

23 April 2014

Agenda Item: 9

REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND INCLUSION

UNDER-16 HOME TO SCHOOL TRANSPORT POLICY 2014 AND POST-16 TRANSPORT POLICY 2014/2015

Purpose of the Report

1. The purpose of this report is to invite the Committee to comment on the proposed amendments to the following and recommend the revised policies to Policy Committee for approval at its meeting on 7 May 2014:
 - a) Under-16 Home to School Transport Policy 2014
 - b) Post-16 Transport Policy 2014/2015.

Information and Advice

2. Nottinghamshire County Council is required to publish its Under-16 Home to School Transport Policy and the Post-16 Transport Policy in accordance with the Education and Inspections Act 2006 which built on provisions in the 1996 Act. Where amendments are proposed, these must be subject to consultation and the agreed new policy published by 31 May each year. The proposed amendments to the policies are outlined below. Copies of the proposed policies are available as background papers.

Under-16 Home to School Transport Policy 2014

3. The Under-16 Home to School Transport Policy sets out the County Council's provision of school transport services and travel assistance for pupils aged 4-16 years. It sets out the criteria for:
 - eligibility for travel assistance
 - how parents/carers may apply
 - how decisions are made
 - the type of assistance that may be available
 - how parents/carers may appeal against decisions they are unhappy with.

4. The Under-16 Home to School Transport Policy has the following amendments.
- a. Travel entitlements for pupils identified with Social, Emotional and Behavioural Difficulties (SEBD)
With the introduction of new educational placement arrangements for children with SEBD within Nottinghamshire, the policy has been amended to reflect these changes. Appendix C has been added; this articulates the entitlements for children with SEBD attending alternative provision.
- b. Independent Travel Training
Nottinghamshire County Council's Independent Travel Training Programme was introduced to schools and colleges in Nottinghamshire in September 2013. The Home to School Transport Policy has been amended to reflect the introduction of this programme.
- c. Discretionary provision - Moving home and temporary accommodation
- The discretionary provision for protecting travel entitlements for pupils moving home in Year 6 has been removed. Pupils who move home in Year 6 and remain at the catchment primary school for their old address will not be entitled to travel assistance.
 - Children of families who move into temporary accommodation for reasons outside their control will continue to receive travel assistance for up to a period of six months. The policy has been changed to restrict this assistance to a maximum of 25 miles travelling distance and 75 minutes travelling time.
- d. Current practice
The following amendments have been made to clarify current practice:
- The Council will not provide travel assistance for transition visits to new schools.
 - The Council will only provide transport on medical grounds for children attending their catchment or designated school.
 - The Council will not provide travel assistance to/from enrichment activities, homework clubs and revision sessions.
 - The Council will not provide travel assistance for children who are taken ill at school.
 - The term "catchment area" when used in the policy has been clarified to indicate the catchment area as defined by Nottinghamshire County Council not by a school or other educational establishment.
- e. Travel assistance to preferred schools
Following a decision made by Nottinghamshire County Council's Policy Committee on 18 September 2013, the roll out of the Discretionary Travel Scheme for secondary age pupils attending a preferred school was ceased. The policy has been amended to reflect this decision.

Post-16 Transport Policy 2014/2015 Academic Year

5. The Post-16 Transport Policy consists of a travel scheme which aims to enable post-16 students to access education. The scheme is available to all Nottinghamshire County residents who meet the qualifying criteria. Where the County Council determines that student has a special transport need this will be provided.
6. The Post-16 Transport Policy for the Academic Year 2014/2015 has the following amendments.
 - a. Travel Assistance – Half Fare Pass
Eligible students may purchase a pass which entitles the user to travel at half adult fare. The price of the half fare pass has remained at £99 for over 15 years. The cost of the pass will increase to £120 from September 2014.
 - b. Travel Assistance – Travel Grant
Nottinghamshire County Council provides a Travel Grant to support Post 16 students who have either no access to public transport (e.g. live in a rural location) or whose course is offered at their nearest college/school which may be outside the Nottinghamshire border. From September 2014 the policy will be changed to restrict this assistance to a maximum of 25 miles travelling distance and 75 minutes travelling time.
 - c. Students with special transport needs – Independent Travel Training
Nottinghamshire County Council's Independent Travel Training Programme was introduced to schools and colleges in Nottinghamshire in September 2013. The Home to School Transport Policy has been amended to reflect the introduction of this programme.
 - d. Students with special transport needs – Current practice
The following amendments have been made to clarify current practise
 - The definition of full time study has been clarified more fully; students must be attending a full time course of a minimum of 540 guided learning hours per year over a period of at least 30 weeks.
 - The Council will not provide travel assistance for students who are taken ill at school/college.

