

**Committee Name and Date of Committee Meeting**

Cabinet – 18 March 2024

**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 based on statutory guidelines issued by the Department for Education (DfE) which stipulate local authorities' responsibilities when making home to school travel arrangements for children of compulsory school age.

Following a review by Council officers of the existing Policy and the new DfE guidelines published 29<sup>th</sup> June 2023, a draft Policy was considered by Cabinet on 18<sup>th</sup> December 2023 and approved to go to public consultation, which commenced on the 8<sup>th</sup> January 2024. The consultation attracted 179 responses to the online survey, with further targeted activities seeking views of stakeholders, parents/carers, the general public and anyone who may be affected by the Policy, such as schools, other local authorities, taxi/public service vehicle operators, the young people themselves, and groups representing the voices of families, including the Parent Carer Forum. The Policy has been updated with the sections highlighted in yellow showing the updated areas and is attached at Appendix 1.

This report outlines the findings of the review and subsequent consultation and recommends that Cabinet approves the revised Policy.

## **Recommendations**

1. That Cabinet approves the Home to School Policy that is attached to this report as Appendix 1.

## **List of Appendices Included**

- Appendix 1 Home to School Transport Policy 2024/2025
- Appendix 2 Consultation Responses
- Appendix 3 Consultation Activities
- Appendix 4 Equalities Screening Assessment
- Appendix 5 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 – 25<sup>th</sup> January 2024.  
[Home-to-school travel - GOV.UK \(www.gov.uk\)](#)

## **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

## **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 supports children of compulsory school age to access education, enabling them to fulfil their potential.
- 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 The RMBC Home to School Transport 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'. 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 the DfE in July 2014. This refresh of the guidelines has led to a full review of the Policy. A revised draft Policy was presented to Cabinet on the 18<sup>th</sup> December 2023 for approval to go out to public consultation.
- 1.4 Following this decision, a further update to the statutory guidance was published on 25<sup>th</sup> January 2024. Following a review of the revised guidance by officers, no further amendments to the draft Policy have been identified.

For information, the revised guidance included 7 amendments:

	Amendment Summary	DfE Document Reference	Revised Policy Reference
1	Minor amendment to make clear that Part 2 (discretionary travel) is statutory guidance.	Page 4 (about this guidance)	Included within section 5 of the revised Policy.
2	Now specifies that parts of the guidance are likely to be of particular relevance to schools that choose to arrange travel for their pupils.	Page 5 (who is this guidance for)	Advisory note relating to travel arranged by school and how the guidelines may be applicable. Not required in revised Policy.
3	Now Includes a reference to Academy Trust quality descriptions document published in July 2023. Inclusion of a link to the descriptions in annex 3: additional resources.	Page 7 (context)	Not required in revised Policy.

4	Clarified that local authorities may name 2 schools in a child's EHC plan – one that the child will attend on condition that the parent arranges the travel, and one to which the LA will arrange travel.	Paragraph 24 and 25	Included in section 6.1 of the revised Policy which determines the expectations around provision of transport where two schools are named in the Education Health & Care Plan.
5	Amended so that local authorities are not expected to measure a <u>safe</u> walking route when determining which is a child's nearest school.	Paragraph 38	Section 4.4 of the revised Policy considers available walking route for the purposes of assessing eligibility for supported travel assistance.
6	Included a reference to guidance published by ATCO on alternatives to seatbelt buckle guards. A link has also been added to the guidance in annex 3: additional resources.	Paragraph 115	Operational guidance, not relating to Policy.
7	Wording added to specify that schools – as well as local authorities – may wish to specify in their contracts with operators that they will only accept vehicles that are fitted with seatbelts.	Annex 2 (further information - page 55 – seatbelts and standing passengers)	Operational guidance, not relating to Policy.

