

## Cabinet

16 September 2015

### Review of Home to School Transport Policy



---

#### Report of Corporate Management Team

**Rachael Shimmin, Corporate Director, Children & Adults Services**  
**Councillor Ossie Johnson, Cabinet Portfolio Holder for Children and Young People's Services**

---

#### Purpose of the Report

- 1 To seek Cabinet approval to begin consultation on proposed changes to home to school transport which would be implemented from 1 September 2016 to remove discretionary elements of the existing policy. This would make savings of approximately £740,000 as part of the Council's Medium Term Financial Plan (MTFP) across the period 2016/17 to 2018/19.

#### Background

- 2 The financial outlook for the Council continues to be extremely challenging. The final Coalition Government Budget in March 2015 identified the need for significant reductions in the spending of "unprotected" government departments over the 2016/17 to 2018/19 period. At that point, the forecasted impact on the Council's medium term financial plan was an additional funding reduction of £75m over the three year period with a £33m reduction in 2016/17.
- 3 The scale of the challenge faced by the Council remains significant with total funding reductions across the four year period 2016/17 to 2019/20 forecast to be £78m and with the Council also facing increased budget pressures with the introduction of a National Living Wage.
- 4 The position will remain uncertain however until November 2015 when we will receive details of the Government's Spending Review, which will detail the funding reductions to be faced by the Department for Communities and Local Government (DCLG). The Council is then expected to receive its draft financial settlement in December, at which point the forecasts reported to Cabinet in July will be updated.
- 5 By 31 March 2016, savings of £153.2m will have been realised since the beginning of austerity in 2011/12. It is presently forecast that this figure will be £256m by 2018/19 and exceeding £260m by 2019/20.

- 6 The Council's Home to School Transport Policy was last reviewed in 2010/11. This resulted in phased changes being implemented in September 2011 and September 2012.
- 7 The changes made at that time were:
- a. removal of a contribution towards all Post 16 students travel other than in specific circumstances (implemented 2011)
  - b. introduction of a charge for concessionary travel (implemented 2011)
  - c. increase the distance limit from 2 to 3 miles for entitlement to free transport to the nearest suitable school (implemented 2012)
  - d. removal of associated transport (implemented 2012)
  - e. removal of transport to faith schools (implemented 2012)
- 8 The combined impact of these changes resulted in savings of £5.9m realised across the period 2011/12 to 2015/16. The changes implemented in 2011 and 2012 were phased in, with transitional protection provided to students already in receipt of free transport when the changes were introduced. These changes did not remove all discretionary element of home to school transport. Given the ongoing budget reductions faced by the Council this paper seeks Cabinet agreement to consult on removing the remaining discretionary elements of the policy.

### **Provision of Travel Arrangements: Eligible Children**

- 9 The Education Act 1996 and Education and Inspections Act (EIA) 2006 sets out the duty on Local Authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.
- 10 The EIA 2006 defines eligible children – those categories of children of compulsory school age (5-16) for whom free travel arrangements will be required:

**(i) Statutory walking distances eligibility**

The Local Authority must provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is:

- Beyond 2 miles (if below the age of 8); or
- Beyond 3 miles (if aged between 8 and 16)

**(ii) Special educational needs, a disability or mobility problems eligibility**

The Local Authority must make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and / or disability.

**(iii) Unsafe route eligibility**

The Local Authority must make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.

**(iv) Extended rights eligibility**

The Local Authority to provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if:

- The nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
- One of their three or more nearest suitable schools, if that school is between 2 and 6 miles (for children age 11 -16);
- The nearest school preferred on the grounds of religion or belief, for pupils whose parents adhere to that particular faith, where that school is between 2 and 15 miles (for children aged 11 – 16)

## **Accompaniment**

- 11 In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', the local authority will need to consider whether the child could reasonably be expected to walk **if accompanied** and, if so, whether the child's parent can reasonably be expected to accompany the child. When considering whether a child's parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

## **Discretionary Arrangements: Travel Arrangements for other children**

- 12 The Education Act provides Local Authorities with discretionary powers to go beyond their statutory duties and provide transport for children who are not entitled to free transport. It is for individual Local Authorities to decide whether and how to apply this discretion as they are best placed to determine

local needs and circumstances. It is recognised that Local Authorities will need to balance the demands for a broad range of discretionary travel against their budget priorities

### **Post 16 Transport to Education and Training**

- 13 Local Authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the Local Authority considers necessary to facilitate the attendance of all Post 16 (16-18 year olds) receiving education or training.
- 14 The overall intention of the 16-18 transport duty is to:
  - i. Ensure that learners of sixth form age are able to access the education and training of their choice.
  - ii. Ensure that, if support for access is required, this will be assessed and provided where necessary.
- 15 The planning of transport at a local level should take into account the following recent changes:
  - i. Under the Education and Skills Act 2008, young people have been required, since June 2013, to stay in education or training for a further year after the compulsory school leaving age. From June 2015, this requirement was extended until their 18<sup>th</sup> birthday. To support the raising of the participation age local authorities have responsibility for promoting the effective participation in education and training of young people who are subject to the duty to participate.
  - ii. Under the September Guarantee, every young person aged 16 or 17 must be offered a suitable place in education or training.
  - iii. Increasingly young people will be undertaking apprenticeships and traineeships. The government has made it easier and faster for employers to recruit an apprentice and we would expect young people to benefit from continued expansion of the apprenticeships programme.
- 16 Ensuring that young people have access to the education and training provision that is commissioned at a local level will be essential in order to support these reforms.
- 17 The duty applies to all local authorities in England in respect of arrangements for young people (over compulsory school age) aged 16-18 and those continuing learners who started their programme of learning before their 19<sup>th</sup> birthday.
- 18 The legislation recognises that a local response to transport arrangements is important as it allows local circumstances to be taken into account. The legislation therefore gives Local Authorities the discretion to determine what transport and financial support are necessary to facilitate young people's

attendance. The Local Authority must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters.

### **Specific Consideration of Learners with Learning Difficulties and / or Disabilities**

- 19 The 16-18 transport duty relates to young people of sixth form age with learning difficulties and / or disabilities up to age 19 (and beyond age 19 if they are continuing on a particular course that they started before age 19).
- 20 The transport needs of young people with learning difficulties and / or disabilities should be reassessed when a young person moves from compulsory schooling to Post 16 education.
- 21 In terms of good practice, Independent Travel Training should be considered as part of the Council's transport policy, for the all-round benefits that it can bring for the young people in their personal development, development of life skills and independence, at the same time as having the potential to realise financial savings and providing support to young people in a more cost-effective way.

### **Personal Budgets**

- 22 The parent / carer of a child with an Education, Health and Care Plan, or the young person if he or she is between the ages of 16 and 25 years, has the right to request a personal budget for some or all of the provision. Transport would only be recorded in a Statement of Special Educational Needs or an Education, Health and Care Plan in exceptional circumstances. Transport costs could be considered as part of a personal budget if a child or young person is entitled to free home to school transport or post-16 transport assistance. In making a decision, the Council would have to be satisfied that:
  - Any different arrangements would meet the needs of the child or young person; and
  - No additional costs would be incurred by the County Council.

### **Current Position**

- 23 Durham County Council has continued to provide free transport to some groups of students beyond the statutory requirements.
- 24 The Council has recently reviewed these non-statutory elements of the Home to School Transport Policy to consider a range of options which would lead to continued support with home to school transport costs for families in exceptional circumstances and those in low income groups, at the same time as bringing the Council's policy in line with other authorities and realising savings for the Council.

