

North Tyneside Council

Report to Cabinet

Date: 27 November 2023

Title: Home to School Transport

Portfolio(s):	Finance and Resources Education, Inclusion, Employment and Skills Supporting and Protecting Children	Cabinet Members:	Councillor Anthony McMullen Councillor Steven Phillips Councillor Peter Earley
Report from Service Area:	Commissioning and Asset Management Children's Services		
Responsible Officer:	Mark Longstaff, Director of Commissioning & Asset Management	(Tel: (0191)643 8089)	
	Julie Firth, Director of Children's Services	(Tel: (0191)643 1454)	
Wards affected:	All wards		

PART 1

1.1 Executive Summary:

New statutory guidance for local authorities was published by the Department for Education in June 2023 concerning the travel to school of children of compulsory school age. It is therefore necessary to review the Authority's Transport Policy to ensure that it is compliant with new statutory guidance, to make any necessary amendments and to clarify the offer to parents and carers.

This report also seeks permission to commence a consultation on some proposed changes to the Home to School Transport Policy and the Annual Post 16 Transport Statement with a view to ensuring all statutory responsibilities are met within the current budget. Currently the Authority provides transport provision over and above the statutory requirements placed on it – this is no longer financially sustainable.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Note the Draft Revised Home to School Transport Policy at Appendix 1 of this report and the Draft Revised Annual Post 16 Transport Statement at Appendix 2 of this report;
- (2) Approve the proposal to commence public consultation on the revised Policy and Statement referred to in recommendation (1) above; and
- (3) Agrees to receive a further report on the outcome of the public consultation and to consider if the proposed changes to the Draft Revised Home to School Transport Policy and the Draft Revised Annual Post 16 Transport Statement should be made and implemented having regard to the consultation responses.
- (4) Asks officers to continue to work closely with Transport North East, to deliver the Bus Service Improvement Plan (BSIP) with particular regard to supporting young people in meeting their travel needs.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 19 October 2023.

1.4 Council Plan and Policy Framework

This report relates to the following priority(ies) in the 2021/25 Our North Tyneside Plan:

A family friendly North Tyneside
A green North Tyneside

1.5 Information:

1.5.1 Background

The Authority has a statutory duty to provide home to school transport to children and young people who meet the criteria prescribed in legislation.

Currently just over 1000 Children of a statutory school age are supported by home to school transport arrangements. This represents an increase of nearly 40% in the number of children who receive such support when compared with 2019.

This increase has placed significant pressure on the current home to school transport budget. In the current financial year, the forecasted pressure is £2.9 million. This is not a sustainable position therefore it is proposed to commence consultation on proposed changes to the current home to school transport policy.

Travel assistance is currently provided by the Authority over and above the statutory requirements placed on it. Such additional assistance consists of: -

- Providing fully funded travel assistance to secondary schools with a designated religious character where they have been chosen on the grounds of religion or belief.

There is no requirement for the Authority to arrange travel assistance to a school with a designated religious character for a child whose parents or carers have chosen it on the grounds of their religion or belief (unless the child meets other eligibility criteria for free travel to that school).

- Providing fully funded transport assistance for some young people over the age of 16 and re-imbursing 50% of transport costs for others.

There is no requirement for the Authority to provide free or subsidised post 16-year-old travel. There is however a duty placed on the Authority to publish an Annual Post 16 Transport Statement specifying the arrangements for the provision of transport that the Authority considers necessary to facilitate the attendance of persons of sixth form age receiving education or training.

It is also proposed to re-assess all non-statutory provision and to consult on the introduction of a standard charge as a contribution towards transport provision in line with other North East Authorities.

- Providing transport assistance for students with an Education Health and Care plan who live more than 1 mile from their school.

Statutory Walking Distances

A child under the age of 8 is eligible for free travel to their nearest suitable school if it is more than 2 miles from their home.

A child aged 8 years or over is eligible for free travel to their nearest suitable school if it is more than 3 miles from their home.

Extended Rights

If a family is eligible for free school meals or in receipt of maximum working tax credit, travel assistance is available if a child is:

- Aged 8 but less than 11 and lives more than 2 miles but no more than 6 miles to the nearest school (measured by road)
- Aged 11 to 16 and lives more than 2 miles but less than 6 miles if attending 1 of the nearest 3 schools (measured by road).

It is proposed to consult on the removal of the 1-mile distance and revert to statutory mileage distances.

- Transporting students to and from Additionally Resourced Provision (ARPs) with such transport provision accommodating individual part-time timetables.

It is proposed to consult on such transport being provided only at the start and the end of the school day for eligible students.

