

APPENDIX B – CEC response to the comments raised during the public consultation

Proposals	Response	Changes made as a result of consultation
1. Removal of discretionary travel		
1. a. The removal of discretionary travel for pupils age 8-11 travelling over 2 miles to the nearest suitable school and increase the distance to 3 miles.	<p><u>General Comments</u></p> <p>This brings the Council in line with its statutory duties. The proposed removal of discretionary travel will provide savings of up to £68,000 when fully implemented. The proposed transitional arrangements will reduce the cost savings stated above.</p> <p>There are 36 pupils impacted who attend 12 out of 124 mainstream primary schools within the borough. Many of these schools are predominantly small, rural schools. The Council is aware that the withdrawal of travel assistance from these schools may not be in the best interests of pupils, the schools and residents and the Council will therefore liaise with the schools on how best to progress this. Please note that the withdrawal of <u>free</u> travel assistance for those that are no longer eligible will be implemented but local requirements will be considered. This may include but is not limited to:</p> <ul style="list-style-type: none"> • Option to purchase a 'spare seat' • Reduction in the costs of 'spare seats' across the borough • Consider implementing flexible payment options for parents • Assistance in arranging a 'walking bus'. <p><u>Implementation</u></p> <p>As suggested by the consultation, a phased implementation is proposed.</p> <p>The new policies will apply from 1st September 2018 and will apply to children starting in Reception year. If they qualify for home to school travel assistance in Reception, they should expect that entitlement to cease at the end of Year 3. Irrespective of when an eligible child's 8th birthday is. Children in receipt of home to school travel support in 2017/18 will continue to receive it until the end of Year 6 unless their</p>	<p>A school by school review for the primary schools impacted by this proposal. This may be desktop based.</p> <p>Phased implementation. Children that are currently eligible will continue to receive assistance until the end of Year 6.</p>

	circumstances change (e.g. move house/school)	
1.b. The removal of discretionary travel for pupils where families are forced to relocate temporarily to alternative accommodation owing to circumstances outside of their control.	<p><u>General Comments</u> Any change to a child or young person's residential address, whether it is permanent or for a temporary period, will warrant an application for travel assistance if the general criteria set out in the policy applies.</p> <p><u>Implementation</u> Although there is a change in the policy relating to home to school travel, Social Care would continue to assess all cases on an individual basis and can authorise travel assistance, by exception.</p>	No change to the proposed policy but clarity provided on how it may impact children and young people.
1.c. The removal of discretionary travel for pupils with temporary medical conditions due to an accident, planned surgery or illness.	<p><u>General Comments</u> Children with temporary medical needs will no longer be eligible for travel assistance on the basis of their temporary medical needs, but will retain eligibility, as appropriate, on distance, unavailable walking route, or extended rights or SEND criteria.</p> <p><u>Implementation</u> As suggested by the consultation, a phased implementation is proposed.</p> <p>All existing cases will continue to receive travel assistance until the temporary medical condition no longer applies. There were 2 children who received travel assistance in 2016/17 and there are 2 children in receipt in 2017/18, of which both cases are expected to be closed before the new policy comes into effect.</p> <p>No new cases will be accepted with effect from 1st September 2018.</p> <p>This does not impact children with long-term medical conditions. There are currently 6 children who attend mainstream schools who receive home to school assistance at a total annual cost of c£65,000 per annum. This is subject to receipt of medical evidence.</p>	Phased implementation. Children that are currently eligible will continue to receive assistance until the temporary medical condition no longer applies.

