

Cabinet

10 July 2024

**Home to School Transport Services –
Proposals and Policy Update**



Ordinary Decision

Report of Corporate Management Team

John Pearce, Corporate Director of Children and Young People's Services

Amy Harhoff, Corporate Director of Regeneration, Economy and Growth

Paul Darby, Corporate Director of Resources

Councillor Ted Henderson, Cabinet Portfolio Holder for Children and Young People's Services

Councillor Richard Bell, Deputy Leader and Cabinet Portfolio Holder for Finance

Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economic Regeneration and Partnerships

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To present Cabinet with proposals in relation to the Maintained Concessionary scheme, a revised Personal Travel Budget offer and an updated Home to School Transport policy.

Executive summary

- 2 The Local Authority has a statutory duty to provide Home to School Transport to children and young people who meet circumstances prescribed in legislation. This is set out in statutory guidance from the Department for Education. Much has changed since the home to school transport legislation was first introduced in 1944 and the legislative framework has not been updated to reflect the realities of the 21st century.

- 3 The Home to School Transport offer for our eligible children and young people is currently set out in the Durham County Council “Home to Primary, Secondary and Special School and College Travel and Transport Policy.
- 4 The existing Home to School Transport (H2ST) service providing daily transport to over 9,000 children and young people, with over 1,000 contracts in place with Transport Providers.
- 5 On 14 June 2023, following an external review and a detailed public consultation, Cabinet agreed to implement a programme to review and transform the Councils Home to School Transport arrangements.
- 6 The review is being undertaken in the context of increasing expenditure on statutory Home to School Transport. Net expenditure in 2023/24 was £28.65 million, which is £5.228 million more than in 2022/23. To meet forecast demand and cost pressures, the budget has been further increased in 2024/25 to £32.736 million. This is an increase of £3.550 million (circa 12%) from £29.186 million in 2023/24.
- 7 Transport costs are also forecasted to rise further in future years with continuing price inflation, increases in the National Minimum Wage and forecast increases in the number of young people with an Education Health and Care Plan requiring transport.
- 8 The review work undertaken to date has enabled proposals to be developed in the following areas:
 - (a) The removal of Durham County Council’s Maintained Concessionary Home to School Transport Scheme.
 - (b) An updated process for considering personal travel budgets for parents/carers of pupils with SEND with proposals to introduce enhanced payment rates per mile for parents of children with special educational needs to encourage greater take up of personal transport budgets by parents and reduce the reliance on single person transport
 - (c) An updated Home to School Transport Policy which reflect recent changes to statutory guidance and provides greater clarity to parents and stakeholders in relation to eligibility and processes. There are no material changes that require county wide consultation.

Recommendation(s)

- 9 Cabinet is recommended to:

- (a) Agree to the removal of the maintained concessionary scheme from the start of the 2025/26 academic year, whilst noting that the Standard "Spare Seat" Scheme and Schools Scheme will continue to operate as they do currently.
- (b) Agree to a new Personal Travel Budget provision which includes two payment rates of 45p per mile at the standard rate and an enhanced payment of 75p per mile where young people have additional support needs on transport.
- (c) Agree the updated Home to School Transport Policy.

Background

- 10 The Council has a statutory duty under various Acts and Statutory Guidance to provide free education transport to eligible students. The main legislation is set out in the following:
 - (a) The Education Act 1996;
 - (b) Education and Inspections Act (EIA) 2006;
 - (c) The Home to School Travel and Transport Guidance 2014;
 - (d) Post 16 Transport to Education and Training Guidance 2014.
- 11 In order to comply with statutory Home to School Transport duties local authorities must undertake the following:
 - (a) Promote the use of sustainable travel and transport;
 - (b) Make transport arrangements for all eligible children.
- 12 In particular, the Education Act 1996, states that a statutory duty is placed on the Council to make suitable travel arrangements to facilitate attendance at school for eligible children of compulsory school age (five to 16 years). This is based on statutory walking distance for children to a qualifying school as follows:
 - (a) Beyond two miles (below the age of eight years);
 - (b) Beyond three miles (age eight to 16 years);
 - (c) Between two and six miles for pupils from low-income families (for example in receipt of free school meals);
 - (d) Pupils with a disability or mobility requirement.
- 13 The Home to School Travel and Transport Guidance 2014 (Special Education Needs) requires Local Authorities to make transport arrangements for those children who cannot reasonably be expected to walk to school because of their mobility or associated health and safety issues related to their special education needs and disabilities.
- 14 However, much has changed since the home to school transport legislation was first introduced in 1944 and the legislative framework is now outdated and not fit for purpose to meet the needs of the 21st Century and the SEND system as it currently stands¹.

¹ Joint ADCS and ADEPT report in November 203 [ADCS_ADEPT_HTST_Paper_FINAL.pdf](#)

- 15 Durham County Council's Home to School Transport service provides daily transport to over 9,000 passengers. This is made up of mainstream and SEND passengers along with other special provision. This requires over 1,000 transport contracts to be in place which utilise over 300 different transport suppliers.
- 16 Expenditure on Home to School Transport has increased substantially due to demographic growth, inflationary pressures and prices. Over the five-year period since 2019/20, expenditure has doubled.

	2019/20 (£m)	2020/21 (£m)	2021/22 (£m)	2022/23 (£m)	2023/24 (£m)	2024/25 (£m)
Budget	11.308	14.731	16.482	19.576	29.186	32.736
Outturn	14.434	15.55	18.555	23.422	28.650	
Variance	3.126	0.819	2.073	3.846	-0.535	

- 17 Grant received from Government to support Home to School Transport services has not had a significant impact on the above expenditure increases. Councils receive the Extended Rights to Free Travel Grant, which supports with the costs of providing free transport for pupils on free school meals or where their parents are in receipt of working tax credit (outlined in the Legal implications in Appendix 1 to the report).
- 18 The grant has increased by £1.353 million, from £0.726 million in 2018/19 to £2.079 million in 2023/24. There is no other direct government support for the increasing costs of Home to School Transport and no funding received for SEN transport which accounts for approx. 70% of the budget
- 19 Transport costs are forecasted to rise further in future years with continuing price inflation and increases in the National Minimum Wage. In addition, Durham County Council's work on the DfE Delivering Better Value Programme identifies the potential for 1,500 more young people to have an EHCP by 2028 with a significant proportion of the young people requiring transport to school.
- 20 On 14 June 2023, following a detailed public consultation, Cabinet considered and agreed to a report which set out recommendations for implementing a programme to review and update the Council's Home to School Travel arrangements. The focus of the programme was as follows:
- (a) Review the provision of the Durham County Council's Concessionary Schemes.

- (b) Consider how the Council can more effectively and efficiently support the provision of journeys and passenger assistants on transport.
 - (c) Promote independence skills of young people through travel training and other opportunities.
 - (d) Introduce a simplified process for providing personal travel budgets for parents/carers of pupils with SEN and those living in remote rural areas where it is cost effective to do so.
 - (e) Review unsafe walking routes and existing travel routes across the County, especially schools with high volumes of routes.
 - (f) Review potential procurement options for home to school transport services in relation to impact on value for money and associated competitive pricing.
- 21 This report provides a progress update in relation to those areas that are now ready for further decisions namely the Council's Concessionary Scheme and Personal Travel Budgets to support independence.

