

## **APPENDIX 1**

### **Discussion Paper – Education and Inspections Act 2006, Implications for Transport and Opportunities for School Travel Pathfinder in Nottinghamshire**

#### **Introduction**

The Education and Inspections Act 2006 includes a number of changes to school travel arrangements. This paper highlights the implications and considers the scope and opportunities for seeking Pathfinder status.

The Act introduces four new elements for local authorities:

- A duty to promote sustainable travel modes for travel associated with education.
- Extends travel support to low income families.
- The making of suitable travel arrangements for 'eligible children' in a LA's area.
- Opportunities for School Travel Pathfinders.

#### **Duty to Provide Sustainable Travel Modes**

Section 508A is inserted in the Education Act 1996, which places a general duty on local authorities to promote the use of sustainable travel and transport. The duty applies to children (ie of compulsory school age and below) and young people of 6<sup>th</sup> form age, including those resident and receiving education or training in the authority's area and those not resident but who travel within the authority's area to receive education or training.

The duty relates to journeys to and from institutions (including attendance at pre- and after-school activities) and journeys between institutions during the day. Journeys may be to, from or between schools (including independent schools), further education institutions, and other institutions where education or training might be delivered.

There are four elements to the duty:

- Assessment of the travel and transport needs of children and young people.
- Audit of the sustainable travel infrastructure.
- A strategy to develop the sustainable travel infrastructure eg the transport services so that the travel and transport needs of children and young people are better catered for.

- Promotion of sustainable travel modes on the journey to, from and between schools and other institutions.

A draft strategy document is currently being prepared which should be ready by June 2007. It is anticipated that this strategy document will form part of the LTP family of documents.

### **Provision of Travel Arrangements**

This will require local authorities to ensure that suitable travel arrangements for “eligible children” are made in their area to facilitate attendance at qualifying schools and such arrangements to be free of stress, strain or difficulties. This duty requires the LA to consider:

- Type of transport eg bus pass or contract bus
- Cycle allowances and training
- Grants to parents
- In house vehicles
- Transport which is comfortable and safe
- Reasonable journey times
- Pre employment checks and training for drivers and assistants
- Bus safety
- Promotion of good behavior

Most of these requirements are already provided from within current policy.

### **School Transport Policy**

The Act retains the current duties (Education Act 1996) ie walking routes, SEN disability or mobility problems (child or parent) but extends entitlement to children from low income families. Current discretionary powers are also retained.

- Children of compulsory school age but under 8 years of age receive free travel to their nearest school if they live over 2 miles from school. In addition pupils over 8 but under 11 from low income families will receive free transport where they live 2 or more miles from school (Sept 2007).

- The local authority will also be required to extend its entitlement for free home to school transport for low income groups of secondary school age (pupils entitled to free school meals, and those whose families are in receipt of their maximum level of working tax credit). Under these provisions, where a pupil is attending one of their three nearest qualifying schools, they will be entitled to free travel arrangements where the school they attend is between 2 and 6 miles away (Sept 2008).
- Children from low income families are eligible for free travel arrangements to the nearest school preferred on grounds of religion or belief, where the school is between 2 and 15 miles from their home. Policy to be introduced in September 2007 meets this requirement.
- The School Transport Policy will need amending to incorporate these changes.

### **School Travel Pathfinders**

In response to criticisms of the policy, conflicts around the walking distance criteria for free school transport and the lack of account of parental preference, DfES is offering opportunities for local authorities to apply for Pathfinder status, to consider the needs of **all** pupils in their area. Pathfinder authorities will test innovative solutions in their area to promote sustainable travel and encourage less use of the car.

Whilst Pathfinder authorities will have to continue to make arrangements for 'eligible children' (those currently receiving free travel and children from low income families), other measures will be expected to go well beyond this minimum. Pathfinder schemes will have to address:

- Transport arrangements that support parental preference.
- Transport arrangements for pupils not receiving free travel
- Promoting cycling and walking
- Reducing levels of car use on the home to school journey.
- Sustainable and integrated transport solutions
- Promoting local solutions agreed in school travel plans

In addition, Pathfinders may address various optional features, including:

- Using accessibility planning tools to identify gaps and solutions
- Transport arrangements to support the delivery of the 14-19 strategy and extended schools arrangements.
- Pupils traveling to schools preferred on religious grounds.

- Pupils traveling along routes that parents consider unsafe.
- Pupils participating in extra-curricular activities.
- Working with other local authorities on joint procurement and planning
- Improving safety and quality
- Providing independent travel training
- Integrating transport service (including the DfT policy framework for buses "Putting Passengers First")

Pathfinders might also trial:

- Innovative purchasing / procurement arrangements for transport services.
- Modern technology in route planning, fare collection and scheme management.
- Closer links with post-16 transport policies.
- Staggered school opening hours.
- New approaches to transport safety issues.
- Tailored transport solutions to rural schools and their communities including yellow bus schemes.
- Improving quality and performance

Up to 20 Pathfinders are likely to be selected, these can be individual or joint with other LA's and arrangements will have to be introduced in 2009 for a period of 4 years. Each authority will receive up to £200k pump priming money. Also, DfES will make up to £12 million pa available across pilot schemes to help fund the initiatives. To be a Pathfinder authority charges must be made except for children on low incomes or those in receipt of free travel at the start of the scheme. DfES consider that a charge of £1.00 per day may be reasonable and the income be hypothecated to reinvest in transport services. This may be a major issue for Nottinghamshire, however, the gains from becoming a Pathfinder (600K pa) will benefit all Nottinghamshire pupils.

