

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker</b>	Executive Lead Member for Children's Services
<b>Date:</b>	12 July 2022
<b>Title:</b>	Home to School Transport Entitlement Policy Consultation
<b>Report From:</b>	Director of Children's Services

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### Purpose of this Report

1. The purpose of this report is to update the Executive Lead Member for Children's Services on the outcome of the public consultation on changes to the Home to School Transport Policy and for Post-16 Transport services for children and young people, including those with special educational needs and to make recommendations for the implementation of the proposals.

### Recommendations

2. It is recommended that the Home to School Transport Entitlement policy is amended to clarify the increased use of safe, co-ordinated pick-up and drop-off points for SEND children.
3. It is recommended that the Home to School Transport Entitlement policy is amended to clarify that transport routes will be organised to serve multiple education settings, including primary, secondary and post-16, including journeys that serve both mainstream and special schools and colleges.

### Executive Summary

4. The Local Authority has a statutory duty to provide home to school transport to certain children where they meet circumstances prescribed in legislation. There is also statutory guidance for Local Authorities to follow. The existing Home to School Transport (HtST) service provides daily transport for 9,000 children and young people every school day; there are approximately 200,000 students at Hampshire schools and colleges. Most journeys to and from school and college are organised by families.
5. Proposed changes to the HtST Entitlement policy (Appendix A) would allow for route planning and vehicle use to utilise the efficiencies provided by increased use of collective pick-up points and multiple destinations. There is no statutory requirement for home to school transport to be a door-to-door

service or to provide for individual establishments. Parents can be asked to accompany their child to and from a collection point.

6. For the HtST Service to deliver savings as part of the Council's 2023 savings programme, permission to consult with the public and affected service users was sought and approved in January 2022. The public's views on two proposals for change were sought. The proposals were to:
  - Increase the use of co-ordinated pick up and drop off points for SEND children.
  - Arrange journeys to more commonly serve multiple schools and colleges and age groups, including journeys that serve both mainstream and special schools and colleges.
7. The changes would improve the efficiency of school journeys as fewer vehicles would be required, with each carrying on average more children. This would provide greater value for money and deliver savings of up to £986,000.
8. The consultation highlighted a lack of support by respondents to the consultation for changes to the current home to school transport service arrangements with a majority not in agreement with either proposal. The mixing of mainstream and SEN children was the least popular option.
9. Many of the concerns raised in the consultation can be mitigated by applying the changes to transport arrangements whilst ensuring that individual children's needs are taken into account and properly supported under the new arrangement. It is therefore recommended that the changes are implemented, and necessary mitigations are put in place.
10. Any changed transport arrangements will take account of the individual needs of children and young people and be in accordance with statutory guidance and the Council's Home to School Transport Entitlement policy.

### **Contextual information**

11. The County Council provides transport assistance for some children to attend school. This statutory service is primarily provided to children who attend their catchment school but live over two or three miles (depending on age) away from school, as well as Hampshire children with Special Education Needs and/or disabilities (SEND). In both circumstances, transport assistance is provided where children meet national eligibility criteria.
12. During June and July 2021, the County Council sought residents' views on ways in which it could balance its budget. £37.5 million (2021-22) is currently spent each financial year on providing HtST assistance to around 12,000 students. Of these, approximately 9,000 attend mainstream schools (at a cost of £10 million per annum) and 3,000 attend schools and colleges that provide for their Specialist Education Needs and/or disabilities (at a cost of £27.5 million per annum). The HtST budget is under increasing pressure as a result

of rising spend.

13. The increase in the cost of delivering HtST services is in part due to the national growth of Education, Health and Care Plans (EHCPs) following the change in legislation in 2014. The number of children and young adults with EHCPs in Hampshire has grown from 8,129 in September 2018 to 11,983 in September 2021. EHCPs continue to increase at a rate of over 15% per annum. The growing numbers of children with EHCPs results in increased demand for transport and, in some cases, more complex travel services. EHCP growth, combined with a limited number of local specialist school places are identified as key factors leading to additional costs.
14. Learning and insight has been gained from other local authorities who have been able to deliver HtST services at a lower cost. Other authorities with lower cost per head transport services utilise collective pick-up points and multiple destinations in planning efficient transport. These arrangements can support children prepare for their adult lives where shared transport is the norm.