Review Durham County Council's Concessionary Scheme

- 22 There are three schemes which operate in County Durham:
- ***The standard (Spare Seat) scheme.*** When the Council commissions transport for statutorily entitled pupils there may be some spare seats available which are made available to non-entitled pupils. This practice is common across Local Authorities in England. The current charge is £2.00 per day;
 - ***The maintained scheme.*** This was implemented following policy changes that took effect in September 2012, where transport capacity was maintained on some established school transport routes. There are 378 young people accessing this scheme, who attend nine schools, but who do not meet statutory eligibility criteria. As context, there are 65,932 pupils of statutory school age in the County. The Council does not operate a full cost recovery model for this scheme and incurs a financial loss each year of around £200,000. The current charge is £2.00 per day.
 - ***The Schools' Scheme.*** Concessionary transport is also provided by some partner schools which the Council arranges on their behalf. There are currently 11 secondary schools participating covering travel by 2,110 children. Schools set their own charges for the provision. This scheme is cost neutral to the Council as it is

fully funded by the participating schools. This scheme was therefore not included in the consultation.

- 23 At the meeting on the 14 June 2023, Cabinet agreed the following recommendation '*Agree in principle to phase out the Maintained Concessionary scheme subject to further appraisals of the options available to achieve this and their associated impact on stakeholders and Transport arrangements, with a further report to Cabinet on the findings and recommendations*'.
- 24 The review of the maintained concessionary scheme has delivered a detailed analysis of each route involved. The review has considered a range of factors including:
- Nearest school;
 - The number of pupils on the route;
 - Size of the vehicle and contract end date;
 - Alternative options for a young person to get to school if a route is changed;
 - Suitable/safe walking routes and arrival times;
 - Safety concerns;
 - Any information on why it was originally agreed;
 - Impact on school and public transport network if the transport provision is removed;
 - The Cost of a route;
 - How far it is reasonable for a pupil to walk to school after accessing school transport.
- 25 Having considered all of the above, there is no clear rationale or business case for the Council to continue to fund additional home to school transport with the purpose of transporting non-entitled children to school. This is an additional cost to the Council, which is over and above statutory requirements, is not provided by other Councils and is potentially inequitable as it benefits a very small number of schools/pupils and parents.
- 26 By making the changes to the Maintained Concessionary Scheme, the Council will reduce expenditure by approx. £200,000 per annum on current contract costs, these costs will also increase over subsequent years as routes are re-tendered at higher contract prices.
- 27 Should Cabinet agree to cease the Maintained Concessionary Scheme, it is proposed that this is implemented at the end of the 2024/25

academic year to give time for engagement with schools and other stakeholders and to allow a period of time for pupils and parents to adjust their travel arrangements.

- 28 Engagement has taken place with the small number of schools impacted by the changes to ensure they understand the proposal and to provide an opportunity to consider their views in relation to the most appropriate alternative modes of transport.
- 29 As alternative transport options, pupils affected will be able to access existing public transport, as well as some being able to access a spare seat concession on existing transport for entitled pupils. Each school will also have the opportunity to fund transport directly, as happens in other schools in County Durham.
- 30 A list of the Schools, routes and an indicative number of pupils impacted is included at Appendix 2.

Personal Travel Budgets

- 31 A Personal Travel Budget is a sum of money provided by the Council to parents or carers of children who are eligible for travel assistance, where this is financially viable for the Council. The budget allows families to make their own arrangements for travel, thereby increasing choice and flexibility. It also provides an opportunity for the Council to reduce expenditure and administration time associated with day-to-day arrangements. Personal Travel Budgets would mainly be offered to SEN passengers who are in receipt or would require single person transport.
- 32 The number of Personal Travel Budgets awarded by Durham County Council is significantly below the County Council average as identified in the 2021 review.
- 33 At the meeting on 14 June 2023, Cabinet agreed to a recommendation to 'Review the existing Personal Travel Budget Scheme and promote this as a travel option to parents'.
- 34 The Review has considered the feedback received during the consultation, alongside significant research with other councils in relation to their Personal Travel Budget Schemes.
- 35 This identified differences between the Council's existing scheme and that of other County Councils who were more successful in promoting and awarding Personal Travel Budgets to parents and carers. The main differences identified were related to:
 - The application process and criteria;

- Parental awareness of Personal Travel Budgets and
- Variations in the levels of payment awarded and how that payment was made.

36 As a result of the review a number of changes are proposed which will simplify the application process for parents and ensure that a personal travel budget is considered/offered as a transport option in appropriate circumstances, and where it is financially viable for the Council.

37 It is also proposed that the new Personal Travel Budget scheme is paid in advance and makes a differentiated payment level depending on the circumstances/needs of the young person involved. The new rates proposed are as follows:

Type of Need	Rate
Standard Rate: Children who are able to travel in a vehicle without the need for support or assistance	45p per mile
Enhanced Rate: Children who will require support or assistance to travel in a vehicle due to their needs	75p per mile

38 The payment of the 45p rate is the HMRC mileage allowance payment rate that organisations are allowed to pay without having to report it to HMRC.

39 The additional payment of 30p per mile at the higher 75p rate will be made where a young person has identified needs which will require additional support to enable them to travel in a vehicle and which would therefore result in a higher cost to the parent. The additional payment of 30p per mile is intended to pay for the support costs of a young person when travelling.

40 This is a positive development for parents. Whilst Personal Travel Budgets are voluntary, the changes proposed will provide greater choice and flexibility for any parent/carer who wishes to take up this arrangement in relation to their child's travel to school.

41 Based on feedback from other Local Authorities, the County Council do not have any evidence that the payment of a personal travel budget will incur an increased tax burden or impact on benefits. The DfE Statutory guidance states that:

- 'regular payments made by the local authority to reimburse the cost incurred by a parent in providing a child's travel to school:

- will not be taken into account in a Universal Credit assessment. (Should a local authority need to pay a parent any additional amounts, for example to cover unexpected expenses relating to a child's travel to school, these would be treated as capital in the Universal Credit assessment and the parent would need to declare them)
- should not give rise to income tax liability, but individuals should satisfy themselves that they meet HMRC's requirements.'

Home to School Transport Policy

- 42 The County Council has reviewed and updated its Home to School Transport Policy to ensure it is aligned to recent changes in the DfE's statutory guidance, provides greater clarity to parents and reflects the changes to the Personal Travel Budget process and payment arrangements.
- 43 A draft Policy with changes highlighted is attached at Appendix 3.
- 44 A summary of the main updates to the Policy are as follows:
- (a) The definition of Home to School Transport eligibility has been updated to make it clear that an EHCP does not automatically make someone entitled to transport assistance and that the council will not provide travel assistance for children attending a nursery setting or pre-school. This is the Council's current policy, and wording has been made clearer to parents and carers in the updated version at appendix 3.
 - (b) A description of the Council's approach to applications for children and young people with medical needs.
 - (c) A section to clarify requests for continuity of travel arrangements.
 - (d) An update to the Appeals process to explain how requests for continuity of transport will be managed and that Stage 2 requires further evidence to be supplied.
 - (e) An update to the Concessionary Seats section to clarify that these are spare seats not taken up by entitled pupils and cannot be guaranteed for non-entitled pupils.
 - (f) A revised Personal Travel Budget section to reflect the new process and payment rates.
 - (g) Clarification on the circumstances where we may suspend a young person's travel arrangements.

