

NORTH SOMERSET COUNCIL DECISION

DECISION OF: EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT

IN CONSULTATION WITH: EXECUTIVE MEMBER OF CHILDRENS SERVICES.

WITH ADVICE FROM: THE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT



DECISION NO: 19/20 DE 92

SUBJECT: Approval of the Home to School Travel Policy

KEY DECISION: YES

BACKGROUND:

The Integrated Transport Unit (ITU) formed in January 2017, with the aim to integrate several transport service areas to generate efficiencies to service delivery and budget. The home to school transport service was inherited with a £300,000 overspend and management at the time addressed this pressure by composing a policy which met the basic statutory duty, all discretionary travel was removed. This subsequently resulted in a rise in customer dissatisfaction, an increase of appeals and cases taken to Local Government Ombudsman, who subsequently ruled the policy was not fit for purpose and required immediate review. It was agreed that an update of the compulsory school aged (5-16) home to school transport policy for mainstream and SEND students was necessary in line with impending new Government guidance from the Department for Education.

The ITU carried out research of other local authority policies and enlisted assistance from an external consultant with extensive knowledge of school transport case law.

The home to school travel policy must be published on the Council website by September to be implemented from the start of the following academic year, the reason for this is to allow parents/carers and students to make informed decisions regarding their school application. This policy review as mentioned above is for students of compulsory school age, it does not encompass post-16 travel assistance, this will be reviewed separately.

DECISION:

The Integrated Transport Unit are seeking approval for the publishing of the new Home to School Travel Policy from the Executive Member for Planning and Transport in consultation with the Executive Member for Children's services as this policy influences the two service areas.

REASONS:

The current published Home to School Travel Policy has faced several accounts of legal challenge and the ombudsman has made recommendations as to how the policy should be amended.

There was confusion over eligibility requirements for mainstream and SEND students as the policy encompassed both, to overcome this, the proposed policy has been split into two separate documents.

The Integrated Transport Unit have introduced several new delivery methods such as strategic planning of safe walking routes and schemes such as personal travel budgets and independent travel training to address the shortfall of available transport in the local area as several coach operators have ceased trading in the last 18 months. Many remaining operators have increased contract prices which has added additional pressure to the home to school transport budget, given that the local authority have a statutory duty to transport students to school safely, where possible, solutions are being sought to remove the need for transport entirely.

The pending guidance from the Department for Education has provided further clarity around the provision of transport for SEND students and those with medical needs. The local home to school travel policy provides information on eligibility and delivery of the statutory duty for North Somerset and therefore requires updating regularly.

OPTIONS CONSIDERED:

Option	Pros	Cons
Do nothing	None	Remain with policy which has faced legal challenge Cannot implement new home to school delivery methods
New combined policy for mainstream and SEND	Only one policy document – easier to signpost people to	Confusing for reader to understand what applies to whom
Two new policy documents separated for mainstream and SEND	Much clearer Allows new delivery methods to be approved and applied	None

FINANCIAL IMPLICATIONS:

The proposed Home to School Travel Policy will not generate any additional cost pressures or require any funding. It is intended that the policy document will generate savings in future years through subtle changes in service delivery such as travel training which positively benefits the student whilst reducing the reliance on school transport.

LEGAL POWERS AND IMPLICATIONS

We are legally obliged to produce a home to school travel policy under:
Education Act 1996 (508A, 508B, schedule 35, 508C)
School Information Regulations 2008

CONSULTATION

The Council recognised that the home to school transport service is a vital provision for many families and therefore engagement played a key role in producing the final policy document. Staff from the ITU have been meeting monthly with key stakeholders for the last 18 months, these groups included parent/carer forum representatives, heads of local SEND schools, colleges and internal P&C colleagues.

To ensure that the engagement encompassed those likely to be affected, the draft policy was open for comments via online consultation for 9 weeks. Consultees had the option to provide their views and recommendations via questionnaire. In addition to this, two public consultation events were planned for February 2019, details of which were shared with schools and the parent/carer forum groups. These enabled parents/carers to voice their concerns with the proposals and understand the wider home to school travel issues. The ITU and parent carer group also sought input from the DFE and national advocacy groups such as CENTAS on our proposed policy which helped ensure the most relevant caselaw and guidance was considered as part of the co-production process.

The consultation captured comments from 92 consultees which were analysed and reviewed. A report of the findings was produced and can be found in the supporting documents section below.

The review of the home to school travel policy comprised one project of a larger improvement programme for SEND school transport, this was taken to scrutiny and approved, it was recognised that several workstreams were underway to improve the service.

The policy has also been reviewed by internal legal colleagues, a few minor changes were recommended, these have been addressed in the final document.

RISK MANAGEMENT

The ITU and the consultee's fully recognise that this policy will need to be constantly monitored and reviewed as national guidance and caselaw continues to emerge particularly within the SEND arena as such we have committed to making annual reviews of the policy and working practices as necessary in full consultation of all those this impacts. The proposed policy is widely accepted as being a substantial improvement, however, if the proposed home to school travel policy is not approved, then the council face the risk of further legal challenges based on the wording of the current policy for another year. In addition to this, positive changes the council have consulted on and introduced in the policy to reduce journey times and improve the quality of service could not be implemented.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? Yes

The Integrated Transport Unit have been in consultation with the Equality Impact Assessment officer and the policy has been discussed. A summary EIA has been undertaken for the review of the policy as majority of the changes are to align the local policy document more closely to Government guidance and to improve the layout and wording, therefore not impacting the protected groups.

A full EIQ has been undertaken for centralised pick-up points which has a greater impact

on the protected groups. A copy of both equality impact assessments has been attached below for reference.

CORPORATE IMPLICATIONS

North Somerset Council are corporately supporting the opening of a new school, Winterstoke Hundred Academy (currently known as North Somerset Enterprise and Technology Centre), this poses an implication for transport as the council determine the transport catchments (known as first geographical areas) where parents/carers can review which catchment their home address sits within and whether they are eligible for transport to their nearest suitable school. The ITU have revised the Weston secondary school transport catchments to accommodate the opening of this new school in September 2020 which will therefore need to be published in conjunction with this policy for those applying for a place next year. A wider review of all transport catchments will be undertaken in the future.

North Somerset Council has also undertaken a Joint Local Area Review of all SEND services in which transport improvements have been written into the statement of action. We have committed in the policy to amended processes to improve applying and appealing transport decisions.

In addition to this, we are strategically planning for the future of home to school transport services through the delivery of safe walking routes. Funds have been set aside for this financial year on the approved capital programme scheme for the design and investigation of safe walking routes to deliver more sustainable means of travel.

BACKGROUND PAPERS

Mainstream Policy Document:



1906 Mainstream
Home to School Trans

SEND Policy Document:



1906 SEND Home to
School Transport Poli

Report: Consultation results



HTST Policy
Consultation Report.p

Summary EIA: Policy Changes



190625 Summary
EQIA - HTST Policy.do

Full EIA: Centralised Pick-up Points



Full EQJA -
Centralised Pick-Up Pt

SIGNATORIES:

DECISION MAKER(S):

Signed: [Signature].....Executive Member for Planning and Transport

Date: 07 AUGUST 2019.....

In consultation with

Signed: [Signature].....Executive Member for Children's Services and Life Long Learning

Date: 12 AUGUST 2019.....

WITH ADVICE FROM:

Signed: [Signature]..... Assistant Director (Placemaking and Growth) Development and Environment. In accordance with paragraph 1.5 of the Council's constitution (May 2018), officer authorisations and delegations

Date: 6/8/2019.....

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