<p>1.d. The removal of discretionary travel for pupils with parents with a disability.</p>	<p><u>General Comments</u> Secondary aged children of parents with a disability who cannot otherwise get to school will not be eligible for travel support. . However children of primary school age whose parents have a disability which affects the parent's ability to accompany the child to school will be considered based on medical evidence which confirms the parent's mobility difficulties. Evidence that there is no suitable alternative person to accompany the child is also required.</p> <p>Children will retain eligibility, as appropriate, on distance, unavailable walking route, or extended rights or SEND criteria.</p> <p>Schools are expected to develop School Travel Plans which include details on how alternative and sustainable modes of transport can be introduced for the benefit of pupils, staff and parents whilst reducing congestion on local roads around schools with associated improvements in air quality and road safety. The Sustainable Modes of Transport to Schools Strategy (SMOTS) is to be discussed by Cabinet in February 2018.</p> <p><u>Implementation</u> All existing cases, subject to satisfactory evidence of the parent/carers disability and how it impacts their ability to assist their child to school, will continue to be eligible for travel assistance for a limited period of time. There is currently only one case which relates to a secondary age child.</p> <p>The council may wish to offer a subsidy to parent/carers to help facilitate alternative methods of travel instead of providing free travel assistance.</p> <p>No new cases will be accepted which will take effect from 1st September 2018, onwards. Cases accepted following policy approval and before the implementation date will cease on 31st August 2018.</p>	<p>Phased implementation. Children that are currently eligible will continue to receive assistance.</p>
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<p>1.e. The removal of discretionary travel for cared for children unless eligible under normal criteria or exceptional circumstances agreed by the Headteacher of the Virtual School for Cared For Children.</p>	<p><u>General Comments</u> Children will retain eligibility, as appropriate, on distance, unavailable walking route, or extended rights or SEND criteria.</p> <p>There are differences in the obligations to provide travel from home to school by foster carers depending on whether the foster carer is contracted directly by the Council or they are a third party foster carer, employed via an agency.</p> <p>The Headteacher of the Virtual School is able to authorise travel assistance in exceptional circumstances.</p> <p><u>Implementation</u> As suggested by the consultation, a phased implementation is proposed.</p> <p>All existing cases will continue to receive travel assistance for the duration that it has been agreed. No new cases will be accepted with effect from 1st September 2018.</p>	<p>Phased implementation. Children that are currently eligible will continue to receive assistance.</p>
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Proposals	Response	Changes made as a result of consultation
2. The introduction of		
2.a. The introduction of direct payments, where this is a lower cost option, to enable the parent to provide/make travel arrangements.	<p><u>General Comments</u></p> <p>The introduction of direct payments as a lower cost option is beneficial for both recipients and the Council. It will only be offered when it is the lowest cost option. As per the policy:</p> <p><i>It is intended that payments enable families to arrange their student's travel arrangements in a way that suits their personal circumstances best. Parents may choose how they use the payment, which might be to pay for fuel costs incurred in driving their student to school, to pay for public transport, or to support travel arrangements made with family or friends. Alternatively, payments may be used towards childcare for a younger sibling whilst driving the older sibling to school in the family car. These are merely examples; the decision on how best to use the payment will be the parents' and not the Local Authority's, but must be to enable the eligible student to travel to school.</i></p> <p>This is a new policy (Education Travel Payment Policy) that is being introduced from 1st September 2018 although direct payments have been used previously as an alternative to providing transport. In 2016/17, the number of parents that have had a direct payment/personal travel budget instead of transport is 6. This has resulted in a cost saving of £19,291.</p> <p><u>Implementation</u></p> <p>Direct payments may be offered where it is identified that it is a lower cost option. This relates to home to school travel for children without an Education, Health Care Plan (EHCP).</p> <p>A Personal Travel Budget may be offered to parent/carers for a child or young person who has an Education and Health Care Plan (EHCP) and is eligible under the revised criteria which is 'The child cannot reasonably be expected to walk to school because of their mobility</p>	No change to policy but clarity provided on how it may impact children and young people.

	<p>problems or because of associated health and safety concerns related to their SEN or disability”</p> <p>As per the proposed Education Travel Payments Policy): <i>Where there is an entitlement to travel assistance a payment will only be offered to parents if this is more cost effective than the Local Authority providing transport or where there are difficulties for the Local Authority in negotiating a suitable transport contract and there is no available public service route.</i></p> <p>The offer of a Personal Travel Budget does not affect other budgets relating to SEND provision.</p>	
2.b. The introduction of a behaviour policy with clear escalation and sanctions.	<p><u>General Comments</u> Feedback received from the consultation process has been mainly supportive of the introduction of this policy and the sanctions. However, the feedback has also highlighted that the policy could be clearer on how the policy should be applied to children and young people with SEND.</p> <p>Therefore, the policy will be reviewed and shared with the SEND Parent/Carer forum for comment. Their feedback will be documented.</p> <p><u>Implementation</u> This policy, subject to the review outlined in the General Comments above, will come into effect from 1st September 2018.</p>	Review of the policy and further consultation with the SEND Parent/Carer Forum
2.c. The introduction of travel support for young people who meet the normal criteria for post 16 and are aged 16-19 with an Education and Health Care Plan (EHCP) and continuing learners aged 19 – 25 with an Education and Health Care	<p><u>General Comments</u> This is a statutory duty which has been introduced since the last Home to School Transport Policy was approved (2013). The proposed policy reflects the council’s statutory duty to provide travel assistance ‘where it is necessary’ (Section 508F of the Education Act) and reflects what is currently being delivered by the Council to children or young people</p>	This has already been actioned