## **Proposals for Consultation**

- 25 It is proposed that the council will consult on changes in three specific areas of discretionary financial support from the Council:
- (i) Free transport for students in Years 10 and 11 who move house during these important exam years;
  - (ii) Free transport for Post 16 students who have no access to a viable public transport system;
  - (iii) Free transport for Post 16 students who cannot travel independently due to a medical condition / disability;

26 **(i) – Year 10 and 11 Exam Movers**

It is proposed that the Council seeks the views of key stakeholders through consultation on a proposal to remove automatic entitlement to free transport if families move house when their children are in Year 10 or 11. Currently, there are 70 pupils benefit from this provision. This is similar to the numbers who received transport in this category in 2013/14 and 2012/13. It is accepted that there are likely to be exceptional circumstances where families have had to move house and may still need support with transport costs to enable a child/children to remain at the same school. In these important exam years, it is in the school's interest to retain pupils as well as being in the best interests of the pupils. In such circumstances, the council will liaise with schools to discuss what support can be provided. Criteria (attached as Appendix 2) will be used to consider exceptional circumstances which have led to a family having to move house. The council would continue to provide support to these families. A Hardship Fund would be established to enable financial support to be provided, where appropriate.

27 **(ii) – Post 16 Students with no access to a viable public transport system**

It is proposed that the Council seeks the views of key stakeholders through consultation, on a proposal to remove automatic entitlement to free transport where a student lives in an area with no access to a viable public transport system. Currently, there are 24 pupils benefit from this provision. In 2013/14 there were 22 students and in 2012/13 there were 19 students who received transport in this category. It is accepted that there may be exceptional circumstances where families will not be in a position to fund transport for their child and will still require support from the Council. In such circumstances criteria will be used to consider these exceptional circumstances (attached as Appendix 3). The proposed Hardship Fund will be used to provide funding, where appropriate in such circumstances.

28 **(iii) – Post 16 Students who cannot travel independently due to a medical condition / disability**

It is proposed that the Council should seek the views of key stakeholders through consultation, on a proposal to remove automatic entitlement to free transport through the Council's Home to School Transport Policy as it may be possible to support these students in other ways (attached as Appendix 4). Currently, there are 240 students benefit from this provision.

In 2013/14 there were 228 students and in 2012/13 there were 192 students who received transport. Numbers have been increasing as more students are staying in Post 16 education and there are more students with complex SEND needs who are attending Post 16 education provision.

The Special Educational Needs and Disability (SEND) Code of Practice makes clear the legislation which applies to children with SEND, in relation to transport costs. The requirements of the Children and Families Act 2014 and Section 508B of the Education Act 1996 will continue to be met irrespective of any proposed changes to transport arrangements.

The Council would make early contact with families when their child is in Year 11, through the established Special Educational Needs and Disability review process, prior to decisions being made about Post 16 education and training. Discussions about transport and how that could be provided will be a key aspect of the decision making process.

- 29 The proposals highlighted in this report for Post 16 transport are consistent with the Council's Adult Service Policy on transport eligibility. This policy refers to the duty on Local Authorities for the provision of transport under Section 508F of the Education Act 1996 to help young adults attend education institutions. Young adults are considered to be students up to the age of 25 years.

**Hardship Fund**

- 30 The council recognises the need to continue to support families so that Year 10/11 students and Post 16 students will be able to access education and training that is specific to their needs. There is no intention to remove financial support that would result in students missing out on educational opportunities due to lack of transport provision. On this basis, the council would retain a Hardship Fund to provide financial support, where necessary, dependent on individual family circumstances.
- 31 In addition, where the Council operates transport to a school for statutory school aged pupils, concessionary seats may be available for Post 16 students, at a cost of £1.50 per day. This represents a continued subsidy from the Council.

## Current Financial Position

32 The proposed changes to the Home to School Transport Policy which would be subject to consultation have the potential to realise MTFP savings of approximately £740,000 across a three year period. The table below provides an overview of the forecast savings over this 3 year period 2016/17 to 2018/19. The potential savings have taken account of the following:

- Transitional Protection – it is recommended that students who will have been receiving free transport under the respective options from September 2015 should continue to do so until they complete their existing course of study. Where students are on a two year course, this delays the saving by one year.
- Academic Years – any policy change will only be introduced from 1 September 2016. As such, a full year saving would not be achieved until financial year 2018/19 having taken into account both the academic year start date and the impact of transitional protection.

Savings	Forecast Savings			
	2016/17	2017/18	2018/19	Total
	£	£	£	£
<b>Option (i)</b> - Year 10/11 Exam Mover	33,000	50,000	17,000	100,000
<b>Option (ii)</b> - Post 16 Unable to Travel Independently because no public transport	13,000	20,000	7,000	40,000
<b>Option (iii)</b> - Post 16 Unable to Travel Independently due to SEND	200,000	300,000	100,000	600,000
Improved Commissioning	151,000	0	0	151,000
Hardship Fund	(50,000)	(75,000)	(25,000)	(150,000)
<b>TOTAL</b>	<b>347,000</b>	<b>295,000</b>	<b>99,000</b>	<b>741,000</b>

## Consultation / Timescales

33 It is proposed that consultation would begin across the Local Authority area and neighbouring authorities specifically targeted at those most likely to be affected by the proposals, in Autumn 2015.



- 34 A further report would be presented to Cabinet in Spring 2016 to enable Cabinet members to make a final decision on the proposals, to take account of consultation.
- 35 As it is a statutory requirement to publish Post 16 transport arrangements by the end of May each year, the statement for May 2016 will need to take account of any decisions that are to be made following a consultation.
- 36 The Council's Home to School Transport Policy for all students will be reviewed and a revised policy would be published for implementation from 1 September 2016, by 31<sup>st</sup> May 2016.

### **Equality Impact Assessment**

- 37 An Equality Impact Assessment (EQIA) has been undertaken to assess the impact on the groups most likely to be affected by the proposals. The EQIA is attached as Appendix 5.

There are potential impacts in terms of disability, gender, age and race/ethnicity. Removal of free travel for some home mover pupils will impact on young people in Year 10/11. Removal of taxi arrangements for some pupils/students will impact on young people with a medical condition over the age of 16 with a disproportionately higher impact on males. Removal of the link taxi arrangements for some pupils/students will impact on young people over the age of 16. Any potential impact on pupils will have a financial impact for their parents and/or carers.

The Equality Impact Assessment will be reviewed following the consultation.

### **Recommendations**

- 38 Cabinet is recommended to:
- (i) Agree to begin consultation on proposed changes to three elements of non-statutory provision:
    - (a) Year 10 and 11 pupils whose families move house during these exam years
    - (b) Post 16 students with no access to a viable public transport system
    - (c) Post 16 students who cannot travel independently due to a medical condition / disability.
  - (ii) Receive a further report in Spring 2016 following consultation.

### **Background papers**

None

---

**Contact: Sheila Palmerley Tel: 03000 265 731**

---

---

## Appendix 1: Implications

---

**Finance** – The proposed changes to the Home to School Transport Policy set out in this report would realise MTFP savings of approximately £740,000, across a three year period (2016/17 to 2018/19). The potential savings take into account transitional protection – students who will have been receiving free transport under the respective options outlined in the report from September 2015 would continue to do so until they complete their course of study. Where students are on a two year course, this delays the saving by one year. The profiling of savings also takes account of the impact of the academic years – any policy change agreed would only be introduced with effect from 1 September 2016. As such, a full year saving would not be achieved until financial year 2018/19.

