



# Doncaster Council

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**Date: 20th July 2022**

**To the Chair and Members of the Cabinet**

## **HOME TO SCHOOL TRAVEL ASSISTANCE POLICY 2022 -2027**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Cllr Lani-Mae Ball	All Wards	Yes

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide background and obtain approval for a revised Doncaster Council Home to School Travel Assistance Policy 2022–2027. The provision of travel assistance is a contributing factor to the Education and Skills Strategy 2030 and Doncaster Delivering Together to enable all children and young people to achieve their full potential.
2. The primary responsibility for ensuring pupils and students attend school or college is always that of the parent or carer. In certain circumstances however, in order to ensure attendance, Doncaster Council can assist with travel arrangements.
3. The proposals outlined below have been the subject of a thorough consultation and we would like to express our gratitude to all of the people who took the time to respond to the consultation and provide their views on our proposals. Details of the number of responses received are contained within this report.
4. The new version of the Home to School Travel Assistance Policy will outline the responsibilities of the Council and provide a guide for families to the instances when travel assistance will be provided. It will also detail the types of travel assistance available to eligible pupils and students.

### **Why is it a key decision?**

5. The proposal to revise and update the current Home to School Transport Policy, created in July 2015 (Appendix 4), and to implement the new version of the Home to School Travel Assistance Policy will have an impact on communities across all Doncaster Wards. These changes strengthen the

current policy and provide clear and transparent guidance for the provision of travel assistance and home to school transport for pupils and students.

## **EXEMPT REPORT**

6. This report is not exempt.

## **RECOMMENDATIONS**

7. Cabinet Members are asked to:-
  - Note the results of the consultation
  - In light of the consultation, approve the proposed changes and clarification to the existing 'Home to School Transport' Policy
  - Approve the phased removal of bus passes issued on a "no extra cost" basis with effect from September 2023
  - Approve the phased removal of bus passes issued to pupils moving house during school years 10 and 11 with effect from publication of the policy
  - Approve the issue and publication of the revised Home to School Travel Assistance Policy (Appendix 3)

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

8. Changes to the Policy highlight the importance of the right type of travel assistance and will help the Council to focus on the families most in need of additional assistance. These changes will also place more emphasis on independence and the use of sustainable transport methods.
9. The new policy will clarify and update a number of areas of the existing policy and provide clear direction to families and transparency in the travel assistance options that are available to them. It will also clarify the circumstances under which travel assistance is not available and remove areas which previously offered more choice to some based purely on where they lived
10. The Home to School Travel Assistance Policy will better meet the needs of children and their families. This will promote greater independence, help the development of essential life skills and provide opportunities and greater support to families

## **BACKGROUND**

11. Due to the rising pupil population, and an increase in the number of pupils and students with complex needs, there has been a rapid growth in the number of requests received for home to school and college travel assistance to be provided by Doncaster Council. Requests for assistance have also increased as a result of an increase in the number of families on low income. Therefore, there is a need to ensure that the provision of travel assistance combines effective, efficient and value for money services for the children and people of Doncaster. There is an additional, focus on ensure the service provided to children and young people is of high quality and suitable for their requirements. There will be an ongoing focus on

encouraging independence via the independent travel training offer. This offer supports the aim of Doncaster to be Child Friendly throughout. With this in mind the existing Home to School Transport Policy (July 2015) has been reviewed and a number of suggestions made to update, clarify and change elements of this. The following proposals formed the basis of a consultation held between 29<sup>th</sup> November 2021 and 31<sup>st</sup> January 2022:

