

Name of meeting: Cabinet
Date: 10th July 2018
Title of report: Changes to Home to School Transport Provision - Mainstream Provision

Purpose of report: To update Members on the work being carried out in relation to mainstream Home to School Transport following Cabinet's decision in January 2018

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director & name Is it also signed off by the Acting Service Director for Finance IT and Transactional Services? Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Karl Battersby - 02.07.2018 Eamonn Croston - 02.07.2018 Julie Muscroft - 02.07.2018
Cabinet member portfolio	Councillor Masood Ahmed Councillor Viv Kendrick

Electoral wards affected: All

Ward councillors consulted: Ward Cllrs were consulted in the initial report

Public or private: Public

1. Summary

- 1.1 Kirklees Council has a duty to provide free home to school transport to eligible children under the Education Act 1996. The current policy relating to Home to School transport combines arrangements for all children, including those with an Education Health and Care Plan.
- 1.2 A consultation took place between 4 September and 22 October 2017 about proposed changes to Home to School Transport and the outcomes were considered by Kirklees Council Cabinet on 23rd January 2018.

1.3 The report explained that custom and practice within Kirklees has meant a number of deviations from the policy have been introduced over the years. This has meant that the Council currently go beyond the stated level of provision within our own policy and the national statutory guidance, and that some children who would not be eligible as defined by the relevant legislation have been receiving free transport provision.

1.4 Cabinet took the following decisions on 23rd January;

In relation to mainstream provision, the Council would use the concept of nearest geographical school rather than catchment school when considering applications for boarding cards/bus/train passes thereby returning to a statutory only policy;

- That this proposal should be applied as a minimum to all new applicants for a train/bus pass/boarding card and for applications relating to school transition points (e.g. infant to junior school, first to middle school etc.) or a change of address from September 2019;
- That the Service Director for Commercial, Regulatory and Operational Services be authorised to investigate the possibility of moving from a system of bus/train pass/boarding card provision upfront to a system based on retrospective reimbursement of the cost of a bus/train pass/boarding card brought by parents/carers for their child/children for journeys to and from school. Should this prove to be feasible and deliver savings that outweigh the cost of delivery, authority is requested to implement this system from September 2019 onwards;
- That the Service Director for Commercial, Regulatory and Operational Services be authorised to investigate the feasibility of setting up a cycling scheme that would provide a bicycle, helmet and cycling safety training in lieu of a boarding card/bus/train pass in circumstances where an individual/family decides that this would be the most appropriate provision for their circumstances and delegate authority to the Service Director for Commercial, Regulatory and Operational Services to implement the detail of the scheme;
- That the existing Home to School Transport policy should be split into two separate policies -. One covering mainstream provision and one covering Special Educational Needs and Disabilities (SEND) provision;
- A new mainstream transport policy should be prepared and brought back for Member consideration in early 2018.

1.5 This report updates members on the work being carried out in relation to mainstream Home to School Transport assistance following Cabinet's decision in January 2018 and makes recommendations for additional time to work with our schools and families of pupils in finalising the new policy.

2 Background

Part of the decision made by Cabinet in January 2018 was to split the current home to school transport assistance policy in to two separate policies, one relating solely to mainstream assistance and one detailing the SEND provisions. For clarity this report concerns mainstream assistance only.

Following this decision, officers have been working on a revised draft policy and in doing so, the following matters have been key areas of consideration to shaping its development and subsequent implementation;

- 2.1 Whilst the most significant potential change is to only provide support in future in circumstances when we are statutorily obliged to do so, we are also considering how a new policy can be achieved without disadvantaging low income families. In particular, those families who are just above the statutory threshold (the 'working poor') were having to pay for one or more bus pass(es) would have a significant and disproportionate impact on their household budget. We are working towards ensuring that a mechanism exists to support families who need assistance, and that they can receive it.
- 2.2 Actual bus pass usage information is now being regularly collected to determine the extent of under-used passes. Current indications show that 10% of those bus passes issued have been used on less than 50 occasions between August 2017 and May 2018 with another 14% being used on less than 100 occasions (but more than 50) in the same time period. The average usage based on 2 journeys a day, between August and May should be approximately 260.
- 2.3 Making information more accessible and accurate in relation to the nearest appropriate school to enable parents and carers to make an informed decision about their preferences on admissions applications based on their needs and what matters most to them. It is worth noting here that low income families, under statutory provision, do have extended rights when making preferences for school and will still receive assistance so long as the child is attending one of three nearest and appropriate schools.
- 2.4 As part of the implementation of the new policy, Cabinet want to encourage more sustainable ways of travelling to and from school; such as offering bikes as an alternative to issuing bus passes.