**Staffing** – If the recommendations are approved, staff in the Council will be required to support families to maximise all opportunities for benefits assessment. Existing staff will continue to review unsafe walking routes and implement schemes to improve these, where appropriate.

**Risk** – If changes are not made to elements of Home to School Transport there is a risk that the Council's School Transport budget will continue to be significantly higher than other Local Authorities and savings that the Council is seeking to make may need to be taken from other areas of the Council's services which could have a greater impact on children and adults in local communities. Further risks are that young people will withdraw from Education and Training, attendance at school will decline and the number of students not in Education, Training or Employment will increase.

**Equality and Diversity / Public Sector Equality Duty** - As a public body, the Council must take into account the Equality Act 2010, a consolidating Act which brings together previous Acts dealing with discrimination. Decisions must be reviewed for potential impact on persons with "protected characteristics". An Equality and Diversity Impact Assessment has been carried out for each proposed change.

S.149 of the 2010 Act also lays down the Public Sector Equality Duty whereby from the 5 April 2011, local authorities and other organisations exercising public functions must have due regard to 3 key areas:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and
- Foster good relations between those who share a relevant protected characteristic and those who don't.

The relevant "protected characteristics" are: age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

There are potential impacts in terms of disability, gender, age and race/ethnicity. Removal of free travel for some home mover pupils will impact on young people in Year 10/11. Removal of taxi arrangements for some pupils/students will impact on young people with a medical condition over the age of 16 with a disproportionately higher impact on males. Removal of the link taxi arrangements for some pupils/students will impact on young people over the age of 16. Any potential impact on pupils will have a financial impact for their parents and/or carers.

The Equality Impact Assessment will be reviewed following the consultation.

**Accommodation** - None

**Crime and Disorder** - None

**Human Rights** – will not be affected by the proposals.

**Consultation** – details of the consultation are included in the main body of the report.

**Procurement** - None

**Disability Issues** – these are covered in the main body of the report.

**Legal Implications** – these are covered in the main body of the report.

**Option (i)**

**Year 10/11 Exam Movers**

It is proposed in the future that no Year 10 or 11 student would automatically receive free transport if the family moved during these important exam years.

There may be some instances where it is necessary for the Council to provide free transport. In these cases, the Council would consider exceptional circumstances and would examine any request made against a range of criteria i.e. if the move has been the result of:

- a) A significant change in family circumstances i.e. death of a parent / family caring role;
- b) The family fleeing domestic violence;
- c) A family member being assessed as having specific and significant requirements for an adapted property;
- d) The previous home being uninhabitable as a result of flood / fire etc.;
- e) A home being re-possessed.

This list is not exhaustive and cases will be considered on an individual basis.

**Option (ii)**

**Post 16 students with no access to a viable public transport system**

It is proposed in the future that no Post 16 student would automatically receive free transport to take them to the nearest viable public transport system.

An exception to this would be for students who would be eligible for Free School Meals (FSM) or whose families are eligible for funding through the national Extended Rights Policy. This is where parents receive their maximum level of Working Tax Credit. Consideration would also be given to families who qualify for Local Council Tax Reduction.

Using these criteria would enable those who do need financial support to continue to receive funding for transport to school / college. Others, who could afford to pay, would be expected to do so.

Families would also be encouraged to apply for funding via 16-19 bursary schemes and where schools / colleges assist with transport, as a number already do, families should apply for this financial support.

The Local Authority will ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided.

Although it is expected that students will attend their nearest school / college that offers the course a student wishes to follow, the Local Authority will consider each request for transport on a case by case basis to support access to a school / college that is most appropriate for each student.

The Local Authority will have regard to any preference an individual student may have for a particular institution based on their religion or belief.

**Option (iii)**

**Post 16 students who cannot travel independently due to a medical condition / disability**

It is proposed that in the future there would be no automatic entitlement to free transport for Post 16 students who cannot travel independently due to a medical condition / disability.

Students with SEND would be considered on a case by case basis and the Council would support families in the first instance in the following ways:

- To maximise opportunities for benefits assessment to ensure that families are supported from a range of sources.
- Support families to access Education Funding Agency (EFA) bursary funding.
- Help equip students to travel independently, where appropriate.

The Council would make early contact with families when their child is in Year 11, through the SEND review process, prior to decisions being made about Post 16 education and training. Discussions about travel assistance and how that could be provided will be a key aspect of the decision making process.

The Local Authority will ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided.

Although it is expected that students will attend their nearest school / college that offers the course a student wishes to follow, the Local Authority will consider each request for transport on a case by case basis to support access to a school / college that is most appropriate for each student.

The Local Authority will have regard to any preference an individual student may have for a particular institution based on their religion or belief.

## Durham County Council – Altogether Better equality impact assessment form

**NB: Equality impact assessment is a legal requirement for all strategies plans, functions, policies, procedures and services. We are also legally required to publish our assessments. You can find help and prompts on completing the assessment in the guidance from page 7 onwards.**

### Section one: Description and initial screening

<b>Section overview: this section provides an audit trail.</b>	
<b>Service/team or section:</b> CAS, School Admissions and Transport Team	
<b>Lead Officer:</b> Strategic Manager, School Places and Admissions	<b>Start date:</b> 15 April 2015
<p><b>Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate)</b></p> <p><b>Changes to home to school/college transport policy for:</b></p> <ul style="list-style-type: none"> <li>• Exam movers</li> <li>• Post 16 – Medical needs</li> <li>• Post 16 – Link Taxi Provision</li> </ul> <p>Durham County Council’s home to school/college transport policy provides the framework under which free travel can be awarded. The Authority has a duty to provide free transport for ‘eligible children’ under Schedule 35B, Education Act 1996 (as amended).</p> <p><b>Exam Movers</b> The Council’s policy provides free travel to allow, typically, Year 10/11 pupils to remain at the same school to complete their GCSE’s if the family moved house, where the pupil was attending the nearest suitable school prior to the house move.</p>	

The proposal is to remove the automatic entitlement under the Council's policy to free travel for these pupils, save for those where there are exceptional circumstances, for example, the move has been a result of:

- A significant change in family circumstances i.e. death of a parent/ family caring role;
- The family fleeing domestic violence;
- A family member being assessed as having specific and significant requirements for an adapted property;
- The previous home being uninhabitable as a result of flood/fire etc.
- A home being re-possessed.

This list is not exhaustive.

The Council would retain discretion to consider each case on an individual basis and determine if a payment from a dedicated Hardship Fund made available by the Council for such support is warranted. Additionally an assessment of a family's ability to pay would be made.

### **Post 16 Medical Needs**

Pupils and students aged 16-19 are not classified as 'eligible children' under the Act, however, the Authority provides, on a discretionary basis, automatic entitlement to travel assistance for full time students commencing a course before the age of 19 where they are unable to travel independently because of a medical condition. The travel assistance is in the form of taxi provision from the pupil/student's home to the place of study.

The proposal is to remove the automatic entitlement under the Council's policy to free taxi transport for those pupils/students with a medical condition, but to support families to maximise opportunities for benefits assessment. Examples of benefits that could possibly be used to help with home to school/college transport are:

- The Higher Rate Mobility Component of the Disability Living Allowance
- A Personal Independence Payment
- Other financial support because of a disability

An assessment of a family's ability to pay would be made to enable those who do need financial support to continue to receive a level of funding required from a dedicated Hardship Fund established by the Council.