45 The above updates do not represent material changes to the Home to School Transport policy.

Equalities Impact assessment

46 An Equalities Impact Assessment is attached at Appendix 4.

47 The proposal to remove the maintained concessionary scheme for pupils not entitled to free transport will have a detrimental financial impact for those families affected, where parents and carers are likely to be of working age. Mitigations are proposed, including an engagement plan with affected schools, stakeholders and parents to ensure they understand the proposal, and to provide an opportunity to consider their views in relation to the most appropriate alternative modes of transport, including each school being offered the opportunity to fund transport directly.

48 Implementation of this proposal for the start of the 25/26 academic year will ensure there is appropriate time to plan and potentially minimise adverse impact. An equality impact assessment is attached to this report and will be updated with relevant feedback after discussions with those schools and parents identified as being impacted.

49 Proposed changes to personal travel budgets is a positive recommendation as this will provide greater choice and flexibility for any parent/carer (likely to be working age) who wishes to take up this arrangement in relation to their child's travel to school. This is also positive in terms of disability as budgets are typically offered to children with SEND.

Conclusion

50 Home to School Transport is a statutory service for children and young people who meet government specified criteria. In June 2023, Cabinet agreed to establish a review programme to consider the provision of existing school transport services and to bring back proposals for consideration.

51 The themes and recommendations in this report reflect those areas of the programme covered to date and which will require a Cabinet decision to progress.

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Appendix 1: Implications

Legal Implications

The Education Act 1996 and Education and Inspections Act (EIA) 2006 sets out the statutory duty on Local Authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.

The EIA 2006 defines eligible children as follows:

Statutory walking distances eligibility

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

- Beyond two miles (if below the age of eight years); or
- Beyond three miles (if aged between eight and 16 years)

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.

Extended rights eligibility

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

- The nearest suitable school is beyond two miles (for children aged eight but under 11 years)
- One of their three nearest suitable schools, if that school is between two and six miles (for children aged 11-16 years)
- 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 two and 15 miles (for children aged 11 – 16 years).

Finance

The Consultation included proposals to introduce two payment rates for personal travel budget. A rate of 45p per mile (which is the HMRC rate) is proposed for children without additional need for support on transport. A higher rate of 75p per mile is proposed for those children with support needs on transport due to their SEN, Mobility or Disability.

The removal of the maintained concessionary routes would result in a financial saving of approx. £200,000 per annum as highlighted in paragraph 22.

Consultation

Consultation will take place with the small proportion of schools, parents and young people impacted by the changes to the maintained concessionary scheme.

Equality and Diversity / Public Sector Equality Duty

An equality impact assessment is attached to this report. The proposal to remove the maintained concessionary scheme is negative for those families (likely to be of working age) affected however current arrangements are potentially inequitable as it benefits a small number of schools, non-eligible pupils and parents. Mitigations are proposed, including an engagement plan with affected schools, stakeholders and parents and an implementation for the start of the 2025/2026 academic year. Proposed changes to travel budgets are positive as this will provide greater choice and flexibility for any parent/carer (likely to be of working age) who wishes to take up this arrangement in relation to their child's travel to school. This is also positive in terms of disability as budgets are typically offered to children with SEND.

Climate Change

The Review of the Concessionary scheme has considered any potential increase in the use of personal vehicles.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None

Procurement

None

Appendix 2: List of Routes and Schools Impacted by Removing the Maintained Concessionary scheme

Hunwick Primary

Route	Entitled	Non entitled
4079 Newton Cap – Toronto to/from Hunwick	0	4

St Charles' RCVA Primary

Route	Entitled	Non entitled
3074 Chilton – Ferryhill – Kirk Merrington to/from Spennymoor	0	6

St Williams RCVA Primary

Route	Entitled	Non entitled
5234 - Kelloe – Coxhoe - West Cornforth – Fishburn to/from St William's Primary	0	15
5233 - Sedgefield to/from Trimdon St Williams	0	15

Sherburn Primary

Route	Entitled	Non entitled
4374 Sherburn Hill to Sherburn	6*	5

*last entitled pupil leaves at end of 24/25 academic year

Shotton Primary

Route	Entitled	Non entitled
5022 Haswell – Shotton	0	5

Durham Johnston (Secondary)

Route	Entitled	Non entitled
4404 Brandon – Meadowfield – Langley Moor to/from Durham Johnston School (4 buses)	136	153
4227 – Coxhoe / Bowburn to Durham Johnston	10	27

Belmont School

Route	Entitled	Non entitled
4118 Sherburn – Belmont School (2 buses)	92	47
4003 - Great Lumley – Leamside – West Rainton – Belmont School	24	24

The Academy at Shotton Hall (Secondary)

Route	Entitled	Non entitled
5017 - Shotton Coll to/from Academy at Shotton Hall at Peterlee (2 buses)	57	54
5022A – Haswell – Shotton Hall	25	16

Woodham Academy (Secondary)

Route	Entitled	Non entitled
2012 – Aycliffe Village to Woodham	2	7

Appendix 3: Home to School Transport Policy



Children & Young People's Services

Home to Primary, Secondary and Special School and College Travel and Transport Policy

Effective from 1 September 2024
To be reviewed 1 September 2026

This policy could be subject to change, including as new legislation is introduced. The most up-to-date version of this policy can always be found on our website: www.durham.gov.uk/schooltransport

1. Introduction

This document sets out Durham County Council's Home to School/College Travel and Transport Policy and describes how the Council fulfils its duties and exercises its discretionary powers as required by the Education Act 1996 and subsequent legislation and guidance.

In order to comply with statutory home to school transport duties Durham County Council must:

- Promote the use of sustainable travel and transport.
- Make transport arrangements for all eligible children.

The policy

- explains the criteria for eligibility for travel assistance for pupils to their school or college for children of statutory school age (5-16 years old) and for young people aged 16 to 19 and 19 to 25.
- describes how parents and carers can apply for travel assistance and how decisions are made.

- sets out how parents and carers may appeal against decisions that they believe do not comply with this policy.

If you wish to comment on the policy please write to the Corporate Director, Children and Young People's Services, School Places and Admissions Team (Transport Entitlement) Education Development Centre, Enterprise Way, Spennymoor, Co. Durham, DL16 6YP or email schooltransportteam@durham.gov.uk.

2. Policy Statement

Durham County Council is committed to ensuring that all pupils have the best start in life, are safe and healthy and have access to high quality education so that they are able to achieve their full potential. The Children and Families Act 2014 commits partners to work together to develop services which strengthen the abilities and resilience of children and their families to be independent.

The Council is also committed to meeting the educational needs of as many children and young people as possible within local schools. In many cases, this will mean that pupils can walk or cycle to school with their parents or carers. This policy sets out how we will help the small number of pupils who require travel assistance.

As a Council we will deliver our statutory responsibilities for home to school transport to meet the travel needs of children and young people, enabling them to access their place of education. The Council acknowledges that without this service some of the County's children and young people would be unable to access their school or place of education.

3. Definition of Eligibility

Statutory Entitlement

The 1996 Education Act defines "eligible children" as children of statutory school age (5-16) who live in the Local Authority area and meet one or more of the criteria set out below.

A child is of statutory school age from the start of term after their fifth birthday up until the last day of the academic year in which they are in Year 11. This applies to both children with and without an Education Health and Care Plan (EHCP).

Local Authorities are required to 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)

The Council will also 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. In these circumstances, children will be assessed on an individual basis to identify their particular transport requirements.

Individuals with an EHCP are not automatically entitled to transport assistance.

