

# Cheshire East Council

## Cabinet

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**Date of Meeting:** 13<sup>th</sup> March 2018

**Report of:** Mark Palethorpe, Acting Executive Director of People

**Subject/ Title:** Education Travel Policies

**Portfolio Holder:** Cllr Jos Saunders, Children and Families

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### 1.0 Report Summary

- 1.1 On 10 October 2017 Cabinet approved a period of public consultation regarding a new suite of travel policies planned for implementation from September 2018.
- 1.2 This report presents the outcome of that consultation together with the Council's response to the issues raised and proposals for policy variations as a result of this feedback. It also proposes a number of mitigation measures that could be implemented in order to help ameliorate the impact on some stakeholders.
- 1.4 The aim of the revised policies has been to ensure that we provide transport in accordance with the statutory duties of the Local Authority. Discretionary travel will only be included where there is a strong business case to support this. This will result in savings which will contribute to the proposals approved within the medium term financial plan.
- 1.5 There are 48,476 children of compulsory school age (School Census Oct 2017) within the borough of which 1,440 have an Education and Health Care Plan (EHCP). There is a total of 1,891 Children or Young People with an EHCP.
  - 1.5.1 There are 3,802 children in receipt of home to school travel assistance (Nov 2017) which equates to 7.8% of the compulsory school age population in the borough being in receipt of travel support.
  - 1.5.2 This can be broken down further with 3,106 mainstream pupils (less than 0.5% of the mainstream pupil population) and 696 children and young people with SEND (48% of the EHCP population) receiving travel support.
  - 1.5.3 Of the 696 children and young people with SEND who are currently receiving travel support, 37 attend mainstream primary schools, 54 attend mainstream secondary schools and 605 attend special schools.

323 (46%) children or young people with SEND attend schools outside of the borough.

1.6 The policy review is part of the wider strategic review of transport which is based on the three priorities:

1.6.1. Ensure an appropriate suite of transport policies which:

- Provides sustainable travel arrangements to school
- Meet the assessed needs of children
- Comply with statutory requirements

1.6.2. Ensure travel arrangements are provided efficiently.

1.6.3. Ensure organisational management overview, structure and processes operate efficiently.

## **2.0 Recommendations**

It is recommended that Cabinet:

2.1 Note the outcomes of the consultation and the responses to this.

2.2 Approve that three of the new suite of policies, as revised, be implemented with effect from 1 September 2018. These three policies are: Compulsory School Age Travel Policy, Education Travel Behaviour Code, and Education Travel Payment Policy.

2.3 Approve that the fourth policy; Education Travel Policy Appeals and Complaints be applied from 1 April 2018 in order that it applies for any Appeals and Complaints relating to travel for the academic year starting September 2018 under the new policies.

2.4 Note the proposed mitigation measures.

## **3.0 Reasons for the Recommendations**

3.1 The education travel policies were last updated in 2013. Since then the national guidance has been revised and it is important that we reflect that in our policies and operations.

3.2 The principles adopted in the revised policies include those to:

- Meet the assessed needs of children.
- Promote use of sustainable modes of travel arrangements to school.
- Provide travel assistance which meets assessed need through the lowest cost option.
- Better utilise the offer of direct payments where requested by parents if this is a lower cost option.

- Promote the take up of spare seats at a more reasonable cost.
- 3.3 The public consultation that has been undertaken ran from 18 October to 6 December 2017. A total of 184 completed responses were received from individuals plus 2 from Parish Councils. A detailed consultation report is included as Appendix A.
- 3.4 Appendix B lists the Council's responses to the concerns and issues raised; separated into a number of key themes which emerged from the feedback. This appendix also highlights where changes to the draft policies have been made as a result of this feedback.
- 3.5 The recognition of public responses as expressed during the consultation is important to demonstrate transparency in the decision making process and a genuine commitment to ensure full engagement leading to more effective implementation.
- 3.6 The amendments made to the policies, and the mitigation/implementation measures proposed, demonstrate that the Council has listened and responded to the concerns raised, where it is practicable to do so within the budgetary constraints facing the authority.
- 3.7 The following sections of this report provide a summary of the changes proposed and any mitigation/implementation measures.