**Post 16 Link Taxi Provision**

Pupils and students aged 16-19 are not classified as 'eligible children' under the Act, however, the Authority provides, on a discretionary basis, automatic entitlement to travel assistance for full time students commencing a course before the age of 19 where they are unable to travel independently because of the lack of a viable public transport system. The travel assistance is largely in the form of taxi provision which provides a link from the pupil/student's home to the nearest public transport service.

The proposal is to remove the automatic entitlement under the Council's policy to free link taxi transport for those pupils/students unable to access a viable public transport system, save for those from low income families. An assessment of a family's ability to pay would be made to enable those who do need financial support to continue to receive a level of funding required from a dedicated Hardship Fund established by the Council. In addition, where the Council operates transport to a school for statutory school aged pupils, concessionary seats may be available for Post 16 students, at a cost of £1.50 per day.

The Local Authority will ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided. Although it is expected that students will attend their nearest school/college that offers the course a student wishes to follow, the Local Authority will consider each request for transport on a case by case basis to support access to a school/college that is most appropriate for each student. The Local Authority will have regard to any preference an individual may have for a particular institution based on their religion or belief.

**Who are the main stakeholders: General public / Employees / Elected Members / Partners/ Specific audiences/Other (please specify) –**

The general public, young people and their parents who move home (typically those who move during Year 10/11 of the pupil's schooling), young people including those with medical conditions and their parents who apply for post 16 home to school/college transport.

**Is a copy of the subject attached?** Yes – a copy of the Council's current Home to School/College Transport Policy is attached at Appendix 1.

**If not, where could it be viewed?**

## Initial screening

Prompts to help you:

Who is affected by it? Who is intended to benefit and how? Could there be a different impact or outcome for some groups? Is it likely to affect relations between different communities or groups, for example if it is thought to favour one particular group or deny opportunities for others? Is there any specific targeted action to promote equality?

### Is there an actual/potential negative or positive impact on specific groups within these headings?

Indicate :Y = Yes, N = No, ?=Unsure

Gender	Y	Disability	Y	Age	Y	Race/ethnicity	N	Religion or belief	?	Sexual orientation	?
--------	---	------------	---	-----	---	----------------	---	--------------------	---	--------------------	---

### How will this support our commitment to promote equality and meet our legal responsibilities?

Reminder of our legal duties:

- Eliminating unlawful discrimination & harassment
- Promoting equality of opportunity
- Promoting good relations between people from different groups
- Promoting positive attitudes towards disabled people and taking account of someone's disability, even where that involves treating them more favourably than other people
- Involving people, particularly disabled people, in public life and decision making

Removal of the free travel for some home mover pupils will impact on young people in, typically, Year 10/11. Removal of taxi arrangements for some pupils/students will impact on young people with a medical condition over the age of 16. Removal of the link taxi arrangements for some pupils/students will impact on young people over the age of 16. Mitigation for potential negative effects is detailed in the evidence section below.

Formal consultation on proposals will take place in Autumn 2015 prior to a decision being made in Spring 2016 for implementation in September 2016. The consultation will be advertised, to include an outline of the proposals and an explanation of how to submit comments. In addition, a notice will appear in the local press. Responses will be able to be made on-line through the County Council's website or by completing a consultation response questionnaire. We intend to consult with those listed in Appendices 2 and 3.

## **What evidence do you have to support your findings?**

### **Exam Movers**

An initial assessment has been undertaken of all pupils currently receiving free transport because of a house move, see Appendix 2, although implementation of this change would be in respect of new applicants only.

There is no legal responsibility to provide free travel for pupils who move home in, typically, Year 10/11 to enable them to remain at the same school. The proposal will not affect those families where the move has been the result of exceptional circumstances and there is an inability of the family to fund the travel to the existing school, as an assessment of a family's ability to pay would be made to enable those who do need financial support to continue to receive a level of funding required from a dedicated Hardship Fund established by the Council. Others where there were no exceptional circumstances or where there were exceptional circumstances but the family could afford to pay would be expected to do so. There is also an expectation that the family approaches the school to ascertain if there would be any support which could be available. It is in the schools best interests to retain pupils within the exam years, as well as being in the best interest of the pupils.

### **Post 16 Medical Needs**

An initial assessment has been undertaken of all pupils/students currently accessing taxi provision by reason of a medical condition, see Appendix 2, although implementation of this change would be in respect of new applicants only. Mitigation for any negative effects is detailed below.

There is no legal responsibility to provide free travel for post 16 pupils/students. The proposal is not likely to affect take up of post 16 educational opportunities as the Council would liaise with families to ensure that they access all opportunities for benefits assessment. Those who do need financial support would be awarded this from a dedicated Hardship Fund established by the Council.

The Council will work with schools and colleges to seek to promote a programme of Independent Travel Training that could become part of pupil/students' Year 9/10/11 curriculum, which may remove the need for taxi transport to be provided post 16. It is noted that for some pupils/students independent travel training would not be appropriate due to their complex needs.

**Post 16 Link Taxi Provision**

An initial assessment has been undertaken of all pupils/students currently accessing, largely, link taxi provision, see Appendix 2, although implementation of this change would be in respect of new applicants only. Mitigation for any negative effects is detailed below.

There is no legal responsibility to provide free travel for post 16 pupils/students. The proposal is not likely to affect take up of post 16 educational opportunities for those unable to fund the whole cost of the link taxi arrangements, as an assessment of a family's ability to pay would be made to enable those who do need financial support to continue to receive a level of funding required from a dedicated Hardship Fund established by the Council. Others who could afford to pay would be expected to do so.

**Decision: Proceed to full impact assessment – Yes Date: 15.4.15**

**If you have answered 'No' you need to pass the completed form for approval & sign off.**

## Section two: Identifying impacts and evidence- Equality and Diversity

<b>Section overview: this section identifies whether there are any impacts on equality/diversity/cohesion, what evidence is available to support the conclusion and what further action is needed.</b>			
	Identify the impact : does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
<b>Gender</b>	<p><b>1.Moved in Exam Years</b> The gender split of young people entitled to transport because they moved in exam years varies from the school population. However, this is not a statistically significant variation.</p> <p><b>2.Post 16 - Medical</b> The gender split of post 16 young people entitled to medical transport varies significantly from the school population, therefore its removal or a reduction in contribution would have a higher than expected negative impact on males (and a corresponding lower than expected negative impact on females).</p> <p><b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b> Although the gender split of current post 16 young people entitled to 'no</p>	<p><b>Baseline Overall School population</b> Overall School Population;</p> <ul style="list-style-type: none"> <li>• 50.85% are Male</li> <li>• 49.15% are Female.</li> </ul> <p><b>1.Moved in Exam Years</b> Current Cohort <b>66</b> pupils:</p> <ul style="list-style-type: none"> <li>• 43.93% are Male.</li> <li>• 56.06% are Female.</li> </ul> <p><b>2.Post 16 - Medical</b> Current cohort <b>232</b> pupils:</p> <ul style="list-style-type: none"> <li>• 60.34% are Male.</li> <li>• 39.66% are Female.</li> </ul> <p><b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b> Current cohort <b>36</b> pupils:</p> <ul style="list-style-type: none"> <li>• 36.11% are Male.</li> <li>• 63.89% are Female.</li> </ul>	<p>Formal consultation on proposals.</p> <p>An assessment of a family's ability to pay would be made to enable those who do need financial support to continue to receive a level of funding required from a dedicated Hardship Fund established by the Council.</p> <p>Council will liaise with families to ensure that they maximise all funding streams/benefits.</p> <p>The Council will work</p>

