

Report to: Children and Young People's Panel Cabinet

Date: 22nd May 2008 29th May 2008

Subject: Home to School and College Transport Policy :
1st September 2008

Report of: Director of Children and Young People's Services

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Purpose / summary: To seek approval of the Council's updated Home to School and College Transport Policy from 1st September, 2008 (attached).

To seek permission for a fundamental review of future policy on the basis of the issues referred to in Section 3 of this report and for recommendations to be brought back to Cabinet in due course.

Alternative options considered and reason for selecting the one recommended: These are contained within Section 3 of the report.

Recommendation / decision: Cabinet is requested to:

- approve the Home to School and College Transport Policy : 1st September, 2008; and
- give permission for a fundamental review of future policy on the basis of the issues referred to in Section 3 of this report and for recommendations to be brought back to Cabinet in due course.

Key Decision: This report does not involve a key decision.

The decision made as a result of this report will be published within **48 hours** and cannot be actioned until **seven working days** have elapsed, i.e. before 10th June 2008

This item is not included in the Forward Plan.

Risks / Implications:

Financial:

The projected mid term increase in costs relating to the new statutory entitlements for children from low income groups is anticipated to be in the region of £147K. The costs will be offset by income identified within the Area Based Grant as follows:

	Costs	Grant	Net
2008/09	110	(46)	64
2009/10	147	(118)	29
2010/11	147	(190)	(43)

The existing and potential new budget pressures on school transport will be considered fully in the value for money element of the review referred to above.

Staffing:

None

Policy:

Revised policy

Equal Opportunities - Has a Diversity Impact Assessment been conducted?

Yes

Wards affected:

All

Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?

No

If yes, have the property implications been agreed with the Corporate Property Officer?

Does this proposal have significant implications for the Council and the local population?

A diversity impact assessment has been undertaken and is attached as an appendix to this report.

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

Yes - revised policy.

Has the Director of Legal and Property Services confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution?	Yes
Has the Director of Finance and IT confirmed that any expenditure referred to within this report is consistent with the Council’s budget?	Yes
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No

For Cabinet reports only :

Categorisation of the report:	x		x
Discussion leading to a decision	x	Discussion	
Monitoring		Decision	
Sharing for corporate understanding		Information	

Tracking/Process:

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
22.05.08		29.05.08	

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Document	Date	File Reference	Place of Inspection
Education Act, 1996, Section 509	1996	School transport team files	CYPS, Progress House, Westwood Park Drive, Wigan WN3 4HH
Education and Inspections Act, 2006, Part 6	2006	As above	As above
DCSF 'Home to School Travel and Transport Guidance', 2007	2007	As above	As above

Proper Officer



Date

14th May 2008

1. Background

- 1.1 The policy document attached clarifies and consolidates, in a more easily referenced format, the Council's existing Home to School and College Transport Policy which has developed in an incremental way over many years.
- 1.2 In addition, the revised policy incorporates new statutory requirements of local authorities which come into force from 1st September 2008 and are referred to in paragraph 2 of the policy.
- 1.3 The new statutory provisions are twofold in that they require local authorities to:
- (i) in specified circumstances, fund the home to school transport of children from low income groups so that they may travel further to a school of choice without the potential financial hardship to their parents or carers being a barrier to this choice; and
 - (ii) promote sustainable travel and transport on the journey to, from and between schools and other institutions

2. Proposals

- 2.1 The revised policy is organised so that transport support from the Local Authority for children with varying entitlements are easily identifiable, ie
- Section 5: Children in mainstream schools without special educational, disability or mobility needs
 - Section 6: Children with special educational, disability or mobility needs
 - Section 7: Children in public care or respite care
 - Section 8: Students (as defined in paragraph 3.3 of the policy)
- 2.2 The new statutory entitlements for children from low income groups are included in Section 5 of the policy.
- 2.3 The entitlement in relation to primary aged children referred to in 5.1 (i) has been long established in Wigan and already incorporates the new statutory entitlement for children from low income groups. In practice, however, very few primary aged children in Wigan claim travel costs for attending their nearest qualifying school more than two miles from their home. The entitlement for secondary aged pupils from low income groups is explicitly referred to in 5.1 (iii) and (iv). This is an addition to the existing Wigan policy.
- 2.4 Reference to the statutory duty to promote sustainable travel, including independent travel, where possible, is made in Section 4 of the policy. Work on the Council's sustainable modes of transport strategy, including developing school travel plans, is being led by the Environmental Services Department in partnership with Children and Young People's Services

- 2.5 The remainder of the policy refers to existing policy provisions but seeks, at the same time, to emphasise more clearly:
- the responsibility of parents, guardians or carers (eg paragraphs 1.1, 6.4 and 10)
 - the safety of children (eg paragraphs 6.8, 9.1 and 9.2)
 - the necessity to assess transport support on an individual basis (eg paragraphs 6.1 and 8.2)
 - alternative transport support available (eg paragraphs 6.2 and 8.1)

3. Alternative Options considered and reason for the recommended option

3.1 The revised policy has needed to incorporate the new statutory requirements referred to in 1.2 above. The Government's non statutory 'Home to School Travel and Transport Guidance' (2007) relating to these statutory provisions has been fully considered in developing the revised policy.