## 4 **Compulsory School Age Travel Policy**

- 4.1 Proposal 1  
Travel will be provided for pupils aged between 8 – 11 travelling over 3 miles to their nearest suitable school.

### Mitigation

*This will be introduced through phased implementation and a school by school review of the primary schools which the 36 impacted pupils attend. It will include the consideration of provision of transport through parental contributions. Pupils currently in receipt of free home to school transport will continue to receive it until they leave primary school. Eligible pupils starting school in Sep 2018 will cease to be eligible under the distance criteria at the end of Year 4.*

- 4.2 Proposal 2  
Automatic travel support for children in temporary residential circumstances will no longer be applied.

### Mitigation

*Support will be assessed on a case by case basis and supported if appropriate.*

- 4.3 Proposal 3  
The eligibility of pupils with special educational needs or disability will be assessed based on the individual child's needs based on their mobility and awareness of common danger and age appropriate independence skills.

Mitigation

*There will be phased implementation with all new applications assessed on this basis. Ultimately any existing arrangements will be reviewed through the annual review of the Education and Health Care Plan (EHCP) or when circumstances change.*

- 4.4 Proposal 4  
Parental preference of children with SEND not to attend the nearest suitable school that could meet the child needs will not qualify automatically for transport to the preferred school.

- 4.5 Proposal 5  
The age range will be extended to include support for pupils aged 16-19 who have an Education and Health Care Plan or are continuing learners aged 19-25 subject to the individual assessment of need in proposal 3 above.

- 4.6 Proposal 6  
Independent Travel Training for pupils with special educational needs may be made available where the LA deems this appropriate in consultation with parents.

- 4.7 Proposal 7  
Discretionary travel for pupils with temporary medical conditions will no longer be considered. However we will support those with chronic medical conditions as appropriate.

Mitigation

*This will be introduced through phased implementation with existing cases continuing to receive support for the agreed period of time. The education of pupils out of school due to medical conditions will continue to be supported through the Council's Tuition team.*

- 4.8 Proposal 8  
Clarification on the travel support for permanently excluded children. This will be provided to their nearest suitable school, the school identified through Fair Access Panel or the pupil referral unit using the normal distance criteria (i.e. greater than 2 or 3 miles dependent on age).

- 4.9 Proposal 9  
Applications for travel support for primary school aged children whose parents have a disability which affects their ability to accompany them to school will be considered based on medical evidence and evidence that no suitable alternative adult can accompany their child to school.

#### Mitigation

*Existing cases will continue to be supported subject to review and confirmation of the disability affecting their ability to accompany their child to school.*

#### 4.10 Proposal 10

Travel support for cared for children will be provided where they qualify under normal criteria.

#### Mitigation

*In exceptional circumstances the Headteacher of the virtual school for cared for children may approve travel assistance.*

### **5 Education Travel Behaviour Policy**

5.1 This policy will be introduced with effect from September 2018.

5.2 Changes to the Education Travel Behaviour policy will be made, to provide clarity on how it will apply to children and young people with SEND. The changes will be shared with the SEND Parent/Carer Forum.

5.3 The introduction of the behaviour policy is intended to improve the safety of children on school transport.

### **6. Education Travel Payment Policy**

6.1 Direct payments may be available for parents who choose to make their own arrangements for their child to travel to school where this is a lower cost option than the Local Authority providing the transport. For example this could be considered to promote cycling to school, where it is safe to do so.

6.2 The eligibility requirements will be amended to include new advice from the DfE as follows: "If a child is eligible for free home to school transport under section 508B(1) of the Education Act 1996, receipt of any further benefit or payment such as Disability Living Allowance does not remove the statutory duty on a local authority to make suitable transport arrangements for the child. Local authorities can ask the parents if they would be willing to use a vehicle to transport the child to school in exchange for a mileage allowance, or similar, but this cannot be enforced."

### **7 Appeals and Complaints Policy**

7.1 This policy will be introduced with effect from April 2018.

7.2 Improvements will be included in the policy in relation to the communication with parents on the criteria on which an appeal will be considered.