	<p>viable public transport' varies from the school population (presently a greater proportion of females), conclusions cannot be drawn from this due to the low numbers of pupils affected.</p>		<p>with schools and colleges to seek to promote a programme of Independent Travel Training that could become part of pupil/students' Year 9/10/11 curriculum, which may remove the need for taxi transport to be provided post 16. It is noted that for some pupils/students independent travel training would not be appropriate due to their complex needs.</p>
<p><b>Age</b></p>	<p><b>All Categories</b>  Overall school population figures are not a useful comparator as young people receiving any free travel within the 3 categories do not form a subset of the school population. Useful analysis therefore cannot be carried out, but it can be assumed that the removal or a reduction in contribution of the award would negatively impact.</p> <p>Any potential impact on pupils will have</p>	<p><b>1.Moved in Exam Years</b>  Current cohort;</p> <ul style="list-style-type: none"> <li>• 30.30% are aged 14.</li> <li>• 69.70% are aged 15.</li> </ul> <p><b>2.Post 16 - Medical</b>  Current cohort;</p> <ul style="list-style-type: none"> <li>• 38.79% are aged 16.</li> <li>• 33.62% are aged 17.</li> <li>• 25.43% are aged 18.</li> <li>• 2.16% are aged 19.</li> </ul>	<p>As above</p>

	<p>a financial impact for their parents and/or carers.</p>	<p><b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b> Current cohort;</p> <ul style="list-style-type: none"> <li>• 58.33% are aged 16.</li> <li>• 38.89% are aged 17.</li> <li>• 2.78% are aged 18.</li> </ul>	
<b>Disability</b>	<p><b>1.Moved in Exam Years</b> The current cohort does not vary significantly from the total school population in terms of disability.</p> <p><b>2.Post 16 - Medical</b> The proportion of young people receiving support through School Action, School Action Plus, SEN Support, EHCP or with statements of Special Educational Needs and also entitled to the Post-16 Medical Transport is significantly higher than the total school population. Removal or a reduction in contribution would have a significant negative impact on young people with disabilities, if mitigating actions are not put in place.</p> <p><b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b> The current cohort does not vary</p>	<p><b>Baseline Disability Data</b> Overall school population;</p> <ul style="list-style-type: none"> <li>• 81.05% of pupils in Durham are non SEN.</li> <li>• 18.95% are School Action/School Action Plus/SEN Support or have an EHCP or statement of special educational needs.</li> </ul> <p><b>1.Moved in Exam Years</b> Current cohort;</p> <ul style="list-style-type: none"> <li>• 83.33% of pupils are non SEN.</li> <li>• 16.67% are School Action/School Action Plus/SEN Support or have an EHCP or statement of special educational needs.</li> </ul> <p><b>2.Post 16 - Medical</b> Current cohort;</p> <ul style="list-style-type: none"> <li>• 6.90% of pupils are non SEN.</li> <li>• 93.10% are School Action/School Action Plus/SEN</li> </ul>	As above

	<p>significantly from the total school population.</p>	<p>Support or have an EHCP or statement of special educational needs.</p> <p><b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b> Current cohort;</p> <ul style="list-style-type: none"> <li>• 94.44% of pupils are non SEN.</li> <li>• 5.56% are School Action/School Action Plus/SEN Support or have an EHCP or statement of special educational needs.</li> </ul>	
<b>Race/Ethnicity</b>	<p><b>1.Moved in Exam Years</b> Data of sufficient quality for analysis is not available in terms of race for this cohort.</p> <p><b>2.Post 16 - Medical</b> White British young people would be negatively impacted more than would be expected.</p> <p><b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b> White British young people would be negatively impacted more than would be expected.</p>	<p><b>Baseline Race/Ethnicity Data</b> Overall school population;</p> <ul style="list-style-type: none"> <li>• The largest ethnic group in Durham is White British with 95.37% in this group.</li> <li>• All other ethnic groups have below 1.2%.</li> </ul> <p><b>1.Moved in Exam Years</b> Insufficient data</p> <p><b>2.Post 16 - Medical</b> Current cohort;</p> <ul style="list-style-type: none"> <li>• 100% White British</li> </ul> <p><b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b> Current cohort;</p> <ul style="list-style-type: none"> <li>• 100% White British</li> </ul>	As above



<p><b>Religion or belief</b></p>	<p><b>All Categories</b>  As religion or belief data is not collected in the school census comparison is not possible.</p> <p>The Local Authority will ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided. Although it is expected that students will attend their nearest school/college that offers the course a student wishes to follow, the Local Authority will consider each request for transport on a case by case basis to support access to a school/college that is most appropriate for each student.</p>	<p><b>1.Moved in Exam Years</b>  Current cohort;</p> <ul style="list-style-type: none"> <li>• 43.93% are Christian</li> <li>• 24.24% have no religion</li> <li>• 19.69% the religion is unknown</li> <li>• 6.06% are Anglican</li> <li>• 6.06% are Roman Catholic</li> </ul> <p><b>2.Post 16 - Medical</b>  Current cohort;</p> <ul style="list-style-type: none"> <li>• 51.72% are Christian</li> <li>• 18.10% have no religion</li> <li>• 10.34% the religion is unknown</li> <li>• 8.62% are Anglican</li> <li>• 4.74% are of other religion</li> <li>• 4.31% are Roman Catholic</li> <li>• 1.29% are Methodist</li> <li>• 0.86% are Church of England</li> </ul> <p><b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b>  Current cohort;</p> <ul style="list-style-type: none"> <li>• 47.22% are Christian</li> <li>• 25.00% the religion is unknown</li> <li>• 11.11% have no religion</li> <li>• 5.56% are of other religion</li> <li>• 5.56% are Anglican</li> <li>• 5.56% are Methodist</li> </ul>	<p>As above</p> <p>The Local Authority would have regard to any preference an individual may have for a particular institution based on their religion or belief.</p>
----------------------------------	---	--	---

<b>Sexual orientation</b>	Data not collected	Data not collected	As above
---------------------------	--------------------	--------------------	----------

<b>How will this promote positive relationships between different communities?</b>

### Section three: Review and Conclusion

**Summary:** please provide a brief overview, including impact, changes, improvements and any gaps in evidence.

There are potential impacts in terms of disability, gender, age and race/ethnicity. Removal of the free travel for some home mover pupils will impact on young people in, typically, Year 10/11. Removal of taxi arrangements for some pupils/students will impact on young people with a medical condition over the age of 16 with a disproportionately higher impact on males. Removal of the link taxi arrangements for some pupils/students will impact on young people over the age of 16. Any potential impact on pupils will have a financial impact for their parents and/or carers.

Formal consultation on proposals will take place in Autumn 2015 prior to a decision being made in Spring 2016 for implementation in September 2016. This EIA will be re-visited post consultation.