## 2. Key Issues

- 2.1 It is a requirement of the new DfE guidelines that there is an up-to-date policy in place to allow parents/carers to consider home to school travel arrangements when applying for school places and make informed choices about educational settings. Where a child may not be eligible for free school travel, this may influence the parental view of the school place that is applied for.
- 2.2 To ensure parents/carers are fully informed, an updated policy must be in place and easily accessible, reasonably ahead of 15<sup>th</sup> May 2024, as any objections to school admissions arrangements for September 2024 must be submitted by this date.
- 2.3 The previous Policy has been reviewed by Council officers and it is felt that whilst currently compliant, further consideration to the new DfE guidelines should be adopted to ensure the information is clear and easy for parents/carers and other stakeholders to understand. This led to the

proposed Policy, agreed by Cabinet in December 2023 for public consultation.

2.4 The key aspects of the proposed Policy agreed in December 2023 are as follows:

- Local authority statutory duties for eligible children and young people;
- Clearer definitions of key words which overarch full policy, such as 'suitable school', 'home address', and 'qualifying schools';
- Definition of what is meant by a suitable/qualifying school in relation to addressing particular types of needs;
- Statutory walking distances;
- Travel Solutions (including Independent Travel Training);
- Behaviour expectations, public transport;
- Behaviour expectations on assisted home to school transport including how this may differ for children with SEND;
- Eligibility and application process children/young people (SEND);
- Local authority discretionary powers;
- Safeguarding;
- Suitability of transport arrangements; and
- Parental payments.

2.5 In addition to the key aspects above, the revised Policy also includes consideration to the overarching principles within the new statutory guidance that are summarised as:

- A clear introduction explaining what the reader can expect to learn from the document;
- Categories of eligibility and the definition of extended rights;
- References to any separate applicable policies;
- How applications can be made and clear explanations of terms;
- Clarity around dual living arrangements;
- How eligibility will be assessed, including the measurements of distances from school and individual needs;
- The different ways and modes in which travel may be offered;
- Details on how non-eligible children can access travel solutions; and
- How parents/carers may appeal decisions made by the Local Authority in relation to school travel.

2.6 As agreed by Cabinet, a public consultation has taken place to seek the views of stakeholders, parents/carers, the general public and anyone who may be affected by the Policy, such as schools, other local authorities, taxi/public service vehicle operators, the young people themselves, and groups representing the voices of families, including the Parent Carer Forum.

2.7 In order to ensure a good level of engagement in the consultation, officers have undertaken a range of targeted exercises, which have directly engaged with over 460 families, young people, or school staff across 12 different face- to-face group sessions. In addition to direct engagement, a

public consultation has been openly available and promoted through digital media and press releases, reaching further audiences.

2.8 In total, the Council has received 179 responses to the survey that was accessible both online and through paper-based copies. A full list of the events held, can be found in Appendix 3.

2.9 A number of areas received unambiguous majority support throughout the consultation, and these are summarised below:

- 102 respondents (58%) felt that the proposed Policy is clear, or really clear, when trying to understand eligibility for children with special educational needs or disabilities.
- 105 respondents (59%) felt that it was either important, or very important for the local authority to consider sustainability, aiming to reduce harmful emissions from vehicles and consider the promotion of public transport and active travel solutions, such as the use of buses, trains, cycling and walking.
- 167 respondents (94%) felt that it was either important, or very important for the local authority to address inappropriate behaviour by children and young people on transport, by working in conjunction with schools, colleges, parents/carers.
- 106 respondents (60%) felt that it was either clear, or really clear, in the current Policy on how to report safeguarding concerns.
- 164 respondents (93%) felt that it was either important, or very important for the local authority to consider the child or young person's long-term future when offering a travel solution.
- 148 respondents (83%) agreed, or strongly agreed that in the interests of spending limited funds responsibly, the local authority should not make payments to parents/carers for journeys when the child does not attend school.
- 126 respondents (71%) agreed, or strongly agreed that in the interests of spending limited funds responsibly, the local authority should only consider offering a single occupancy taxi where there is no space available on an existing shared transport route, or an alternative travel solution is not suitable.
- 120 respondents (68%) agreed, or strongly agreed, that in the interests of spending limited funds responsibly, the local authority should apply discretion to grant transport support, even when a child/young person does not qualify.