## Finance

15. The full implementation of the recommendations set out in this report could deliver savings of up to £986,000 to the County Council's overall savings requirement of £80m.
16. The savings estimate of £986,000 is calculated as follows;
  - Proposal one – Increased use of safe, co-ordinated pick-up and drop-off points for SEND children:
    - Savings of approximately **£200,000**. There are currently 2,654 SEN children receiving HtST. Initial analysis of need suggests that in addition to the 758 children travelling on routes that include co-ordinated pick-up and drop-off points, an additional 10% of this cohort would be able to use pick-up points.
  - Proposal two - Home to school journeys could, where appropriate, be arranged to serve multiple schools and colleges and age groups, including journeys that serve both mainstream and special schools and colleges.
    - Savings of approximately **£186,000**. SEN schools sharing with other SEN schools: initial analysis suggests that 94 of the current 405 routes, serving 556 children, could be shared.
    - Savings of approximately **£300,000**. Mainstream schools sharing with other mainstream schools: initial analysis suggests that 49 routes servicing 1,023 children, could be shared.
    - Savings of approximately **£300,000**. Introducing journeys that serve both mainstream and SEND schools. The 754 routes serving 9,682 mainstream and SEN children (excluding out of county) could be reduced to 708 (6.5% reduction).
17. It is proposed that the changes to the policy be introduced for new arrangements from September 2022. Existing transport arrangements will be

reviewed during the 2022/23 school year, which would result in the savings being delivered across the financial years 2022/23 and 2023/24.

18. Any changes made as a result of these changes will follow a suitable notice period and will be managed with the child and their family.
19. Savings estimates are derived from analysis and suggest the overall number of routes and children this could be applied to. Implementation of the changes would use this analysis as a starting point but would take account of the individual needs of children in accordance with the Home to School Transport Entitlement policy (paragraphs 4.22, 4.23 and 4.26). The Council's statutory duty to provide suitable transport will continue to be met.

### **Proposed Home to School Transport Changes**

20. To achieve the estimated savings of up to £986,000, it is recommended that the Home to School Transport Entitlement policy is amended with the following points to note:
  21. Proposal One: Consolidation of Pick Up and Drop Off Points
    - It is proposed to increase the number of children with SEND who are collected and returned to a shared designated safe place in situations where there are multiple children who commence their journey in a local area.
    - This type of travel arrangement is more closely aligned to mainstream transport; it can support a strength-based approach for SEND pupils enabling more independent travel amongst young people and can help prepare them for their future lives.
    - More children would join their transport at a designated safe pick-up point. They may need to be accompanied, as necessary, by parents/carers. The pick-up point could be up to a maximum of 1 mile from the home address.
  22. Proposal Two: Increased number of journeys serving multiple schools and age groups, including routes that serve both mainstream and special schools and colleges.
    - At present, most journeys (approximately 1,540 out of 1,600) service a single designated school/college. There are instances where primary, secondary and post 16 schools/colleges are co-located, or are located a short distance from one another.
    - The proposal is for future transport to be arranged based on the geographical origin and destination of a number of children. This could mean that a single vehicle would pick up children who live in one area and are travelling to multiple schools and colleges so reducing the number of contracted vehicles required. The schools and colleges served may be a mix of mainstream and specialist settings.
    - For some service users this may mean the duration of the journey or distance to and from school may change. All journeys would be planned to follow the maximum recommended journey times of 45 mins for a primary age pupil and 75 minutes for a secondary phase pupil.

23. Any changes as a result of the proposals above, will be made taking into consideration the individuals needs and circumstances of the child/ young person and their family.

### **Legal Implications**

24. The Home to School Transport statutory guidance published by the Department for Education states that Local Authorities should consult on changes to policy. The consultation was conducted so that it will meet that requirement and would introduce any agreed changes from September 2022.
25. The Post 16 Home to School Transport Policy Statement also includes the use of pick-up and drop-off points when organising transport for students with Special Educational Needs. The 2022/2023 Policy Statement was determined on 23 March 2022.

### **Consultation and Equalities**

26. The public consultation on Home to School Transport Entitlement Policy changes took place following permission to consult from the Executive Lead Member for Children's Services on 14<sup>th</sup> January 2022.
27. The consultation was undertaken between January and March 2022 to understand stakeholders' views and gain feedback on the proposed changes. It was an open consultation and therefore respondents were self-selecting. 945 responses were submitted, of which 917 used the Response Form and 27 submitted emails and one letter was received. The consultation was communicated through a range of channels, including emails and messages to stakeholders, including parents, carers, schools, and local Councillors; media releases that were reported in local press; a news article on the County Council website; social media posts; and internal communications at Hampshire County Council. A summary of key points is provided below, and the full consultation report is provided at Appendix B.
28. One in three respondents agreed with the principle of changing the way the HtST service is delivered to reduce the costs whilst serving the same number of users, although half of respondents disagreed. Disagreement was highest amongst respondents who have health problems or disabilities, have a child or young person with SEND or who live in households with incomes up to £30,000 per year.
29. 71% of respondents disagreed with an increased use of pick-up and drop-off points for children and young people with SEND. 69% disagreed with more transport routes serving multiple education settings, including primary, secondary and post-16 students. 75% disagreed with children and young people attending specialist schools and colleges to share transport with children and young people in mainstream education.