- (a) A change to the name of the policy from Transport to Travel Assistance to better reflect the range of travel options available.
- (b) To introduce a contribution from parents of pupils and students who attend Post 16 provision towards transport – specifically for those pupils and students aged between 16 and 19 who receive direct transport to school or college in a taxi or minibus paid for by the Council. The proposal was for the equivalent cost of a single journey bus pass for pupils and students attending provision within Doncaster (or those at Dearne Valley College if this is closer than Doncaster College to their home). This would be around £294 per Academic Year. For those attending provision outside of Doncaster the proposal was for the equivalent cost of a double journey bus pass i.e. around £588 per academic year.
  - (b.i) ***Please note that following a review of the feedback received from the consultation process it became clear that to proceed with the request for a contribution from families towards Post 16 transport for students with SEND (Special Educational Needs and Disabilities) would cause further hardship to struggling families who already face significant barriers. Therefore, it was decided not to proceed with this proposal at the current time.***
  - (b.ii) ***This proposal, expected to save £113k over three years, was included in the Council's Revenue Budget 2022/23 – 2024/25 report approved by Full Council on 28th February 2022, therefore there is a need to look at alternative options to deliver this saving.***
- (c) To remove the exception under the current policy which provides zero fare bus passes to some pupils who have expressed a preference for a school other than their nearest available or allocated school. These are provided on the basis that no additional costs are incurred by the Council over those which would have been incurred had the pupils attended their nearest school. Changes to bus services and the removal of some services has made this exception increasingly contentious. It has also provided added benefit to some pupils based purely on where they live which others could not benefit from.
  - (c.i) If this recommendation is approved, post consultation, it would take effect from 1<sup>st</sup> September 2023 for all pupils entering a new phase of education on that date or later. Pupils previously in receipt of a pass would continue to receive this until the end of their current phase of education as long as their circumstances did not change. This is on the basis that any agreed policy is published by 19<sup>th</sup> September 2022 as per draft Government statutory guidance on home to school transport.

- (c.ii) For any in year transfers this would take effect from the date of publication regardless of the age of the applicant or the phase of education. All new requests received after that date would be refused.
- (c.iii) All pupils who were in receipt of assistance prior to 1<sup>st</sup> September 2023 will continue to receive assistance (if they remain eligible) until they finish their current phase of education (in most cases end of Year 11).
- (c.iv) Based on the current number of passes issued and the cost of an annual home to school zero fare pass it is estimated that the removal of the exception will provide the following year on year reduction in costs:

<b>Financial Year</b>	<b>Estimated number of passes to be issued</b>	<b>Total cost based on £292.00 per pass</b>
<b>2022/2023</b>	100	£29,200.00
<b>2023/2024</b>	91	£26,572.00
<b>2024/2025</b>	73	£21,316.00
<b>2025/2026</b>	54	£15,768.00
<b>2026/2027</b>	35	£10,220.00
<b>2027/2028</b>	0	£0.00

- (d) To remove the exception under the current policy which provides zero fare bus passes to pupils move address within the Doncaster Area during years 10 and 11. These passes are provided to pupils who move to a new address in excess of 3 miles from their existing school to avoid the necessity of moving schools during their GCSE studies.
- (d.i) If this recommendation is approved, post consultation, it would take effect from the date of publication of the policy and all new requests received after that date would be refused. All pupils currently in receipt of a zero fare bus pass under this provision would continue to receive one until the end of year 11.
- (d.ii) For families who have to move due to reasons outside of their control there is an option within the policy to appeal for a pass based on exceptional circumstances and their individual reasons for moving could be considered at this point. In an emergency situation any request for assistance would be considered as a matter of urgency to ensure that families are provided with an early decision and resolution. This will be highlighted on the Council website with an option to call and discuss the circumstances to speed up the process and provide vital assistance as soon as possible to families in need. An audit process is in development to ensure consistent decision making on these and other appeals. This will be undertaken by an independent Assistant Director.
- (d.iii) Based on the current number of passes issued and the cost of an annual home to school zero fare pass it is estimated that the removal

of the exception will provide the following year on year reduction in costs:

Financial Year	Estimated number of passes to be issued	Total cost based on £580 per pass (assuming double journeys)
2022/2023	14	£8,120.00
2023/2024	10	£5,800.00
2024/2025	4	£2,320.00
2025/2026	0	£0.00

- (e) To remove the current requirement within the 'Home to School Transport' policy which provides travel assistance to eligible pupils attending their catchment school.
- (e.i) ***Please note that following consultation this option has been removed in order to carry out a full mapping exercise of the impact on service users.***
- (f) An explanation of the difference between 'compulsory school leaving age' and the 'participation age' to provide clarity for families in respect of when the statutory duty to provide travel assistance ceases.
- (g) Additional information regarding types of 'travel assistance' and the options available to provide additional information to families.
- (h) Revision of the wording around 'dual registration' to provide increased clarity to families on the support available for those children registered at two qualifying schools.
- (i) Additional examples and clarity around occasions when we would not provide travel assistance to provide guidance for families.
- (j) Revision of the wording around the provision of travel assistance for families who have dual custody arrangements
- (k) Revision of the wording and the provision of additional information regarding the criteria for assessment of suitable or unsuitable walking routes
- (l) The addition of information in respect of the 'Post 16 Policy Statement' and where this is published. The Council has a duty to publish this statement by the 31<sup>st</sup> May annually to assist families with decisions regarding Post 16 education
- (m) Clarification and additional information on what support and in what circumstances travel assistance will or will not be provided to excluded pupils and pupils who are the subject of managed moves