Action to be taken if consultation is agreed	Officer responsible	Target Date	In which plan will this action appear
Formal consultation on proposals.	Within Children and Adults Services	Commencing September 2015	
An assessment of a family's ability to pay would enable those who do need financial support to continue to receive a level of funding required from a dedicated Hardship Fund established by the Council.	Within Children and Adults Services		
The Local Authority would have regard to any preference an individual may have for a particular institution based on their religion or belief.	Within Children and Adults Services		
Council would liaise with families to ensure that they access all opportunities for benefits assessments.	Within Children and Adults Services		

<p>The Council would work with schools and colleges to seek to promote a programme of Independent Travel Training that could become part of pupil/students' Year 9/10/11 curriculum, which may remove the need for taxi transport to be provided post 16.</p>	<p>Within Children and Adults Services</p>		
<p>When will this assessment be reviewed?</p>	<p>Date: Post consultation and prior to Spring 2016 decision</p>		
<p>Are there any additional assessments that need to be undertaken in relation to this assessment?</p>	<p>No</p>		
<p>Lead officer - sign off: Strategic Manager, School Places and Admissions</p>			<p>Date: 11.6.15</p>
<p>Service equality representative - sign off: Strategic Manager, Quality and Development</p>			<p>Date:</p>

**Please email your completed Impact Assessment to the Equality team - [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk).**

### DURHAM COUNTY COUNCIL CHILDREN AND ADULTS SERVICES

#### HOME TO SCHOOL/COLLEGE TRANSPORT POLICY EFFECTIVE FROM 1 SEPTEMBER 2012

**(Please note that the home to school transport policy is under review and some elements of provision may not be available from September 2015)**

#### Introduction

1. This publication is designed to provide information and guidance on the home to school/college travel policy of Durham County Council for pupils and students of different ages. Its purpose is to provide parents, pupils, and students with a clear indication of whether they or their child will qualify for free home to school/college travel. However, it is important to note that all applications for free transport will be assessed by the County Council and parents and students should not assume it will be made available until notification has been received in writing from the County Council.
2. This policy could be subject to change if new legislation is introduced by the Government. From time-to-time it could also be amended by the County Council, following consultation.
3. The County Council wishes to work in partnership with those for whom it provides services. If you wish to comment on the policy or this publication please write to the Corporate Director, Children and Adults Services (marked School Admissions and Transport Team), Children and Adults Services, County Hall, Durham, DH1 5UJ.

## General Principles Applying to Free Travel

4. This policy applies to Durham County Council's duty to provide "home to school" travel arrangements at the start of the day, and "school to home" travel arrangements at the end of the day. A child's "home" is the place where he/she is habitually and normally resident. Where pupils reside at more than one address, the home address will be deemed as that where the parent receives child benefit unless the contrary is proved by the parent. The Authority will issue only one bus pass from one address during an academic year. Where there is joint custody for which both parents qualify, individual agreements will be reached between both parents and the Authority as to which address will be used.
5. To qualify for free travel pupils and students of compulsory school age are required to attend the nearest suitable school. Free travel will only be made available in exceptional circumstances to other than the nearest suitable school. You are advised to take this into consideration when applying for a school place. "Suitable school" throughout this policy is defined and in accordance with paragraphs 38 and 39.
6. The County Council will provide free travel for pupils of compulsory school age, who live beyond a reasonable walking distance from the nearest suitable school, provided that they attend that school. For pupils aged under 8 years the maximum walking distance has been determined by legislation to be two miles and for pupils aged 8 to 16 years as three miles.
7. The County Council does not have a similar duty to provide free travel for children attending nursery units/schools or for post compulsory school age students.
8. In assessing home to school distance the County Council measures by the shortest walking route. Routes are measured from the centre point\* of the child's house, or in the case of a flat from the centre point\* of the building, to the nearest school site entrance. A Geographic Information System (GIS) is used to identify and measure the shortest walking route. The GIS identifies routes on the Ordnance Survey Integrated Transport Network (ITN) and Urban Paths Network (UPN), which are national recognised datasets. The LA will not include any other routes. In all cases the GIS identifies the route to be measured by connecting in a straight line the centre point\* of the child's house to the closest point on the nearest route on the ITN/UPN. \*In accordance with the co-ordinates of the Basic Land and Property Unit on the National Land and Property Gazetteer.

With the exception of Greenfield Community College and Sunnydale Community College, where a school operates on two sites, the site the pupil will attend for the majority of the academic year for which transport is applied will be the one used for the purpose of measurement of home to school distance. The County Council may have a duty to provide free travel where the home to school distance is less than the maximum walking distance and where the home to school walking route has been assessed as unsafe. The courts have held that a route is available if a child, accompanied as necessary, can walk along it with reasonable safety. The County Council has an agreed policy on the criteria to be used when assessing whether a route is unsafe and will apply this policy in all circumstances. All walking routes are periodically reviewed to determine if they are suitable, if a route can be made suitable, or if an alternative suitable walking route can be identified.

9. The County Council is required to provide reasonably safe home to school travel. Occasionally some pupils exhibit poor behaviour on school buses and public service operations. This behaviour may put that pupil and other pupils travelling on the same vehicle at risk. Where this happens the County Council endeavours to take all reasonable measures to overcome this problem. Occasionally, however, it may be necessary to restrict home to school transport arrangements for pupils where this difficulty cannot easily be resolved and the behaviour of that pupil puts themselves and/or others at risk of harm.
10. The County Council endeavours to ensure reasonable pupil behaviour on vehicles used for home to school travel. Where pupils cause wilful damage to those vehicles, however, the County Council reserves the right to restrict home to school travel provision and, where appropriate, hold parents responsible for any damage their children cause to vehicles and other property.
11. The County Council provides free travel on the basis of information made available by parents and students. The County Council reserves the right to request reasonable written evidence to verify information supplied to it before an award of free travel is made.
12. Should any information made available to the County Council be deemed to be inaccurate the County Council reserves the right to remove the provision of free travel and to seek reasonable compensation for the cost of any travel that has been provided.
13. Parents have a right to express a preference for the school they wish their child to attend and the relevant admission authority is required to offer a place in accordance with that preference if a place is available. Local authorities are not required to provide free travel if the parent makes a choice to send their child to a school that is not the nearest suitable

school.

14. Free travel may be made available by the County Council outside the scope of the general policy in individual and exceptional circumstances (see paragraphs 5 and 28(b) for more information). If you feel that there are exceptional and individual reasons why you or your child should be provided with free travel, you should write to the Senior Officer, School Admissions and Transport, Children and Adults Services, County Hall, Durham, DH1 5UJ and explain what these circumstances are and provide as much written evidence to support your request as is possible.
15. In determining whether a child should receive free or supported school travel, and how this is provided, the County Council will consider the issues of cost and value for money for the County Council in coming to any decision. Such consideration can not, of course, remove any legal duty on the Council.

#### **Free Travel for Pupils Attending Primary Schools**

16. In law free travel is generally made available to enable pupils to attend the nearest suitable primary school where the home to school distance is over two miles for children up to the age of 8 years; and where the distance is over three miles for pupils of 8 years and over. Durham County Council has agreed that the 3 mile limit will not apply on the child's 8<sup>th</sup> birthday but will be from the start of the academic year after the child reaches the age of 8 years (i.e. usually from the commencement of Year 4).
17. For children aged 8 but under age 11, who are eligible for free school meals, or whose parents receive their maximum level of Working Tax Credit, free transport will be provided to their nearest suitable school, if that school is more than two miles from the child's home.

#### **Free Travel for Pupils Attending Secondary Schools Aged 11 to 16 Years**

18. Free travel is generally made available to enable pupils to attend the nearest suitable school where the home to school distance is over three miles.
19. For children transferring to secondary school who are eligible for free school meals, or whose parents receive their



maximum level of Working Tax Credit, free transport will be provided to:

- One of their three nearest qualifying secondary schools, if that school is more than two but less than six miles from the child's home; or
- The nearest secondary school preferred because of your \*religion or belief for pupils whose parent(s) adhere to that particular faith, where that school is more than two but less than 15 miles from the child's home.

