

## **Cabinet**

**16 March 2016**

### **Review of Home to School / College Transport Policy**



#### **Key Decision CAS/04/15**

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##### **Report of Corporate Management Team**

**Rachael Shimmin, Corporate Director of Children & Adults  
Services**

**Councillor Ossie Johnson, Cabinet Portfolio Holder for Children &  
Young People's Services**

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#### **Purpose of the Report**

- 1 This report provides details of the recent consultation on possible changes to the Council's Home to School/College Transport Policy. It provides an analysis of the responses and makes recommendations for changes to the existing policy which would apply from 1 September 2016. 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 Autumn Statement and Comprehensive Spending Review published 25 November 2015 identified the need for significant further reductions in the spending of "unprotected" government departments over the 2016/17 to 2019/20 period. The Department for Communities and Local Government, from which the majority of Government support is received, has faced by far the most significant spending reductions in the Comprehensive Spending Review.
- 3 The impact on the Council's Medium Term financial Plan is an additional funding reduction of £104.4m over the four year period 2016/17 to 2019/20 with a £36.95m reduction in 2016/17. The scale of the financial challenge faced by the Council is therefore very significant.
- 4 At its meeting on 16 September 2015, Cabinet agreed to undertake consultation on proposed changes to the Home to School Transport Policy with regards to:
  - (a) Year 10 and 11 pupils whose families move house during these important 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.

## **The Statutory Requirements for Free Home to School/College Transport**

- 5 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.
- 6 The EIA 2006 defines eligible children – those categories of children of compulsory school age (5-16) for whom free travel arrangements will be required:

### **Statutory walking distances eligibility**

- 7 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)

### **Special educational needs, a disability or mobility problems eligibility**

- 8 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.

### **Unsafe route eligibility**

- 9 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 assessed as unsafe to walk.

### **Extended rights eligibility**

- 10 The Local Authority is required to provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum level of Working Tax Credit if:
  - The nearest suitable school is beyond 2 miles (for children aged 8 but under 11);
  - One of their three 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)

## Discretionary Arrangements: Travel Arrangements for other children

- 11 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. The Council currently provides free transport beyond the statutory requirements, to some groups of students, highlighted in paragraph 5.
- 12 The savings that have been identified if the proposals to change arrangements for these groups are implemented, are estimated as follows:

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>

## Proposals for change

- 13 The proposed changes would affect three specific areas of discretionary provision within the Council's Home to School Transport Policy:
- Free transport for students in Years 10 and 11 who move house during these important exam years (there are currently 70 pupils who benefit from this);
  - Free transport for Post 16 students who have no access to a viable public transport system (there are currently 24 students who benefit from this);
  - Free transport for Post 16 students who cannot travel independently due to a medical condition / disability (there are currently 240 students who benefit from this).
- 14 The proposals are to remove the automatic entitlement to free transport for these groups of students, except where there are exceptional circumstances. The proposals would be applied to new applicants only with effect from September

2016 and therefore the impact would be over a number of years. No current recipients would lose their entitlement.

## **Consultation**

- 15 Clearly these changes will have an impact on students who would qualify for discretionary free transport under specific elements of the current home to school / college transport policy. The proposals to remove these discretionary elements have been the subject of a consultation exercise carried out from 30 September 2015 to 11 November 2015. Specific groups who were likely to be affected by the proposals were targeted (full list is included in Appendix 2).

## **Methodology**

- 16 A consultation document explaining the proposals was published on the dedicated consultation webpage of the DCC website and CAS officers attended the Children and Young People's Overview and Scrutiny meeting and a meeting of the Teesdale Area Action Partnership. Letters and emails explaining the subject of the consultation were sent to the specific targeted groups and they were signposted to DCC website where they could record their views through the use of a questionnaire. The consultation sought views on the proposed changes at the same time as emphasising that the council would continue to consider ways of supporting families in exceptional circumstances and those in low income groups, whilst also trying to realise savings for the Council.

## **Key Messages from Consultation**

- 17 The following is a summary of responses received during the consultation. A total of 146 individual responses were received. The number of people currently qualifying for support being more than twice that amount (334). Not all questions were answered by every respondent. A summary report of Consultation responses is available in the Members Library.

## **Proposal One: House Moves During Exam Years 10 and 11**

- 18 8 responses were received from parents whose children were currently in receipt of free transport because they moved house in exam years and 106 responses were received from those whose children did not. 47 supported the proposal to remove the automatic entitlement to free transport for these groups of students (except where there are exceptional circumstances) but 93 did not. 78 respondents said that they would not be affected by the proposal or they did not know how they may be affected. 23 highlighted that they would either suffer financial hardship and/or they would have to drive their child to school.