30. Respondents felt that, if selecting pick up and drop off points, consideration should be given to shelter from weather (60%), proximity to busy roads (55%) and safe crossing points nearby (55%). Respondents frequently mentioned that using pick up and drop off points would impact on parents and carers, including issues getting other children to school (30%), employment impacts (10%), stress or anxiety (9%) and difficulty preparing child for school (7%). Impacts on service users included stress or anxiety (23%), poor safety awareness (10%), issues dealing with change (9%) and impacts on education (8%).
31. Reasons for disagreeing with children and young people attending specialist schools mixing on transport with mainstream pupils related to how the proposed changes would impact service users, such as: the risk of bullying by other transport users (33%), stress and anxiety amongst service users (24%) and impacts on service users' education as a result of children being too tired for school (2%). Around one in eight comments mentioned benefits of the proposed changes, citing reduced service costs (6%), increased opportunities for children to mix (5%) and for the advantage of shared transport when dealing with schools located in close proximity (2%).
32. A range of questions were raised by respondents, the most frequent of which related to the criteria that would be used to apply the proposed changes (seven questions raised), how wellbeing of children with SEND would be ensured (six questions raised), how pick up and drop off points would be selected (asked three times) and the risk assessment processes that might apply if the changes are introduced (asked three times).
33. Mitigations to the concerns raised include the following:
34. Pick up points will be chosen applying local knowledge to the route and home addresses of pupils. They will meet requirements to be safe for the purpose of waiting and joining the vehicles and where possible will have cover. National Road Safety Guidelines are in place for the assessment of routes. Officers apply the guidelines to ensure the safety of walking routes that are part of a given transport arrangement.
35. The wellbeing of children with SEND would continue to be ensured. All transport arrangements will be organised taking account of the individual needs of children and in accordance with the Council's Home to School Transport Entitlement policy (paragraphs 4.22, 4.23 and 4.26). The Code of Conduct for Passengers on Home to School Transport is provided to all parents and children (Appendix C); any issues of bullying arising will be addressed by the school and transport team with parents and children.
36. Also, to support the wellbeing of travelling children, passenger assistant's escorts will continue to be deployed where required, supporting either individual children or the group of children on the vehicle.

37. The Council is committed to promoting inclusivity and access for all for pupils to a range of appropriate transport services. The plans recognise a need to support the development of road safety skills of children and young people with SEND to increase awareness of safety and help children accessing collections and drop off points can do so safely. The implementation of a strengths-based approach will help prepare children for adulthood. The exploration of a variety of transport options, and their use in appropriate circumstances, will facilitate increased independence for children, where it is appropriate to do so.
38. Extended rights eligibility will apply to low-income families as set out in the Home to School Transport Entitlement Policy in section 4.7.
39. However, it should be noted that suitable Home to School Transport arrangements are organised with timings that are unable to take account of parental work arrangements or the requirements of other family members (except when a parent must support a journey to school for a primary age sibling attending the catchment school). As per the statutory guidance from the Department of Education, the general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so. Parents can be expected to accompany their child to and from a pick-up point; and therefore parent work arrangements cannot be taken into consideration in transport planning.
40. Also, parents are able to appeal, following the process detailed in the Home to School Transport Entitlement Policy, if they are unhappy with their proposed transport arrangements. The letter advising them of the transport service includes detail of how to appeal.

## **Equality Impact Assessment**

41. There are low or neutral equality impacts for most protected characteristics. Medium impacts have been identified for service users with disabilities. Some children with Special Educational Needs and/or disabilities may need to be picked up from a central point rather than be collected from their home address. For some children, this may mean an increase in overall journey times and require being accompanied by a responsible adult, parent, or guardian for this portion of the journey. There may be more sharing on transport by SEND and Mainstream pupils. The public consultation has highlighted concerns that SEND children could experience bullying. In mitigation, the changes will not be applied without due consideration regarding the circumstances of the child. The current service uses codes of good conduct with its existing travellers and responds appropriately when there are reports of unacceptable behaviour. All transport arrangements will continue to meet the specifications of the DfE's statutory home to school transport guidance.

42. An Equalities Impact Assessment is provided at Appendix D.

### **Climate Change Impact Assessment**

43. A climate change impact assessment has been undertaken. The Vulnerability Assessment concluded that the proposed changes to Home to School Transport arrangements can be considered to have an overall low level of vulnerability to changing climate indices. Overall, the proposals have a carbon benefit by encouraging more sustainable travel options. The impact assessment is provided at Appendix E.

44. The proposals support Hampshire County Councils' strategic priority: 2. People in Hampshire live safe, healthy and independent lives, as they support children and young people access schools and colleges through the provision of home to school transport in accordance with our statutory duties at an appropriate cost.