- (n) The addition of information around requests for travel assistance on medical grounds
  - (o) The addition of information around parental preference of schools for pupils with Special Educational Needs and Disabilities (SEND) and how this might affect assistance with travel, to enable families to make an informed choice
  - (p) Clarification around requests from parents to access transport to school with pupils to attend meetings and the circumstances when this is and is not possible
12. A number of stakeholder engagement sessions were held with parents, carers and professionals both prior to and during the consultation process. Further details of the consultation are outlined in section 16 below.
13. As highlighted above, following a review of the feedback received during the consultation process, it was decided not to proceed with proposal b. To proceed with the request for a contribution from families towards Post 16 transport for students with SEND would be detrimental to many families who are already struggling with other cost of living increases. All other proposals are recommended for approval.

**OPTIONS CONSIDERED**

14. Option 1: Do nothing. This will mean that the existing policy, which is now outdated and does not provide as much information or clarity for families, will remain in place.
15. Option 2: Approve the revisions to the Home to School Travel Assistance Policy detailed above with the exception of the request for a contribution towards Post 16 Transport for students with SEND (Proposal b) and the removal of the catchment requirement (Proposal e).  
**This is the recommended option**

**REASONS FOR RECOMMENDED OPTION**

16. The publication of the new Home to School Travel Assistance Policy will provide improved guidance and clarity for parents and carers when assessing their home to school travel options.

**IMPACT ON THE COUNCIL’S KEY OUTCOMES**

17.

	<b>Outcomes</b>	<b>Implications</b>
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> </ul>	

	<ul style="list-style-type: none"> <li>• Inward Investment</li> </ul>	
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	
	<p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	The publication of a new Travel Assistance Policy will contribute towards these outcomes
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	The publication of a new Travel Assistance Policy will contribute towards these outcomes
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and</li> </ul>	

	<p>self-reliance by connecting community assets and strengths</p> <ul style="list-style-type: none"> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	
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## RISKS AND ASSUMPTIONS

18. Whenever there is a change in policy there is a risk that decision could be challenged. Consequently, it is essential that adequate full consultation is undertaken to ensure that the process cannot be challenged only decision. A thorough consultation has taken place to mitigate this risk.
19. There is a risk that the removal of bus passes issued on the basis of no additional cost could lead to an increase in appeals for assistance from families who may have previously benefited from this exception, or a drop in attendance by pupils. Based upon the current number of passes issued this could impact upon an average of 20 families per year. It is very difficult to mitigate against this risk as families have the right to appeal if they wish their individual circumstances to be considered.
20. There is a risk that the removal of bus passes issued following a house move could lead to an increase in appeals for assistance from families who may have previously benefited from this exception, or a drop in attendance by pupils. Based upon the current number of passes issued this could impact upon an average of 7 families per year. It is very difficult to mitigate against this risk as families have the right to appeal if they wish their individual circumstances to be considered.
21. There is a risk that the removal of bus passes issued to the catchment school where this is not the nearest school could lead to an increase in appeals for assistance from families who may have previously benefited from this exception, or a drop in attendance by pupils. It is very difficult to mitigate against this risk as families have the right to appeal if they wish their individual circumstances to be considered. ( This proposal has now been removed pending a mapping exercise to fully understand any impact).

## LEGAL IMPLICATIONS

[Officer Initials: HMP Date: 03.03.22]

22. There are a number of statutory duties with regard to school transport. Section 508A of the Education Act 1996 places a general duty on local authorities to promote the use of sustainable travel and transport. Sections 508B and 508C of the Act make provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. Section 508C of the 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 and charges can be made. [Section 509AA](#) of the Act 1996 obliges Local Authorities to prepare, for each academic year, a transport policy statement specifying the arrangements for the provision of transport or otherwise that it considers necessary to make for facilitating the attendance of persons of sixth form age receiving education or training. [Section 508F](#) of the



Education Act 1996 requires Local Authorities' to make such arrangements for the provision of free transport as they consider necessary (or as the Secretary of State may direct) for the purpose of facilitating the attendance of:

- adults receiving education at an institution maintained or assisted by the LA and providing further or higher education or within the FE sector;
- relevant young adults (adults aged under 25 with learning difficulties) receiving education or training at institutions outside both the further education and higher education sectors where the LA has secured the education or training and boarding accommodation under section 514A.