## **Proposal Two: Post 16 Students with No Access to a Viable Public Transport System**

- 19 6 responses were received in respect of students who are currently in receipt of free transport because they have no access to a viable public transport system and 101 were received in respect of those who do not. 46 supported the proposal to remove the automatic entitlement to free transport for these groups

of students (except where there are exceptional circumstances) and 95 did not. 63 respondents said that they would not be affected by the proposal, 48 highlighted that they would suffer financial hardship, have to drive their child to school, move house.

### **Proposal Three: Post 16 Students who Cannot Travel Independently Due to a Medical Condition or Disability**

- 20 34 responses were received in respect of students who are currently in receipt of free transport because they cannot travel independently due a medical condition or disability and 93 were received in respect of those who do not. 33 supported the proposal to remove the automatic entitlement to free transport for these groups of students (except where there are exceptional circumstances) and 111 did not. 56 respondents said that they would not be affected by the proposal and 56 said that they would suffer financial hardship, have to drive their child to school.
- 21 In addition to the responses that were received on-line / via e-mail, the County Council's Children and Young People's Overview and Scrutiny advised of the importance of monitoring the process to ensure that no person 'fell through the net' so, for instance, the changes would not be a barrier to any young person accessing post-16 education. The Committee also emphasised the need to update the Equality Impact Assessment throughout the process to ensure that protected groups are not disproportionately affected by the proposed changes was also stressed. The Committee emphasised that cases should be looked at individually and working in partnership with schools and colleges to benefit those families affected by the proposals and the significant role of colleagues in other departments to identify those most affected.
- 22 The Teesdale Area Action Partnership submitted a response. The Partnership felt that the proposal to remove automatic entitlement to free travel for Post 16 students with no access to a viable public transport system affected the Teesdale area disproportionately. The group believes that this proposed change could have a negative impact of encouraging young people to take up Post 16 education. It also believes that there could be a wider impact on the sustainability of communities if families are not encouraged to stay and live in the Teesdale area. Because of the rural nature of the area, the Partnership feels that Teesdale should be considered differently under this proposal.

### **Summary of Equality Impacts**

- 24 An Equality Impact Assessment (EIA) was carried out to assess the impact on the protected characteristic groups of gender, age, disability, race/ethnicity, religion or belief and sexual orientation. The EIA is attached as Appendix 2. All equality impacts described relate to the anticipated future impact on protected characteristic groups should the proposals be agreed. Although data on current students is used to predict future equality impact, the changes will affect new applicants only from 1 September 2016.
- 25 Prior to the consultation, the EIA identified that there were anticipated impacts in terms of gender, age, disability and race/ethnicity: removal of free travel for some home mover pupils would impact on young people in, typically, Year

10/11, removal of taxi arrangements for some pupils/students would 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 would impact on young people over the age of 16, particularly those who live in rural locations and any potential impact on pupils would have a financial impact for their parents and/or carers.

- 26 The EIA was reviewed to include the responses to the consultation. These responses confirmed the anticipated impact on protected groups already highlighted in the initial EIA, not only in terms of financial impact but also in terms of time and inconvenience as many respondents said they would have to drive their children to school. Females aged 35-44 were the main group of respondents to each question and in instances where they are the primary carer they may be more likely to have to transport (or arrange transport for) a child to school/college if the changes were implemented. In respect of the Post 16 students who cannot travel independently due to a medical condition / disability proposal, of the 34 respondents who currently benefit from free transport, the biggest impacts were said by them to be financial and parents having to drive their child to school/college.

### **Mitigating actions and application of the proposals:**

27 (i) **Year 10/11 Pupils who Moved House**

For those home mover pupils in Year 10/11 affected by the removal of the automatic award of free travel, the proposal would not affect those families where the house move has been the result of exceptional circumstances. These would include a move as a result of, for example:

- A significant change in family circumstances i.e. death of a parent/family carer;
- The family fleeing domestic abuse;
- 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-possessioned.

This list is not exhaustive and cases would be considered on an individual basis, to assess whether transport should still be provided. In addition, where the Council operates transport to a school, concessionary seats may be purchased at a subsidised cost of £1.50 per day, if there are spare seats on the transport.