3 The Approval of a New Policy

- 3.1 Since a decision was taken by Cabinet to bring back a new policy for approval, and in undertaking the work as described in section 2 above, it is clear that opportunities exist to complete further activity by 'piloting' the impact of implementation and working with our school leaders and families of pupils in doing so. The details of what this pilot will encompass will be drawn up over the summer in preparation for the new term. The intended outcome being a well thought through and fit for purpose policy, and future service operation.
- 3.2 Initial conversations have taken place with school leader representatives in the Honley pyramid of schools who have indicated their willingness to work with the Council as part of the pilot early in the autumn term.
- 3.3 This would mean that there would be a delay to bringing forward a new policy until later in the autumn term. Consequently, as families of pupils will be making their preferences for school places for admission to school in 2019 from September 2018, the implementation of the new policy would be delayed for one academic year.

4 Implications for the Council

- 4.1 The potential impact of a return to a statutory only policy, means that travel assistance will only be given when a child has selected to attend their nearest appropriate school with available places, and this is beyond the distance limit (ie. 3 miles). We anticipate that families who live in Meltham, and to a lesser extent Kirkheaton, will mostly be affected by these changes when making preferences for admission to secondary school. This is because historically, they have been able to secure travel assistance for their preferred secondary school, because for many children, all appropriate high schools are more than 3 miles away.
- 4.2 Under a statutory only policy, travel assistance would only be given if their nearest appropriate school with available places is more than 3 miles away, **and** this is the school they have selected to attend.
- 4.3 Most families in Meltham apply for either Honley or Holmfirth High Schools, rather than Colne Valley High School. For qualifying parents, all 3 schools may be over 3 miles away, but in future, assistance would only be given to attend the closest - in many cases this is Colne Valley High School. Likewise, families in Kirkheaton usually apply for King James' School, but may find their nearest school with available places is actually Netherhall Learning Campus.
- 4.4 The changes would not affect low income families who receive travel assistance based upon their financial circumstances, and not the distance criteria.
- 4.5 The recommended approach of the additional work implies that there would be a loss of between £80-120k savings in 2019/20, due to delaying and potentially changing the savings profile. However, there it is anticipated that in the interim period, there will be opportunities to explore more sustainable options available, for example making the option of a bike instead of a bus pass available to families for the 2018/19 school year commencing in September 2018.

4.6 Legal Framework

The statutory provision in relation to school transport is set out in the Education Act 1996, as amended by the Education and Inspection Act 2006. Schedule 35(b) of the Act defines eligible children (those who qualify for free transport) as:

Children unable to walk to school by reason of their special educational needs, disability, or mobility problem (including temporary medical conditions);
Children unable to walk in safety to school because of the nature of the route, and;
Children living outside 'statutory walking distance', which is 2 miles for children under 8 and 3 miles for older children. Special rules about distance apply to children from low income families.

Eligible children only qualify for free transport to the nearest qualifying school. This is defined as the nearest publicly maintained school, with places available, that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have. For children with special educational needs, if a school is the only school named in a statement of special educational needs or education health and care (EHC) plan, this means it is the nearest suitable school for school transport.

The Act gives Local Authorities the power to make arrangements for children not covered by the statutory duty. This includes children who do not attend the nearest qualifying school or who are below compulsory school age, such as many children in their reception year. Councils must have a policy setting out what they may provide to these children. There is no requirement for such arrangements to be free of charge, but Local Authorities can do this if they choose. In 2014, the Government issued statutory guidance (the guidance) which has been updated from time to time covering children up to the age of 16, which Councils have a duty to have regard to. The guidance states that Local Authorities should have in place a robust appeals procedure, should parents have cause for complaint or disagreement concerning their child's eligibility for travel support. Appeals procedures should be published alongside the travel policy statements.