### **Conclusions**

45. At a cost of £37.5 million in 2021-22 and set to rise further in future years, HtST places a considerable financial pressure on the Council at a time where managing budgets is becoming increasingly difficult. Changes to how the service can be delivered can help meet some of this financial pressure in the face of anticipated increased demand. Changing the policy and subsequently adapting the service experienced by some pupils will help manage the pressures, whilst, where appropriate, also preparing children for adult life where public transport operates from collective drop off and pick up points and is shared by members of the public.

46. The public consultation has demonstrated that many respondents do not support changing current HtST Service arrangements. Whilst it is recommended the HTST Entitlement policy be amended to provide greater flexibility in how the service can be delivered, the Service will continue to operate within statutory guidelines. Further, the policy and its application will ensure that any changes in arrangements will ensure that the needs and concerns of individuals will be fully taken into account.



## REQUIRED CORPORATE AND LEGAL INFORMATION:

### Links to the Strategic Plan

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No

### Other Significant Links

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
Proposed changes to Home to School Transport Policy for Home to School Transport Travel provision (2022) <a href="#">Appendix 1 (hants.gov.uk)</a>	14 January 2022

### Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

**Appendix A – Home to School Transport Entitlement Policy**

**HAMPSHIRE COUNTY COUNCIL**

**HOME TO SCHOOL TRANSPORT ENTITLEMENT POLICY**

**EFFECTIVE FROM SEPTEMBER 2022**

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## 1. BACKGROUND AND SCOPE OF THE POLICY

- 1.1. The policy sets out the legal responsibilities that Hampshire County Council (HCC) has in order to provide assistance with transport to school or another education setting for children living in the HCC local authority administrative area. It also supports HCC's sustainable school travel strategy <sup>1</sup>.
- 1.2. This policy reflects the requirements of the Education Act 1996 and the Education and Inspections Act 2006. It also complies with the Department for Education's statutory guidance issued in July 2014<sup>2</sup>.
- 1.3. The changes to the previous policy are included as paragraph 4.24 and 4.26 of this version.
- 1.4. Charges for transport arrangements are set out in Appendix 1.
- 1.5. The process for appeals is set out in Appendix 2.
- 1.6. Arrangements for post-16 age (sixth form) student transport are set out in a separate annual transport policy statement that is published by 31 May each year.

## 2. LEGAL RESPONSIBILITIES FOR TRANSPORTING CHILDREN TO/FROM SCHOOL

- 2.1. Most parents/carers take their children to and from school. Where their child has a school place, parents have a legal duty and a responsibility to make the necessary arrangements to ensure that their child of compulsory school age attends school regularly.
- 2.2. Hampshire County Council (HCC) has a statutory duty to make arrangements to provide free of charge home to school transport for **'eligible children' (defined in para 3.1) only.**

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<sup>1</sup> <http://www3.hants.gov.uk/school-travel-strategy>

<sup>2</sup> Home to school travel and transport guidance

### **3. DEFINITION OF 'ELIGIBLE CHILDREN'.**

3.1. Eligible children are defined<sup>3</sup> as children of compulsory school age (defined in para 4.3):

- who attend their nearest or catchment school which is beyond the statutory walking distance.
- who, because of their special educational needs, disability or mobility problems cannot reasonably be expected to walk to their school.
- whose route to the nearest suitable school is unsafe.
- children entitled to free school meals or whose parents receive the maximum level of Working Families Tax Credit (subject to a distance requirement).

3.2. All eligible children are entitled to free of charge transport to/from school at the beginning and end of the normal school day.

### **4. 'ELIGIBLE CHILDREN' - EXPLANATION OF RELEVANT FACTORS.**

4.1. As a general rule, HCC will only make provision for free of charge transport for the children referenced set out above.

4.2. The following paragraphs explain the eligibility for free of charge transport for **eligible children only** in more detail.

#### **Compulsory school age**

4.3. Children are of compulsory school age from the beginning of the term following their fifth birthday (*or from their fifth birthday if it falls on 31 August, 31 December or 31 March*) until the last Friday in June of the academic year in which they reach 16 years of age.

#### **Statutory walking distances<sup>4</sup>**

4.4. For pupils of compulsory school age, transport is provided if their nearest suitable or catchment school, measured from the child's home to the nearest available entrance to the school grounds', is:

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

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<sup>3</sup> Schedule 35b of the Education Act 1996

<sup>4</sup> Statutory walking distance defined in Section 444(5) of the Education Act 1996

- 4.5. An eight-year-old living between two and three miles from their school ceases to be an eligible child on their 8th birthday.
- 4.6. These are the statutory walking distances prescribed by legislation. However, different walking distances apply in respect of children who are entitled to free school meals or whose parents receive the maximum level of working tax credit (see paragraph 4.8).
- 4.7. When determining whether a non-catchment school qualifies as a nearer school distances greater than the statutory walking distances will be measured on 'road routes', passable for a suitable motorised vehicle.