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

The Council will provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit (Known as 'Extended Rights'), if:

- the nearest suitable school is beyond 2 miles from the home address (for children over the age of 8 and under 11)
- one of the three nearest suitable schools between 2 and 6 miles of the home address (for children aged 11-16)
- the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

To apply these eligibility criteria, the child's place of residence will be deemed to be the residence at which the child resides the majority of the time (51% or more) during the normal school week at the time of application for a school place.

In accordance with the Council's statutory duty, children under the age of 5 and not attending primary school will not be entitled to travel assistance between their home and school.

The Council will not provide transport assistance for children attending a nursery school or a pre-school class or setting, including children with SEN.

Discretionary Arrangements

Section 508C of 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 the decision of the Local Authority as to whether and how to apply this discretion after determining local needs and circumstances. The Council will need to balance the demands for a broad range of discretionary travel against their budget priorities.

Where circumstances exist and the Council determines that travel assistance is necessary, it may apply its discretionary powers. All applications for free home to school transport for children who do not meet statutory criteria must be supported by documented evidence. Any support offered by the Council will be reviewed on an annual basis.

Where it is decided that a child does not qualify for assistance with travel based on the presented needs/circumstances then it remains the parent/carer's responsibility to ensure their school attendance.

For pupils in year 12 and above (post-16 year olds), there is no statutory requirement for the Council to provide free transport to their school or college. For more information on post 16 transport please refer to Sections 6 and 7 of this policy.

3.1 Statutory Walking Distances:

Statutory walking distances are measured by the shortest walking distance between the home and the school, identified using a Geographic Information System (GIS).

The GIS used by Durham County Council is:

- Ordnance Survey MasterMap® Highways Network – Roads, and
- Ordnance Survey MasterMap® Highways Network – Paths

Durham County Council will not include any other routes or any other method of measurement.

Children who live between 2 and 3 miles from their school, we have agreed that the three mile limit will not apply on the child's eighth birthday but will be used from the start of the academic year after the child reaches the age of eight years (usually from the commencement of Year 4).

Where a school operates on multiple or split sites, the assessment of nearest qualifying school will take account of the site where the child is registered. The 2 mile limit for extended rights will be measured in the same way as the statutory walking distances. However, the 6 mile upper limit to a choice of schools, and the 15 mile upper limit to a school preferred on grounds of religion or belief will be measured along road routes.

3.2 Unsafe Walking Routes:

Where a child is not deemed eligible for transport to their nearest qualifying school because it is under the relevant distance threshold and the parent/carer believes the child is unable to walk the assessed route safely (accompanied by an adult as necessary) due to the nature of the route, they should write to Durham County Council's Home to School Transport team outlining the aspect of the route they believe to be unsafe. Walking routes will then be inspected by the Council.

Contact: Corporate Director, Children and Young People's Services, School Places and Admissions Team (Transport Entitlement) Education Development Centre, Enterprise Way, Spennymoor, Co. Durham, DL16 6YP or email schooltransportteam@durham.gov.uk.

Where a route previously classified as unsafe is then made safe (for example through the provision of a new footpath) then pupils who met the eligibility criteria when the route was categorised as unsafe will have transport provided until the end of the academic year in which the route is re-assessed as safe or given one full term's notice, whichever is longer, before transport is withdrawn.

3.3 Extended rights:

Statutory entitlement is extended to children from low-income groups. Children from low-income groups are defined as those who are entitled to free school meals, or those families who are in receipt of the maximum level of Working Tax Credit (WTC). The following eligibility will apply:

- Children above the age of 8, but under the age of 11, from low-income families will be entitled to travel assistance to their nearest suitable school if the shortest walking distance between their home and the school is more than two miles.
- Children aged 11 and over (school years 7 – 11) from low-income families will be entitled to travel assistance if they attend one of their

three nearest suitable schools where they live between two miles and 6 miles (measured by the shortest road route) from their school.

- When a child cannot be offered a place at the nearest school to the home address, the Council will, subject to the criteria set within this policy and the qualifying distance being met, provide transport to the next nearest school with space to admit. For transport to be provided in this particular instance the parent must provide evidence that they have applied for and been refused a place at the school which is the nearest school for their home address and any other schools closer than the school offering admission.
- Children aged 11 and over (school years 7 - 11) from low-income families who are attending their nearest designated faith school preferred on the grounds of religion or belief will also be entitled to travel assistance if their school is more than two miles but not more than 15 miles (measured by the shortest road route) from their home.
- When considering whether a faith school is preferred on the grounds of religion or belief, Durham County Council will take into account the nature of other schools that may have been named as higher preferences on the application form. For an application for travel assistance to be agreed under this section, the expectation will be that the school that is preferred on the grounds of religion or belief will be named above any non-faith schools that have been named on the admissions application form.
- Parents must provide supporting evidence regarding their genuine adherence to their religion or belief, and this will normally be confirmed by asking their minister of religion to sign the application form and by the parents providing the relevant baptism certificate for the child.

3.4 Special Educational Needs, Disability, and Mobility Problems for Children of Statutory School Age

In addition to the eligibility criteria set out in sections 3.1 – 3.3 an entitlement to free home to school transport exists for children of statutory school age with Special Education Needs (SEN), a disability or mobility problem where the following criteria are met:

- A child with an EHCP attends the nearest suitable school* and qualifies for free home to school transport under the statutory distances referred to earlier in Section 3.1 of this policy.

- where the child's SEN or mobility difficulties mean that the child cannot reasonably be expected to walk to school even if accompanied by a responsible adult, then free transport can be provided even if the distance criteria are not met.

* The nearest suitable school is taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have.

Where a parent/carer of a child with an EHCP expresses a preference for a school further away than the nearest suitable school, the Council can name that school in the EHCP but will state that it is not the nearest suitable school. In this situation, responsibility for getting a child to and from the school will be with the parent/carer. The EHCP will confirm that the parents acknowledge that it is their duty to transport their child and not the duty of the Local Authority.

When assessing entitlement for travel assistance for a child with SEND, a disability or mobility problems, the Council will consider the individual needs of each child. This may include taking professional advice from educational psychologists, medical officers and teachers and consulting with parents and carers before arriving at a final decision. Assessment may take into account the need for transport assistance due to some family circumstances.

The following factors will be taken into consideration by the Council when assessing transport entitlement:

- the age of the child
- the distance of the child from school to home
- whether the child is physically able to walk the journey to school
- whether the walking route is appropriate for the pupil and their specific needs and allows them to arrive in a fit state to be educated
- whether a child's emotional and behavioural difficulties will create a clear health and safety hazard to themselves or others on the journey to school
- the special educational needs of the child
- the efficient utilisation of resources
- any other individual circumstance

This is not an exhaustive list. It is not presented in any particular order and is for guidance only. Meeting one or more of the criteria does not automatically entitle a child with SEND to free transport assistance.

Where a child held an EHCP up to the age of 16 and progresses on to attend a Further Education College or sixth form, they will, upon application, be assessed against the post-16 policy. Please refer to section 6.

3.5 When transport will not be provided

Assistance with transport will only be provided at the beginning and end of the normal school/setting day. The Council is unable to take into consideration parents' or carers' work or other commitments. The decision to provide transport is based on the child's/young person's needs.

Below are some examples of circumstances that the Council will not consider outside of the transport entitlement that has been granted:

- Medical appointments, or other non-educational appointments
- Children taken ill during the day.
- Extracurricular activities which require travelling between institutions within the school day. The organising school or setting is responsible for making the travel arrangements.
- Off-site visits
- Work experience
- Before and after school activities – where the parent/carer wish a child to attend activities before or after school, then the parent/carer or the school are responsible for finding a travel solution.
- Attending an induction day or open evening at another setting.
- Other circumstance or request for transport by parent or carer that the Council determines is not in line with its statutory duties.