In developing its policies, which must be published, the local authority must undertake and consider any equalities impact assessments and the PSED.

4.7 Early intervention and prevention

Whilst the work being carried out may ultimately result in a change to the eligibility criteria, the way in which it is being carried out; collaboratively with schools and other key stakeholders, would allow us to understand the wider impact so that mechanisms can be put in place to support families. This includes accessible, straight forward information being available to families when they are making preferences for school places and discretionary arrangements that are being considered in relation to widening the threshold for low income families.

4.8 Economic resilience

The Department for Education guidance states that it is the local authority's statutory duty to promote the use of sustainable travel. The exploratory work currently being carried out incorporates this duty and should have a broad impact, including providing health benefits for children, and their families, through active journeys, such as walking and cycling. The Council is keen to understand the positive opportunities for significant environmental improvements, through reduced levels of congestion and improvements in air quality to which children are particularly vulnerable.

4.9 Improving outcomes for children

The Council wants children and young people to have the best start in life, enjoy their education and achieve their potential.

Families of pupils are responsible for ensuring that their children attend school regularly. However it is the duty of local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school.

Particular attention is being paid to ensure families from low income backgrounds are not being unnecessarily disadvantaged and that any changes will not inhibit them from being able to make suitable preferences for their children in relation to school admissions and that they will be supported and assisted with travel arrangements to facilitate attendance.

4.10 Reducing demands on service

Parents will be able to make better informed travel choices for their children due to accurate, detailed, and consistent information being easily available to them alongside guidance on how to make an application for a school place.

4.11 Other (e.g. legal, financial or Human Resources)

Planned savings relating to statutory only school transport provision are £175k per annum, from 2018-19 onwards. The report acknowledges that the current savings profile will need to be revised in light of the proposals set out here.

5 Consultees and their opinions

Initial dialogue has taken place with representatives from the Honley pyramid of schools about how we can work together to manage the rising costs of bus passes whilst understanding the implications of any changes on the schools and families. We would also welcome working with other schools for whom policy change will have an effect.

6 Next steps

Officers recommend that we take a collaborative approach and work with schools, the bus companies and families of pupils in the autumn term to better understand usage data, cost, impact and saving from the proposed changes as part of a 'pilot'. The details of what the pilot will encompass would be developed over the summer in readiness for the autumn term.

The information gained from this work will supply valuable data which will assist us in developing the future, home to school transport assistance policy having taken account of the impact on key stakeholders.

If officer's recommendations are approved, a full communications strategy would need to be prepared and delivered. Timely, accurate and consistent communication with parents, particularly those whom we expect to apply for school places this autumn, is critical.

7 Officer recommendations and reasons

- 7.1 That Officers work with the Honley Pyramid and any other interested schools on the proposed 'pilot', and bring forward a report to Cabinet by December 2018 which takes account of any learning as a result of the collaborative work. This would mean that the implementation of the policy, which resulted in removal of eligibility would have impact from September 2020.
- 7.2 The officers develop and brief portfolio holders on our approach to developing a new policy and its implementation timetable.
- 7.3 That officers communicate to parents that the current policy will apply when they make school preferences for admissions for 2019 and help them understand the timetable for any future policy change

8 Cabinet portfolio holder's recommendations

Cllr Masood Ahmed was in support of undertaking further work to ensure that there was time to fully explore the impact of a new policy and was supportive, and welcomed the opportunity of the Council working with schools as part of this in the autumn term.

9 Contact officer

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10 Background Papers and History of Decisions

Cabinet Report – 'Proposals for changes to Home to School transport policy for children attending mainstream school.' 23rd January 2018

<https://democracy.kirklees.gov.uk/mgConvert2PDF.aspx?ID=21357>

11 Service Director responsible

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