## **8 Additional considerations following consultation feedback**

- 8.1 As requested we will improve the promotion of travel concessions and discounts that are available to school age pupils and promotion of Transport Service Solutions services to third parties.
- 8.2 We will make the purchase of spare seats more affordable to improve take up of these by parents of children not eligible for home to school travel assistance. It is proposed to trial reducing the cost of spare seats on school bus services, where these are available, at a 50% reduction in cost with a view to increasing the take up of spare seats by 200%, therefore increasing the actual income. This will be reviewed annually thereafter.
- 8.3 We will explore the possibility of increasing spare seat capacity where demand exists and it is cost effective to do so.
- 8.4 We will explore the feasibility of offering more flexible payment.

## **9 Implementation**

- 9.1 We will phase the introduction of any changes. Communication will take place directly with new pupils and their families to explain the implications where necessary.
- 9.2 With the exception of the Travel Behaviour Code, the new policies will only apply for new pupils.

## **10.0 Wards affected and Local Ward Members**

- 10.1 All wards will be affected by the proposals outlined in this paper.

## **11.0 Implications of Recommendation**

### **11.1 Policy Implications**

11.1.1 The suite of policy documents comprises:

- Compulsory School Age Travel Policy
- Education Travel Direct Payments Policy
- Education Travel Appeals and Complaints Policy
- Education Travel Behaviour Code

11.1.2 The compulsory school age travel policy covers home to school travel with specific arrangements for pupils with special educational needs or a disability set out in a separate annex.

## 11.2 Legal Implications

### **Education Travel, Compulsory School Age**

11.2.1 Local authorities are required by both the Education Act 1996 and the Education and Inspections Act 2006 to make suitable travel arrangements for certain children to attend school. Section 508B of the Act deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.

11.2.2 Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) in an authority's area for whom free travel arrangements will be required – as follows:

#### ***Statutory walking distances eligibility***

Local authorities are required to provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is:

- beyond 2 miles (if below the age of 8); or
- beyond 3 miles (if aged between 8 and 16)

#### ***Special educational needs, a disability or mobility problem eligibility***

Local authorities are required to make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. Eligibility, for such children 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.

#### ***Unsafe route eligibility***

Local authorities are required to make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.

#### ***Extended rights eligibility***

Local authorities are required to provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if:

- the nearest suitable school is beyond 2 miles (for children under the age of 8 and 3 miles for those over the age of 8);
- the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);

- the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

11.2.3 It is a parent's responsibility to ensure that their child gets to and from school at the appropriate time each day and to put in place the necessary travel arrangements. In exercising its duty, the Local Authority has a general expectation that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

### 11.3 Financial implications

11.3.1 In 2014/15 the Council's transport functions were transferred to a wholly owned company (Transport Service Solutions Ltd). The management fee paid to the company, of £9m annually, covers home to school transport for mainstream and SEN pupils.

11.3.2 The Council's Medium Term Financial Strategy includes a target saving of £570,000 for 2018/19 and 2019/20 through a number of changes including these proposed changes to education travel policies, the Available Walking Routes programme and more cost effective provision of travel arrangements.

11.3.3 The Council's three year medium term financial strategy assumes that the savings from school transport will be delivered to enable the Council to maintain a balanced budget.

### 11.4 Equality Implications

11.4.1 The high level equality impact assessment was published alongside the consultation documents and will now be updated to reflect the final proposed policies.

### 11.5 Rural Community Implications

11.5.1 Travel assistance for children living in rural communities will continue to be provided in line with statutory requirements where the route to the nearest suitable school is over statutory walking distance or is unavailable.

### 11.6 Public Health Implications

11.6.1 The public health implications will be considered as part of the corporate sustainable mode of travel strategy update which will examine and promote the healthiest way of travelling to school.



## **12.0 Risk Management**

- 12.1 Maintaining existing arrangements could mean that policy does not comply with the latest DfE guidance and may be inequitable.
- 12.2 The increasing pressures upon Council funding and the increasing demands on transport requires the Council to consider all transport processes.

## **13.0 Access to information / Bibliography**

- 13.1 Contact the Report Writer

## **14.0 Contact Information**

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