Transport is provided only to the child's/young person's home address. If the child's/young person's parents live at separate addresses, transport will be provided to the primary residence of the child.

4. Application Process

The Council has a statutory duty to provide free home to school transport to "eligible children". All applications for free transport will be assessed by the Council and an assumption about the award of free transport should not be made until notification has been received in writing.

When a secondary school place is offered in the normal admission round, and the Council believes the child is eligible for free home to school transport, the parent/carer will be contacted in writing within 5 days of the offer of a place being made.

In all other instances, once a parent/carer has received an offer of a school place and believes their child is eligible for assistance with travel to school under this policy they can apply by submitting an online transport application form (S20) on the home to school transport section on Durham County Council's website (see below).

[Apply online for free home to school travel](#)

Parents and carers should be aware that it can take some time to arrange transport and they are advised to apply as soon as they believe that they require transport for their child.

If a child changes school or moves home address, either for the start of the academic year or during the year, a new transport application form must be submitted for a new eligibility assessment to be undertaken.

In all cases, a child/young person must be attending the nearest suitable school. This is defined as a school that has spaces available that provides education appropriate to the age, gender, ability and aptitude of the child, and appropriate to the child's EHCP where one exists.

For mainstream applications processed during the normal school admissions round, a school will be determined as having a vacancy if a place would have been offered according to the allocations made on the national offer day, assuming the parent either made or could reasonably have made an application, for the school in question.

For late school place applications, a school will only be defined as the nearest suitable school, for free travel under the policy, if the school in question would have been the nearest suitable school had the parents/carers made an application for that school during the normal admissions round and a place could have been offered.

If, due to a medical condition or disability, a mainstream child attending a particular school that is not the nearest qualifying school but is under the statutory walking distance, then travel assistance will be agreed to that school on the production of medical evidence that demonstrates why the child needs to attend that school and why other schools cannot meet their needs.

4.1 Temporary Sites

Where a school operates on a temporary site and that school's permanent/current site is deemed to be a child's nearest qualifying school, the home to school walking distance will be measured to the school's temporary site to determine if the child lives over the statutory walking distance and is eligible for travel assistance. Eligibility will be reassessed at the point a child ceases to be educated at the temporary site.

4.2 Applications Meeting Extended Rights Criteria

Parents who believe they meet the Extended Rights criteria and are therefore eligible for assistance with travel to school must include with their application form evidence of:

- the child's entitlement to free school meals or
- the family's receipt of maximum level of Working Tax Credit (the full WTC award notice, pages 1-6, for the year for which the parent is applying for travel assistance).

4.3 Reviewing Extended Rights

A child who has been assessed as eligible for travel assistance by meeting the Extended Rights criteria will have their entitlement reviewed each academic year to ensure that the child continues to meet the necessary criteria.

If a child ceases to be eligible for free school meals or a family ceases to be entitled to the maximum level of Working Tax Credit during the academic year for which transport has been awarded, then travel assistance will continue until the end of that academic year.

4.4 Children with Medical Needs

When an application is made for a child with medical needs and they are eligible for travel assistance, the Council will consider if, and how, those needs might affect the child during their journey to and from school. Where necessary, the Council will put in place proportionate arrangements to manage those needs. Children with similar medical conditions may not require the same arrangements; each application shall be reviewed on a case-by-case basis.

If a child has a medical need, parents/carers must make the Council aware of this during the application process to ensure needs can be, and are, met.

If a child has an EHCP or Individual Healthcare Plan (IHP), the plan may contain information that is relevant to the Council's assessment of medical need. There is a requirement to share information from the IHP with the Council, where it is relevant to the specific child's journey to and from school. The Council may sometimes need to seek specialist advice about the child and their condition. A range of different health professionals may be involved in the child's care, for example a community nurse, specialist nurse or doctor. A parent should be able to help the Council identify the appropriate health professional in relation to their child.

5. Appeals Process

Parents/carers are able to challenge a decision about the following:

- the transport arrangements offered, ~~for example, are the reasonable for their child's needs.~~
- their child's eligibility
- the distance measurement in relation to statutory walking distances
- the safety of the route

Where the appeal concerns a change to existing travel arrangements, then the previously agreed travel arrangements will continue until the review is complete.

A change of transport contractor does not, in of itself, constitute a change to the existing travel arrangements offered (please see paragraph 7 below).

We have a 2-stage Appeals process.

Stage one: Case review by a senior officer

Parents/carers have 20 working days to request a review of our decision about home to school transport.

When making an appeal, the parent/carer must complete the online form. The parent/carer will be required to sign a declaration which states that they:

- have read, understood and agree to abide by the conditions as set out in this policy at www.durham.gov.uk/schooltransport.
- confirm that they have parental responsibility for the child, or have care and control of the child, and in seeking to apply for travel assistance for their child have no knowledge of any opposition to this application from any other person who has parental responsibility for the child. (If

applicable, please inform us of the individual who opposes the application and supply their contact details).

- will inform us immediately either by email to schooltransportteam@durham.gov.uk or in writing to let us know of any change of address details after the submission of the appeal.

Parents should write to the:

School Places and Admissions Team (Transport Entitlement), Education Development Centre, Enterprise Way, Spennymoor, Co. Durham, DL16 6YP or email schooltransportteam@durham.gov.uk.

Parents/carers should detail why the decision should be reviewed, giving details of any personal/family circumstances and including any supporting evidence to be considered.

Appeals can be accompanied by independent supporting evidence such as from a GP or consultant, a social worker, the police, other Local Authority officers and copies of relevant court orders as appropriate.

Within 20 working days of receipt of this letter, parents will be advised in writing of the School Places and Appeals Officer's decision, setting out.

- the decision reached
- how the review was conducted
- information about other departments and/ or agencies that were consulted as part of the process (if applicable)
- what factors were considered
- the rationale for the decision reached and
- information about how the parent/carer can escalate their case to stage two (if appropriate)

Stage 2 – Case review by an independent panel

Where a parent/carer remains unhappy with the decision at Stage One of the transport case review process they have 20 working days from the receipt of the Stage One written decision notification to make a written request to escalate the matter to Stage Two for a further review. It is likely that a stage 2 appeal panel would only be in the position of being able to consider changing the decision made at stage 1 of the process if the original decision-making process had been flawed; and/or the appellant could supply further information or evidence than had already been considered at the initial stage or at the stage 1 appeal. **Progression to Stage 2 would only be possible on the receipt of new information that has not been considered at Stage 1.**

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. The independent appeal panel members will be independent of the original decision-making process (but are not required to be independent of the Local Authority).

A copy of the paperwork that has been submitted to the Stage Two case review panel will be sent to the parent at least seven working days prior to the review.

The parent/carer will be asked whether or not they wish to attend the review to present their case verbally. An officer for the Council will also be invited to present the local Council's case. Parent/carers are not required to attend and if they do not indicate that they wish to attend, the review will be scheduled to be heard in their absence.

Where a parent/carer chooses to attend the stage two case review, the panel chairman will:

- welcome all parties and introduce the panel members, clerk, and officer of the Council
- explain the procedure, clearly and simply, including the panel's remit
- explain that the panel has read the full written case
- invite the applicant to briefly highlight the main points of their application
- invite the officer for the Council to briefly highlight the main points of the Council's case.

