

13 July 2016		ITEM: 12 (Decision 01104374)
Cabinet		
Thurrock Council Draft Transport Policy - request for inclusion on the Policy Framework		
Wards and communities affected: All	Key Decision: Yes	
Report of: Councillor J Halden, Portfolio Holder for Education and Health		
Accountable Strategic Lead: Sue Green, Strategic Leader, Children's Commissioning and Service Transformation		
Accountable Directors: Rory Patterson - Director of Children's Services; Roger Harris Director of Adult Services and Housing		
This report is Public		

Executive Summary

School travel is primarily the responsibility of parents. However, the Council is responsible for the design and adoption of a policy setting out the guiding principles around home to school travel. The policy is then to be added to the Council's policy framework.

The procedure for determining which plans, strategies or policies are to be removed, reviewed or added to the Policy Framework is set out in Article 4 of the Council's Constitution. The first stage of this procedure requires a discussion at Director's Board where a decision will be taken regarding next steps. This may include consideration by elected members, the Monitoring Officer and/or Children's Overview and Scrutiny prior to approval by Cabinet. This report considers an Education Transport policy drafted to ensure Thurrock Council delivers an education transport service that aligns with the statutory minimum specified within the Education Act 1996. The report also considers the process required for the inclusion of the Education Transport Policy in the Council's Policy Framework.

1. Recommendation(s)

That Cabinet consider the Education Transport policy attached to this report and comment upon the content and if satisfied recommend that it be included in Thurrock Council's Policy Framework.

That the Exceptional Circumstances Scheme be included in the wider work by elected members to review means tested support.

2. Introduction and Background

- 2.1 Local authorities are required by law to publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. The Department for Education's Home to School Travel and Transport Guidance 2014, stipulates that such information should be clear, easy to understand and provide full information on the travel and transport arrangements. It should explain both statutory transport provision, and that provided on a discretionary basis. It should also set out clearly how parents can hold local authorities to account through their appeals processes. Local authorities should ideally integrate their Sustainable Modes of School Travel strategies into these policy statements, and publish them together.
- 2.2. In October 2012, the Education Transport Project Group was established to review the most frequently used aspects of transport, to update information around education transport and to implement aspects of transport not currently available within the borough.
- 2.3 The main issues considered by the Council since October 2012 includes the following:
- transport to post 16 facilities,
 - transport for children aged 8-11 years,
 - transport to faith schools
 - transport for children with SEND
 - the Travel Training programme and
 - establishment of the Exceptional Circumstances panel
- 2.4 The Project Group was also tasked with the following:
- preparation of reports on the current provision of transport and any innovative proposals for change that would provide a sustainable Education Transport Policy.
 - presenting reports to Cabinet, committees and other relevant meetings
 - arranging consultations to gauge public opinion on proposed changes
 - conducting a full Equality Impact Analysis on each aspect of transport reviewed.

3. Issues, Options and Analysis of Options

- 3.1 Local authorities are advised by the Department for Education to consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. Thurrock Council has undertaken two full consultations in 2013 and 2015 with a focus on changes to 8-11 Mainstream

Educational Transport, Post 16 Transport and Denominational Transport. The time span for each consultation was above the recommended time frame; 8 and 6 weeks respectively. The policy is based on existing practice and as further reviews take place, additional consultation exercises will be undertaken. The SEND Transport provision is the next planned consultation due to be completed by March 2017. Co-production with parents will be a key part of the development of the changes in line with the Children and Families Act 2014.

- 3.2 Good practice suggests that where possible, parents should be supported in the introduction of any changes as any changes might impact adversely on individual family budgets. Thurrock Council consistently addresses this issue by implementing initiatives such as the Exceptional Circumstances Scheme which supports families who may be adversely impacted by changes implemented during their child's current stage of education. Also, the Council offered direct support to families affected by a policy change that involved the introduction of charges. A 50% discount was given to all existing users of the service, new users were required to pay the full fare. Also, officers have conducted two Equality Impact Assessments at various stages of the Project to ensure particular groups within the community were not marginalised by a particular change in policy.

4. Reasons for Recommendation

- 4.1 The Department for Education's Home to School Travel and Transport Guidance 2014, states that Local authorities are required by law to publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. Inclusion of all information regarding education transport and travel in one document entitled the 'Education Transport Policy' will provide parents, officers and interested parties with a more effective and swift means of sourcing information around transport.

