

# **Children and Young Peoples Overview and Scrutiny Committee**

**20 September 2024**

**Home to School Transport Service –  
Update**



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## **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**

### **Electoral division(s) affected:**

Countywide

### **Purpose of the Report**

- 1 To present Children and Young Peoples Overview and Scrutiny Committee with an update in relation to the Home to School Transport Programme.

### **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 provides daily transport to over 9,000 children and young people, with over 1,200 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 progressed improvement work across a range of areas, including:
  - (a) A Review of the Maintained Concessionary Home to School Transport Scheme.
  - (b) Strengthened processes in relation to the provision of single person transport and passenger assistants.
  - (c) A renewed offer of a personal travel budget for parents/carers of pupils with SEND.
  - (d) Engagement with the Transport market to improve understanding of the Councils procurement arrangements and to improve competition for transport routes.

### **Recommendation(s)**

- 9 CYP OSC is recommended to:
  - (a) Note the content of the report and presentation

## 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 21<sup>st</sup> Century and the SEND system as it currently stands<sup>1</sup>.

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<sup>1</sup> 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 1,200 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.

	<b>2019/20 (£m)</b>	<b>2020/21 (£m)</b>	<b>2021/22 (£m)</b>	<b>2022/23 (£m)</b>	<b>2023/24 (£m)</b>	<b>2024/25 (£m)</b>
<b>Budget</b>	11.308	14.731	16.482	19.576	29.186	32.736
<b>Outturn</b>	14.434	15.55	18.555	23.422	28.650	
<b>Variance</b>	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 the programme.

### **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 467 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 cost 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.

- 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 and considered a range of associated factors.
- 25 The findings of the Review were presented to Cabinet on 10th July 2024. Cabinet requested further work to be undertaken on the Review and brought back to a future meeting.

**Consider how the Council can more effectively and efficiently support the provision of journeys and passenger assistants on transport.**

- 26 In the 2023 Home to School Transport Consultation, there was strong support (over 70%) that the Council should regularly review the type of home to school travel assistance it offers to meet the needs of children and ensure the most appropriate and cost-effective mode of transport is provided.
- 27 As a result, the Programme has looked at how we can enhance the way that we work with schools, parents and Council teams in making transport decisions about young people. In doing this, it has been important to ensure that where young people need single person transport and / or a passenger assistant that this continues to be provided. However, it is equally important that where young people are able to travel with their peers or on group transport that they should do this to help build up their social skills, confidence and independence.
- 28 The outcome of this work has seen the introduction of a strengthened decision making process in 2024 for new transport requests, which provides a more detailed review of a child's transport needs and is undertaken with input from schools, parents and relevant workers.

**Promote independence skills of young people through travel training and other opportunities.**

- 29 Independent Travel Training (ITT) is a process that trains individuals on how to travel independently in a safe and responsible way. Travelling independently is a life skill that reduces isolation and dependency and opens opportunities for education, employment and enjoyment.

- 30 Many children with SEND currently receive door-to-door transport from the time they start school until the time they leave college and as such they do not gain the necessary travel and social skills that other children do. Whilst some children with SEN will not be able to travel independently, those that are able, should be given the opportunity to do so.
- 31 This aspect of the improvement programme is in the early stages of development, with options being researched and feedback received from other councils and local special schools who have experience of implementing schemes.
- 32 The findings and recommendations from this work will be considered by the Councils Home to School Transport Board in early 2025.

**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.**

- 33 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 of or will require single person transport.
- 34 The number of Personal Travel Budgets awarded by Durham County Council is significantly below the County Council average as identified in the 2021 review.
- 35 At the meeting on 14 June 2023, Cabinet agreed 'Review the existing Personal Travel Budget Scheme and promote this as a travel option to parents'.
- 36 In undertaking the review we have considered feedback from other Councils who were achieving higher rates of personal travel budgets. This identified that schemes with the highest take up had the following features:
- An Application process and criteria which were straightforward and easy to understand;
  - Active promotion of personal travel budgets to parents and

- Levels of payment awarded which reflect increasing costs and timely processes for making payments.

37 As a result, a number of changes were developed to simplify the Councils application process and ensure that a personal travel budget is considered/offered to Parents as a transport option in appropriate circumstances, and where it is financially viable for the Council.

38 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 agreed 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

39 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.

40 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 on a vehicle.

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

42 Based on feedback from other Local Authorities, the County Council do not have any evidence that the payment of an enhanced personal travel budget will incur an increased tax burden or impact on benefits, but individuals are asked to satisfy themselves that they meet HMRC's requirements.

**Review unsafe walking routes and existing travel routes across the County, especially schools with high volumes of routes.**

43 The Council provides free transport for pupils travelling to their nearest suitable school, who would not otherwise qualify due to being under the relevant distance threshold, where the shortest walking route(s) are assessed as unsuitable to walk. A suitable route is one on which a



pupil, accompanied as necessary, can walk with reasonable safety to school.

- 44 There is an opportunity to review some Unsafe routes within County Durham and assess whether these can be made safe through highways works, with associated costs, enabling children to safely walk to school, as well as providing wider benefits to the community such as helping to improve fitness and potentially contributing to reduced child obesity.
- 45 A specific work stream has been established to review unsafe routes and a preliminary list of potential unsafe routes to review has been identified. The findings of the work will be reported to the Councils Home to School Transport Board for discussion in 2025.
- 46 The Programme Team have also acquired journey planning software to undertake a pilot of routes to a small number of schools to assess whether any efficiencies can be achieved in current approaches to journey planning.

### **Review potential procurement options for home to school transport services in relation to impact on value for money and associated competitive pricing.**

- 47 Due to challenges of increasing price inflation, contract costs, transport supply and market competition, it is pivotal to the delivery of the Service that the Council has a clear strategy and approach in relation to the procurement and supply of transport moving forward. This will involve assessing opportunities to develop the supply base further and increase competition and deliver better value on routes and contracts.
- 48 The Improvement Programme has introduced a number of initiatives in 2024 with the aim of improving our procurement process and aiming to strengthen the competition in the market for transport routes. These include:
  - Working with Transport Providers to ensure they have the skills and knowledge in order to bid effectively for contracted work.
  - Piloting an Inhouse Home to School Transport offer as an alternative to procuring solely from the market. The pilot will test the efficiency and effectiveness of Council directly providing transport for Young People on high cost school routes. The pilot will run until the middle of 2025, with the findings reported to the Councils Home to School Transport Board.
  - Enabling transport contracts to be published earlier to provide more time for providers to consider bids and so that parents have transport provision resolved as early as possible.

- Introduced new home to School Transport data dashboards to provide monitoring data across the Service.

## **Home to School Transport Policy**

- 49 The County Council has also reviewed and updated its Home to School Transport Policy for 2024/25 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.
- 50 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.
  - (b) A section to clarify requests for continuity of travel arrangements.
  - (c) 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.
  - (d) A revised Personal Travel Budget section to reflect the new process and payment rates.
  - (e) Clarification on the circumstances where we may suspend a young person's travel arrangements.

## **Conclusion**

- 51 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.
- 52 The themes and recommendations in this report reflect those areas of the programme covered agreed by Cabinet and the progress made.

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## Appendix 1: Implications

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### 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