\*For this purpose, parental adherence to the Roman Catholic faith has been defined as where at least one parent and the pupil are baptised Roman Catholic; and to the Anglican faith where at least one parent is a confirmed Anglican and the pupil is a baptised Anglican.

The six mile upper limit to a choice of schools and the 15 mile upper limit to a school preferred on the grounds of religion or belief are not walking routes therefore these routes will be measured along road routes.

20. In addition, free travel may be made available to allow, typically, Year 10 and 11 pupils to remain at the same school to complete their GCSE studies following a house move by their parents, where the pupil was attending the nearest suitable school prior to the move.

### **Free Travel for Pupils and Students with a Statement of Special Educational Needs or Education, Health and Care Plan**

21. Free travel is generally made available to enable pupils with a Statement of Special Educational Needs or an Education, Health and Care Plan to attend the nearest suitable primary or secondary school and where the home to school distance is over two miles for pupils aged under 8 (but Durham County Council will provide this up until the start of the academic year after their 8<sup>th</sup> birthday), or more than three miles for pupils aged 8 to 16 years.
22. A number of mainstream schools have specialist provision for children and young people with particular types of special educational needs. Children and young people do not require a Statement of Special Educational Needs or an Education, Health and Care Plan to be considered for a place in an enhanced mainstream provision school. For pupils and students offered a place in an enhanced mainstream provision, free travel is generally made available to the nearest suitable primary or secondary school with that type of provision and where the home to school distance is over two miles for pupils aged under 8 (but Durham County Council will provide this up until the start of the academic year

after their 8<sup>th</sup> birthday), or more than three miles for pupils aged 8 to 16 years.

23. Where a decision is taken that a child or young person should attend a Special School, free travel will be made available to the nearest suitable Special School, identified by the Authority, and where the home to school distance is over two miles for pupils aged under 8 (but Durham County Council will provide this up until the start of the academic year after their 8<sup>th</sup> birthday), or more than three miles for pupils aged 8 to 16 years.

### **Personal Budgets**

24. The parent/carer of a child with an Education, Health and Care Plan, or the young person if he or she is between the ages of 16 and 25 years, has the right to request a personal budget for some or all of the provision. Transport would only be recorded in a Statement of Special Educational Needs or an Education, Health and Care Plan in exceptional circumstances. Transport costs could be considered as part of a personal budget if a child or young person is entitled to free home to school transport or post-16 transport assistance. In making a decision, Durham County Council would have to be satisfied that:
  - Any different arrangements would meet the needs of the child or young person; and
  - No additional costs would be incurred by the County Council.

### **Travel Assistance for Students Attending Post Compulsory Education Aged Over 16 Years**

25. Post 16 students who, in the view of the Local Authority, are unable to travel independently, e.g. are unable to access a viable public transport system or by reason of a medical condition, will receive assistance with transport.
26. Travel assistance is not made available for part-time students (i.e. those studying less than 15 guided learning hours per week over a 30 week period) and students who commence a programme of learning after their nineteenth birthday. Students attending independent fee-paying establishments are not entitled to travel assistance.
27. Post 16 students have the option to apply for a concessionary seat on a school vehicle operating into a school with sixth form provision (see paragraph 32(a)).

## **Free Travel in Other Circumstances**

28. Free travel may be made available for pupils of statutory school age who attend the nearest suitable school when they live under the maximum walking distance from that school in the following circumstances:

(a) ***Based on an Assessment of whether the Walking Route is Safe***

Free travel may be made available for pupils if the walking route from home to the nearest suitable school is assessed by the County Council to be unsafe. If a walking route is assessed as unsafe it is not deemed to be available for use by pupils. Such walking routes are, therefore, not taken into account in assessing the home to school travel distance. You should note that the Courts have held that a route is available if a child, accompanied as necessary, can walk it with reasonable safety to school. The County Council has an agreed policy on the criteria to be used when assessing whether a route is unsafe and will apply this policy in all circumstances. All walking routes are periodically reviewed to determine if they are suitable, if a route can be made suitable, or if an alternative suitable walking route can be identified.

(b) ***Exceptional and Individual Circumstances***

Free travel may be made available outside the scope of the normal home to school/college travel policy in exceptional and individual circumstances. If you feel that there are exceptional and individual reasons why you or your child should be provided with free travel you should write to the Senior Officer, School Admissions and Transport, Children and Adults Services, County Hall, Durham, DH1 5UJ and explain what these circumstances are and provide as much written evidence to support your request as is possible. The Senior Officer's decision will be confirmed in writing.

## **Types of Free Travel**

29. Free travel may be made available through a seat on a school contract vehicle (bus or taxi) or by the provision of a bus pass for use on a public service bus, at the discretion of the County Council. Escorts on vehicles are only provided for those pupils who have a Statement of Special Educational Needs or an Education, Health and Care Plan and only where these identify the need for escort provision.

30. Other arrangements, including the payment of daily fares, may be made at the discretion of the County Council.

31. The type of free travel provided may, at the discretion of the County Council, change during the period of schooling of any child. Travel arrangements are reviewed periodically during the academic year to ensure best value and appropriate arrangements for entitled travellers. Where it is necessary to change travel arrangements during an academic year, a minimum of two weeks notice will be given prior to the implementation of new arrangements.

### **Assistance with Home to School Travel Costs**

32. Where free travel is not normally made available by the County Council assistance with home to school/college travel may be available in the following circumstances:

(a) ***Concessionary Travel***

Where places surplus to the requirements of the County Council are available on school busses they may be made available for use by any pupil or student. This type of support with travel is referred to as “concessionary” travel within County Durham. The County Council is not under any obligation to make concessionary travel places available and may charge for such places. The charge for concessionary travel is £1.50 per day, which may be paid in instalments. The charge is subject to review and may be increased prior to the start of the academic year. For further information on concessionary travel please contact Sustainable Transport, telephone 03000 264444 or email [sustainabletransport@durham.gov.uk](mailto:sustainabletransport@durham.gov.uk)

(b) ***Students attending Specialist Residential Colleges***

Transport will be provided at the beginning and end of each term in the academic year, i.e. a total of 12 single journeys will be funded.

(c) ***Other Situations***

The County Council will not normally provide assistance with travelling expenses in other situations. However, for those who are not entitled to free transport or assistance under this policy, further public transport options may be available to help a pupil or student attend school or college. For further information please contact Sustainable Transport, email [sustainabletransport@durham.gov.uk](mailto:sustainabletransport@durham.gov.uk), telephone 03000 264546.

## **Appeals Process**

33. The County Council has a two stage appeal process for parents/carers who wish to challenge a decision about:

- the transport arrangements offered;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route

### **Stage 1 – Review by a Senior Officer**

34. Parents/carers have 20 working days to appeal against the decision about home to school transport made by the Local Authority. Parents should write to the Senior Officer, School Admissions and Transport, Children and Adults Services, County Hall, Durham, DH1 5UJ, detailing why the decision should be reviewed, giving details of any personal/family circumstances and including any supporting evidence to be considered. Within 20 working days of receipt of this letter parents will be advised in writing of the Senior Officer's decision.

### **Stage 2 – Review by an Independent Appeal Panel**

35. Parents/carers have 20 working days from the receipt of the Local Authority's Stage 1 written decision notification to make a written request to escalate the matter to Stage 2. Within 40 working days of receipt of the parents request an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case and will give a detailed written notification of the outcome within 5 working days.