Consultation process and responses

7. Public consultation on the changes to the Under-16 Home to School Transport Policy and the Post-16 Transport Policy were undertaken from Monday 3 February 2014 to Sunday 2 March 2014. The current policies together with a summary of changes were available on the Nottinghamshire County Council website during the consultation period.
8. Additional engagement on the amendments to the policies was undertaken prior to and during the public consultation period with key stakeholders which included Nottinghamshire Schools, Nottinghamshire Colleges and neighbouring councils.

9. Written responses were invited to the proposals outlined in the consultation. Eight responses were received by the closing date of the consultation, two of which were from schools, Toot Hill and Outwood Academy Portland, and six responses from parents.

Summary of key issues raised

10. The key issues in the correspondence received were:
- Cessation of the preferred travel scheme for secondary age pupils – 6 responses.
 - Travel to faith schools – 2 responses.
 - No home to school transport for enrichment activities – 1 response.
 - Rise in the cost of Post-16 travel – 1 response.
 - Restriction of Post-16 travel assistance to nearest establishment – 1 response.

Other Options Considered

11. The option to make no changes to the Under-16 Home to School Transport Policy and the Post-16 Transport Policy was rejected as modest proposals are considered necessary in the interests of transparency, to clarify existing practice or to bring specific provisions in to alignment, e.g.: with regard to maximum travel times or distances. The increased fee for Post -16 passes is proposed in view of the rising cost of provision since their introduction. The option to freeze the fee was discounted as being unrealistic in light of the budget challenge faced by the Council. Proposals for a higher increase were discounted in recognition of the financial climate for service users.

Reason/s for Recommendation/s

12. It is a requirement that the local authority reviews the Under-16 Home to School Transport Policy and the Post-16 Transport Policy each year. The two policies have been reviewed and amended for the reasons stated in the report. The proposed policies meet the statutory requirements of the local authority to provide transport to pupils and students in Nottinghamshire.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for service users

14. Students applying for Post-16 travel assistance will be charged at the new rate of £120 for the half fare pass from September 2014.
15. Students applying for a Post-16 Travel grant from September 2014 will have the new restrictions applied to this grant. The grant will only be considered in exceptional circumstances and will only be considered where they are attending the nearest

school/college to their home address. The distance travelled will be restricted to a maximum of 25 miles travelling distance and 75 minutes travelling time.

Financial implications

16. There are no anticipated additional costs relating to the proposed changes to the Under-16 Home to School Transport Policy and the Post-16 Transport Policy.

Public Sector Equality Duty Implications

17. As part of the process of making decisions and changing policy, public authorities are required by law to think about the need to:
 - Eliminate unlawful discrimination, harassment and victimisation.
 - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who do not.
 - Foster good relations between people who share protected characteristics and those who do not.
18. Equality Impact Assessments (EIAs) are a means by which a public authority can assess the potential impact that proposed decisions / changes to policy could have on the community and those with protected characteristics. They may also identify potential ways to reduce any impact that a decision / policy change could have. If it is not possible to reduce the impact, the EIA can explain why. Decision makers must understand the potential implications of their decisions on people with protected characteristics.
19. An EIA has been undertaken and is available as a background paper. Decision makers must give due regard to the implications for protected groups when considering this report.

Human Rights Implications

20. The provisions of the Equality Act 2010 and the European Convention on Human Rights are recognised throughout and in particular in sections relating to Special Educational Needs and Disability.

RECOMMENDATION/S

That:

- 1) the Committee comments on the proposed amendments to the Under-16 Home to School Transport Policy 2014 and recommends the revised policy to Policy Committee for approval at its meeting on 7 May 2014.
- 2) the Committee comments on the proposed amendments to the Post-16 Transport Policy 2014/2015 and recommends the revised policy to Policy Committee for approval at its meeting on 7 May 2014.

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Constitutional Comments (LM 25/03/14)

21. The Children and Young People's Committee has delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (KLA 04/04/14)

22. The financial implications of the report are set out in paragraph 16 above.

Background Papers and Published Documents

Under 16 Home to School Transport Policy 2014
Post 16 Transport Policy 2014/2015
Equality Impact Assessment

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

All.

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