3.2 A number of factors are predicted to have significant further implications for the Council's School and College Transport Policy in the near future. These include:

(i) The 14 to 19 Strategy

There will be increased personalisation and choice of education provision through the delivery of new national Diplomas in a variety of settings across Wigan. A strategy for transport provision to an increasing variety of bases at the start, end and during the school day needs to be developed.

(ii) Building Schools for the Future

The Building Schools for the Future Strategy is a radical and transformational programme that is likely to result in significant changes to secondary school provision, which, combined with falling school roles, will also potentially mean fewer schools. It is anticipated that this will impact on current established home to school transport practices.

(iii) Extended Services

There is considerable good practice in Wigan schools in delivering extended services to children, young people and their families in local communities. Wigan is on target for all children and families to have access to the 'full core offer' (which includes quality child care, parent support/family learning and a varied menu of activities for children) by 2010. There is a need to ensure transport provision does not act as a barrier to all children having access to these services.

(iv) Inclusion

The Council's recent reorganisations of special education needs provision has supported the inclusion of a greater number of pupils in mainstream settings. This will continue to result in more complex and personalised transport arrangements.

(v) Budgetary Pressures

In common with most other local authorities, there are significant pressures on the current home to school transport budget. It is anticipated that these pressures will continue to increase and therefore the need to ensure value for money will be even greater.

- 3.3 Taking into account the above factors, it is considered necessary to undertake a fundamental review of existing transport provision and to make recommendations on a longer term School and College Transport Policy in due course.

4. Conclusions

- 4.1 Cabinet is asked to approve the attached 'Home to School and College Transport Policy :1st September 2008' as a consolidation of existing provisions and statutory requirements at this time.
- 4.2 However, it is recognised that the factors identified in 3 above will have significant implications for future policy. Permission is therefore sought for a fundamental review of longer term school and college transport provision.

Diversity Impact Assessment form

Section: Children and Young People's Services, School Transport Team

Policy/Service Area: Home to School and College Transport Policy

Persons Completing Form: Janet Baker, Lynda Singleton, Pete Coulson	Date: 19/2/08
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Do any of the below groups suffer specific disadvantage (please indicate)

	Yes	No		Yes	No
Race		3	Disability	3	
Ethnicity		3	Gender		3
Age		3	Religion	3	
Class	3		Sexual Orientation		3

Is there evidence of disadvantage or associated problems?

- Locally and nationally there is evidence that low income families are less able to exercise their rights in terms of parental choice of schools.
- The Education and Inspections Act (2006) has amended the 1996 Education Act to place further statutory duties on local authorities to provide travel support for children from low income families in particular circumstances.

How was the information collected and/or who have you consulted with?

- Awareness of new legal requirements
- Consideration of statistical information on pupils supported
- Parents, carers and guardians of children from low income families informed of new statutory entitlements through 'Wigan Borough Life' and CYPS School Admissions booklet
- Forthcoming consultation with stakeholders in further review of policy to take place over 2008 and 2009

Action Plan – *What specific actions are planned to tackle any disadvantage identified?*

- Implementing new statutory requirements in relation to children from low income families
- Monitoring the application of the policy
- Publishing information on the policy for parents
- Further review of policy in 2008 and 2009 to continue to address personalisation, equality of access and value for money issues

Is the policy in line with current equality legislation and relevant codes of practice?
Yes

Timescale	September 2007 - August 2008
Responsibility	Janet Baker
Comments	This policy builds on current policy and practice already well established in Wigan.

Are the actions specified included in any other documents/plans?