36. Parents/carers can complain to the Local Government Ombudsman only if they consider that:

- there was a failure to comply with the procedural rules or
- if there are any other irregularities in the in the way the appeal has been handled.

37. If a parent/carer considers the decision of the Independent Panel to be flawed on public law grounds, the parent may also apply for judicial review.

### **The Definition of Suitable School**

38. A suitable school is the maintained school or academy which, in the view of the County Council, offers an efficient full-time education suited to the age, ability, aptitude and any special educational needs of the pupil and at which there is a place available for the pupil. Individual subject choices will not be considered in determining the nearest suitable school. For pupils whose nearest suitable school is in a neighbouring authority, the County Council will, if the parent would prefer a school place in County Durham for their child, also provide free transport to the nearest suitable school within County Durham, providing that other eligibility criteria (e.g. distance) are met.
39. If the nearest suitable school is a Voluntary Aided maintained school, transport will be provided over the distance limit (see paragraph 6) to this and to the nearest suitable non Voluntary Aided maintained school.

## Appendix 2

29/05/15 Performance & Data Team

*Please note: all overall population data is taken from the Spring 2015 school census, almost all cohort information is taken from EMS. This means that the cohort is mostly not included in the population figures, and the cohort information may be out of date. This is the most accurate data available, and will be sufficient to inform this assessment.*

### **1.Moved in Exam Years**

(cohort 66 pupils)

#### **Gender**

Overall School Population;

- 50.85% are Male
- 49.15% are Female.

This cohort;

- 43.93% are Male.
- 56.06% are Female.

The gender split of young people entitled to transport because they moved in exam years varies from the school population. However, this is not a statistically significant variation.

#### **Disability**

Overall school population;

- 81.05% of pupils in Durham are non SEN.
- 18.95% are School Action/School Action Plus/SEN Support or have an EHCP or statement of special educational needs.

This cohort;

- 83.33% of pupils are non SEN.

- 16.67% are School Action/School Action Plus/SEN Support or have an EHCP or statement of special educational needs.

The cohort does not vary significantly from the total school population.

## **Age**

This cohort;

- 30.30% are aged 14.
- 69.70% are aged 15.

Overall population figures are not a useful comparator in this context as young people who moved in exam years do not form a subset of the school population. Analysis therefore cannot be carried out, but it can be assumed that the removal or a reduction in contribution of the award would negatively impact on this group as a whole.

## **Race/Ethnicity**

Data of sufficient quality for analysis not available for this heading as ethnicity could not be reliably obtained for 15% of the cohort

## **Religion or belief**

This cohort;

- 43.93% are Christian
- 24.24% have no religion
- 19.69% the religion is unknown
- 6.06% are Anglican
- 6.06% are Roman Catholic

Religion is not collected in the school census so comparison data is not available for analysis.



## **Sexual orientation**

[Data not available for this heading]

## **2.Post 16 - Medical**

(cohort 232 pupils)

### **Gender**

Overall School Population;

- 50.85% are Male
- 49.15% are Female.

This cohort;

- 60.34% are Male.
- 39.66% are Female.

The gender split of post 16 young people entitled to medical transport varies significantly from the school population, therefore its removal or a reduction in contribution would have a higher than expected negative impact on young men (and a corresponding lower than expected negative impact on young women).

### **Disability**

Overall school population;

- 81.05% of pupils in Durham are non SEN.
- 18.95% are School Action/School Action Plus/SEN Support or have an EHCP or statement of special educational needs.

This cohort;

- 6.90% of pupils are non SEN.
- 93.10% are School Action/School Action Plus/SEN Support or have an EHCP or statement of special educational needs.

The proportion of young people receiving support through School Action, School Action Plus, SEN Support, EHCP or with statements of Special Educational Needs and also entitled to the Post-16 Medical Transport is significantly higher than would be expected based on the total school population, and so therefore its removal or a reduction in contribution would have a higher than expected negative impact on young people with disabilities, if mitigating actions are not put in place.

## **Age**

This cohort;

- 38.79% are aged 16.
- 33.62% are aged 17.
- 25.43% are aged 18.
- 2.16% are aged 19.

Overall population figures are not a useful comparator in this context as young people who are entitled to Post 16 Medical Transport do not form a subset of the school population. Analysis therefore cannot be carried out, but it can be assumed that the removal or a reduction in contribution of the award would negatively impact on this group as a whole.

## **Race/Ethnicity**

Overall school population;

- The largest ethnic group in Durham is White British with 95.37% in this group.
- All other ethnic groups have below 1.2%.

This cohort;

- The largest ethnic group in this cohort is White British also with 100% in this group.
- There are no other ethnic groups in the cohort

The ethnicity split of young people entitled to the Post-16 Medical Transport varies significantly from the school population. This means that White British young people would be negatively impacted more than would be expected.

## Religion or belief

This cohort;

- 51.72% are Christian
- 18.10% have no religion
- 10.34% the religion is unknown
- 8.62% are Anglican
- 4.74% are of other religion
- 4.31% are Roman Catholic
- 1.29% are Methodist
- 0.86% are Church of England

Religion is not collected in the school census so comparison data is not available for analysis.

## Sexual orientation

[Data not available for this heading]

## **3.Post 16 – No viable public transport (Link Taxi/Guranteed Concession)**

(cohort 36 pupils)

## Gender

Overall School Population;

- 50.85% are Male
- 49.15% are Female.

This cohort;

- 36.11% are Male.
- 63.89% are Female.

This cohort does not vary significantly from the total school population.

## **Disability**

Overall school population;

- 81.05% of pupils in Durham are non SEN.
- 18.95% are School Action/School Action Plus/SEN Support or have an EHCP or statement of special educational needs.

This cohort;

- 94.44% of pupils are non SEN.
- 5.56% are School Action/School Action Plus/SEN Support or have an EHCP or statement of special educational needs.

The cohort does not vary significantly from the total school population.

## **Age**

This cohort;

- 58.33% are aged 16.
- 38.89% are aged 17.
- 2.78% are aged 18.

Overall population figures are not a useful comparator in this context as Post 16 young people who do not have a viable public transport option available to them do not form a subset of the school population. Analysis therefore cannot be carried out, but it can be assumed that the removal or a reduction in contribution of the award would negatively impact on this group as a whole.

## **Race/Ethnicity**

Overall school population;

- The largest ethnic group in Durham is White British with 95.37% in this group.
- All other ethnic groups have below 1.2%.

This cohort;

- The largest ethnic group in this cohort is White British also with 100% in this group.
- There are no other ethnic groups in the cohort

The cohort does not vary significantly from the total school population.

### **Religion or belief**

This cohort;

- 47.22% are Christian
- 25.00% the religion is unknown
- 11.11% have no religion
- 5.56% are of other religion
- 5.56% are Anglican
- 5.56% are Methodist

Religion is not collected in the school census so comparison data is not available for analysis.

### **Sexual orientation**

[Data not available for this heading]

## Appendix 3

Persons Consulted
Elected Members
Members of Parliament
Headteachers
College Principals
All schools, with additional emphasis on secondary schools
All colleges
Young People
Governing bodies of secondary schools / colleges
Neighbouring LAs
Parents
Diocese
Town and Parish Councils
Parent Support Groups for those with children with a disability
Disability Groups – Durham Disability Partnership, Visual Impairment Problem Solving in Co Durham, Durham Deafened Support, PHAB Durham
The Children and Young People's Network
Investing in Children Extreme Group
Private schools