

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

Home to School Transport Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The Home to School Transport Policy is updated annually for the new academic year and is based on statutory guidelines issued by the Department for Education (DfE) which stipulates the Local Authorities' responsibilities when making home to school travel arrangements for children of compulsory school age.

The statutory guidelines have been updated and published on 29th June 2023. Prior to this, the guidelines were last updated and published by DfE on 18th July 2014, meaning that there is now a requirement to review the existing Home to School Policy ahead of the new academic year that commences September 2024.

This report outlines the proposed key changes to policy and seeks approval from Cabinet to commence a period of public consultation. The consultation exercise will pay particular attention to any proposed amendments along with those that will ensure compliance with the new statutory guidance. The policy review also aims to improve the existing content and accessibility, so that parents and carers can easily source all relevant information, on which to make informed decisions regarding their children's education.

Recommendations

1. That Cabinet approve the draft Policy for consultation.
2. That Cabinet approve the approach to the public consultation.

List of Appendices Included

Appendix 1 Draft Home to School Transport Policy 2024/2025

Appendix 2 Equalities Screening Assessment

Appendix 3 Climate Impact Assessment

Background Papers

Rotherham Metropolitan Borough Council – Home to School Policy 2023/2024

[Home to School Post 16 Transport Policy 2324.docx \(live.com\)](#)

Statutory guidance – Home to School Travel – 29th June 2023

[Home-to-school travel - GOV.UK \(www.gov.uk\)](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Home to School Transport Policy

1. Background

- 1.1 Home to School travel is an integral part of the school system that ensures that no child of compulsory school age is prevented from accessing education to fulfil their potential, as a result of a lack of transport or cost of transport.
- 1.2 The Council have a statutory responsibility to make suitable travel arrangements to and from school for eligible children of compulsory school age. Statutory guidance is published by the Department for Education (DfE) and sets out what local authorities must do to comply with the law.
- 1.3 Updated statutory guidelines were published by the DfE in June 2023 following a public consultation in 2019 and stakeholder comments provided in 2022/2023. Prior to that, the guidelines were last published by DfE in July 2014.
- 1.4 The RMBC Home to School Policy is updated with minor changes each year to ensure it reflects the academic dates and complies with statutory duties for 'Post 16 Transport Policy Statement Obligations'.
- 1.5 Given the recent update to the statutory guidance, there is now a significant requirement to review and revise the current Home to School Policy 2023/2024 in preparation for the new academic year 2024/2025, which the Council is obliged to complete in time for the next normal school admissions round.

2. Key Issues

- 2.1 In most cases a child's eligibility for free school travel will be assessed following the normal school admissions round once parents have been offered a place for their child to begin primary school or transfer to secondary school. In some cases, eligibility will need to be assessed in-year, for example when a child moves into the Borough.
 - 2.1.1 If an application for travel is received after the normal admissions round, it can be difficult for the Council to determine if a child could have been admitted to their nearest school if this was not listed as a preference when applying for a school place. It is therefore reasonable for the Council to expect parents to list their nearest school if they intend to apply for free school travel.
 - 2.1.2 To ensure parents are fully informed, the revised policy must be in place and easily accessible ahead of 15 May 2024, as any objections to school admissions arrangements for September 2024, must be submitted by parents/carers to the 'Schools adjudicator', by this date. The decision to not grant free school travel, may influence the parental view of the school place that is granted. It is also a requirement of the new guidelines, that there is

an up-to-date policy in place by 12 September each year, to allow parents to take this into account when applying for school places.

2.1.3 If a refreshed policy can be published by May 2024, this coincides with the necessity to perform the annual 'Post 16 Transport Policy Statement Obligations' and ensure that parents/carers are making informed choices about educational settings, considering implications around free or supported school travel provision.

2.2 There is requirement within statutory guidance to consult locally, where changes to policy are significant and may affect children's eligibility for free transport. The consultation should last for at least 28 working days during term time and consider comments from stakeholders before finalising the new policy.

2.3 To support the process of a policy review considering the significant updates to statutory guidance, a number of key issues have been identified that require updating along with opportunities to add clarity for stakeholders to ensure the information is clear and easy for parents/carers to understand.