The panel will seek clarification on points raised by either party if required.

Once the parent/carer and officer for the Council have left, the panel will reach a decision as to whether to uphold or reject the review.

The Independent Panel will provide a detailed written notification of the outcome (within 5 working days), setting out:

- the nature of the decision reached
- how the review was conducted
- information about other departments and/or agencies that were consulted as part of the process
- what factors were considered
- the rationale for the decision reached; and
- information about the parent's right to put the matter to the Local Government Ombudsman (see below).

6. Extenuating Circumstances

The Council will consider and may agree requests for home to school transport where there are considered to be extenuating circumstances that prevent a child accessing their school unless travel assistance is put in place. If the parent believes extenuating circumstances exist and assistance with travel is necessary, then all relevant information and evidence should be submitted for consideration as follows:

Contact: Corporate Director, Children and Young People's Services, School Places and Admissions Team (Transport Entitlement) Education Development Centre, Enterprise Way, Spennymoor, Co. Durham, DL16 6YP or email schooltransportteam@durham.gov.uk.

The overriding expectation is that parents should undertake their legal responsibility to get their child(ren) to and from school and as such the Council will need to be satisfied that the parent has demonstrated why they, for social, medical, financial or personal reasons cannot undertake this duty.

Consideration will be given as to whether the circumstances could have reasonably been foreseen by the parent/carer. For example, moving to temporary accommodation owing to flood damage cannot be foreseen, whereas choosing a school other than a child's nearest school and realising following this decision that transport is not available could be foreseen.

In exceptional and individual circumstances only, free travel may be made available to allow Year 10 and 11 students 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.

~~Local authorities do not have a duty to provide or arrange free transport for children who have not yet reached statutory school age and who are attending a pre-school setting. However, the Council will consider transport assistance applications for children below statutory school age in extenuating circumstances e.g. a child with SEND or a child in need who needs to attend a specific setting.~~

In all cases the decision whether to exercise discretion will be taken on a case-by-case basis.

7. Continuity of Travel Arrangements

The Council aim to secure a contract for a given child that promotes continuity of service, during the length of the contract, as much as is possible, with an

expectation that the contractor will endeavour to minimise changes in transport arrangements for the child. However, there may be occasions where this is not possible, due to staffing and vehicle issues.

The Council is required by law to make education transport arrangements in adherence to duties under contract re-tendering and to ensure that the Council uses its resources in the most effective and efficient way. Where a change to travel arrangements for a child may occur as a result of the tendering process, the Council will aim to contact relevant carers, in advance, to advise of the change and the process to ensure you are supported and can prepare for the change. In emergency situations the Council may be required to change the transport arrangements for a child, commissioned with a third-party provider, without consultation. Information will be supplied to carers in respect to any such situation as soon as is reasonably practicable.

There is no duty on the Council to provide continuity of transport arrangements, such as driver or passenger assistant. Therefore, continuity of contractor is not subject to appeal under the transport policy as the duty on the Council is to provide transport arrangements in line with assessed need and any new contractor must tender on that basis.

Continuity of transport arrangements can only be granted in wholly exceptional circumstances. A request can be made in writing for continuity of contractor and the Council will review, at senior officer level, whether the case is wholly exceptional. If the Council concludes that the specific circumstances are wholly exceptional, the Council will investigate whether continuity of the specific transport arrangement is feasible and/or reasonably available from the original contractor. The Council cannot oblige a third-party contractor to continue with a specific transport arrangement and the Council has an explicit duty to have proper regard to the tendering process. The overall review process will be completed within 20 working days.

8. Suspension of Travel Arrangements

The Council shall reserve the right to suspend the provision of travel assistance in cases where a pupil/student has been absent from their educational provision, for 5 consecutive school days or more, without an approved and valid reason. Travel assistance will be suspended until the pupil is able to return to school.

The Council will require up to 5 working days for permanent travel assistance arrangements to be put back in place in these circumstances. Interim short-term arrangements will be provided where possible during this period, if travel assistance is required.

9. Young people aged 16 – 25

The Council will only provide transport to college or sixth form if you are unable to travel independently because of special educational needs (SEN), a disability or mobility difficulty or you live in an area where there is no public transport available (linked transport).

For Young People aged 16, to qualify for any post-16 travel assistance you must meet one of the following criteria:

- aged 16-19 in further education and have learning difficulties and/or disabilities and **do not** have an Education, Health and Care Plan (EHCP)
- continuing your education having previously started a programme of learning before the age of 19 and you **do not** have an EHCP.
- aged 16-25 with learning difficulties and/or disabilities and **do have** an EHCP.
- aged 16-19 and you live in an area where there is no public transport available (linked transport to access my nearest post-16 establishment)

You must also meet all of the following criteria.

- live in County Durham
- be undertaking a programme of learning, study or work placement that is full-time (i.e. at least 540 plus guided learning (planned and funded) hours per year)
- live more than 3 miles from the school/college (education provider), as measured by the Council, (the 3 miles limit is not applicable to students unable to walk the distance to school/college because of SEN, a disability or mobility difficulty)
- attend the nearest establishment that provides the full-time programme of learning or work placement that you wish to follow, whilst having had reasonable opportunities to choose between different establishments at which education and training is provided. Assistance with travel may be provided in exceptional circumstances to an establishment that is not the nearest but is within a reasonable distance of the nearest establishment.

Anyone wishing to apply for post 16 travel assistance should submit an online transport application form on the home to school transport section on Durham County Council's website (see below).

[Apply for post-16 travel assistance](#)

You can access the Post 16 Home to School Transport Policy within our [School transport policies and strategies page](#).

There is more specific information about the travel assistance and other forms of financial assistance available in the Council's Post-16 Transport Policy Statement (TPS) available at:

[Post-16 Transport Policy Statement \(TPS\) \(durham.gov.uk\)](https://www.durham.gov.uk/post-16-transport-policy-statement-tps)

10. Concessionary Seats

~~Where spare seats are available on a school bus, they can be sold to pupils who are not entitled to free transport. These are called concessionary seats.~~

~~If you had a concessionary seat in the 2022/23 school year we will have your details on file and your application will be rolled forward into 2023/24 automatically (unless you chose to opt out of this). You do not need to re-apply unless your address or school has changed. Please contact us at passengertransport@durham.gov.uk or on 03000 264444 (option 3) if there is any change in circumstances.~~

~~If you did not have a concessionary seat in the 2022/23 school year you can apply for a concessionary seat using the application form for the appropriate school below.~~

~~In both cases, we will keep your details on file and contact you as the situation develops.~~

~~Students attending schools with a 6th Form where concessionary seats are available can also apply for a concessionary seat on school transport. Please note a fresh application will be required as they enter Year 12 irrespective of whether they attended the same school in Year 11, but this new application will roll over into Year 13.~~

~~You may be concerned about safety on school transport following the coronavirus outbreak. You can read our statement on this at [Home to school transport](#).~~

~~[School transport - Apply for a concessionary seat - doitonline - Durham](#)~~

Where spare seats are available on a school bus, they can be sold to pupils who are not entitled to free transport. These are called Concessionary Seats. There is a charge for a Concessionary Seat, which you can pay in monthly instalments.

You can apply for a Concessionary Seat, and find out more details of the scheme and charging rates, at:

[School transport - Apply for a Concessionary Seat - doitonline – Durham](#)

We will not re-route school transport to accommodate a Concessionary Seat pupil.