### **Extended rights eligibility**

- 4.7 Children entitled to free school meals or whose parents receive the maximum level of Working Families Tax Credit

The following distance criteria will apply:

- The nearest suitable school is beyond two miles, by the nearest walking route (for children over the age of eight and under 11); or
- The school is between two miles (nearest walking route) and six miles (by road) (if aged 11 to 16 and there are not three or more suitable nearer schools); or
- The school is between two miles (nearest walking route) and 15 miles (by road) and is the nearest school preferred on the grounds of religion or belief (aged 11 to 16).

### **Unsafe routes**

- 4.8. Transport arrangements will be made for children of compulsory school age who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.
- 4.9. National Road Safety Guidelines are in place for the assessment of routes. Officers apply the guidelines to determine the nature – safe or otherwise - of any walking routes.

### **Special educational needs (SEN), a disability or mobility problems**

- 4.10. A child of compulsory school age with special educational needs, a disability or mobility problems who cannot reasonably be expected to walk to school, will receive free school transport, regardless of distance.
- 4.11. Eligibility is assessed on an individual basis, which includes the following:
- The child must be attending the nearest designated catchment area school, a nearer school, or the nearest school with a place or is attending the nearest appropriate school as determined by the Special Educational Needs (SEN) service.

- By reason of their SEN, a disability or mobility problem (including temporary medical conditions) the child cannot reasonably be expected to walk to school
- Eligibility will be assessed on an individual basis and any evidence submitted e.g., from a medical practitioner will be taken into consideration.

### **Primary Age Siblings**

4.12. In the case of children with SEN, a disability or mobility problems (see paragraph 4.10), transport will be provided where there is a need for primary age sibling(s) to be taken to other school(s), provided that the school(s) is/are the catchment area school(s), or a nearer school or next nearest school. Also, it would need to be shown that the timing of the school day or the direction of the other school(s) would prevent the parent or carer from accompanying the child(ren).

### **Accompaniment**

4.13. In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', HCC will consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child's parent/carer can reasonably be expected to accompany the child. This will take into account the age of the child and whether one would ordinarily expect a child of that age to be accompanied on that journey.

4.14. The general expectation is that a child will be accompanied by a parent or carer where necessary, unless there is good reason why it is not reasonable to expect the parent or carer to do so.

4.15. If a parent or carer submits evidence that they are unable to accompany their child to school this will be assessed on an individual basis and any evidence submitted e.g., from a medical practitioner will be taken into consideration.

4.16. Any transport provision made will be reviewed to take into account the age of the child and the parent/carer's medical condition.

### **Definition of Home Address**

4.17. The home address will be that at which the child resides and spends the majority of his/her time. Occasionally a child will have more than one address, for example, because they live with parents who have different addresses. In this situation, the address used for determining transport will be the one at which the child spends most of their time including weekends and school holidays as well as during the week. When the child lives at the other address, they will not qualify for any transport arrangements other than the one provided from the primary home address.

## **Qualifying schools**

4.18. The schools covered by this policy statement are: -

- community, foundation and voluntary schools including special schools;
- non-maintained special schools;
- pupil referral units (education centres)<sup>5</sup>;
- city technology colleges (CTC), city college for the technology of the Arts (CCTA), or academies, including free schools and University Technical Colleges (UTC); or
- for children with SEN, an independent school if it is the only school named in the child's Education, Health and Care Plan (EHCP), or if it is the nearest of two or more schools named in the EHCP and is not named on the basis of parental preference.

## **School choice**

4.19. Where parents/carers apply for the designated catchment or a nearer school and the school is unable to offer a place, free of charge transport will be offered to the next nearest school with a place available providing the distance criteria are met.

4.20. The pupil will remain entitled to transport to the next nearest school with a place until they leave the school, or they move address.

## **Permanent exclusion**

4.21. Transport is provided for pupils who have been permanently excluded from school who attend a new school or Education Centre, subject to the statutory walking distance criteria being applied.

## **Suitability of arrangements**

4.22. Transport arrangements will allow the child to reach school without undue stress, strain or difficulty. Shorter journey times are desirable in achieving this. As a guide, maximum journey times should be 45 minutes for primary school age children and 75 minutes for secondary school age children. An escort will be provided on SEN transport when required, based on the needs of the students travelling.

4.23. The most economic form of transport available will be provided, having due regard to the availability of the transport as determined by the Passenger Transport Group (PTG) of HCC and the maturity, health or special needs of the pupil, as determined by the Head of Transport in Children's Services Department.