2.10 There were six areas where the consultation feedback required further analysis and consideration:

2.10.1 The first area related to the 'Zoom Zero Travel Pass' and if the Policy clearly explains eligibility.

- 83 respondents (48%) felt that the proposed Policy is clear, or really clear, and on further analysis, 50 respondents (29%) felt neutral

regarding this aspect of the Policy, with 38 respondents (23%) stating that it is unclear, or not clear at all.

- This was further supported through the face-to-face engagement sessions where there was limited understanding of 'Zoom Zero Travel Passes'.
- Given the limited understanding, a further enhancement has been made to the revised Policy to include more clarity around eligibility for a 'Zoom Zero Travel Pass', so as to be clear that this travel solution can also be offered to children and young people with SEND.
- This content has now been updated and can be found in Section 3 of the revised Policy.

2.10.2 The consultation also sought views on whether in the interests of spending 'Home to School Transport' funding responsibly, the Local Authority should only consider applications where children cannot reasonably be expected to be accompanied to school by parents/carers. 80 respondents (46%) agreed, or strongly agreed with this, with a further 34 respondents (19%) returning a neutral opinion. 63 respondents (35%) disagreed or strongly disagreed.

- The Policy maintains that accompaniment must be a consideration when assessing entitlement. The assessment process considers whether the child/young person can be reasonably expected to walk to school and if so, whether the parent/carer can reasonably be expected to accompany them, particularly when the distance from home to school is below the statutory walking distance.

2.10.3 In relation to a question regarding personal travel budgets and parental travel claims where the consultation asked if these should only be considered where there is no available space on existing shared transport, 87 people (49%) strongly agreed or agreed, whilst 32 people (18%) remained neutral with 58 people (33%) disagreeing or strongly disagreeing.

- It is considered to be a more effective use of existing resources to include a young person on an established route, therefore no further changes to the Policy have been made as a result of this feedback, with most respondents who provided a view on this question in favour of the proposal.

2.10.4 When asked how clearly Policy explained journeys other than home to school, 86 respondents (49%) felt that the explanation was clear, or really clear.

- 58 respondents (33%) selected the neutral option, whilst 28 respondents (18%) stated they felt this was unclear, or not clear at all.

- This aspect of the Policy seeks to ensure that journeys outside of normal school times, and/or for purposes other than travelling to and from the specified school site, are generally not accommodated in the interests of spending funding responsibly and ensuring parity to all. This feedback therefore, has not led to further changes, with the majority of those providing an opinion confirming this aspect of the Policy is clear/really clear.
- 2.10.5 In relation to transport eligibility for young people post the age of 16, 78 respondents (45%) felt that the explanations are clear, or really clear, whilst 36 respondents (21%) felt it was unclear or not clear at all. 56 respondents (34%) provided a neutral response.
- Eligibility has therefore been more clearly defined in Section 10 of the revised Policy and will be further reviewed following the release of updated guidance from the DfE on Post 16 travel arrangements, which is currently under review.
- 2.10.6 Whilst the Policy refers to alternative provision, feedback through the consultation process has identified that the local authority is not obliged to provide transport for journeys to/from alternative provision where the decision has been made by the child/young persons' school/education provision.
- 2.11 Furthermore, feedback has suggested that the Policy needs to be sufficiently clear concerning arrangements for children/young people where an 'Educated other than at school', (EOTAS), or an 'Educated other than at college', (EOTAC) package is in place, and stipulated within the education and healthcare plan.
- 2.12 These points have therefore been addressed by additional wording in the Policy within Section 6.6, and a further paragraph numbered 6.7.
- 2.13 Outside of the survey questions, further learning and feedback was received in the following areas, which required consideration for inclusion:
- 2.13.1 Shared knowledge from a local authority forum suggested that parents/carers have the right to request flexible working arrangements with their employer, for the purposes of undertaking the parental responsibility in accompanying their child to school. Therefore, a useful link has been included in the Policy under Section 1.5.4.
- 2.13.2 Whilst the consultation returned a significant positive response stating that the Policy clearly informed the reader on how to report safeguarding concerns and incidents, it was felt by some stakeholders that this could be further enhanced by including an additional paragraph on who specifically to report these to and providing details on the Multi-Agency Safeguarding Hub (MASH). This updated text can now be found in Section 2.1.1 of the Policy.
- 2.13.3 Whilst the Policy is clear in Section 4.9 around the behavioural expectations of children/young people whilst using public transport, further clarity was



needed about behaviour on local authority provision, and how this expectation may differ concerning a child/young person with special educational needs and/or disabilities. A link has now been included in Section 7.3 of the Policy, which directs the reader to the local authority's 'Behaviour charter' which is published on the Rotherham Local Offer website.