We allocate seats before the start of each school year, normally in July. You can still apply after the deadline. Seats will continue to be allocated where they are available.

Concessionary Seats are not guaranteed to be available. If you are allocated a Concessionary Seat, this may be withdrawn at any point in time if it is needed for an entitled pupil. You will be given a minimum of one month's notice where a seat is withdrawn.

Further information can be found at:

[Apply for a Concessionary Seat on school transport](#)

Every year we re-assess and re-allocate Concessionary Seats, and a Concessionary Seat in one year is not a guarantee of availability in a future year.

Your application will be rolled forward automatically each year, up to Year 6 in a primary school and Year 11 in a secondary school. This means you do not need to re-apply each year. Please contact us if you do not want to continue with your Concessionary Seat.

Post-16 students can apply for Concessionary Seats where they are available at schools with sixth forms. You must apply for Year 12 even if you had a Concessionary Seat in Year 11. Your application will be rolled forward automatically from Year 12 to Year 13.

You must contact us at passengertransport@durham.gov.uk on 03000 264444 (option 3) if there is any change in your circumstances.

11. Personal Budgets: Direct Payment from the Council for Home to School Transport.

~~The parent/carer of a child/young person with an Education, Health and Care Plan, has the right to request a personal budget for some or all of the home to school transport provision. Transport costs could be considered as part of a personal budget if a child/young person is entitled to free home to school transport. In making a decision, we 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 County Council.

It is important to note that if you do wish to have a personal budget, you would need to set up a Direct Payments account. (A member of the County Council's Direct Payments team will arrange to meet with you to discuss how this will work). You will need to complete and sign a Direct Payment agreement form.

This is a generic agreement that covers a range of requirements for parents / carers who have a Direct Payment from the Council for Home to School transport.

The Parent/Carer will be fully responsible for the safety of their child's travel and would need to be satisfied that any provider used has appropriate insurance cover to transport their child(ren) to school safely. The driver and passenger assistant must also have full police clearance. Once you have procured your own contract, employed a driver (and passenger assistant where required) we would arrange to have the money paid to you via our Direct Payment system.

Children/young people may be provided with transport to a qualifying school which is within the statutory walking distance. All relevant circumstances in relation to the child and family will be taken into consideration as to whether the applicant child/young person is an "eligible child/young person" under the relevant legislation.

A Personal Transport Budget, (hereafter referred to as a "PTB"), may be offered to parents/carers of pupils who are entitled to home to school transport, where this offers best value for money to the Council and a parent/carer wishes to be responsible for their child's school transport arrangements. A PTB will therefore not automatically be provided. Parents/carers who agree to take their child(ren) to school may claim a PTB for the journeys undertaken to drop off and collect their child at the start and end of their child's school day. The provision of a PTB will be at the discretion of the Council.

A PTB is designed to help parents/carers make transport arrangements needed and should be used to facilitate their child's access to education. Any transport arrangements made by using the PTB allowance are therefore the responsibility of the parent/carer. The Council will have no responsibility or involvement in any arrangements made.

The budget will be calculated by the Council and costed based on the number of miles travelled for 2 return journeys (all 4 legs of the journey) per day.

Miles travelled are ordinarily paid at 45p per mile but could be at an enhanced rate of 75p per mile when additional support is identified as being required during the transport assessment process.

The route calculation will be based on the shortest available route determined by using computerised mapping software. The PTB is calculated based on the distance between home and school for the days that your child attends school. This means each PTB will be tailored to the needs of each family. If your circumstances change, for example your family move house, your entitlement to travel assistance will need to be re-assessed by the Council and PTB re-calculated if you are still entitled.

The PTB will be paid over 11 months, a month in advance, directly into your allocated bank/building society account.

Provision of a PTB is based on the child sustaining a reasonable and appropriate level of attendance. Attendance records will be requested from the school and any concerns will be discussed with the parent/carer of the pupil and the school.

No reduction will be made to PTB payments for infrequent non-attendance. For regular and frequent non-attendance, the Council reserves the right to make a pro-rata reduction to the PTB and review the provision of the PTB. This may result in the PTB being ceased.

Where there are two or more children living at the same address and attending the same school and the PTB has been agreed for one child, additional travel assistance will not be provided for the other child/ren as all children would be expected to travel together.

If a parent/carer is in receipt of the PTB but is temporarily unable to transport their child to school due to a short-term illness/injury or medical condition, assistance from the Council may be provided. Any request will be considered on a case-by-case basis.

PTBs are voluntary. Parents/carers can withdraw from a PTB arrangement if their circumstances change substantially. They will need to give 28 days' notice to the Council to put in place arrangements for alternative forms of travel assistance. It is the responsibility of the parent(s) to continue to provide transport and ensure their child or young person attends school during the notice period.

If a parent/carer wishes to withdraw from the PTB arrangement, a re-application for transport for their child may be required as circumstances may have changed since the initial application for travel assistance was made.

If you decide to take up a PTB we will ask you to sign an agreement. This sets out your role and the Council's role in the PTB process to keep your child safe and ensure that their attendance and ability to learn are not negatively affected by their travel to and from school.

12. How We Use Your Data

Data Protection: We comply with all relevant statutory obligations with regard to personal information processed by us and this will be handled in accordance with our privacy statement which can be accessed at www.durham.gov.uk/dataprivacy By signing the above declaration a parent will be declaring their understanding that:

- we may check the details provided on an application or appeal against Council tax records, electoral registration and other Council records to confirm that the child is resident at the address stated.
- we may share information with other agencies and Local Authorities where it is necessary to do so and where the law allows.
- if you have provided information that is incorrect or incomplete, you may be investigated and action may be taken against you (including court action) and
- your child's transport can be withdrawn even if he/she has started at the school if the transport was fraudulently obtained.

13. Complaints

If a parent remains unhappy with the decision of the Independent Panel then they have a right of complaint to the Local Government Ombudsman, but only if complainants consider that there has been a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled.

Further advice is available on The Local Government & Social Care Ombudsman website or on the Local Government Ombudsman advice line on 0300 061 0614.

If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

APPENDIX 1: The Definition of Suitable School

A suitable school is the maintained school/academy/college which, in the view of the Local Authority, 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/academy/college. For children/young people whose nearest suitable school/academy/college is in a neighbouring authority, the Local Authority will, if the parent would prefer a school/academy/college 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.

If the nearest suitable school/academy/college is a Voluntary Aided maintained school/academy/college, transport will be provided over the distance limit to this and to the nearest suitable non-Voluntary Aided maintained school/academy/college.

APPENDIX 2: The Definition of a Reasonable Journey

In accordance with national guidance, a journey to school for eligible children should be suitable, safe, and reasonably stress free to enable the children to arrive at school ready for a day of study. To this end it is considered reasonable that the maximum journey times for children will not, except in unusual circumstances, exceed:

- 45 minutes for primary aged pupils
- 75 minutes for secondary aged pupils

However, it is recognised that adhering to journey times may not always be possible particularly in rural areas. It may be deemed acceptable for a trip to exceed these journey times if it is considered that the additional time does not place undue stress, strain, or difficulty on the pupil, which would prevent them from benefitting from the education.

Where children with special educational needs, disability or mobility problems are present, then journey times may sometimes need to be longer and more complex, although the Council will ensure that it does not extend routes for those children unnecessarily with appropriate measures in place to address any implications for doing so.