Departmental Service Plan	
Section/Team Plan	CYPS Human Resources and Transport Plan
Other (Specify)	

Date for further review: Throughout 2008 and 2009

Children and Young People's Services (CYPS)

Home to School and College Transport Policy: 1st September 2008



1. Introduction

- 1.1 Parents have a legal duty to ensure that their children attend school and to make any necessary transport arrangements, including accompanying their children, where necessary, on their journey to and from school. They are responsible for their children until they are received on to school premises and after they leave.
- 1.2 Local authorities also have the legal duty to arrange for the provision of home to school and college transport as is considered necessary. This Policy describes the circumstances in which Wigan Council (the Authority) will provide support for parents in enabling their children to travel between home and school or college. It does not relate to travel between educational settings during the school day.
- 1.3 The Policy applies to children whose main residence is within the borough of Wigan, regardless of the location of the school or college attended.

2. Legal Context

- 2.1 The legal duties of local authorities relating to home to school and college transport and travel arrangements for children and students are set out in Section 509 of the Education Act 1996.
- 2.2 In addition, Part 6 of the Education and Inspections Act, 2006, inserts new provisions into the 2006 Education Act, namely in relation to the duty of local authorities, in specified circumstances, to support the school travel arrangements of children from low income families and to promote sustainable travel.

3. Definitions

- 3.1 '*Child*' or '*children*' refers to those young people of compulsory school age or below. A child becomes of *compulsory school age* when he or she reaches the age of 5 and must start school in the term following his/her birthday.
- 3.2 '*Compulsory school age*' ceases on the last Friday in June in the school year in which the child reaches the age of 16.
- 3.3 '*Student*' is a young person over the compulsory school age but under 19 years on 31st August in the school year, who attends a school or college.
- 3.4 '*Parent*' refers to a parent, carer or guardian who is responsible for the care and wellbeing of the child.

- 3.5 '*Statutory walking distance*' is two miles for all children aged under 8 years and three miles for all children over 8 years of age. The measurement of the statutory walking distance is not necessarily the shortest distance by road. The '*statutory walking distance*' is measured along a route which a child, accompanied as necessary, can walk with reasonable safety to school measured by the '*nearest available route*' using roads, recognised footpaths.
- 3.6 '*Nearest available route*' is a route along which a child, accompanied as necessary, can walk with reasonable safety to school. A route will be available even if the child would need to be accompanied along it by his or her parent, as long as such accompaniment is reasonably practicable.
- 3.7 '*Suitable or qualifying school*' means the nearest school with places available that the Authority considers to provide education appropriate to the age, ability and aptitude of the child and any special educational needs that the child may have.
- 3.8 '*Religion*' means those religions widely recognised in this country, such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism and Rastafarianism. Equally, denominations or sects within a religion can be considered as a religion, such as Catholicism or Protestantism within Christianity.
- 3.9 '*Belief*' means any religious or philosophical belief that is genuinely held and attains a certain level of cogency, seriousness and cohesion. Parents bear a heavy burden in showing that it is the fundamental reason for determining the most suitable school in their view. Examples of beliefs are Humanism and Atheism.
- 3.10 A '*Child from a low income group*' is defined as a child whose parent is in receipt of the maximum level of Working Tax Credit and/or the child is entitled to free school meals. The parent is responsible for providing this evidence.

4. Supporting Sustainable and Independent Travel

- 4.1 The Authority has a strategy to develop the sustainable travel and transport infrastructure in Wigan that involves: the transport needs of children being better catered for; the promotion of the physical well-being of children; and the environment in all or part of the Authority's geographical area being improved.
- 4.2 Wherever possible, walking and cycling will be promoted and supported through individual school and college travel plans as this will bring potential benefits in terms of improvements in health, independent life skills and the environment. Similarly, use of public transport rather than private cars will be promoted as this also has potential environmental and life skill benefits.
- 4.3 The Authority will assess and determine the comparative safety of nearest available walking routes including whether it is practicable for the child's parent to accompany the child along a route which would otherwise be classified as too dangerous to walk along in reasonable safety.

- 4.4 In exceptional circumstances, the Authority will exercise its discretion to consider the provision of:
- reasonable transport assistance for children of disabled parent(s) or parent(s) with temporary medical conditions where the disability or condition prevents the parent(s) from ensuring the safe journey of the child to and from school or college and there is no other support available from family, friends or the school or college; or
 - a walking companion or passenger assistant where a child is unable to travel independently or in reasonable safety; or
 - alternative transport if it is considered that an unreasonable amount of time would be spent travelling on public transport to and from school.

4.5 Support with transport identified in any of the circumstances in 4.4 above will be with prior agreement of the Authority only and will be based upon the most economical and suitable form of assistance.

