

20 April 2015**Agenda Item: 10****REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND
INCLUSION****UNDER-16 HOME TO SCHOOL TRANSPORT POLICY AND POST-16
TRANSPORT POLICY - 2015/2016 ACADEMIC YEAR****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 20 May 2015:
 - a) Under-16 Home to School Transport Policy
 - b) Post-16 Transport Policy.

Information and Advice

2. Nottinghamshire County Council is required to publish its Under-16 Home to School Transport Policy and Post-16 Transport Policy in accordance with the Education and Inspections Act 2006, which built on provisions in the Education Act 1996. Where amendments are proposed, these must be subject to consultation and the agreed new policies 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 2015/16 academic year

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 proposed amendments:

a. Section 4.5 Single parents/carers and dual parental homes

Where a pupil's parents/carers live at different addresses it is proposed to make it clear which address will be regarded as the pupil's home address for the purposes of determining transport eligibility.

The following sentence will be added to this section:

'This will normally be the address where the child spends three or more school nights (Sunday – Thursday).'

This sentence is consistent with the definition of home address given in the Council's 'Admissions to schools - guide for parents 2015-2016' booklet.

b. Section 5.2.2. Medical Grounds

A minor change is proposed in respect of pupils applying for transport due to a temporary incapacity. Pupils will be required to include in their application an estimate of how long the temporary incapacity is likely to last.

c. Section 3.3 Behaviour and Attendance Service – Learning Centres

It is proposed to change this paragraph to reflect the organisational changes to the Behaviour and Attendance Service. The paragraph now refers to all pupils who are not on a school roll whose education is the responsibility of the County Council and their eligibility and entitlements to travel assistance.

d. Appendix A Special Educational Needs and Disability Travel Policy

i. The introduction of personal budgets will mean that an eligible pupil's travel entitlement will not necessarily mean they will receive transport provided by the Council. To reflect the more creative ways a pupil's entitlement to assistance with travel to school might be delivered, it is proposed that the term 'special transport' be replaced with 'travel assistance'.

ii. There are a number of grammatical changes to emphasise that transport entitlement for students with special educational needs and/or disability is considered in accordance with the Home to School Transport Policy. The appendix has also been updated to include references to Education, Health and Care Plans rather than statements.

iii. Other than in exceptional circumstances a student would be expected to meet the transport at a designated and safe pick-up point. It is proposed to add a paragraph to emphasise that transport is not normally provided to and from the home address.

The following will be added to Appendix A:

"Where special transport is provided this will normally be to and from a designated collection/drop off point located within one mile of the home address.

A pick up and/or drop off at home will only be provided in exceptional circumstances; additional medical information may be required to support the request.”

- iv. It is proposed to add a paragraph concerning the Council’s programme of independent travel training to clarify that students who successfully complete the programme would be expected to travel independently and would not be entitled to special transport from the Council.

The following sentence will be added to this section:

“Pupils/students who have successfully completed the ITT programme will be enabled to make this journey to school independently. Special transport will not be provided for these pupils/students unless their circumstances change significantly.”

Post-16 Transport Policy 2015/2016 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 a student has a special transport need this will be provided for.
6. The Post-16 Transport Policy for the Academic Year 2015/2016 has the following amendments.
 - a. The introduction of personal budgets will mean that an eligible student’s transport entitlement will not necessarily mean they will receive transport provided by the Council. To reflect the more creative ways a student’s entitlement to assistance with transport might be delivered, it is proposed to describe a student’s entitlement as a ‘*travel solution*’.
 - b. Other than in exceptional circumstances a student would be expected to meet the transport at a designated and safe pick-up point. It is proposed to add a paragraph to emphasise that transport is not normally provided to and from the home address.

The following sentence will be added to this section:

‘Where special transport is provided this will normally be to and from a designated collection/drop off point located within one mile of the home address. A pick up and/or drop off at home will only be provided in exceptional circumstances; additional medical information may be required to support the request.’

- c. It is proposed to add a paragraph concerning the Council’s programme of independent travel training to clarify that students who successfully complete the programme would be expected to travel independently and would not be entitled to special transport from the Council.

The following sentence will be added to this section:

'Students who have successfully completed the ITT programme will be enabled to make their journey to school/college independently. Special transport will not be provided for these students unless their circumstances have changed significantly.'

Consultation process

7. Public consultation on the changes to the Under-16 Home to School Transport Policy and the Post-16 Transport Policy was undertaken from Friday 13 February to Sunday 22 March 2015. 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.

Consultation responses

10. There were two responses to the consultation:
 - a parent expressed concern that pupils are normally expected to join and leave transport at a designated pick-up/drop-off point, rather than from the home address. This arrangement is normal practice for home to school transport across local authorities. It was the subject of a recent court case ((1) *M and (2) W v London Borough of Hounslow (2013)*) which confirmed that this arrangement was lawful, whilst recognising that in some cases it would not be reasonable to expect a pupil to go to a designated point away from the home address
 - the head teacher of a special school raised some operational queries with regard to the Council's scheme of independent travel training. These were answered by the officer responsible for the scheme.

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.

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 crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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. Most of the changes proposed clarify existing provisions and are intended to make the policy clearer to service users. It is not anticipated that the effect on service users will be significant.
15. The inclusion in the policy of a paragraph about the Council's scheme of independent travel training reflects a theme of promoting support for children and young people in developing their life skills and independence.
16. The introduction of personal budgets, whilst still in its early stages, will bring more creative ways to address transport provision.

Financial Implications

17. 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

18. 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.
19. 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.
20. 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

21. 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 2014/2015 and recommends the revised policy to Policy Committee for approval at its meeting on 20 May 2015
- 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 20 May 2015.

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Constitutional Comments (LM 23/03/15)

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

Financial Comments (SS 18/03/15)

23. The financial implications of the report are set out in paragraph 17 above.

Background Papers and Published Documents

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.

Under-16 Home to School Transport Policy 2015/2016

Post-16 Transport Policy 2015/2016

Equality Impact Assessment

Electoral Division(s) and Member(s) Affected

All.

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