Plan.	with an EHCP. <u>Implementation</u> No additional action required.	
2.d. The introduction of Independent travel training to support independent travel and remove the need for travel assistance.	<p><u>General Comments</u></p> <p>The life skills that this training can deliver to children and young people are considered beneficial both to the individuals and the Council.</p> <p>The Council are also working in partnership with Cheshire Fire and Rescue Services to implement Road Safety Education programmes for children and young people, such as 'Let's Walk' and the 'Road Safety Roadshow'.</p> <p>'Let's Walk' is a child pedestrian training programme for Year 3 and Year 4 pupils whilst the 'Road Safety Roadshow' is a presentation, aimed at Year 11 pupils, exploring the circumstances leading to and consequences of a road traffic collision involving a group of young people. It is presented in partnership with Cheshire Fire and Rescue Service, Cheshire Police and the Health Authority.</p> <p>As well as these programmes, the Cheshire Fire and Rescue Services offer a day of road safety training for all Cheshire East Council schools aimed at key stage 2 and key stage 4 pupils.</p> <p><u>Implementation</u></p> <p>The Council is in the process of identifying and securing an Independent Travel Training provider. The Council's SEND team are identifying individuals who will benefit from the training and it is expected that 20-30 children or young people per year will receive the training. An initial cohort of 14 children/young people has been identified.</p> <p>Upon completion of the training and confirmation that it has been successful, parents/carers will be provided with at least 12 weeks notice of either a change to the type of travel assistance offered or the withdrawal of travel assistance, as appropriate.</p>	

Proposals	Response	Changes made as a result of consultation
3. Revisions to		
3.a. revisions to the criteria for determining the eligibility of pupils with special educational needs or disability to 'a child with severe, profound or multiple learning difficulty or disability which affects their ability to travel to school safely, accompanied where necessary.'	<p><u>General Comments</u></p> <p>In accordance with DfE guidelines, children will retain eligibility, as appropriate, on distance, unavailable walking route, or extended rights or SEND criteria. There is no automatic entitlement to travel assistance for a child or young person who has an Education and Health Care Plan (EHCP).</p> <p>Section 598B of the Education Act 1996 deals with the duty on Local Authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.</p> <p>The proposed criteria for children and young people with SEND includes two specific travel-related mobility eligibilities, which are:</p> <p>a) severely restricted independent mobility; and</p> <p>b) lack of awareness of common danger and age appropriate independence skills.</p> <p>The DfE requirements (As per Schedule 35 of The Act) are, disability is as defined in S.6 of EA 2010: a person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial a long-term effect on the ability to carry out normal day-to-day activities. Therefore a chronic health condition may lead to eligibility under this definition.)</p> <p><u>Implementation</u></p> <p>This will continue as it is now, with each case being considered on an individual basis. New cases, with effective from 1st September 2018 will be assessed against the new criteria.</p>	<p>The SEND criteria will be revised in all policies to state:</p> <p>'The child cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability'</p> <p>Phased implementation with any child with a learning disability being assessed.</p> <p>Children that are currently eligible will continue to receive assistance.</p>
3.b. Revisions to travel for pupils with special educational needs or disability	<p><u>General Comments</u></p> <p>The proposed policy brings children and young people with SEND in</p>	

