



meeting CABINET

date 7 March 2007

agenda item number

REPORT OF THE LEADER AND CABINET MEMBERS FOR CHILDREN AND YOUNG PEOPLE'S SERVICES AND ENVIRONMENT

The Future of Transport Provision for Children and Young People in Nottinghamshire; Education and Inspections Act 2006

Purpose of report

1. The purpose of this report is fourfold:
 - To report to members the key features of the Education and Inspections Act 2006 and associated School Travel Guidance in relation to transport for children and young people
 - To seek approval of the Cabinet to amend the Home to School Transport Policy in accordance with the legislative changes included in the Act
 - To consider opportunities for a School Travel Pathfinder for Nottinghamshire and determine whether or not to submit an expression of interest to the DfES
 - In accordance with the Executive Procedure Rules (Paragraph 2.4) at part G of the Constitution, Cabinet is to approve the creation of a Committee of Cabinet for the purpose of reviewing the provision of enhanced travel opportunities for children and young people, and the development of more sustainable transport across the county implemented through the School Travel Strategy.

Information and advice

Background

Education and Inspections Act 2006, including School Travel Guidance

2. The Education and Inspections Act 2006 extends local authority duties and powers relating to home to school transport by:

- placing a general duty on local authorities to assess the travel and transport needs of all pupils, and promote sustainable travel to school
 - extending entitlement to free home to school transport for low income families
 - enabling a number of local authorities to propose Pathfinder schemes to test innovative approaches to home to school transport to support school choice and increase the proportion of pupils travelling by suitable means.
3. Further details are included in **Appendix 1**, attached.

Amendment of the Home to School Transport Policy

4. The new schedule 35B to the 1996 Act (inserted by the Education and Inspections Act) includes an extension of rights to free school travel arrangements for children in low income groups, ie; those entitled to free school meals and those whose families are entitled to their maximum level of Working Tax Credit. These duties come into force from September 2007 for primary age children and in September 2008 for pupils of secondary school age. Further detail is shown below and in **Appendix 1**. The current Home to school Transport Policy needs to be amended to comply with all the legislative changes described in the Act. The revised policy will be published by the end of August 2007.
5. Children of compulsory school age who are under the age of eight are entitled to free school transport to their nearest qualifying school if 2 miles or more from home. In addition, children aged between eight and eleven from low income families are also entitled to free transport where they live two or more miles from their nearest qualifying school.
6. For pupils of secondary school age from low income families, the Act extends rights to free transport to a choice of one of their three nearest qualifying schools between 2 and 6 miles from their home.
7. Children aged eleven to sixteen from low income families may travel free to the nearest suitable school preferred on grounds of religion or belief, where the school is between 2 and 15 miles from their home.

“Opportunities for a School Travel Pathfinder in Nottinghamshire”

8. The Education and Inspections Act 2006 will enable a small number of Local Authorities to propose Pathfinder Schemes to test innovative approaches to Home to School Transport, support choice, increase the proportion of pupils travelling by sustainable means, and raise standards. Funding will be available from the DfES, but charging for all except low income families is a prerequisite if the scheme. A summary of the Pathfinder guidance is included in **Appendix 1**.

Delegation to and Remit of a Cabinet Committee re Travel for Children and Young People

9. The Cabinet Committee will consider the following:
 - the Authority's statutory obligations
 - the recommendations of the study report by JMP Consulting "Concessionary Travel for Young People in Nottinghamshire"
 - the priorities and implementation of the new Sustainable School Travel Strategy
 - developments in other Authorities
 - the funding context and opportunities for Pathfinder Status
 - the views of service users and providers.
10. The committee will make recommendations to Cabinet concerning progress and future opportunities, and will start its work as soon as possible after the decision of this Cabinet with a view to making recommendations to Cabinet in June and October 2007 in order to inform the policy and budget setting processes for 2008/09.
11. The membership of the Cabinet Committee will be the Leader, Cabinet Member for Children and Young People and the Cabinet Member for Environment; the Leader will act as Chair of the Committee. It is proposed that there will be 5 non-voting Members on this Cabinet Committee (2 Members of the Labour Group and 2 Members from the Conservative Group and 1 Member from the Liberal Democrats). The meetings will be quorate when two voting Members are present.
12. At the conclusion of the business of the Cabinet Committee there will be a 20 minutes opportunity for members of the press and public to ask questions of Committee Members.