28 (ii) **Post 16 Students – No Access to Public Transport**

For those post 16 pupils/students with no access to a viable public transport system who could be affected by the removal of the automatic award of free link taxi arrangements, the Council would seek to provide support to help meet travel costs for those who live in low income households e.g. those eligible to receive free school meals or whose

parents are in receipt of the maximum level of working tax credit or Local Council Tax Reduction. Under this proposal, students who apply in future would be expected to attend their nearest school or college that offers the course that they wish to follow, whilst having reasonable opportunities to choose between different establishments at which education and training is provided, with requests being considered on a case by case basis having regard to preferences based on particular needs, religion or beliefs. 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 subsidised cost of £1.50 per day.

29 (iii) **Post 16 Students Unable to Travel Independently**

For those post 16 pupils/students with a medical condition/disability who could be affected by the removal of the automatic free award of taxi arrangements to school/college, the Council would seek to provide support to help meet travel costs for those who live in low income households e.g. those eligible to receive free school meals or whose parents are in receipt of the maximum level of working tax credit or Local Council Tax Reduction, and where mobility support/assistance is not already given. Where students receive mobility support/assistance already this should be used to contribute to the costs of transport. Under this proposal, students who apply in future would be expected to attend their nearest school or college that offers the course that they wish to follow, whilst having reasonable opportunities to choose between different establishments at which education and training is provided, with requests being considered on a case by case basis having regard to preferences based on particular needs, religion or beliefs. Students with special educational needs or disability (SEND) would be considered on an individual 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, including personal budgets.
- Support families to access Education Funding Agency (EFA) bursary funding
- Help equip students to travel independently, where appropriate. For example, independent travel training.

30 The Council would also continue to direct families to benefits advice services to maximise income and it would work with schools and colleges to seek to promote a programme of Independent Travel Training that could become part of students' Year 9, 10 and 11 curriculum, to explore if they can be less reliant on the use of taxis. It is noted that for some students, independent travel training would not be appropriate due to their complex needs.

## **Recommendations**

31 Having fully considered the responses to the consultation Cabinet is asked to agree the following recommendations:

- (a) To amend the Council's Home to School/College Policy to:
- Remove the automatic award of free travel for students Year 10/11 pupils whose families move house during these important exam years;
  - Remove the automatic award of free travel (link taxi transport) for post 16 students with no access to a viable public transport system; and
  - Remove the automatic award of free travel for post 16 students who cannot travel independently due to a medical condition / disability.
- (b) To agree that families in exceptional circumstances will continue to be supported by the council to seek access to financial support from a range of sources, where appropriate, to help cover the costs of school / college transport.
- (c) To agree that the changes will only apply to new applicants from September 2016.
- (d) To agree the mitigating actions and application of the proposals in paragraphs 27 – 30 of this report.

### **Background papers**

Review of Home to School Transport Policy – Report to Cabinet 16 September 2015

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## Appendix 1: Implications

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**Finance** – The proposed changes to the Home to School Transport Policy set out in this report would realise MTFP savings of approximately £741,000, 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 and determine which applicants should receive travel support from the Council's hardship fund. Existing staff will continue to review unsafe walking routes and implement schemes to improve these, where appropriate.

**Risk** – 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, if automatic entitlement to free transport is withdrawn from the groups highlighted in the report.

**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.

Prior to the consultation, the EIA identified that there were anticipated impacts in terms of gender, age, disability and race/ethnicity: removal of free travel for some home

mover pupils would impact on young people in, typically, Year 10/11, removal of taxi arrangements for some pupils/students would 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 would impact on young people over the age of 16, particularly those who live in rural locations and any potential impact on pupils/students would have a financial impact for their parents and/or carers.

The EIA was reviewed to include the responses to the consultation. These responses confirmed the anticipated impact on protected groups already highlighted in the initial EIA, not only in terms of financial impact but also in terms of time and inconvenience as many respondents said they would have to drive their children to school. Females aged 35-44 were the main group of respondents to each question and in instances where they are the primary carer they may be more likely to have to transport (or arrange transport for) a child to school if the changes were implemented. In respect of the Post 16 students who cannot travel independently due to a medical condition / disability proposal, of the 34 respondents who currently benefit from free transport, the biggest impacts were said by them to be financial and parents having to drive their child to school/college.

**Accommodation** - None

**Crime and Disorder** - None

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

**Consultation** – Widespread consultation with the public, schools and other stakeholders has taken place.

**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.

## Appendix 2

### 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
<b>Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate)</b>  <b>Changes to home to school/college transport policy for:</b> <ul style="list-style-type: none"><li>• Exam movers</li><li>• Post 16 – Medical needs</li><li>• Post 16 – Link Taxi Provision</li></ul> 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).	