5. Consultation (including overview and scrutiny, if applicable)

- 5.1 The details and results of the previous public consultation undertaken with respect to proposed changes around denominational transport are contained in the Cabinet report dated 4 September 2014.
- 5.2 In September 2015, the recommendations being made were considered by Children's Overview and Scrutiny and given their full support.
- 5.3 In October 2015, Cabinet granted approval for officers to undertake a public consultation involving families, schools and a wide range of stakeholders to seek the views of interested parties on denominational transport when the current arrangements cease at the end of the 2015/16 academic year.
- 5.4 A full consultation has not taken place on this Policy as it is based on current practice and targeted consultations take place where there are changes to individual areas of policy. Once the full review has been completed in 2016/17 a

consultation on the full policy will take place and will inform the next annual refresh.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The Education Transport Policy caters for a wide range of issues and consideration was given throughout to ensure that the content of the policy aligned with legislation and corporate policy. The impact on direct users and the community at large was also considered and where possible any propensity for negative impact was either eradicated completely or mitigated. Families whose overall income level places them just above the threshold for qualifying benefit often choose to work to support their children rather than initiate a reduction in the number of hours worked in order to qualify for benefits and consequently free transport. The discounted rate and exceptional circumstances scheme support such families to remain employed and align with the Council priority aimed at encouraging and promoting job creation and economic prosperity.

7. Implications

7.1 Financial

Implications verified by: **Kay Goodacre**
Finance Manager

Current primary pupil growth is causing significant pressure on the statutory element of the Education Transport budget. This is due to the fact that the Council is at times unable to place a pupil in a school within a three mile radius. In such cases, the Council has a statutory duty to transport the pupils involved and to bear the cost of the transport. Although the Council achieved extra income from charging pupils to the value of £82,654 in the 2015/16 academic year targeted budget savings around discretionary transport are not being met and the costs involved are steadily increasing. Therefore, unless spend on discretionary transport is reset to the statutory minimum an increased budget would be required to cover these costs.

7.2 Legal

Implications verified by: **Lucinda Bell**
Education Lawyer

The Education Act 1996 sets out the Council's duties relating to school transport and makes it clear that free transport only has to be provided for "eligible children" and these include disabled children and those from low income families. Transport on denominational grounds other than for low income families is not a statutory duty and the Council is entitled to use its

discretion to what transport support it will offer to pupils on denominational grounds.

Local authorities have discretionary powers under Section 508C of the Education Act 1996 to make arrangements for those children not covered by Section 508B. A local authority has discretion to provide transport for children who are outside of the statutory eligibility criteria and where such transport is provided to make a charge for it. There is no requirement for these discretionary arrangements to be provided free of charge. However, if a local authority decides to levy charges this should be made clear in the school travel policy documents.

Section 509D of the Education Act 1996 places a duty on local authorities when fulfilling their duties and exercising their powers relating to travel, to have regard to, amongst other things, any wish of a parent for their child to be provided with education or training at a particular school on grounds of the parent's religion or belief. Local authorities must make travel arrangements for pupils from low income families to attend the nearest school preferred on the grounds of religion or belief where such pupils live more than 2 miles, but not more than 15 miles from that School.

The Equality Act 2010 does not apply to the provision of transport on faith grounds as the discrimination provisions on the grounds of age and religion or belief do not extend to transport arrangements. However, Thurrock Council does have a Public Sector Equality duty under the Equality Act 2010. The Council has, therefore, had due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when proposing and or carrying out any changes to Denominational Transport

Local authorities must publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. Such documents should explain both statutory transport provision, and that provided on a discretionary basis. Local authorities should also consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. Consultations should last for at least 28 working days during term time.

The Authority must have regard to the Department for Education's Home to School Travel and Transport Guidance, 2014. Legal services have worked closely with officers from 2012 on all the issues related to revising policies and practices and on the current draft policy. They have also advised on the consultations and duties under the Equality Act 2010.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**

Community Development and Equalities Manager

Public consultations have been held at various stages of the development of the policy around Education Transport. They enabled all stakeholders to engage in dialogue with Thurrock Council regarding a range of Education Transport issues. The consultations were held over periods of time that exceeded that recommended by the Department for Education and they also provided the empirical evidence required by Council officers to make numerous recommendations to Cabinet regarding Education Transport since October 2012. A Community Impact and Equality Assessment has also been carried out in order to ensure that proposed changes to the Education Transport policy have an overall positive equality impact as all children will be treated equally regardless of their religion, belief, or their ability.

7.4 Other implications

7.4.1 Impact of population growth on school places and transport policy

The growth of the population has led to an increasing demand for school places. This population growth and changing need within the borough may require us to review the policy more often than the annual review that takes place within current processes.

Any changes will be agreed through the Cabinet processes.

8. Background papers used in preparing this report

- Cabinet Report dated 9 March 2016.
- Children's Overview and Scrutiny Report dated 15 October 2015

9. Appendices to this report:

Education Transport Policy - please note that the policy has the application forms included for reference however these will be provided as separate documents on the Council's website once the draft has received approval.

Report Author:

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