- 2.13.4 A further suggestion to enhance accessibility for those who may not have access to the internet was made, concerning the 'National Databank' initiative, which provides free mobile data to people who may require it to connect with essential services. The Council's link to this facility has now been added to the introductory page of the Policy in addition to the existing information regarding internet access at libraries.
- 2.13.5 It was highlighted within Section 4.9.8 of the Policy, that should behaviour whilst on transport lead to the consideration of removing a Zoom Zero Travel Pass, the local authority will still need to provide a suitable alternative solution in line with statutory obligations.
- 2.14 Further wording has now been added to Section 4.9.8 of the Policy where the local authority will seek to work with schools to address any behavioural issues, which may include sanctions being imposed in line with school behavioural policies.
- 2.15 Furthermore, content has been added to confirm that travel arrangements will only be withdrawn as a last resort, and when doing so the local authority will still maintain statutory obligations by offering a suitable alternative travel solution which includes a personal travel budget/parental travel claim based on the concessionary bus fare.

### **3. Options considered and recommended proposal**

- 3.1 **Option 1:** The Council does not make any changes to the current Policy other than to include the dates applicable for the new academic year 2024/2025.

Whilst the current Policy has been suitable and sufficient, it is not reflective of the substantial updates provided by the Department for Education in the statutory guidance entitled, "Travel to school for children of compulsory school age". Prior to June 2023, the last issue of this document was 2014, so there have been significant changes which may result in the view that the current Policy is no longer compliant with statutory guidelines.

- 3.2 **Option 2:** The period of consultation has offered the opportunity for the general public, parents/carers, key stakeholders, Council officers, groups representing families such as the Parent Carer Forum and young people themselves to comment on the changes that have been proposed, as well as the option to comment on the policy in general.
- 3.3 The recommended option is option two, that Cabinet adopts the proposed revised Policy as set out in the report.

3.4 The primary purpose of the refreshed statutory guidance is to support Local Authorities in adhering to their statutory responsibilities, whilst making difficult decisions around how to make best use of the limited resources available.

3.5 The guidance also ensures that Home to School travel policies applied by local authorities, are clear for parents/carers to understand, enabling them to make informed decisions around school placements in the context of what arrangements are available for home to school travel.

#### **4. Consultation on proposal**

4.1 As noted in Section 2, consultation has taken place with those affected by the Policy from 8<sup>th</sup> January 2024 and 22<sup>nd</sup> February 2024, and the response summary is detailed within Appendix 2. As noted in section 2.7 officers directly engaged with over 460 families, young people, or school staff across 12 different face- to-face group sessions alongside an openly available public consultation promoted through digital media and press releases. In total the Council received 179 responses. The consultation has taken the form of discussions, presentations, and meetings with:

- 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; and
- Taxi / Public Service Vehicle operatives.

4.2 The consultation considered 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; and
- The impact proposed changes may have on people with protected characteristics.

## **5.0 Timetable and Accountability for Implementing this Decision**

- 5.1 If adopted, the revised Policy will become effective from 1st April 2024, with revised processes implemented following this date.
- 5.2 If adopted, the Policy will be published on the Council's website and the Rotherham Local Offer website.
- 5.3 All relevant Council officers will be trained on the key changes and application of the new Policy prior to the effective date.

## **6. Financial and Procurement Advice and Implications**

- 6.1 There are no direct procurement implications arising from the recommendations detailed in this report with regard to the acceptance of the changes to the Policy. However, if in the implementation/delivery of the changes a need arises to engage with any third-party providers this activity would need to be undertaken in compliance with the Council's Financial and Procurement Procedure Rules and Public Contract Regulations (as amended).
- 6.2 There are no direct financial implications arising from the recommendations detailed in this report. The implementation of the revised policy should support in controlling the cost of Home to School Transport. This will be monitored following the implementation of the revised policy.

## **7. Legal Advice and Implications**

- 7.1 As set out within the body of the report, the Local Authority has a statutory duty, by virtue of Section 508B(1) Education Act 1996 [The 'Act'], in the case of an eligible child to make such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment for him are made and provided free of charge. Section 508B(10)(b) defines relevant educational establishment.
- 7.2 Section 508A of the Act deals with the duty placed upon the Local Authority in respect of the promotion of the use of sustainable travel on journeys to and from places of education in the Borough.
- 7.3 Section 508C of the Act places a statutory duty on the Local Authority to consider making such travel arrangements as they consider necessary for the purpose of facilitating the child's attendance at any relevant educational establishment in relation to the child.
- 7.4 The Local Authority must also comply with published Statutory Guidance, as referenced within the report.
- 7.5 Part 4 of the Statutory Guidance 'Travel to school for children of compulsory school age' deals with local school travel policies. The Statutory Guidance states that Local Authorities should keep their school travel policy under

- 7.6 regular review to ensure it continues to meet local needs and comply with statutory requirements. An up-to-date policy must be available by 19<sup>th</sup> September each year.
- 7.7 Legal Services have been involved in the review/consultation of the Policy and have raised the issue of provision should a child be subject to an EOTAS package [Education otherwise than at school as a result]. This feedback has been taken into account and is included at section 6.7 of the revised Policy.
- 7.8 In adopting the reviewed and revised Policy the risk of legal challenge will be limited. This is in respect of not only challenge by parents, for example, in respect of the decision-making process and potential judicial review proceedings but also challenge from the DfE for a failure to comply with statutory provisions. The Statutory Guidance has been updated significantly and it is vital that any policy is compliant with the Statutory provisions. In addition, it is a legal requirement that Local Authorities keep the policy under review. Adopting the approach set out in option 1 will significantly increase the risk of legal challenge to the Council and will undermine any decisions made in accordance with the policy. It would also mean that the Council has a policy that is potentially unlawful.

## **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 Home to School Transport policy is a key Council Policy that sets out how transport arrangements are delivered for Home to School functions, which includes young people with Education, Health, and Social Care Plans. The Policy is designed to ensure it meets both legal requirements and individual need.
- 9.2 The programme of consultations has been wide ranging. Responses suggest that not only has the consultative exercise reached all key parties and those with an interest in Home to School transport; but that there is general support for the majority of the proposed changes in policy.
- 9.3 Schools, parents, and those with an interest in this vital area of our work, felt it helpful that further investigations were made into six aspects of the proposed policy framework: with additional consultations to clarify the concerns of respondents, and to address those concerns.
- 9.4 Beyond this consultative process there has been further assessment of certain additional aspects of the Home to School arrangements; flexible working, safeguarding, behavioural matters, with access and accountability.
- 9.5 Concurrent with this major review exercise, it has been valuable for key departments of the council to strengthen their cross-departmental working

arrangements in delivering a high -quality service with robust attention to the management of the public purse.

- 9.6 Any variation to existing practice offers the potential of friction associated with change. The arrangements made to manage and mitigate risk are proportionate.

## **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 culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs or socio-economic status.
- 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 4 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 therefore it is recommended that the Policy is adopted.
- 11.2 Avoiding home to school travel by single occupancy taxi or public service vehicle, except where no space is available on existing shared transport routes, or alternative travel solutions are unsuitable will have a beneficial carbon impact. To measure this carbon impact, Fleet and Transport Services will collaborate with the Climate Change Team, to report greenhouse gas emissions from taxis and public service vehicles on home to school transport routes, from a 2023/2024 baseline.
- 11.3 Further implications are considered in a carbon impact assessment as Appendix 5.

## **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

Karen Mudford – Head of Fleet & Transport Services

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	04/03/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	29/02/24
Assistant Director Legal Services (Monitoring Officer)	Phil Horsfield	29/02/24

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This report is published on the Council's website.