**Exam Movers**

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.

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 A.

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

<b>Initial screening</b>											
<p>Prompts to help you:</p> <p>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?</p>											
<p><b>Is there an actual/potential negative or positive impact on specific groups within these headings?</b></p> <p>Indicate :Y = Yes, N = No, ?=Unsure</p>											
Gender	Y	Disability	Y	Age	Y	Race/ethnicity	N	Religion or belief	?	Sexual orientation	?
<p><b>How will this support our commitment to promote equality and meet our legal responsibilities?</b></p> <p>Reminder of our legal duties:</p> <ul style="list-style-type: none"> <li>○ Eliminating unlawful discrimination &amp; harassment</li> <li>○ Promoting equality of opportunity</li> <li>○ Promoting good relations between people from different groups</li> <li>○ Promoting positive attitudes towards disabled people and taking account of someone's disability, even where that involves treating them more favourably than other people</li> <li>○ Involving people, particularly disabled people, in public life and decision making</li> </ul> <p>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.</p> <p>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</p>											

Council's website or by completing a consultation response questionnaire. We intend to consult with those listed in Appendices B and C.

### **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 B, 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 B, 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 B, 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

**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.**

	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 viable public transport' varies from the</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 pupils</b>:</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 pupils</b>:</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 pupils</b>:</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 with schools and</p>

	<p>school population (presently a greater proportion of females), conclusions cannot be drawn from this due to the low numbers of pupils affected.</p>		<p>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>
<b>Age</b>	<p><b>All Categories</b></p> <p>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 a financial impact for their parents and/or carers.</p>	<p><b>1.Moved in Exam Years</b></p> <p>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></p> <p>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><b>3.Post 16 – No viable public transport</b></p>	<p>As above</p>

		<b>(Link Taxi/Guaranteed Concession)</b> Current cohort; <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 significantly from the total school population.</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 Support or have an EHCP or statement of special educational needs.</li> </ul>	As above

		<b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b> Current cohort; <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>	<b>1.Moved in Exam Years</b> Data of sufficient quality for analysis is not available in terms of race for this cohort.  <b>2.Post 16 - Medical</b> White British young people would be negatively impacted more than would be expected.  <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.	<b>Baseline Race/Ethnicity Data</b> Overall school population; <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> <b>1.Moved in Exam Years</b> Insufficient data  <b>2.Post 16 - Medical</b> Current cohort; <ul style="list-style-type: none"> <li>100% White British</li> </ul> <b>3.Post 16 – No viable public transport (Link Taxi/Guaranteed Concession)</b> Current cohort; <ul style="list-style-type: none"> <li>100% White British</li> </ul>	As above
<b>Religion or belief</b>	<b>All Categories</b> As religion or belief data is not collected in the school census comparison is not possible.	<b>1.Moved in Exam Years</b> Current cohort; <ul style="list-style-type: none"> <li>43.93% are Christian</li> </ul>	As above  The Local Authority would have regard to

	<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>	<ul style="list-style-type: none"><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>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

**How will this promote positive relationships between different communities?**

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### 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.

**Updated in December 2015:** The consultation responses confirmed the anticipated impact on protected groups already highlighted in the initial EIA, not only in terms of financial impact but also in terms of time and inconvenience as many respondents said they would have to drive their children to school. Females aged 35-44 were the main group of respondents to each question and in instances where they are the primary carer they may be more likely to have to transport (or arrange transport for) a child to school if the changes were implemented. In respect of the Post 16 students who cannot travel independently due to a medical condition / disability proposal, of the 34 respondents who currently benefit from free transport, the biggest impacts were said by them to be financial and parents having to drive their child to school/college. The summary of the consultation responses are at Appendix D.