23. Any change to our transport policies may be challenged by Judicial Review. The High Court recently ruled in the case of [Drexler, R \(on the application of\) v Leicestershire County Council](#) [2019] EWHC 1934 in favour of Leicestershire County Council in a challenge by a 17-year-old, severely disabled girl over proposed changes to its school transport policies. The case confirms the importance of ensuring we comply with the processes before implementing changes, including consultation.
24. The proposed changes are not services that we are legally required to provide and therefore their phased removal is legally justifiable.
25. In order to comply with the general duty on Councils to act fairly, when the Council is considering revising a policy such as this that proposes to remove benefits that are or might be conferred on members of the public, it is essential that the Council formally consults with relevant stakeholders. In order to undertake a lawful consultation exercise, sufficient reasons must be put forward for the proposals to allow for intelligent consideration and response by the stakeholders; adequate time must be given for consideration and response; and the product of the consultation must now be consciously taken into account by elected members before a final decision is made on the proposals. A robust consultation exercise has been undertaken in this matter as detailed in paragraph 16 of this report.
26. The decision maker must be aware of their obligations under section 149 Equality Act 2010, the Public Sector Equality Duty (PSED). It obliges public authorities, when exercising their functions, to have 'due regard' to the need to:
  - a. Eliminate discrimination, harassment and victimization and other conduct which the Act prohibits;
  - b. Advance equality of opportunity; and
  - c. Foster good relations between people who share relevant protected characteristics and those who do not.
27. The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination. The decision maker must ensure that they have seen the due regard statement. The duty must be exercised in substance, with rigour, and with an open mind and is not a question of ticking boxes. It is for the decision-maker to decide how much weight should be given to the various factors informing the decision, including how much weight should be given to the PSED itself.

The duty is a continuing one and there should be a record/audit trail of how due regard has been shown. It is not sufficient for due regard to be a “rear-guard action” following a concluded decision. The decision maker must also pay regard to any countervailing factors and decide the weight to be given to these, which it is proper and reasonable to consider; budgetary pressures, economics and practical factors will often be important.

## **FINANCIAL IMPLICATIONS**

**[Officer Initials: LS Date: 02/03/2022]**

28. If the exception under the current policy that provides zero fare bus passes to pupils move address within the Doncaster Area during years 10 and 11 is removed, then this would save £8k over 3 years, 2023/24 – 2025/26.
29. If the exception under the current policy which provides zero fare bus passes to some pupils who have expressed a preference for a school other than their nearest available or allocated school and is no extra cost to the council is removed, then this will make a saving of £29k over 5 years, 2023/24 – 2026/27.
30. If a contribution from parents of pupils who attend Post 16 provision towards transport aged between 16 and 19 was introduced, then this would have saved £113k over 3 years 2022/23 – 2024/25, however it was decided not to proceed with this proposal at the current time. This proposal, along with the two above, were included in the Council’s Revenue Budget 2022/23 – 2024/25 report approved by Full Council on 28th February 2022, therefore the service, in consultation with the portfolio holder, will need to look at alternative options to deliver the remaining saving target of £113k.

## **HUMAN RESOURCES IMPLICATIONS**

**[Officer Initials: CR Date: 15/03/2022]**

31. There are no direct HR Imps in relation to this report, but if in future staff are affected or additional specialist resources are required then further consultation will need to take place with HR.

## **TECHNOLOGY IMPLICATIONS**

**[Officer Initials: PW Date: 09/03/22]**

32. There are no technology implications in relation to this report. The service has confirmed that there are no changes to the online form/application process.

## **HEALTH IMPLICATIONS**

**[Officer Initials: CW Date: 02/03/2022]**

33. Pupils requiring specialist education provision have vulnerabilities that can often place them at a disadvantage with both educational and health outcomes. Programmes that aim to improve accessibility and attendance to education, and reduce the gap in educational attainment are likely to impact positively on reducing long-term health inequalities in Doncaster. It is reassuring that the new policy offers more clarity for parents of children requiring assisted transportation; however the decision to remove the option of bus passes in some cases could prove problematic. The author acknowledges this in the risk section; but other wider impacts to consider are the potential effects of increased vehicular traffic around the schools though carers being forced to drive their child to school; and the potential loss of freedom and independence of the child or young person.