2.4 **The following areas summarise the key changes requiring improvement, and the full draft policy can be found in Appendix 1:**

2.4.1 Local authority statutory duties for eligible children and young people

Current policy content is specific in referencing local authority duties for providing appropriate transport for eligible children and young people at the start and finish of the school day. Additional clarity and content is required to reflect the new statutory guidelines, particularly in relation to the 'Local offer' and signposting for non-eligible travellers to other means of accessible travel solutions.

2.4.2 Clearer definitions of key words which overarch full policy, such as 'suitable school', 'home address', and 'qualifying schools'

Current policy content references specific key words throughout such as 'suitable school', 'home address', 'qualifying schools' but these are not clearly defined. Clear definitions of these terms are required to avoid misinterpretation. Consideration is required to additional content to explain meaning of terms such as 'accompaniment' and 'parental expectations' in the context of the policy, and how this forms part of the eligibility assessment.

2.4.3 Definition of what is defined as a suitable/qualifying schools

Current policy definitions of 'suitable/qualifying schools' is not adequately specific in relation to addressing particular types of needs, and requires additional content, as stipulated in the new statutory guidance. There is opportunity to add clarity and content concerning the 'SEND and Alternative Provision Improvement Plan' and transport expectations, to ensure parents are fully informed.

2.4.4 Statutory walking distances

The current policy does clarify what is defined as 'statutory walking distance' and includes where these differ under 'low income', although improvements have been identified to reference the term 'accompaniment', add clarity to age groups for which relevant distances apply and reflect new guidance on 'extended rights' which are currently referred to as 'low income'. This update would remove the expectation that children of secondary school age should be accompanied on public transport.

2.4.5 Travel Solutions (including Independent Travel Training)

Current policy content states which transport options are available for eligible travellers although there is no detailed information about Independent Travel Training presently included, and this aims to be pivotal in the Council's sustainability offer. The new guidelines expect that policy explains the ways in which travel is provided, for example passes for public service buses, dedicated school buses, and taxis.

2.4.6 Behaviour expectations, public transport

Current policy content is not specific around the different behaviour expectations for all pupils travelling on any public transport. The Code of Conduct is included in previous policy, however, requires updating to explain the responsibilities of parents/carers and the roles that schools should offer in managing child behaviour off school premises.

2.4.7 Behaviour expectations on assisted home to school transport (SEND)

Current policy does not have a separate section which focuses on children and young people with SEND who have transport assistance and where behaviours may differ from children/young people who do not have additional needs. This requires the refreshed policy to have specific regard as to how behaviour is managed, as part of individual special educational needs or disabilities.

2.4.8 Eligibility and application process children/young people (SEND)

Current policy content provides information on how a child/young person with SEND is assessed as eligible. There is a need for additional content relating to parental choice of school placement and funding implications for transport, and an opportunity to include information about school travel for children with SEND in the 'Local offer'. This ensures all information is in one place, assisting parents/carers in accessing relevant information and making fully informed choices.

2.4.9 Local authority discretionary powers

Statutory guidance states, 'Where local authorities routinely offer discretionary travel in this way, they should make this clear in their home to school travel policy'; the current policy makes no reference to discretionary

powers. This relates to children aged up to 5, and over the age of 19 who are continuing in education and therefore defined as not being of 'Compulsory school age'. Discretionary travel may be subject to parental contribution and requires clear explanation.

2.4.10 Safeguarding

Current policy is specific around additional safeguarding duties on assisted home to school transport provision and a link to 'The Rotherham Corporate Safeguarding Policy' is included. Currently there are no links to the Taxi and Private Hire Licensing Policy, or additional information around Independent Travel Training' which require inclusion.

2.4.11 Suitability of transport arrangements

Current policy has no clear specific and easily identifiable content under suitability of travel arrangements, so this has been identified as additional content based on the new statutory guidance. Detailed sections require inclusion, with content relating to:

- Children/young people with medical needs
- Children/young people with physical mobility needs
- Journey times

2.4.12 Parental payments

Current policy does not give information about the terms in which parental payments are offered and does not detail that it is an expectation of families to pay back any 'unspent' monies due to low attendance in accordance with Local Authority Financial Regulations and associated audit requirements. Clearer guidance is required on the terms and conditions of 'Personal Travel Budgets'/'Parental Travel Claims' to avoid misunderstanding, and to enable parents to make informed choices.