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	Within Children and Adults Services		

institution based on their religion or belief.			
Council would liaise with families to ensure that they access all opportunities for benefits assessments.	Within Children and Adults Services		
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.	Within Children and Adults Services		
When will this assessment be reviewed?	Date:		
Are there any additional assessments that need to be undertaken in relation to this assessment?	No		
Lead officer - sign off: Strategic Manager, School Places and Admissions		Date: 2.12.15	
			
Service equality representative - sign off: Strategic Manager, Quality and Development		Date:	

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



## **Appendix A**

### **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, the Local Authority (LA), for children and young people of different ages. Its purpose is to provide a clear indication of whether a child or young person 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 Durham LA and an assumption about the award of free transport should not be made until notification has been received in writing from Durham LA.
2. This policy could be subject to change if new legislation is introduced. From time-to-time it could also be amended by Durham LA, following consultation.
3. Durham LA wishes to work in partnership with those for whom it provides services. If you wish to comment on the policy 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 LA'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/young person's "home" is the place where he/she is habitually and normally resident. Where children/young people reside at more than one address, the home address will be deemed as that where the child/young person is mainly resident during the school year, i.e. Mondays to Fridays, Term Time only. Durham LA 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 Durham LA as to which address will be used.

5. To qualify for free travel children/young people 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 of this policy.
6. Durham LA will provide free travel for children/young people of compulsory school age, who live beyond a reasonable walking distance from the nearest suitable school, provided that they attend that school. For those aged under 8 years the maximum walking distance has been determined by legislation to be two miles and for those aged 8 to 16 years as three miles.
7. Durham LA does not have a similar duty to provide free travel for children attending nursery units/schools or for post compulsory school age young people.
8. In assessing home to school distance Durham LA measures by the shortest walking route. Routes are measured from the centre point\* of the child/young person'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 only identifies routes on the Ordnance Survey Integrated Transport Network (ITN) and Urban Paths Network (UPN), which are national recognised datasets. Durham LA will not include any other routes or other methods of measurement. In all cases the GIS identifies the route to be measured by connecting in a straight line the centre point\* of the child/young person'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, Newton Aycliffe and Shildon Sites, and Sherburn Village Primary School, Sherburn Village site and Sherburn Hill site, where a school operates on two sites, the site the child/young person 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. Durham LA 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 unsuitable. The courts have held that a route is available if a child/young person, accompanied as necessary, can walk along it with reasonable safety. Durham LA has an agreed policy on the criteria to be used when assessing whether a route is suitable 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. Durham LA is required to provide reasonably safe home to school

travel. Occasionally some children/young people exhibit poor behaviour on school buses and public service operations. This behaviour may put that child/young person and other children/young people travelling on the same vehicle at risk. Where this happens Durham LA endeavours to take all reasonable measures to overcome this problem. Occasionally, however, it may be necessary to restrict home to school transport arrangements for children/young people where this difficulty cannot easily be resolved and the behaviour of that child/young person puts themselves and/or others at risk of harm.

10. Durham LA endeavours to ensure reasonable child/young person behaviour on vehicles used for home to school travel. Where children/young people cause willful damage to those vehicles, however, Durham LA reserves the right to restrict home to school travel provision and, where appropriate, hold parents responsible for any damage their child/young person causes to vehicles and other property.
11. Durham LA provides free travel on the basis of information made available by parents and young people. Durham LA 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 Durham LA be deemed to be inaccurate Durham LA 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/young person 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/young person to a school that is not the nearest suitable school.
14. Free travel may be made available by Durham LA 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/young person 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/young person should receive free or supported school travel, and how this is provided, Durham LA will consider the issues of cost and value for money for the LA in coming to any decision. Such consideration cannot, of course, remove any legal duty on the LA.

## **Free Travel for Children/Young People Attending Primary Schools**

16. In law free travel is generally made available to enable children/young people to attend the nearest suitable primary school where the home to school distance is over two miles for those up to the age of 8 years; and where the distance is over three miles for those of 8 years and over. Durham LA has agreed that the 3 mile limit will not apply on the child/young person's 8<sup>th</sup> birthday but will be from the start of the academic year after the child/young person reaches the age of 8 years (i.e. usually from the commencement of Year 4).
17. For children/young people 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/young person's home.

## **Free Travel for Children/Young People Attending Secondary Schools Aged 11 to 16 Years**

18. Free travel is generally made available to enable children/young people to attend the nearest suitable school where the home to school distance is over three miles.
19. For children/young people 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 suitable qualifying secondary schools, if that school is more than two but less than six miles from the child's home; or
  - The nearest suitable secondary school preferred because of your \*religion or belief for children 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 child/young person are baptised Roman Catholic; and to the Anglican faith where at least one parent is a confirmed Anglican and the child/young person 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 young people to remain at the same school to complete their GCSE studies following a house move by their parents, where the

young person was attending the nearest suitable school prior to the move.