## **EQUALITY IMPLICATIONS**

**[Officer Initials: KH Date: 17/02/2022]**

34. The Council's duty under section 149 of the Equality Act 2010 when exercising its functions is to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic, ensure fair access to learning for all Doncaster children and young people.
35. Due regard will be given to relevant and proportionate consideration to the duty, in that whenever significant decisions are being made or policies developed, consideration must (and will) be given to the impact/affect that implementing a particular policy or decision relating to this transfer will have in relation to equality before making that decision.
36. The revised policy will provide greater clarity around the provision of travel Assistance. This includes alternative travel assistance options to promote Independent travel training and enables families to consider the best options to meet their individual needs.
37. There are no concerns around equality implications at the time of writing this report

## **CONSULTATION**

38. There has been a significant amount of consultation undertaken in the development of the revised Home to School Travel Assistance Policy. The review of the existing 'Home to School Transport' Policy commenced in August 2021 with analysis and assessment of current policy provision.
39. Four Pre-Consultation sessions were offered in November 2021 for families to talk about the future of 'home-to-school' transport for children with special educational needs and disabilities, and children accessing other provision. This provided the opportunity for early feedback on the proposed changes and also gave families the opportunity to discuss their views. It also offered an insight into their experiences. The discussions focused on:
  - The key areas proposed for change
  - The reasons behind the proposals
  - Any other suggestions for consideration
  - How to make this service more efficient whilst facing reducing budgets
40. Whilst the sessions were predominantly aimed at parents and children who currently use home-to-school transport, there was also attendance from professionals to gain their views. This also demonstrated that the review is actively engaging with families and the overall response supported the need to review current provision and promote independent travel assistance and other options.
41. Doncaster Council entered into a period of formal consultation on 29<sup>th</sup> November 2021. This ran until 31<sup>st</sup> January 2022 (9 weeks) offering the opportunity for Doncaster residents to comment upon the proposed changes to the existing 'Home to School Transport' policy. The consultation focused mainly on:

- A number of proposed service changes to the discretionary provision of bus passes
- The suggestion for a contribution towards Post 16 – 19 SEND Transport
- wording and content of the current policy,
- additional information and clearer wording to some of the key parts of the policy,

Full details are provided in the Consultation document (Appendix 1A).

42. To ensure that the widest possible audience was reached copies of the consultation document were issued to parents, carers & professionals who access transport services (including professionals, schools and other services both within the local authority and stakeholders in other authorities). This was also published on the Council's Website for the duration of the consultation period with regular updates and reminders published on the website, letters to families and through Doncaster Council's e-mail system via the Communications Team.
43. Following a slow initial response rate a short form electronic survey was also introduced to enable people to comment on four key areas of the consultation. Full details of this survey are included in the Survey Questions Document (Appendix 1B)
44. To maximise the return rate, a number of different methods of response were made available. These were:
  - Online – consultation documents available to complete and return digitally
  - E-mail – consultation documents / comments returned electronically.
  - Post – opportunity for printed consultation documents return by post or via Doncaster Council's Family Hubs
  - Telephone contact with the Doncaster Council's Transport Team
  - Face to Face – at a number of virtual events held via MS Teams
45. The virtual events were offered throughout the consultation period and were open to all to attend. These events were regularly promoted through the consultation documents, regular posts Doncaster Council's website and via schools. The events were offered on:
  - Friday 10<sup>th</sup> December at 10.00am
  - Tuesday 14<sup>th</sup> December at 6.00pm
  - Tuesday 11<sup>th</sup> January 2022 at 10.00am
  - Thursday 13<sup>th</sup> January 2022 at 6.00pm
  - Tuesday 18<sup>th</sup> January 2022 at 10.00am
  - Wednesday 19<sup>th</sup> January 2022 at 10.00am
  - Thursday 20<sup>th</sup> January 2022 at 6.00pm
46. By the close of the formal consultation period (31<sup>st</sup> January 2022), 13 consultation documents were completed and returned with an additional 80 electronic surveys being completed. All of the 17 questions requiring comment in the full survey were completed with most receiving multiple responses. Full details of all relevant feedback received is provided in the Consultation Feedback Document (Appendix 2)

## **BACKGROUND PAPERS**

47.

- Appendix 1a Consultation Document
- Appendix 1b Survey Questions
- Appendix 2 Consultation Feedback
- Appendix 3 Draft Home to School Travel Assistance Policy 2022-2027
- Appendix 4 Home to School Transport Policy 2015
- Appendix 5 Travel Assistance Policy Due Regard Statement

## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

48. None

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