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<sup>5</sup> Where they are receiving education by virtue of arrangements made under section 19(1) of the Education Act 1996



- 4.24 One vehicle may be used to transport children attending different schools. Mixing of children attending special schools and mainstream schools may occur when appropriate.
- 4.25. In certain circumstances, the most suitable arrangement with parents' consent might be for the parents/carers to provide the transport, for which an allowance, currently 35p per mile, will be paid.
- 4.26. Transport will either be provided from designated pick-up and drop-off points or from a child's home address. A decision as to the collection point for transport will be made using the criteria in 4.22 and 4.23. Designated Pick up or drop off points will be no further than 1 mile walking distance from a child's home address.

## **5. DISCRETIONARY TRANSPORT ARRANGEMENTS – CHARGEABLE**

- 5.1. This section sets out the limited circumstances in which HCC will use its discretionary powers (under Section 508C of the Act) for children who are not entitled to free transport (as set out under Section 4 of this policy above).
- 5.2. Where this discretion is used, there will usually be a charge for the transport provided, as shown in Appendix 1
- 5.3. All arrangements within this section will be time limited. At the end of the specified period, parents will need to re-apply.

### **Concessionary travel (privilege place scheme)**

- 5.4. A spare place on a contract vehicle may be offered to a child who is not entitled to transport assistance. It will be withdrawn if it becomes clear that it is needed by an entitled child or if re-tendering or re-planning changes the route or reduces the number of concessionary seats. A flat rate charge will be made, (set annually by HCC), except where the child being transported is entitled to free school meals or the family is in receipt of the maximum level of working tax credit. Parents must make their own arrangements for the pupil to travel to the nearest existing pick-up point on the route.

### **Part-time attendance**

- 5.5 This will not normally be supported with a transport arrangement. Transport may be provided to facilitate part-time attendance, where a child is convalescing following medical treatment or illness. The child's progress will be reviewed at least on a termly basis. This is a discretionary arrangement and may be subject to the charge in Appendix 1 except when part-time attendance is in place with the agreement of the local authority.

### **Journey times of more than 75 minutes**

- 5.6 Unusually there may be situations where a journey time of more than 75 minutes is required. These may occur in transport:

- to Faith secondary schools;
- to special schools;
- to pupil referral units (Education Centres);
- for pupils attending their next nearest school with an available place because no place available at designated catchment area school or nearest school; and
- for pupils attending out of county residential schools.

### **Religion or belief**

5.7 Under the extended rights eligibility (para 4.7), there is entitlement to free transport for certain children aged 11 to 16 attending the nearest school preferred on the grounds of religion or belief. Where extended rights eligibility does not apply, requests for transport will be considered applying this policy and any grounds for an exceptional arrangement.

## **6 CIRCUMSTANCES WHERE TRANSPORT WILL NOT BE PROVIDED**

6.1 Transport will not be provided in circumstances other than those set out above for eligible children and where discretionary arrangements are made.

6.2 Specific examples of where transport will not be provided are:

- Temporary address. Transport will not be provided from a temporary address to a school that is not the designated catchment area or nearest school for that address.
- Journeys to and from other destinations. Transport is not offered to or from points other than the school/ education centre and home or pick up/drop off points.
- Victims of bullying. Dealing with bullying should be fully explored with the current school. If parents decide to move their child's school due to dissatisfaction with their current school, then there is no entitlement to free school transport
- To or from pick-up and drop-off points. Except as outlined in paragraph 4.25.
- Unacceptable behaviour of a pupil, as determined by the transport provider/operator and/or escort (where applicable).
- To take account of work/business commitments or domestic difficulties of parents/carers.
- To accommodate attendance at after school activities or for arrival at start times other than the usual start time for the school.

## **7 OTHER ISSUES**

### **Withdrawal of Assistance**

- 7.1. Where the home to school transport policy is changed and the level of discretionary provision reduced, transport may be withdrawn from children who are currently receiving assistance. In these cases, a reasonable notice period will be given, i.e., in optimum time to enable parents to make informed decisions about their children's education. Any change of policy will be subject to a period of consultation with those affected.

### **Delays**

- 7.2. Where a delay occurs in providing transport which is over and above the normal operational timescale for doing so and the application for transport has been submitted in good time (with full information), reimbursement may be made to cover expenses incurred (upon production of evidence of expenditure) from the date from which transport would otherwise have been provided. Such reimbursement will be for use of the most cost-effective type of transport.
- 7.3. In the case of entitlement being granted upon appeal, reimbursement may be made of expenses incurred upon production of evidence of expenditure from the date upon which the appeal was lodged or, if this falls within a school holiday period, from the start of the following term or half-term. Such reimbursement will be for use of the most cost-effective type of transport.