### **Scope for a Nottinghamshire Pathfinder**

School transport currently costs £5m for pupils with special educational needs requiring transport, and £6m for other pupils traveling to and from mainstream schools. Charging could lead to approximately £1m income over the 4 year Pathfinder period with about 6,500 pupils losing their free entitlement over the period of the scheme; approximately 1,500 would retain free travel under the protection arrangements in the Act.

There are four of the Pathfinder optional areas of interest which may be of particular relevance to Nottinghamshire. These could form a “baselist” of issues to address across the County:

- Extended services in and around schools and the related need for additional and more flexible transport provision, possibly providing a choice of travel time. This is needed for some currently eligible for free transport and for those within existing distance criteria. It is a particularly important issue in rural areas.
- Support for the delivery of the 14-19 strategy. This might include transport to assist collaborative learning arrangements between schools, colleges and workplace learning providers, or steps to bring post-16 travel arrangements in line with those for the pre-16 age range.
- Closer links with post-16 transport policies, as suggested in the point above. This could include the development of the young people's concessionary fares scheme available to all 11-19 year olds. This might offer half fare travel at all times for all journeys, or the ability to purchase a weekly multi-operator pass providing unlimited travel.
- Use of modern technology, planning tools and the development and roll out of smartcards. Nottinghamshire is already progressing well in this area and will have an ITSO-compliant card for use across all operators by 2008. It is well-placed, therefore, to use smartcards for young people, and it is the intention that any concessionary fares scheme would do so.
- Promotion of cycling and walking with training and support.

The DfES has indicated that authorities seeking Pathfinder status will need to demonstrate an ability to deliver. Nottinghamshire has a good track record of delivering a host of transport schemes and travel plans. It also has a background of strong partnership working with bus operators, and more specifically through the Post-16 Transport Partnership and the study into the possibility of a concessionary travel scheme for young people.

## **Issues**

At present 50% school travel plans have been completed and it is our aim to have 85% of the plans completed by 2011.

Whilst the lack of relevance of the long-standing distance criteria is recognised across the country, and the policy conflicts in school travel are evident, there are significant political sensitivities in moving from the status quo. The Education & Inspections Act is a step towards making such a change, and Pathfinder status will enable some authorities to try new approaches that better meet the changing education agenda and local circumstances.

Pathfinder status will provide some pump priming funding for new ways of working. However, if these initiatives are to be sustainable authorities will need to either generate a revenue stream or achieve savings through efficiencies (which can then be

reinvested). The most obvious means of achieving this would be to consider introducing charges for all pupils, regardless of distance, with protection for low income families and those in receipt of free travel prior to September 2009.

### **Implications of Pathfinder**

The development of a Pathfinder Scheme would involve numerous challenges and opportunities. The following are the most critical to consider:-

If Nottinghamshire wishes to be considered as a Pathfinder authority, an expression of interest must be submitted in Spring 07. There is then a period of time for substantial consultation with stakeholders and other interested parties before a final bid is submitted by 30 November 2007. The schemes start September 2009. It is imperative that any change receives the support of schools, governors and parents. Bid submission is at the cost of the local authority (approx £30 - £50k).

Other key issues to consider are:-

- Political support and commitment
- Community support and consultation
- Resourcing / staffing implications as a consequence of implementing changes (together with community involvement and consultation)
- Issues about making voluntary changes to policies / entitlements ahead of any national requirement to change
- Opportunity to be ahead of further legislative change and enjoy the benefits of pump priming funding, which may not be available to other authorities later
- Opportunity to demonstrate Nottinghamshire's drive and capacity for innovation and improvement; raise the County Council's profile nationally.
- Contribution of this work in relation to Local Transport Plan objectives and targets.
- Potential to support changes in education provision (14-19 agenda, extended services etc).

### **Funding**

Additional funding (approx £60k) for the sustainable travel duty and policy changes (est. £200k) will come via the school standards funds.

Funding for Pathfinder status could be £200k pump priming and a possible £600k per year of the 4 year scheme (2009 – 2013). Bid costs of approximately £30-£50k would be at the Council's risk. Approximately £1m of income from charging could be received over the 4 year Pathfinder period.

## **Summary**

The Education and Inspections Act 2006 brings significant changes to the provision of home to school transport arrangements which need to be implemented between September 2007/2009. These will have significant operational and financial implications but will improve the offer especially for children from low income families.

Pathfinder status would enable transport services to be further developed to meet the many challenges ahead for delivering education and contributing to the wellbeing of children and young people. It would afford Nottinghamshire an opportunity to be at the forefront of innovation prior to any further legislative changes in 2013, however it would require a revised position on charging for home to school transport.

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