5. Children in Mainstream Schools (Without Special Educational, Disability or Mobility Needs)

5.1 The Authority will refund travel expenses for home to school travel in the following circumstances:

- (i) Children of compulsory school age, under the age of 11, whether from low income groups or otherwise, attending their nearest qualifying school which is more than two miles from their main residence.
- (ii) Children of compulsory school age, over the age of 11, attending their nearest qualifying school which is more than three miles from their main residence.
- (iii) Children from low income groups of compulsory school age, over the age of 11, attending one of their three nearest qualifying schools which is more than two miles but less than six miles from their main residence.
- (iv) Children from low income groups of compulsory school age, over the age of 11, attending the nearest available school preferred by reason of a parent's religion or belief, more than two miles and up to a maximum of fifteen miles from their main residence.

5.2 Reimbursement of travel expenses in 5.1 above will be based upon the most economical form of public transport and following the submission of a claim to the Authority at the end of the school year.

5.3 Children in Year 10 or 11 who change their main residence but continue to attend the school at which they commenced their Key Stage 4 provision, will be entitled to a refund of travelling expenses, if they meet any of the qualifying criteria detailed in 5.1 above.

5.4 Children who attend a school outside of the Authority will be entitled to transport support if they meet any of the qualifying criteria detailed in 5.1 above.

6. Children with Special Educational, Disability or Mobility Needs

- 6.1 A child with a statement of Special Educational Needs (SEN) or with identified disability or mobility needs will be assessed on an individual basis in terms of capability to travel independently.
- 6.2 Children who have a statement of SEN can apply for a travel pass from Greater Manchester Passenger Transport Executive which entitles them to travel freely on all Greater Manchester transport (including that in Wigan) at any time.
- 6.3 Where a child is unable to travel independently and/or the parent cannot reasonably be expected to transport the child, the Authority will provide assistance with transport to the nearest qualifying school. The type of assistance that the Authority may provide includes: a walking companion; a taxi, minibus or coach; or a reimbursement of appropriate travelling expenses.
- 6.4 Parents who choose to send their child to a school further away from their home than the nearest qualifying school determined by the Authority, will be responsible for transport costs.
- 6.5 Children eligible for transport assistance who have full day placements off the school site will have appropriate transport assistance to and from the educational setting.
- 6.6 Children who attend a residential school on a seven-day placement outside the Authority, and this is their nearest qualifying school, will be allocated a maximum of six return journeys per academic year to and from their place of education and their main residence.
- 6.7 Children who attend a residential school on a five-day placement outside the Authority, and this is their nearest qualifying school, will receive transport assistance at the beginning and end of each week to and from their place of education and their main residence.
- 6.8 Passenger Assistants will accompany eligible children to and from school where the child is of primary age or of secondary age where the child has severe and complex needs.

7. Children in Public Care or Respite Care

A child or student in public care or respite care may be entitled to transport assistance according to the individual needs of the child or student.

8. Students

- 8.1 Students may travel at concessionary fare rates, providing they obtain a Student's Permit issued by Greater Manchester Passenger Transport Executive, if they are travelling within the Greater Manchester area. In addition, financial concessions or support may be available to students in full time further education. For example, students from low-income families may be entitled to assistance from the Learner Support/Access Funds via further education establishments.

- 8.2 The Authority will provide transport or reimbursement of appropriate transport costs to and from the nearest suitable full time further education establishment for students with special educational, disability or mobility needs who were eligible for assistance with travel at the compulsory school leaving age. Passenger Assistants will accompany eligible students where the student has severe and complex needs.
- 8.3 Students attending a full time course of study at a further education establishment, who travel between three and thirteen miles to the nearest suitable college and whose parents have been in receipt of a means tested benefit, will be entitled to a maximum payment of £50 in any one academic year of study.

9. Transport Provision Contracted by the Authority

- 9.1 The Authority will ensure that drivers, passenger assistants and walking companions who are contracted to work for the Authority have appropriate Criminal Record Bureau clearances as appropriate.
- 9.2 The Authority will ensure that passenger assistants and walking companions are trained, as appropriate, in relation to disability and equality, basic first aid and the use of safety equipment.

10. Withdrawal of Transport Assistance

The Authority reserves the right to withdraw transport assistance, on either a temporary or permanent basis, if:

- a child does not behave in a reasonable manner whilst on the transport provided; or
- a parent does not comply with the Authority's terms and conditions for transport assistance.

11. Appeals

- 11.1 Parents have the right to appeal in writing to the Director of Children and Young People's Services against the Authority's decision not to provide transport assistance or to withdraw the transport assistance.
- 11.2 A response to the appeal will usually be made within ten working days of the appeal being received. Any anticipated delay in responding within the stated timescale will be notified to parents, together with the reasons for the delay and anticipated new response time.