provided to the nearest suitable school determined by the local authority, which may be different to parental preference and different to the school named in the education and health care plan.	<p>line with children who do not have SEND. Travel assistance from home to school will only be provided to the child's nearest suitable qualifying school. For children and young people with SEND, this is based on the nearest qualifying school to the child's home that can meet the child's SEND. If by parental choice a more distant school is attended, any travel arrangements shall remain the responsibility of the parent.</p> <p><u>Implementation</u> As suggested by the consultation, a phased implementation is proposed.</p> <p>All existing cases will continue to receive travel assistance until the child or young person completes full-time education. All applications to take effect from 1st September 2018 will have the new criteria applied. This would include, for example, transfers from current school provision and newly completed EHCPs.</p>	Phased implementation. Children that are currently eligible will continue to receive assistance subject to the status quo being maintained.
3.c. Revisions to the complaints and appeals policy to provide greater clarity	<p><u>General Comments</u> This is to assist all parties considering using, or involved in, the appeals and complaints process.</p> <p><u>Implementation</u> It is requested that this policy be approved to take effect from 1st April 2018 to enable timely implementation and application. This is because the eligibility criteria of the new policies will need to be applied to applications received from 1st April 2018 which will take effect from 1st September 2018 onwards.</p>	<p>New policy to aid clarity and transparency.</p> <p>Earlier implementation to provide clarity and transparency.</p>
3.d. Revisions to the definition of the nearest suitable school to include a school agreed under the fair access protocol.	<p><u>General Comments</u> Permanently excluded children receive free travel to the nearest suitable school, which includes a pupil referral unit provided the normal eligibility criteria e.g. distance is met. This applies from Day 6 of the exclusion and complies with DfE guidance. It also brings the policy in line with the eligibility criteria applicable to other, non-permanently excluded, children.</p>	

	<p><u>Implementation</u></p> <p>As suggested by the consultation, a phased implementation is proposed. However, it is unlikely that this will be required unless a child is permanently excluded within the last week of the 2017/18 academic year.</p>	Phased implementation.
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Themes from the consultation feedback not covered in the table above	Response	Changes made as a result of consultation
Do not implement changes / Extend the eligibility for free travel / Find budget cuts from elsewhere	<p><u>General Comments</u></p> <p>The Council is facing significant financial pressures and 2017/18 is proving to be a very challenging year for local authorities across the UK.</p> <p>Revenue budgets have come under increasing pressure due to the combined effects of rising inflation, increasing demand and this is compounded by continuing reductions in government funding. Care services in particular are experiencing rising caseloads and increasing complexity of care needs as well as rising costs from minimum wage requirements for care providers.</p> <p>In Cheshire East the number of residents receiving care and support from Adult Social Care is increasing by 4% year-on-year, and costs can range from very low needs up to individual packages costing over £4,000 per week, where a person has complex needs and nursing care is essential. In addition, over the last 12 months, the number of children and young people in care has increased by 17%. There have been similar levels of increase experienced both regionally and nationally.</p> <p>The Council has recently published its Pre-Budget Report setting out the challenges and proposals being considered to balance the budget over the next three years and address a funding shortfall of £42m over the next three years.</p> <p>The Council will always prioritise services for vulnerable people, despite the financial challenges. This means that other services must come under close scrutiny and deliver cost savings. The Council must explore different ways of working with residents and our partners and that we will require residents, where they are able, to make greater contributions to service costs.</p> <p>As a result of those challenges the Council must consider its statutory</p>	

	<p>duties and deliver those in the most cost effective way. Any level of service above the statutory level must be justified as, under revised funding arrangements where the Council will soon have no reliance on Government Grant, such additional services are being subsidised by residents and businesses in the Borough.</p> <p>There are over 48k children of compulsory school age (Oct 2017 census) within the borough and it is not feasible to extend free travel beyond that which is statutory.</p> <p>There are travel concessions and discounts available and stakeholders may benefit if these are promoted more widely.</p>	Wider promotion of concessions and discounts that are available
Fund schools to provide transport	<p><u>General Comments</u></p> <p>The Council has a statutory responsibility to provide home to school travel assistance for eligible children and young people.</p> <p>Some home to school travel assistance is delivered by the use of public buses, some of which are subsidised by the Council so as to ensure that residents have access to public transport that may not otherwise be commercially viable.</p> <p>Transport Service Solutions Limited (TSSL) has access to route planning software, procurement systems and expertise which may need to be replicated by multiple schools at a cost. The provision of home to school travel assistance by a third party (TSSL) enables an overview of travel provision, both public and private, and pupils from more than one school can be identified as being able to access the same travel service thereby creating synergies and cost efficiencies.</p> <p>There are instances where TSSL work directly with schools and colleges to arrange travel on the school or college's behalf.</p> <p>Similarly, TSSL are available to assist parents/carers and community groups by arranging travel on their behalf. In these cases, the customer</p>	Wider promotion of TSSL's services.

