

meeting COUNTY COUNCIL

date 19th May 2011

agenda item number **12**

REPORT OF THE CABINET MEMBER FOR CHILDREN AND YOUNG
PEOPLE'S SERVICES

Home to School Transport Policy 2011 and Post 16 Transport Policy 2011/2012

Purpose of report

1. The purpose of this report is to present for approval:
 - a) the revised Home to School Transport Policy 2011 (**Appendix 1**)
 - b) the revised Post 16 Transport Policy 2011/2012 (**Appendix 2**).

Information and advice

Background

2. Nottinghamshire County Council is required to publish its 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 the 31 May.
3. In addition to the provisions and entitlements set out in the Home to School Transport Policy, a discretionary travel scheme will also be in operation with effect from September 2011. In July 2010 Cabinet Members introduced a "Preferred Travel Scheme" for year 7 pupils, with a view to the incremental roll out of the scheme in years 7 to 11 over the course of coming years. This discretionary travel scheme is intended to support parental choice for secondary education. This scheme was established in accordance with the Transport Act 1985.
4. The Preferred Travel Scheme will run in parallel with the Home to School Transport Policy, and it is recognised that any amendments to the current transport policies should complement the Preferred Travel Scheme initiative. The proposed amendments to the policies are outlined below.

Home to School Transport Policy 2011

5. The proposed Home to School Transport Policy for September 2011 incorporates the following amendments and clarifications to discretionary provision. There are no statutory provision amendments.
 - a) Walking Distance Exceptions have been simplified so that a pupil with special transport needs will be assessed on whether they are able to walk or travel safely to school accompanied by a parent/carer. This includes the use of public transport.
 - b) Reimbursement of travel expenses has been standardised and all claims will now be paid at Public Service Rate.
 - c) Addition of Appendix for Special Educational Needs and Disability (SEND) Transport Policy which clarifies current practice regarding SEND transport. This Appendix contains clarification of where transport will and will not be provided. Key clarifications are as follows:
 - Residential Special Schools – 52 week placements. In future parents/carers wishing to visit their children should apply for assistance through Children’s Social Care
 - Where transport has previously only been provided in exceptional circumstances, this has not always been made explicit in the policy. The proposed revised policy now makes it clear that in relation to Annual Reviews, Transition visits and Work Experience Placements, transport may be provided only in exceptional circumstances as is currently the case
 - Respite Care - clarification provided in that assistance with this should be referred to Children’s Social Care
 - School Trips - assistance was previously provided on a discretionary basis to cover additional expenditure incurred as a result of the need to provide specialist transport. This will now be required to be included within the cost of the trip and met by the school
 - Swimming Transport - assistance was previously provided on a discretionary basis to cover additional expenditure incurred as a result of the need to provide specialist transport, any additional costs will now be required to be covered by the school
 - The right of appeal has been described within Appendix A, this includes consideration of ‘exceptional reasons pertinent to the specific review’. In this way we are ensuring that we do not fetter our discretion when deciding upon transport provision.

Post 16 Transport Policy 2011/2012

6. The proposed policy for 2011/2012 incorporates the following three amendments:
 - a) Applications for special transport will be assessed on whether the student can walk safely or use public transport accompanied by an adult. This brings the policy into line with the Home to School Transport Policy.
 - b) The distance measurement criteria will increase from two miles “as the crow flies” to three miles by the nearest suitable walking route. This brings the policy into line with the Home to School Transport Policy.
 - c) In accordance with the provisions of the Apprenticeships, Skills, Children and Learning Act 2009, the age criterion will be extended from 21 to 25 for special transport for students with learning difficulties and/or disabilities who are unable to travel unaccompanied on public transport.

Consultation process and responses

7. Public consultation on the policies was undertaken from Monday 28 February 2011 to Friday 25 March 2011. The current and revised policies together with a summary of changes were available on the Nottinghamshire County Council website and also the Schools Learning Portal - Wired.
8. Additional engagement on the amendments to the Home to School Transport Policy and Post 16 Transport Policy was undertaken prior to the consultation period and included the involvement of Head Teachers, Parent Partnership Service and Transport and Travel Services representatives in addition to appropriate officers within Children, Families and Cultural Services.
9. Two responses were received during the public consultation period, one regarding the use of rail transport and the other was an enquiry about an existing service which was passed to Transport and Travel Services for a response.

Statutory and policy implications

10. 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:-

Financial implications

11. The amendments to the policies will enable officers to enact a more consistent approach to decision making when assessing Home to School Transport. It is not expected that significant savings will be accrued. Officer time, however, should be saved through this more consistent approach.
12. Within the Post 16 Transport Policy, the extension of the age criteria for special transport from 21 to 25 for students with learning difficulties and/or disabilities who are unable to travel unaccompanied on public transport may increase the costs of the provision as students are able to claim for transport over a longer period of time.
13. It is difficult to quantify the increased expenditure at this stage as assistance has not previously been offered beyond the age of 21, but in the 2010/11 academic year the authority received and refused 11 applications from students aged 21 and over. The average cost of transport for those applicants for whom transport was approved was just under £5,000 per annum. Any increase in costs will need to be contained within the existing transport budgets.
14. Funding for the Preferred Travel Scheme of £1.4 million over four years was agreed at the July 2010 Cabinet Meeting and is additional to the existing Home to School, SEND and Post 16 Transport budgets. The Preferred Travel Scheme is an enabling measure over and above the provisions described in the Home to School Transport Policy, intended to increase flexibility, affordability and choice for parents where existing transport is available.

Equal opportunities implications

15. An Equality Impact Assessment has been completed.

Implications for service users

16. Service users will experience a more consistent approach to the Home to School Transport provision. In some cases this will impact on the provision they currently receive from the authority. However no service user will have home to school transport removed where they have a statutory entitlement.

Human Rights Act implications

17. The provisions of the Equality Act 2010 and the European Convention on Human Rights are recognised throughout and in particular in sections relating to SEND.

RECOMMENDATION

18. That:-

- (1) the Home to School Transport Policy 2011 be approved
- (2) the Post 16 Transport Policy 2011/2012 be approved.

COUNCILLOR PHILIP OWEN

Cabinet Member for Children and Young People's Services

Reasons for recommendation

19. It is a requirement that the authority reviews the 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 authority to provide transport to pupils and students in Nottinghamshire.

Other options considered

20. Two other options were considered for the Post 16 Transport Policy:

- introduce an annual contribution of £99 towards the cost of special transport for students with learning difficulties and/or disabilities who are unable to travel alone on public transport, and
- introduce a limit to the entitlement for students with learning difficulties and/or disabilities who are unable to travel alone on public transport to support for transport for up to three years of further education between the ages of 16 and 25.

21. The Authority's Legal Department advised that under the provisions of the Apprenticeships, Skills, Children and Learning Act 2009 these would not be possible.

Legal Services' comments (LM/01.04.11)

22. Full Council has the authority to approve the policies of the Council. The legal position in relation to school transport is set out in the report.

Financial comments of the Service Director – Finance (NDR)

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

Background papers available for inspection

Equality Impact Assessment

Electoral division(s) affected

Nottinghamshire

M19C2778