

Cheshire East Council

Cabinet

Date of Meeting:	10 th October 2017
Report of:	Mark Palethorpe, Acting Executive Director of People
Subject/Title:	Education Travel Policy
Portfolio Holder:	Cllr George Hayes, Children and Families

1. Report Summary

- 1.1 Local authorities are required by both the Education Act 1996 and the Education and Inspections Act 2006 to make suitable travel arrangements for certain eligible children to attend school.
- 1.2 The current policy was updated on 28 May 2013. Guidance was subsequently published by the Department for Education in July 2014.
- 1.3 The Council currently spends a significant amount of its budget on transport within Children's Services. The current organisation, management and monitoring of school transport is through the Council's arm's length company, Transport Service Solutions (TSS) Ltd, who provide transport in line with the agreed policy.
- 1.4 A review of the existing transport policy has been undertaken to ensure that the Council provides transport in accordance with its statutory duties. This will result in savings which will contribute to the proposals approved within the medium term financial plan. Consultation will consider where there is a business case to support discretionary travel.
- 1.5 The proposed consultation on transport policy is part of the wider strategic review of transport which is based on the three priorities:
 - 1.5.1. Ensure an appropriate suite of transport policies which:
 - Provides sustainable travel arrangements to school
 - Meet the assessed needs of children
 - Comply with statutory requirements
 - 1.5.2. Ensure travel arrangements are provided efficiently.

1.5.3. Ensure that organisational management overview, structure and processes operate efficiently.

1.6 The above priorities have resulted in a number of work streams with parallel timelines. The consultation on Education Travel Policies should therefore be considered in the context of the other work streams and timelines as outlined below.

September 2017

- Cabinet decision to undertake community engagement on implementation of phase 2 of Available Walking Routes.
- Implementation of Available Walking Routes Phase 1 in relation to Poynton High School and Wheelock Primary School.
- Start to implement the outcome of a review of business processes which support more efficient delivery of transport arrangements.

October 2017

- Available Walking Routes Phase 1 - Consider assessment of Silk Road Crossing and potentially progress with removal of transport.
- Available Walking Routes Phase 1 - Consider feedback from network rail and consider implications.
- Cabinet decision to start consultation on:
 - Compulsory School Age Travel Policy
 - Education Travel Payments Policy
 - Education Travel Appeals and Complaints Policy
 - Education Travel Behaviour Code
- Cabinet decision to engage with providers and subsequent consultation on:
 - Post 16 Travel Policy Statements

January 2018

- Consultation starts on post 16 Travel Policy
- Cabinet decision to consult on Sustainable Modes of Travel Strategy

2. Recommendation

2.1 It is recommended that Informal Cabinet:

- a) approves the formal consultation in line with the timeline at **Appendix 1** on:
 - compulsory school aged policy and
 - post 16 policy
- b) approves the subsequent consultation on Post 16 Travel Policy following engagement with Post 16 providers in line with **Appendix 2**.

3. Reasons for Recommendation

- 3.1 Cabinet approval to consult during the autumn term 2017 is recommended to ensure transparency in the decision making process and demonstrate a genuine commitment to ensure full engagement with the consultation leading to more effective implementation when the final policy is approved.
- 3.2 The principles adopted in the proposed draft policy include:
- Development of a suite of policy documents that provide greater clarity.
 - Comply with statutory travel.
 - Meet the assessed needs of children only.
 - Provide sustainable travel arrangements to school.
 - Provide travel assistance through the lowest cost option.
 - Increase the use of direct payments.
 - Promote the use of larger vehicles and collection points.
 - Introduce a clear behaviour policy with appropriate sanctions.
- 3.3 Details of the key changes proposed are detailed in **Appendix 3** and include the following:
- 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.
 - where families are forced to relocate temporarily to alternative accommodation owing to circumstances outside of their control.
 - for pupils with temporary medical conditions due to an accident, planned surgery or illness.
 - where parents have a disability.
 - cared for children unless eligible under normal criteria.
 - the introduction of;
 - direct payments, where this is a lower cost option to enable the parent to provide/make travel arrangements.
 - a behaviour policy with clear escalation and sanctions.
 - travel support young people who meet the normal criteria for post 16 and are aged 16-19 with an Education Health and Care Plan and continuing learners aged 19 – 25 with an Education Health and Care Plan.
 - Independent travel training to support independent travel and remove the need for travel assistance
 - revisions to the;
 - criteria for determining the eligibility of pupils with special educational needs or disability which affects their ability to travel to school safely, accompanied where necessary.’
 - travel for pupils with special educational needs or disability 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.