### **Errors**

- 7.4 Where assistance is found to have been granted in error, notice of one full term will normally be given that assistance will be withdrawn to allow families to make other arrangements.
- 7.5 Where entitlement has been denied in error, transport will be arranged as soon as possible and consideration will be given to reimbursing parents retrospectively, with a time limit of the start of the academic year in which the error was discovered.

### **Complaints/Appeals**

- 7.6 The County Council takes all complaints seriously and has a complaints procedure to ensure they are investigated and, where possible, resolved. A copy of the procedure is available upon request.
- 7.7 People are encouraged to raise their concerns using the appropriate contacts. Where necessary, complaints will be considered at a more senior level to ensure every effort is made to resolve the issue.
- 7.8 Parents wishing to make an appeal regarding a transport entitlement decision or subsequent transport arrangements should write to the Head of Information Transport and Admissions, Children's Services Department,

Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UG.  
The appeals process is provided in Appendix 3

### **Contacts**

7.9 Please visit the Home to School Transport page on the County Council's website (Hantsweb) for up-to-date contact information.

<http://www3.hants.gov.uk/education/schools/school-transport.htm>

## Appendix 1

### Schedule of Charges for Exceptional Arrangements

#### Concessionary travel (privilege place scheme)

To be reviewed annually:

Distance to travel	Annual charge
Up to 5 miles	£600
5.01 miles to 7.5 miles	£831
7.51 miles to 10 miles	£1,164
Over 10 miles	£1,330

Waived for families when the travelling child is in receipt of FSM on the grounds of low income.


#### Exceptions to Policy

To be reviewed annually:

The following charges apply based on the price of the arrangement. The arrangement will be time limited and so the charge for exceptional arrangements can be related to the offer. The annual charges presented below can be pro-rata based on the length (in weeks) of the actual arrangement. The charge will be waived for families when the travelling child is in receipt of FSM on the grounds of low income

Distance to travel	Annual charge
Up to 5 miles	£600
5.01 miles to 7.5 miles	£831
7.51 miles to 10 miles	£1,164
Over 10 miles	£1,330

## Appendix B - PDF Link to Consultation findings report

 [HtST 2022 consultation \(SP23\) headline findings.pdf](#)

## **Appendix C – PDF link to Behaviour Code of conduct**

Revised April 2020

### **Home to School Transport Code of Conduct**

By boarding School Transport (including public transport), both the student and parent/carer are agreeing to comply with this Code of Conduct. More information and frequently asked questions can be accessed via the Home to School Transport website under Travel Arrangements.

### **Student Behaviour**

- We expect all students to behave responsibly and safely on-board School Transport. Failure to behave to acceptable standards may lead to disciplinary action including written warnings, short or fixed term suspensions and in some cases, complete removal from transport.
- For SEN students with an Education Health Care Plan (EHCP), although challenging behaviour may not always be wilful, it is still unacceptable. A review of transport arrangements may be necessary and may still result in any of the above sanctions.
- During any suspension, it will immediately become the parent/carer responsibility to make appropriate arrangements to transport the student to school.
- Please be aware if the student is misbehaving before boarding any vehicle, the driver or escort may refuse to transport them.
- Home to School transport are not responsible for loss or damage to personal belongings including any electronic devices that students bring onto transport. If the student thinks they have left property on the vehicle, please contact the transport operator directly.

### **In the interests of safety, the student must:**

- o Follow all instructions from the driver or escort
- o Keep noise to a reasonable level
- o Not eat, drink, smoke or vape on board
- o Not play music or games on electronic devices, unless personal earphones are used
- o Queue and board transport in a sensible manner and not push or jostle whilst entering/leaving the vehicle
- o Wear their seatbelt where provided and in accordance with the Law
- o Remain seated unless otherwise instructed by the driver or escort
- o Only travel on the transport they have been allocated to or issued a bus pass for
- o Be ready for transport or at their bus stop 5 minutes before their estimated pick-up time

- o Always give their name if asked by the driver, school or Home to School Transport
- o Ensure school bags are stored under the seat, in the luggage rack, or on the student's lap.

### **Bus Passes**

- Must always be carried. Failure to produce a valid pass may result in travel being refused or the student may be required to pay the fare (public transport only).
- Are only valid on the transport to which the student is allocated. It is not transferrable and may be confiscated if misused e.g., allows another student to use it or travels on a vehicle they have not been allocated to.
- Remain the property of Hampshire County Council and must be returned on request.
- Must be intact, legible, not defaced, broken or damaged in any way or it may be confiscated by the driver.
- **Replacements.** If you require a replacement bus pass, please email [school.transport@hants.gov.uk](mailto:school.transport@hants.gov.uk) to make your request. There will be a charge for a replacement bus pass, charges vary subject to operator.