APPENDIX 3: Sanctions in relation to Home to School Travel Assistance

The Council seeks to provide safe home to school travel in all circumstances. Occasionally some children/young people exhibit poor behaviour on school buses and public service operations. This behaviour may put that child/young person, other road users or the driver/passenger assistant and other children/young people travelling on the same vehicle at risk. Where this happens, the Council will take all reasonable measures to overcome the problem. Occasionally, it may be necessary to restrict or remove 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.

Children, parents, carers, schools, transport operators and the Council all have a role to play in ensuring the appropriate behaviour of children on school transport

Where children/young people cause wilful damage to vehicles, we reserve the right to restrict or remove home to school travel provision and, where appropriate, hold parents responsible for any damage their child/young person causes to vehicles and

Appendix 4: Equalities Impact Assessment

Durham County Council Equality Impact Assessment

The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Completion of this template allows us to provide a written record of our equality analysis and demonstrate due regard. It must be used as part of decision making processes with relevance to equality.

Please contact equalities@durham.gov.uk for any necessary support.

Section One: Description and Screening

Service/Team or Section	CYPS
Lead Officer name and job title	Keith Foster, Strategic Mgr operational support CYPS
Subject of the impact assessment	Home to School Transport Proposals and Policy Update
Report date (Cabinet/CMT/Mgt team etc)	Cabinet 10 July 2024
MTFP Reference (if relevant)	
EIA Start Date	July 2024
EIA Review Date	July 2025

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice which is the subject of this impact assessment.

Following an external review in 2021 and a detailed public consultation in 2023, [Cabinet](#) agreed (14 June 2023) to implement a programme to review and transform Home to School Transport arrangements. Progress of the review has led to the following recommendations for Cabinet (10 July 2024):

- The removal of Durham County Council's Maintained Concessionary Home to School Transport Scheme.
- An updated process for considering personal travel budgets for parents/carers of pupils with SEND and

- An updated Home to School Transport Policy which reflect recent changes to statutory guidance and provides greater clarity to parents and stakeholders in relation to eligibility and processes.

Who are the main people impacted and/or stakeholders? (e.g. general public, staff, members, specific clients/service users, community representatives):

County wide schools and families with school aged children (in particular SEND), families impacted by proposal to cease the maintained concessionary scheme at: Hunwick Primary, St Charles RCVA, St Williams RCVA, Sherburn Primary, Shotten Primary, Durham Johnston, Belmont, Woodham Academy and Academy of Shotton Hall

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics²?

Protected Characteristic	Negative Impact Indicate: Yes, No or Unsure	Positive Impact Indicate: Yes, No or Unsure
Age	Y Proposed removal of maintained concessionary scheme only	Y Proposed improvements of travel budgets
Disability	N	Y (as above)
Gender reassignment	N	N
Marriage and civil partnership (only in relation to 'eliminate discrimination')	N	N
Pregnancy and maternity	N	N
Race	N	N
Religion or Belief	N	N

² <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

Sex	N	N
Sexual orientation	N	N

Please provide **brief** details of any potential to cause discrimination or negative impact. Record full details and any mitigating actions in section 2 of this assessment.

Proposal to removed maintained concessionary scheme

There will be a negative financial and travel arrangement impact on families (children and working aged parents/carers) affected by the proposal to remove the maintained concessionary scheme. However, there is no clear rationale or business case for the Council to continue to provide additional transport with the main purpose of transporting non entitled children to school. This is an additional cost to the Council, which is over and above statutory requirements, is not provided by other Councils and is potentially inequitable as it benefits a small number of schools/pupils and parents.

Should Cabinet agree to cease the Maintained Concessionary Scheme, it is proposed that this is implemented for the start of the 2025/26 academic year to give time for engagement with schools and other stakeholders and to allow a period of time for pupils and parents to adjust their travel arrangements.

Discussions are taking place with all identified schools to ensure they understand the proposal and to provide an opportunity to consider their views in relation to the most appropriate alternative modes of transport, including each school being offered the opportunity to fund this transport directly.

Please provide **brief** details of positive impact. How will this policy/proposal promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

Travel Budgets

Whilst Personal Travel Budgets are voluntary, the changes proposed will provide greater choice and flexibility for any parent/carer (likely working age) who wishes to take up this arrangement in relation to their child's travel to school. This is also positive in terms of disability as budgets are typically offered to children with SEND:

- simplified application process

- promoted as a transport option in appropriate circumstances
- higher payment rate for young people who require support or assistance to travel in a vehicle due to their needs
- payments in advance

Updated Policy

The policy has been updated to ensure it is aligned to recent changes in statutory guidance, provides greater clarity to parents and reflects the changes to the Personal Travel Budget process and payment arrangements. The updates do not represent material changes to the Home to School Transport policy.

Evidence

What evidence do you have to support your data analysis and any findings?

Please **outline** any data you have and/or proposed sources (e.g. service user or census data, research findings). Highlight any data gaps and say whether or not you propose to carry out consultation. Record your detailed analysis, in relation to the impacted protected characteristics, in section 2 of this assessment.

Cabinet Report 14 June 2023

[Item 9 Home to School Transport Services - Consultation Outcomes.pdf \(durham.gov.uk\)](#)

The current review of the maintained concessionary scheme (subject of this EIA) considered a range of factors including:

- Route distance
- Nearest School
- The number of pupils on the route
- Size of the vehicle and contract end date
- Alternative options for a young person to get to school if a route is changed
- Suitable/safe walking routes and arrival times
- Safety concerns
- Any information on why it was agreed originally
- Impact on school and public transport network if transport removed
- The cost of a route
- How far it is reasonable for a pupil to walk to school after accessing school transport

List of routes and schools impacted by the proposal to cease the maintained concessionary scheme:

Hunwick Primary

Route	Entitled	Non entitled
4079 Newton Cap – Toronto to/from Hunwick	0	4

St Charles' RCVA Primary

Route	Entitled	Non entitled
3074 Chilton – Ferryhill – Kirk Merrington to/from Spennymoor	0	6

St Williams RCVA Primary

Route	Entitled	Non entitled
5234 - Kelloe – Coxhoe - West Cornforth – Fishburn to/from St William's Primary	0	15
5233 - Sedgefield to/from Trimdon St Williams	0	15

Sherburn Primary

Route	Entitled	Non entitled
4374 Sherburn Hill to Sherburn	6*	5

*last entitled pupil leaves at end of 24/25 academic year

Shotton Primary

Route	Entitled	Non entitled
5022 Haswell – Shotton	0	5

Durham Johnston (Secondary)

Route	Entitled	Non entitled
Brandon – Meadowfield – Langley Moor to/from Durham Johnston School (4 buses)	136	153

Belmont School

Route	Entitled	Non entitled
4118 Sherburn – Belmont School (2 buses)	92	47
4003 - Great Lumley – Leamside – West Rainton – Belmont School	24	24

The Academy at Shotton Hall (Secondary)

Route	Entitled	Non entitled
5017 - Shotton Coll to/from Academy at Shotton Hall at Peterlee (2 buses)	57	54
5022A – Haswell – Shotton Hall	25	16

Screening Summary

On the basis of the information provided in this equality impact screening (section 1), are you proceeding to a full impact assessment (sections 2&3 of this template)?	Please confirm (Yes/No)
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	No
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Sign Off

Lead officer sign off: Keith Foster, Strategic Manager Operational Support CYPS	Date: 6 June 2024
Equality representative sign off (where required): Mary Gallagher, E&D Team Leader	Date: 6 June 2024