2.4.13 Overarching principles

In addition to the key areas above identified for improvement, the new guidelines state that, "A local authority school travel policy needs to contain a number of elements to be considered lawful".

Therefore, the policy should:

1. Include a clear introduction explaining what the reader can expect to learn from the document.
2. Explain all four categories of eligible children that considers:
 - Statutory walking distances
 - Special educational needs
 - Disability and mobility considerations
 - Unsafe walking routes

In addition, eligibility under 'extended rights' considered as discretionary by the local authority.

3. Refer to any separate policies relating to eligibility (for example, special educational needs) so parents reading one document may easily understand all the categories of eligibility.
4. Include information on how a parent can apply for travel to school and clearly explains terms such as 'home address' and 'nearest suitable school'.
5. Explains how, in instances of dual living arrangements such as equal shared custody for separated parents, the local authority determines the child's home. Where appropriate, the policy explains that a child's nearest school for school travel purposes may not be their nearest suitable school for admissions purposes.
6. Explain how a child's eligibility will be assessed. This includes how distances will be measured and how route safety is assessed.
7. Explain that the eligibility of children with special educational needs, a disability or mobility problems will be assessed on an individual basis.
8. Explain the ways in which travel is provided, for example, passes for public service buses, dedicated school buses, taxis etc.
9. Explain any other arrangements that are in place for children who are not eligible for free home to school travel, such as spare seat schemes, and any charges that may be made for these.
10. Explain how a parent may appeal the local authority's decision in response to their application for travel to school.

2.4.14 The revised policy will need to ensure the above ten elements are satisfied.

3. Options considered and recommended proposal

3.1 The current policy covers the academic year 2023 - 2024, meaning that the policy is now due to enter a review process and needs to address the substantial updates provided by the new national statutory guidance. The options below have been considered:

3.2 **Option 1:** The Council does not make any changes to the current policy. This is not recommended as the policy requires an annual refresh/review and in addition new national guidance was published in June 2023 which requires a full review, with associated consultation.

3.3 **Option 2:** The Council reviews the Policy in line with the updated statutory guidance and conducts a full consultation for those affected by the Policy.

This is the recommended option as it ensures the Council remains legally compliant and also ensure the Policy is robust and based on feedback.

4. Consultation on proposal

4.1 If Cabinet accept the proposed amendments, these would then be subject to a formal consultation process. The consultation will include, but will not be limited to:

- Council Members
- Members of the Public
- Parents / Carers
- Parent Carer Forum
- Groups representing young people and the impact upon people with special educational needs and disabilities (SEND), people with social, emotional, and mental health (SEMH) considerations and other appropriate groups
- Schools whose pupils will be affected by any proposed changes, including those located in other local authority areas, and the local authorities themselves
- Parents who may choose for children to attend schools with designated religious character, and the schools themselves
- SYMCA and other associated public transport providers

4.2 It is essential that those affected by the policy are appropriately involved in its development. Therefore, the above groups and members of the public will be fully involved in the consultation process and their views and suggestions will be taken into consideration before a final policy is drafted.

4.3 The views of Elected Members, particularly those that have a role in relation to 'Children & Young Peoples Services' and 'Transport and the Environment', are also critical to the review process and arrangements will be made for full engagement with the appropriate Councillors.

4.4 The consultation will run for a minimum period of 28 working days during term time and include online and paper questionnaires, as well as face-to-face sessions across the borough, focusing on the proposed changes highlighted above. However, the consultation process will also be used to obtain views on other matters that could be considered for inclusion within the policy.

4.5 The consultation will give consideration to how the proposed policy changes may impact on:

- The parents' choice of school.
- Any financial impact to affected families, paying particular attention to any potential effect to children from low-income families.
- The impact proposed changes may have on people with protected characteristics.

4.6 Following the consultation period, a final version of the policy will be written and presented to Cabinet for consideration.

5. Timetable and Accountability for Implementing this Decision

5.1 Consultation of the proposals will commence at the start of the school term in January in accordance with the guidance if approval is given by Cabinet.