- complaints and appeals policy to provide greater clarity
- definition of the nearest suitable school to include a school agreed under the fair access protocol.

3.4 The consultation will request suggestions with supporting rationale for consideration of exemptions that may be considered.

4. Other Options Considered

4.1. This consultation will seek views on alternatives which could be considered.

5. Background

5.1 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.

6. Wards Affected and Local Ward Members

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

7. Implications of Recommendation

7.1. Policy Implications

7.1.1 It is proposed that there will be a suite of policy documents which include:

- Compulsory School Age Travel Policy
- Post 16 Travel Policy Statement
- Education Travel Payments Policy
- Education Travel Complaints and Appeals Policy
- Education Travel Behaviour Code

7.1.2 The compulsory school age travel policy covers home to school travel for all children with specific arrangements for pupils with special educational needs or a disability and available walking route set out in the appendices to this policy. The available walking routes appendices has been updated to clarify technical points and contacts, but the policy content remains unchanged.

7.1.3 The local authority is required to update and publish the Post 16 Education Transport Policy annually by the end of May. The existing Post 16 Transport Policy Statement was published on 31 May 2017. Subject to Cabinet approval, changes are being proposed to the transport arrangements which will lead to revised statement will be

formulated through engagement with relevant post 16 providers prior to the undertaking of statutory consultation.

7.1.5 The education travel complaints and appeals process provides clarity on how to complain/ request a route assessment and/or appeal against decisions on travel assistance.

7.1.7 The Sustainable Modes of Transport Policy is under development and will be subject to separate consultation. This will promote the use of sustainable travel and transport based on a recent audit.

7.2 Legal Implications

Education Travel, Compulsory School Age

7.2.1 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.

7.2.2 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 disability¹⁰. 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 over the age of 8 and under 11);
- 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).

7.2.3 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.

Post 16 Transport Policy Statement

7.2.4 Local authorities are under a legal duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training.

7.2.5 The Local Authority has discretion to determine what support is necessary to facilitate attendance but must have regard to the Secretary of State's guidance and must give effect to the arrangements set out in its Policy Statement.

7.2.6 As defined in legislation (S.509AC of the Education Act 1996), a person receiving education or training at an establishment is of sixth form age if: he is over compulsory school age, but is under the age of 19; or, has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.

7.2.7 The 16-18 transport duty relates to young people of sixth form age including those with learning difficulties and/or disabilities aged up to 19 (and beyond the age of 19 if they are continuing on a particular course started before the age of 19).

7.2.8 Local authorities also have a duty under the Education and Skills Act 2008 to encourage, enable and assist the participation of young people with learning difficulties and/or disabilities up to the age of 25 in education and training. It therefore follows that it is good practice for local authorities to include information about what transport arrangements are available and whether they are adequate to enable these young people to participate.

7.2.9 The Statement must be published by the local authority by 31 May each year and the local authority should continue to monitor its progress throughout the year.

Sustainable Modes of Travel Strategy

7.2.10 Section 508A of the Education and Inspections Act 2006 places a general duty on local authorities to promote the use of sustainable travel and transport. The duty applies to children and young people of compulsory school age who travel to receive education or training in a local authority's area. The duty relates to journeys to and from institutions where education or training is delivered.

7.3 Financial implications

7.3.1 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 £8.9m annually covers home to school transport for mainstream and SEN pupils.

7.3.2 The Council's Medium Term Financial Strategy includes a target saving for 2017/18 of £390,000. Savings of £570,000 are planned for 2018/19 and 2019/20 through the proposed changes to education travel policies and more cost effective provision of travel arrangements.

7.3.3 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.

7.4 Equality Implications

7.4.1 An equality impact assessment will be update post consultation to reflect the final proposed policy.

7.5 Rural Community Implications

7.5.1 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.

7.6 Public Health Implications

7.6.1 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.

8. Risk Management

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

9 Access to Information

- 9.1 Contact the Report Writer

10 Contact Information

- 10.1 Contact details for this report are as follows:
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