### **Free Travel for Children and Young People with a Statement of Special Educational Needs or Education, Health and Care Plan**

21. Free travel is generally made available to enable children and young people 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 those aged under 8 (but Durham LA will provide this up until the start of the academic year after their 8<sup>th</sup> birthday), or more than three miles for those aged 8 to 16 years.
22. A number of mainstream schools have specialist provision for children/young people with particular types of special educational needs. Children/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 children/young people 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 those aged under 8 (but Durham LA will provide this up until the start of the academic year after their 8<sup>th</sup> birthday), or more than three miles for those aged 8 to 16 years.
23. Where a decision is taken that a child/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 those 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 those aged 8 to 16 years.

### **Personal Budgets**

24. The parent/carer of a child/young person 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/young person is entitled to free home to school transport or post-16 transport assistance. In making a decision, Durham LA would have to be satisfied that:
  - Any different arrangements would meet the needs of the child/young person; and
  - No additional costs would be incurred by Durham LA.

## **Travel Assistance to Attend Post Compulsory Education for Those Aged Over 16 Years**

25. Post 16 young people who, in the view of Durham LA, are unable to travel independently, e.g. are unable to access a viable public transport system or by reason of a medical condition or learning difficulty/disability, will receive assistance with transport.
26. Travel assistance is not made available for those attending part-time (i.e. those studying less than 15 guided learning hours per week over a 30 week period) and those who commence a programme of learning after their nineteenth birthday. Those attending independent fee-paying establishments are not entitled to travel assistance.
27. Post 16 young people 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 children/young people 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 Suitable**

Free travel may be made available for children/young people if the walking route from home to the nearest suitable school is assessed by the County Council to be unsuitable. If a walking route is assessed as unsuitable it is not considered to be available for use by children/young people. 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/young person, 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 suitable 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 free travel should be provided 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 Durham LA. Escorts on vehicles are only provided for those children/young people 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 Durham LA.
31. The type of free travel provided may, at the discretion of Durham LA, 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 Durham LA, assistance with home to school/college travel may be available in the following circumstances:

### **(a) Concessionary Travel**

Where places surplus to the requirements of Durham LA are available on school buses they may be made available for use by any child/young person. This type of support with travel is referred to as "concessionary" travel within County Durham. Durham LA 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) Young People 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**

Durham LA 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 child/young person 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. Durham LA has a two stage appeal process for parents/carers who wish to challenge a decision about:

- the transport arrangements offered;
- their child/young person's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the suitability 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 Durham LA. 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 Durham LA'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 Durham LA, offers an efficient full-time education suited to the age, ability, aptitude and any special educational needs of the child/young person and at which there is a place available for the child/young person. Individual subject choices will not be considered in determining the nearest suitable school. For children/young people whose nearest suitable school is in a neighbouring authority, Durham LA will, if the parent would prefer a school place in County Durham for their child/young person, 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 B**

*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 C

Persons Consulted
DCC Elected Members
Members of Parliament
Head teachers of all Co Durham maintained schools
All colleges in Co Durham
Young People
Governing bodies of secondary schools / colleges in Co Durham
Neighbouring LAs
Parents
Diocese – Roman Catholic and Church of England
Town and Parish Councils
Parent Support Groups for those with children with a disability – Small Steps Seize the Day, Murton Support Group, Derwentside SAID Group, Sedgefield Locality Parent/Carer Group, Easington Parent/Carer Support Group, Bishop Auckland Support Group, Easington District RAW, National Autistic Society, ASD Support Group, TAG Teesdale Autistic Group
Disability Groups – Durham Disability Partnership, Durham Deafened Support, PHAB Durham
The Children and Young People's Network
Investing in Children Extreme Group
Private secondary schools – Durham School, Polam Hall, Durham High School for Girls, Hurworth House School, Barnard Castle School, Yarm School
Nearby neighbouring secondary schools – Carmel College, Haughton Academy, Cardinal Hume Catholic School, Joseph Swan Academy, Lord Lawson of Beamish, St Thomas More Catholic School, Whickham School and Sports College, Dyke House Sports & Technology College, High Tunstall College of Science, Farringdon Community Academy, Hetton School, Kepier School, Oxclose Community Academy, Southmoor Academy, St Aidan's CofE High School, St Anthony's Girls Catholic Academy, St Robert of Newminster, The Venerable Bede CE Academy
Area Action Partnerships
Durham Association of Secondary Head teachers
Durham Association of Primary Head teachers
Co Durham Faith Network and the VCS Working Group
County Durham Providers
Transport Operators (the 127 currently transporting Post 16 students)
Trade Unions