5.2 The consultation will run for a period of 28 working days during term time.

5.3 A final draft policy will be developed and presented to Cabinet for consideration in March 2024.

6. Financial and Procurement Advice and Implications

6.1 There are no direct procurement implications arising from the recommendations detailed in this report.

6.2 There are no direct financial implications arising from the recommendations detailed in this report. The costs of the consultation will be met from within existing budgets. The future implementation of a revised policy may have financial implications in relation to the cost of providing Home to School Transport. This is yet to be quantified.

7. Legal Advice and Implications

7.1 The relevant statutory requirements are set out in body of the report and within the Policy itself. Further the Policies consistent with the relevant Statutory Guidance as referred to in the report.

8. Human Resources Advice and Implications

8.1 There are no direct HR implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The Local Authority in Rotherham takes absence from school very seriously as children who attend school regularly are much more likely to achieve positive outcomes throughout their childhood and later in life. The Council want all children in Rotherham to thrive throughout their lives and attending school to learn and develop socially is an important part of achieving this.

9.2 It is the legal responsibility of every parent or carer to make sure that their child receives an education and the responsibility of schools to transport pupils during the school day. However, if children are unable to attend school on time and ready to learn, it can impact on the ability of schools to meet their needs, especially those with Special Educational Needs and/ or Disabilities. This could lead to unnecessary school moves and/ or suspensions and exclusions.

9.3 For some children, including those who live a distance away from school and those from low-income families, assistance to travel to school enables good school attendance and avoids unnecessary absence. For children in care and children unable to walk because of Special Educational Needs and/ or Disabilities, transport to school can be crucial to their school attendance. The policy will ensure consistent and fair access to home to school transport for those children who need it.

10. Equalities and Human Rights Advice and Implications

10.1 In undertaking its Home to School travel function, the Council complies with relevant legislative requirements including the Human Rights Act 1998.

10.2 The policy will ensure the consistent and fair application; recognising that every individual is entitled to equality, dignity and respect.

10.3 When making eligibility decisions for Home to School travel, the Council and its officers aim to ensure there is no discrimination on the grounds of recognised protected characteristics.

10.4 Adherence to these requirements is assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by decisions have the right to challenge that decision through a formal appeals process.

10.5 An Equalities Screening Assessment has been completed and is attached as Appendix 2 to this report.

11. Implications for CO2 Emissions and Climate Change

11.1 There are no direct CO2 emissions or climate change implications introduced by this report as the Policy presented is in draft. A further report with the final version of the Policy will be subject to further detailed analysis.

12. Implications for Partners

12.1 It is recognised that effective Home to School Travel requires collaborative working between educational providers and parent/carers to ensure suitable travel arrangements are in place for eligible children. Schools will be required to support the Council in delivering Home to School Travel, for example by promoting good behaviour on transport, and sharing information to ensure the child's needs are met. This includes considering travel arrangements, when making changes to their school day.

12.2 The local authority school travel team (Transport Services) and the special educational needs and disabilities (SEND) team including associated partners, need to ensure there is collaborative working in place that considers travel arrangements when deciding which educational setting is to be named in a child's Education, Health, and Care Plan (EHCP) and assessed for suitability with the child's needs in mind.

12.3 As the new policy will strive to develop sustainable travel solutions, there may be increased demand on public transport networks and partnership working with SYMCA will be critical to the success of transport sustainability in the context of Home to School travel.

13. Risks and Mitigation

13.1 The Home to School Policy must give confidence to stakeholders that it is compliant with statutory guidance and addresses the obligations placed upon the local authority to operate lawfully. It is therefore imperative that policy is updated in accordance with the guidelines and any changes are made through the effective Council processes that will ensure transparency and fairness to all families, not limited to those with children eligible for free Home to School travel.

13.2 Failure to implement updates to policy in accordance with statutory guidance may result in reputational or financial risk to the council, of not ensuring the needs of eligible children are met, or an overspending of public money where eligibility is not clearly defined. This will be managed through the Corporate Risk Register, and annual policy review in line with statutory guidance.

14. Accountable Officers

Sam Barstow – Assistant Director, Community Safety & Streetscene

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/11/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	30/11/23

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