### **Parent/Carer responsibilities**

- Parent/carer is responsible for the behaviour of the student whilst they use School Transport. They must ensure the student fully understands what is expected of them whilst on the vehicle and adheres to the Behaviour Code of Conduct.
- Understand that any disruptive, violent, distracting or dangerous behaviour including bullying, fights, use of foul, abusive, sexist, racist and homophobic language, endangers themselves, fellow students or other road users, distracts the driver, refuses to wear a seat belt, behaves in a sexually inappropriate way, views or shares sexually explicit material on a device, or threatens violence during the journey, may lead to transport being withdrawn. (This list provides examples only and is not exhaustive).

### **Advise Home to School Transport immediately if there are any changes to;**

- o Your personal contact details
- o The student's medical condition
- o The student's primary address
- o The student's wheelchair (make or model). Not all wheelchairs are transportable, please check this with your provider before changing wheelchairs
- Please let us know if the student has a medical condition e.g. epilepsy or severe allergies which can affect them on transport. Do NOT assume we are already aware. We may pass information regarding the student's medical condition to their driver or escort where necessary.



- Parent/carer must not board the transport and are not typically able to travel with the student on contract transport.
- Parent/carer should not act in a threatening or abusive way towards the driver, escort, or other students either on or around the bus and report any concerns to the school or Home to School Transport.
- If the student misses either the inwards or return pick-up, no alternative transport will be provided, and parent/carer will be responsible for transporting the student. If your vehicle is continually early or late, please contact the HTST team so that the problem can be rectified.
- Must ensure the student is ready for transport. The vehicle will only wait 3 minutes past the arranged pick up time at home pick-ups before continuing the route and will not wait for late students at bus stop pickup points.
- A parent/carer must be present at the pick-up and drop off point at the correct time. If the student has a home pick-up the driver will get as close to the home as possible, access permitting, but will not normally come onto your drive. If no parent/carer is present at the drop off point, we may instruct the driver or escort to take the student to the nearest Social Services office or Police Station. Repeated reports of this may lead to a withdrawal of contract transport.
- If you are happy for the student to travel unaccompanied you must sign a waiver to confirm they can travel unaccompanied. A form can be requested from [school.transport@hants.gov.uk](mailto:school.transport@hants.gov.uk) . **This applies to all students with special educational needs and Primary aged students**
- Late transport. If your transport doesn't arrive within a reasonable time (around 20 minutes) and you haven't received a message from your driver, escort or Home to School Transport, please contact your transport operator directly.
- Adverse weather. There is usually a period within most winters where schools consider closing due to the threat of snow and ice. Be 'weather aware' yourselves and check weather reports, local radio, school websites etc. and bear in mind that transport may be cancelled for safety reasons by the operator even if the school remains open. You may even need to collect the student from their school in the event of sudden adverse weather.
- Communication. All forms of transport are prone to unforeseen issues, anything could go wrong, from staff illness, to vehicle breakdowns, severe traffic jams, severe weather, accidents or school closures. In these situations, we will endeavour to communicate with you by phone call or text message (the primary mobile number only will be used). If anything does go wrong, you should have a Plan B of your own. You may need to take the student to school yourselves, or ask a friend or relative, or keep them home for the day. Bear in mind, if you do take to school yourselves, transport may also not be available for the return journey.
- Behavioural difficulties. Please do not put the student onto transport if they are behaving in a very challenging or aggressive manner. The driver or escort has the right to refuse to transport the student if they feel that there is any risk

to themselves, the vehicle or other students on board. This also applies for the return journey. Please be aware that in such cases the parent/carer is responsible for arranging transport to or from school for the day.

- Change of pick-up time. The parent/carer is responsible for any transport required outside normal school hours; no provision is made for exam timetables, work experience or after school activities or if the student becomes unwell whilst at school and needs to go home early.
- One off cancellations. Parent/carer to contact the operator or escort directly if the student doesn't require transport e.g., appointments, timetabling, sickness or any other absence. If a student is poorly whilst at school, the parent/carer will need to collect them.
- Equipment. All equipment provided by Home to School Transport remains the property of Hampshire County Council and should be returned when the student no longer requires it's use.

## Appendix D – Equalities Impact Assessment

### EQUALITIES IMPACT ASSESSMENT

#### Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

A full equalities assessment is provided below:

[Home to School Transport SP23 EIA - Consultation proposals .pdf](#)

## **Appendix E - Climate Change Impact Assessment**

### **CLIMATE CHANGE IMPACT ASSESSMENT**

Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

A full assessment of climate change vulnerability was not completed as the proposed changes to Home to School Transport arrangements are considered to have an overall low level of vulnerability to changing climate indices. Overall, the proposals have a carbon benefit by encouraging more sustainable travel options.