	will be liable for the cost of arranging the travel and the travel costs.	
Safety first, not cost savings	<u>General Comments</u> Safety of children is considered in the statutory requirements and the Council will continue to meet its statutory duties. It is important to note that it remains the parent/carers responsibility to get their child/ren to school safely.	
It will increase traffic/parking/environmental issues around schools	<u>General Comments</u> As highlighted in the SMOTS introduction: <i>Travel to schools within Cheshire East is a fundamental part of daily life but, all too often, we are reliant on the car, even for short journeys. Alternatives are available for many journeys, including walking, scooting, cycling, public transport and car sharing. We know that walking and cycling are good for our physical and mental health and Cheshire East is working to promote more physical activity, helping to create stronger, healthier and more vibrant communities.</i> Other options may include purchasing a spare seat on a school bus or a ticket for a public bus.	Review of the cost of spare seats before 01/09/18. Possible increase in spare seat capacity, depending upon demand/cost. Consider more flexible payment options.
Vulnerable people (SEND- children and parents) should be assessed on a case by case basis	<u>General Comments</u> Eligibility, for SEND children will be assessed on an individual basis to identify their particular travel requirements. For children without SEND and for whom the eligibility, as appropriate, on distance, unavailable walking route, or extended rights does not apply may, if available, purchase a spare seat on school transport or access public transport. Other initiatives, details of which can be found in the SMOTS strategy, may be appropriate for home to school travel, such as cycling, scootering and walking buses, amongst others	Promotion of SMOTS related initiatives to be included in school travel plans.

References to Mobility and Disability Allowances and the application of the policies	<p><u>General Comments</u> Following a recent legal case, in another borough, references to mobility vehicles and disability allowances being considered when assessing eligibility have been amended.</p> <p>Local authorities can ask the parents if they would be willing to use this vehicle to transport their child to school in exchange for a mileage allowance, or similar, but this cannot be enforced.</p>	Rewording of references to Mobility and Disability Allowances
How will the implementation be communicated?	<p><u>General Comments</u> Where travel arrangements are changed as a result of the implementation of the new suite of policies, parents/carers of children impacted by the change in policy will be informed by letter. The letter will detail the timescales applicable, other options available and how to appeal/complain. A minimum of 12 weeks notice will be applied when travel assistance is withdrawn.</p> <p><u>Implementation</u> In general, where a child is currently eligible for travel assistance that assistance will continue to at least the end of their current educational phase (primary/secondary). This phased approach to implementation may include offering a subsidy instead of arranging travel assistance.</p>	Phased implementation
Will you act on comments from the consultation?	<p><u>General Comments</u> As can be seen by the responses to the consultation, the Council has carefully considered the feedback provided and where appropriate to do so, has recommended changes.</p> <p>The Council is committed to open and transparent consultation and a summary report of the consultation feedback will be made available on the Council's website.</p>	
Consultation should be on a case by case basis	<p><u>General Comments</u> The Council is unable to consult individually as the policies are applicable to all school age children within the borough of which there</p>	

	<p>are over 48,000. There are currently 3802 pupils in receipt of home to school travel assistance which is 7.8% of the compulsory school age population.</p> <p>The Council have engaged with a wide range of stakeholders including highlighting the consultation and the proposed changes:</p> <ul style="list-style-type: none"> • via the schools bulletin requesting that the consultation be included in parental newsletters, • via email to all Headteachers and Chairs of Governors of schools within Cheshire East, • to the Parent Carers Forum, • to Foster Carers, • to Parish and Town Councils, • to Chester and Shrewsbury Dioceses and • other community groups, • via media briefings and on the Cheshire East Website and • through the Council's Twitter account. <p>A total of 184 completed responses were received together with 2 responses from Parish Councils.</p>	
School places and catchment areas	<p><u>General Comments</u></p> <p>Where the Council acts as is the Admissions Authority for a school, it is required to consult on the Admissions Arrangements every 7 years. A consultation was open until 11th January 2018.</p> <p>The proposal does not include a review of catchment areas however the Council may review catchment areas with maintained schools if it is considered beneficial to do so. It is important to note that Academies can change their Admission Arrangements to include pupils from areas that are outside of their historical catchment area. For Voluntary Aided schools, parish boundaries not catchment areas are used.</p> <p>The Council is the Admissions Authority for only 34% of primary and</p>	<p>Offer to review catchment areas if considered beneficial to do so.</p>

	<p>secondary schools in Cheshire East. Increasingly, as more schools become Academies, they become their own Admissions Authority. 41% of schools in the borough are Academies. The other 25% are Foundation, Free, Studio, Voluntary Aided schools and University Technical Colleges.</p> <p>The Council has a robust and transparent process for allocation of school places with 98% of pupils being allocated one of their preferences for the 2017/18 academic year.</p>	
Rural communities	<p><u>General Comments</u> 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. The current and proposed policies, as per the statutory duties placed on local councils by the DfE, support rural communities by virtue of the distance criteria that is applicable. This is consistent and fair to those that do not live in a rural area.</p> <p>As per the proposal in 1a, a school by school review for the primary schools impacted by this proposal will be undertaken.</p>	A school by school review for the primary schools impacted by proposal 1a.
Support of alternative travel methods e.g. cycling and walking buses.	<p><u>General Comments</u> The Council is very keen to support the Sustainable Methods of Transport to Schools Strategy (SMOTS) which will be available for consultation in February 2018. It will encourage more sustainable travel to schools which will enable healthier and more active lifestyles for staff, students and parents, whilst also reducing congestion on local roads around schools with associated improvements in air quality and road safety.</p>	Support of SMOTS
Drivers and passenger assistants behaviour and training	<p><u>General Comments</u> The Council takes concerns about the behaviour of drivers and passenger assistants on school related travel very seriously. Incidents should be reported, in the first instance, to Transport Service Solutions</p>	The Council is strengthening its management of TSSL

	<p>Ltd (TSSL).</p> <p>Companies that provide specific school travel via TSSL are subject to regular checks and training. Complaints and reports of any irregularities are summarised to the Council as part of its contract management of TSSL. The Council is already seeking to strengthen the prevention, detection and investigation of unacceptable incidents.</p>	
More efficient use of current services	<p><u>General Comments</u></p> <p>The changes in policy are to support a more efficient use of the current services and include initiatives including, reviewing spare seat capacity and pricing, collection and drop off points, the contract tendering process and a review of the performance and governance arrangements of the contract that the Council has with TSSL. A business process review was completed in 2017 and the recommendations resulting from the review are being implemented, with the majority being completed before the new suite of policies are implemented.</p>	Implementation of recommendations from the Education Travel Business Process Review.
Offer easier capacity and payment methods for spare seats	<p><u>General Comments</u></p> <p>Where possible, spare seats will be offered for purchase by parents/carers. The cost of spare seats is being reviewed and any changes will be implemented to take effect from 1st September 2018.</p> <p>For the school by school review relating to proposal 1a, additional spare seat capacity may be created, dependent upon demand and cost.</p> <p>In addition, more flexible payment options are being considered.</p>	<p>Review of the cost of spare seats before 01/09/18.</p> <p>Possible increase in spare seat capacity, depending upon demand/cost.</p> <p>Consider more flexible payment options.</p>
Working parents and getting several children to school on time, safely, when one child is at a special school.	<p><u>General Comments</u></p> <p>The Council provides travel assistance for nearly 3802 pupils for up to 190 days a year. The Council acknowledges the challenges faced by working parents however; it also recognises the need to have transparent and equitable policies and therefore cannot positively</p>	Introduction of direct payments where this is the lowest cost option.

	<p>discriminate in favour of any one group of parents.</p> <p>Travel assistance for eligible children and young people will continue and this assistance may, if it is the lowest cost option, be made in the form of a direct payment which can increase the flexibility of travel options. The response to point 2a provides additional information.</p>	
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