Public Engagement Policy

13. Engagement in the Pathfinder Scheme would fall within the scope of the County Council's Public Engagement Policy. Future amendments to the Home to School Transport policy arising from implementation of the Act, will also be subject to wide consultation.

Statutory and policy implications

14. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service. Where such implications are material, they have been described in the text of the report. Attention is however drawn to the following:-

Personnel implications

15. Additional capacity within the LA will be required and centrally funded to enable the strategy for sustainable transport to be shaped and for

the Pathfinder bid to be scoped (if agreed) and delivered. Further details are included in **Appendix 1**.

Financial implications

16. Funds will be made available to all Local Authorities to support the sustainable travel duty. The formula for deployment of £4m across LAs is currently subject to consultation, but is estimated to be in the region of £60,000 for Nottinghamshire. Funds of approx £200,000 will be available to the LA to support the changes required under the revised Home to School Transport Policy.
17. The Pathfinder scheme would be likely to attract £200,000 pump priming and a possible £600,000 per annum for the duration of the 4 year scheme. Costs of the bid would be at the expense of the LA, possibly between £30,000 - £50,000. Further information is contained in **Appendix 1**.

Implications for service users

18. These are broadly outlined in the text of the report and **Appendix 1**

Human Rights Act implications

19. The provisions of the Equality Act 2006 and the European Convention on Human Rights are recognised throughout the Act and in particular in sections relating to SEN and Disabilities and Religion and Belief.

RECOMMENDATION

20. That:-
 - (1) the key features of the Education and Inspection Act 2006 and associated School Travel Guidance be noted,
 - (2) the Home to School Transport Policy (September 2007) be amended to include additional duties contained in the Education and Inspections Act 2006 as indicated in **Appendix 1**
 - (3) **Appendix 1**, the “Discussion Paper – Education and Inspections Act 2006, Implications for Transport and Opportunities for School Travel Pathfinder in Nottinghamshire” be considered and Cabinet determines whether or not to submit an expression of interest regarding a bid to the DfES for Pathfinder status
 - (4) that the establishment of a Committee of Cabinet to review the provision of enhanced travel opportunities including the development of sustainable transport for children and young people across the county, be approved, subject to the arrangements set out above

DAVID KIRKHAM

Leader of the County Council

COUNCILLOR JOYCE BOSNJAK

Cabinet Member for Children and Young People's Services

COUNCILLOR STELLA SMEDLEY

Cabinet Member for Environment

Reasons for recommendation

21. To consider the revised statutory obligations of the Local Authority in the light of the Education and inspections Act 2006.
22. To amend the Home to School Transport Policy with effect from September 2007, to ensure compliance with the legislative changes in the Act.
23. Given the requirements of the Act and opportunities nationally in relation to the strategic development of school transport strategy, the Pathfinder programme presents opportunities worthy of careful consideration, as a means of taking forward some emerging priorities for the county.
24. The County Council has given a clear commitment to children and young people to explore with them ways of improving access and the experience and affordability of transport. The creation of a Cabinet Committee will progress this dialogue and ensure that strategic developments are coherent and informed by the needs of service users

Legal Services' comments (LM/20.2.2007)

25. Cabinet has delegated power to approve the amendments to the Home to School Transport Policy where it is necessary to ensure compliance with the law, ministerial discretion or government guidance. Part E – Budget and Policy Framework Procedure Rules 6.1.2). The constitutional authority to establish a Committee of Cabinet is set out in the body of this report. Part C of the Constitution provides that the quorum for committees and subcommittees with fewer than 15 voting members shall be three, however the Constitution provides (Part C paragraph 3.1) that this number can be varied if the appointing body otherwise determines. For the purpose of this committee Cabinet is the appointing body and Cabinet and is authorised to set the quorum.

Strategic Director of Resources' financial comments (NDR)

26. The financial implications are set out in the report.

Background papers available for inspection

“Education and Inspections Act: Consultation on School Travel Guidance”
DfES

Nottinghamshire County Council “Home to School Transport Policy 2006/
2007”

Electoral division(s) affected

Nottinghamshire

M19C1751