temporary disability, parents are expected to have considered whether they can make temporary arrangements, for example by rearranging their work commitments or by asking a friend to help for a time-limited period. Transport or alternative support may be provided for a time-limited period based on the medical information available, and could be subject to periodic review.
Pupils with a permanent medical condition, which affects their mobility or has health &safety implications for travelling to school associated with a disability			Where a child has a permanent medical condition which affects their mobility or has health &safety implications for travelling to school associated with a disability The application must be supported with medical evidence from the GP and/or Consultant. Transport may be provided for a time-limited period based on the medical information available, and could be subject to periodic review. Depending on the medical condition, alternative solutions may also be offered.

West Berkshire Council Individual Decision 19 May 2016

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Temporary Medical Condition of a pupil	A child may develop a temporary medical condition which prevents them getting to school. Parents are expected to have considered whether they can make temporary arrangements, for example by rearranging their work commitments, driving a child who normally walks or by asking a friend to help for a time-limited period. The application must be supported with medical evidence from the GP and/or Consultant. Transport may be provided for a time-limited period based on the medical information available, and could be subject to periodic review. Depending on the medical condition, alternative solutions may also be offered.		Consideration of temporary medical conditions has been subsumed into Section 5 – under Exceptional Circumstances (see below)
Exceptional Circumstances: Medical conditions			 Medical conditions Permanent medical condition for the pupil (which falls outside the statutory entitlement in Section 4) Temporary medical condition for the pupil (Parents are expected to have considered whether they can make temporary arrangements. Temporary medical condition for a parent (Where one parent is affected, we would expect other adult(s) with parental responsibility to take the child to school or make appropriate arrangements). Applications must be supported with medical evidence

West Berkshire Council Individual Decision 19 May 2016

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Measuring the nearest qualifying school			The nearest qualifying school can be checked on the website by typing the postcode into the search box: www.westberks.gov.uk. The nearest qualifying school may be located in West Berkshire or in a neighbouring Local Authority area. Where a school operates on more than one site: If any of the sites is the nearest school site to the home address, the school will be designated as the nearest school for the entirety of the student's time at the school. The student will use different sites during the course of their schooling at that
Determining an available route	Existence of Rights of Way, Permitted Paths and Bridle Paths	Existence of Rights of Way, Permitted Paths and Bridle Paths (adequate walking width, clear of overgrowth)	school, depending on their year group.
Determining an available route	We will not consider:	In accordance with the Road Safety GB guidelines, we will not consider:	
Determining an available route	Isolation of route	Isolation of route - A route would not fail to qualify as "available" because of dangers which would arise if the child was unaccompanied.	
Determining an available route	Local weather conditions	Local weather conditions - The weather is not considered to be a factor in the guidelines	
Determining an available route	Temporary surface conditions (e.g. mud, puddles)	Temporary surface conditions (e.g. mud, puddles) – It is	

		expected that the child will use appropriate clothing/footwear	
Determining an available route	Lack of street lighting	Lack of street lighting - The presence or absence of street lighting on a route is not considered to be a factor in the guidelines	
Determining an available route	Lack of pavements	Lack of pavements, but we do assess "safe refuge"	
Determining an available route	The time taken to walk the route	The time taken to walk the route – routes are based on statutory walking distances	
Sustainable travel	The Council will consider, in line with its general transport provision and duty to promote sustainable travel across West Berkshire, the provision of walking routes, and building of footpaths, cycling paths and crossings as more cost effective alternatives to providing free transport. This may result in the withdrawal of transport, where available walking routes are subsequently established.	The Council will consider, in line with its general transport provision and duty to promote sustainable travel across West Berkshire, the provision of walking routes, and use of footpaths, cycling paths and crossings as more cost effective alternatives to providing free transport. This may result in the withdrawal of transport, where available walking routes are subsequently identified.	
Type of transport			The Council does not provide escorts for mainstream children, and it is the parent's responsibility to ensure that their child can adhere to the Behaviour Code when travelling unaccompanied.

Most Daylobina Causail Individual Dasisian 40 May 2010

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Transport which is Subject to Change	Where free or discretionary transport has been provided in error, or where material changes have been made to the route to school, provision may be withdrawn. Six weeks' notice will be provided to allow alternative arrangements to be put in place by the parents.	 There may be circumstances where free or discretionary transport is withdrawn. For example: Transport has been provided in error Changes have been made to the statutory Home to Schools Travel and Transport guidance or Road Safety GB guidelines about how we assess entitlement to transport, and the changes affect the assessment of a route. Material changes have been made to the route to school Six weeks' notice will be provided to allow alternative arrangements to be put in place by the parents. Notice will be served by letter or email to the parents/carer. 	
Consultation		parents/carer.	We run an annual consultation through our consultation portal. You can register for email alerts so we can automatically let you know about new consultations. You can also follow us on Twitter
Appeals: Stage 1 Appeal submission & Stage 2 Appeal submission	Parent submits appeal on the basis of: Distance measurement (walking) Transport offered, if applicable Exceptional circumstances	 Parent submits appeal on the basis of: The suitability of transport arrangements offered, if applicable The child's eligibility under the statutory regulations, including statutory walking distance The safety of a route (but if the route has already been assessed, this may be dealt with as a complaint) Exceptional circumstances 	

Appendix C

Students Attending Pupil Referral Unit - Home to School Transport Policy 2017/18

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Pupils attending a Pupil Referral Unit	Parents may wish to transport pupils themselves. If the pupil is entitled to free transport, a bus or train pass to the Pupil Referral Unit for those pupils who are not attending mainstream schools may be provided. Free transport entitlement is subject to statutory age and distance criteria. Parents/carers must be aware that if the child requires transport to and from the Pupil Referral Unit outside of the bus timetable covered by the bus pass, it is the parent's responsibility (including exclusions) Transport may be withdrawn from pupils who regularly fail to attend the PRU – responsibility for attendance will then pass to parent/carers	Statutory entitlement to transport for pupils attending a Pupil Referral Unit is the same as for pupils of the same age attending other schools, and is subject to assessment under the rules for Distance, Low income, Available Route and Temporary Medical Condition (pages 4-5 of the Policy). Due to the nature of timetabling within the Pupil Referral Unit, it is usual to provide a bus or train pass to allow flexibility in the timing of travel.	
Exceptional Circumstances			Vulnerable pupils who have exceptional social circumstances may be entitled to free home to school transport where these circumstances would otherwise prevent them from attending school regularly or cause a significant safeguarding risk. Each case will be considered on an individual basis through the Appeal process. Evidence may be required. Emergency transport arrangements may be put in place for up to 5 days prior to the Stage 1 Appeal being considered.

West Berkshire Council Individual Decision 19 May 2016

Appendix D

Pupils with SEND - Home to School Transport Policy 2017/18

Section of the Policy	Current wording	New wording (clarification)	Additional wording (New)
Post-16 students with a Statement of Special Educational Needs / EHC Plan	In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently and is not suitable for independent travel training.	In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently.	
Post 19 Students with an EHC Plan or Learning Difficulty Assessment (LDA)	In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently and is not suitable for independent travel training.	In the majority of cases, travel assistance will take the form of a bus or train pass. Other means of transport will only be offered if the young person is not able to travel independently.	Post 19 students may be required to make a contribution to the cost of transport.
Independent Travel Training		The entire section is removed, to reflect the changes to independent travel training.	
Personal Transport Budgets		This sentence about the pilot is removed. PTBs will initially be offered to children attending The Castle or Brookfields Special Schools. If the pilot scheme is successful, the scheme may be rolled out to other children with SEN who qualify for assistance with transport.	