It is proposed that the Authority consults on the Draft Revised Transport Policy (Appendix 1) and the Draft Revised Annual Post 16 Transport Statement (Appendix 2) including the proposed amendments set out above to ensure the most efficient use of the public funding for the provision of home to school transport.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Give consent to the proposed consultation on changes to the current Home to School Transport Policy and Annual Post 16 Transport Policy Statement.

Option 2

Do not give consent and make no changes to the current Policy and Statement.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

It is not possible to address all of the current pressure on the home to school transport budget without making appropriate changes to the current Transport Policy and Annual Post 16 Transport Statement and those potential changes require consultation. These changes will not affect our ability to meet statutory obligations in relation to home to school transport.

1.8 Appendices:

Appendix 1: Draft Revised Home to School Transport Policy

Appendix 2: Draft Revised Annual Post 16 Transport Statement

1.9 Contact officers:

Mark Longstaff, Director of Commissioning and Asset Management, Tel: 0191 643 8089

Barbara Patterson, Head of Service (Catering and Fair Access). Tel: 0191 643 8340

Val Johnson, Access Manager, Tel: 0191 643 8721

Mark Mirfin, Assistant Director for SEND Transformation. Tel: 0191 643 4426

Jane Cross, Senior Business Partner, Strategic Finance, Tel: 643 3166

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) [Current Home to School Transport Policy](#)

(2) [Current Annual Post 16 Transport Statement](#)

(3) [DfE Post-16 transport and travel support to education and training statutory guidance for local authorities - January 2019](#)

- (4) [DfE Travel to school for children of compulsory school age Statutory guidance for local authorities June 2023](#)
- (5) [2023-24 Performance and Financial Management Report to Cabinet - 18 September 2023](#)
- (6) [Equality Impact Assessment](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The current pressures on the home to school transport budget are estimated to be £2.9 million in for the financial year 2023/24. The proposed consultation would provide valuable feedback on the proposed changes that could be made to improve the current financial position whilst still supporting children and young people to access education in line with statutory requirements.

Looking ahead, the Authority will continue to work closely with Transport North East, to deliver the Bus Service Improvement Plan (BSIP) utilising £163.5m government funding. The purpose of this is to lower bus fares, grow networks and speed buses up over the next two years. This has included a new young person's £1 single bus fare meaning affordable travel on any bus service for those aged 21 and under across Tyne and Wear, Northumberland and Durham. The offer is also matched on the Metro and Shields Ferry.

2.2 Legal

The requirement for the Authority to provide travel assistance to and from school is imposed by the Education Act 1996. In the case of an 'eligible child', Section 508B of that Act states that the Authority must make such travel arrangements as it considers necessary for facilitating the child's attendance at school. Schedule 35B of the Act defines an 'eligible child'. The Authority must exercise its duty in a manner which is lawful, rational and procedurally proper.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Consultation has been undertaken with the Director and Head of Service responsible for provision and with the home to school transport service, Financial Officers, the Special Educational Needs Disability Support Services.

2.3.2 External Consultation/Engagement

Good practice suggests that consultation should last for a minimum of 6 weeks. It is intended, subject to approval to run the consultation from 4 December 2023 for a period of 8 weeks to 28 January 2024.

This report requests permission to undertake external consultation with all parties including but not limited to schools, colleges, multi academy trusts, learning trusts, parents and carers across the borough.

2.4 Human rights

There are no human rights implications arising directly from this report in relation to the request for permission to consult on future changes to the policy.

2.5 Equalities and diversity

An Equality Impact Assessment has been undertaken in relation to the consultation process and with regard to any changes to the policy which may follow as a result of the consultation. There are equality implications in relation to age, disability, sex, race and religion or belief. Whilst not legally protected characteristics, we are mindful that there may be implications for those families who are socio-economically disadvantaged or carers.

The consultation will be undertaken in such a way as to ensure digital exclusion is minimised. Consideration has been given to those who may be digitally excluded across a number of protected characteristics this could include for socio-economic reasons, because of a disability, or be related to age.

2.6 Risk management

The risks associated with the consultation process have been considered as part of the Equality Impact Assessment. Based on previous experience of engagement and communication we understand that different engagement methods may be required for children and young people and that some people may have communication and accessibility needs.

A detailed consultation plan will be developed to ensure consultation in a variety of different formats and across a range of groups. This will include electronic and paper formats. Our access statement will let people know that information can be made available for translation into different languages. Links will be sent direct to current users of the service. This should ensure that a good cross section of those likely to be affected by the changes will be notified of the consultation.

2.7 Crime and disorder

There are no crime and disorder implications linked to the proposal to consult.

2.8 Environment and sustainability

Any proposed changes to the policy as a result of the proposed consultation would include a focus on encouraging children and young people to gain from the benefits offered through independent travel training, walking or cycling to school where possible and, where this is not possible, travelling in the most sustainable way.

PART 3 – SIGN OFF

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive