

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	28 th May 2013
Report of:	Director of Children Services Head of Public Protection and Enforcement
Subject/Title:	Key Decision 52 - Home to School Transport
Portfolio Holder:	Cllr Rachel Bailey (Children and Family Services) Cllr David Topping (Environment)

1.0 Report Summary

- 1.1 Cheshire East Council's Home to School Transport Policy was inherited from the legacy authority following local government reorganisation in April 2009. A process of 'general housekeeping' is necessary not only to take account of agreed policy changes and recent government guidance. This guidance relates to the process for parents / carers to request a review of entitlement or to lodge an appeal should they be dissatisfied with the outcome of their child's eligibility assessment.

2.0 Decision Requested

- 2.1 Cabinet receive the revised Home to School transport policy.
- 2.2 That officers be authorised to undertake all actions necessary to publish the policy in accordance with statutory requirements and any other actions necessary for its implementation.

3.0 Reasons for Recommendations

- 3.1 On 30 April 2012, Cabinet were asked to consider proposed changes to the Home to School Transport Policy, specifically in relation to discretionary areas of activity.
- 3.2 Revised government guidance, effective March 2013, reaffirms the council's updated policy. It also sets out statutory guidance that councils must take into account when formulating policy for the rights of parents who wish to challenge entitlement and eligibility decisions regarding home to school transport.
- 3.3 The appropriate policy clarifications have been made to ensure that the Council is meeting its statutory obligations and has adopted the latest government guidance for the publication / administration of its Home to School Transport Policy.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications including - Climate change - Health

6.1 None

7.0 Financial Implications

7.1 There are no direct financial implications arising from this report.

8.0 Legal Implications

8.1 Under section 508B of the Education Act 1996, the Council is required to provide free transport for “eligible children”, who are defined in Schedule 35B of the Act, where the Council considers it necessary for the purpose of facilitating attendance at school.

8.2 “Eligible children” include children:

- a) with special educational needs, disability or mobility problems;
- b) who cannot reasonably be expected to walk because of the nature of the route to school;
- c) who live outside the statutory walking distance and no suitable alternative arrangements have been made for them; and
- d) who are entitled to free school meals or their parents receive the maximum amount of tax credits.

8.3 In addition, local authorities have the discretion under other sections of the Act to make transport arrangements for those who are not “eligible children” and transport arrangements made under those sections do not have to be provided free of charge, subject to that charge being reasonable in the circumstances.

8.4 Finally, under section 509AB (5) of the Education Act 1996, local authorities are required annually to publish post-16 transport policies. Local authorities must have regard to guidance published by the Secretary of State when carrying out their responsibilities in relation to transport arrangements for young people of sixth-form age.

9.0 Risk Management

9.1 There are no direct risk management implications.

10.0 Background and Options

- 10.1 The council is required to publish policies relating to support for home to school transport. As a result of Cabinet decisions taken since April 2009 – as well as decisions taken by the School Transport Appeals Sub-committee that are of general applicability - the council's published policy no longer reflects the current policy framework.
- 10.2 In addition, in October 2012, Cabinet adopted a slightly revised approach to assessing whether a child has an available walking route to school. If no available walking routes exists within the statutory maximum walking distance that a child is expected to walk, then transport assistance must be offered.
- 10.4 The Department for Education published statutory guidance in March 2013 ([Guidance on home to school travel and transport - About the Department](#)) in respect of home to school travel and transport. The guidance has been considered and the current policy assessed; the policy proposed for adoption takes full account of the guidance. One aspect of the previous policy has been refined in the light of the latest guidance – the way in which the council considers requests for reviews of eligibility and entitlement decisions. A revised process which follows the guidance has been incorporated into the Home to School Transport Policy (Appendix 1).
- 10.5 Finally, the decisions made by the council's appeal sub-committee have been incorporated into the policy. These relate to matters of detail – such as how the council approaches the measurement of distance from home addresses to school. Nevertheless, where of wider applicability than the individual case that gave rise to the appeal, it is considered a matter of good practice to be transparent and incorporate such issues into the published policy.

11.0 Access to Information

11.1 The background papers relating to this report can be inspected by contacting the report writer:

Name	Fintan Bradley
Designation	Head of Strategy, Planning and Performance
Tel no	01606 271504
Email	fintan.bradley@cheshireeast.gov.uk