

WEST NORTHAMPTONSHIRE COUNCIL CABINET

11th July 2023

Councillor Phil Larratt
Portfolio Holder for Environment, Transport, Highways and Waste

Report Title **Proposed Changes to the Home to School Transport Policy**

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List of Approvers

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1. Purpose of Report

- 1.1. To share and consider the findings of the recent consultation on the proposed changes to the Home to School Transport Policy and associated supported documents.
- 1.2. To seek approval by Cabinet for the implementation of the new Home to School Transport Policy and supporting documents that include the changes being taken forward after the recent consultation. The new policy will take effect at the beginning of the academic year starting in September 2024.
- 1.3. To seek delegated authority to allow the Executive Director of Place, Economy and Environment in consultation with the Portfolio Holder for Environment, Transport, Highways and Waste to make any adjustments to the policy which are necessary to ensure it remains compliant with legislation and Statutory Guidance issued by the Department for Education.

2. Executive Summary

- 2.1 This report outlines the results of the recent public consultation on the proposed changes to the Council's Home to School Transport Policy.
- 2.2 This report sets out the recommended changes to the policy, the potential impact of these and the mitigations the Council will provide.
- 2.3 The changes being proposed are to help meet the increased demand and operating costs the service has experienced over the last 2 years, whilst at the same time attempting to create a fairer system and exploring opportunities to give greater flexibility for parents, support our young people's independence and help to promote sustainable travel. The proposals will also help simplify the policy and make it clearer for parents and schools as to the criteria for entitlement to free home to school transport.
- 2.4 Formal public consultation on the proposed changes to the policy commenced on 31st March 2023 and closed at midnight on Tuesday 30th May 2023. There were 1460 online responses to the questionnaire through the council's consultation platform and a copy of the report is attached at Appendix A.
- 2.5 The changes to the policy following the consultation are summarised below:
 - 2.5.1 Spare Seat Scheme

This affects students who are not entitled to transport under the policy that currently apply for a seat on one of our existing contracted services and who are then guaranteed transport. This provision will be replaced and instead, there will be a requirement to apply for a seat under the new Spare Seat Scheme, which does not guarantee transport. Transitional arrangements will be put in place for those who are currently making use of the existing scheme.
 - 2.5.2 Provision of free transport to linked schools

The current policy makes provision for free travel assistance to a child's nearest or linked school however, the Council only has a legal duty to transport a child to their nearest suitable school

with places available. Following consultation, and the findings from the EqIA, it is proposed that this provision will largely remain within the policy. The current list of linked schools for transport purposes will be defined and referred to as 'Geographically Associated Schools'. The new policy refers to Geographically Associated Schools rather than linked schools. This is to safeguard against any future liability being placed on the Council if a school decides to link itself to a new village or location. The list of Geographically Associated Schools will remain unchanged unless any proposed changes are approved by Cabinet.

2.5.3 Regular Review of Provision of Transport for Rising 8's

Under both the current and the new policies, the entitlement to free travel assistance changes when a child turns 8 years old as the statutory walking distance increases from 2 to 3 miles. Periodically the Council will review entitlement for these children and the proposal is that this will become a scheduled task at regular intervals throughout the academic year. This is an operational change, not a policy change.

2.5.4 Removal of Transport for Children Under 5 (mainstream only)

The current policy provides discretionary travel assistance to children in reception class. The Council proposed to remove this discretionary travel assistance for mainstream pupils below the statutory age for education (those in Reception Year who have not yet turned 5 years). Following the consultation this proposal has been removed and the current provision will continue.

2.5.5 Removal of Travel Assistance for Year 11 Pupils who move home during the academic year.

Currently where a family move home during year 11, and their current school is no longer deemed their nearest or linked, the Council will consider providing travel assistance to support the student in completing their GCSE's. This discretionary provision will be removed unless the house move is necessitated by an emergency such as a house fire or due to domestic abuse.

2.5.6 Review of Suitable Walking Route Criteria

The current walking route criteria is not clear and can be confusing for parents. The Council has simplified this at the same time as ensuring that the safety of school children is maintained at all times.

2.5.7 Increase the Cost of Non-entitled Bus Pass

The contribution towards the financial costs incurred by West Northamptonshire Council in providing transport to children who are not entitled to transport under the policy will be increased. The current policy provides discretionary travel assistance to non-entitled children at a cost of £600 per annum and this will increase this to £1,000 from September 2024 which more accurately reflects the actual cost of providing a seat for a non-entitled mainstream student.

3. Recommendations

3.1 It is recommended that the Cabinet:

- a) Approve the changes to the Home to School Transport Policy outlined in Part 6 of this report and the resulting new Policy and supporting documents.
- b) Approve the implementation of the changes proposed in Part 6 of the report and apply those changes from the beginning of the academic year starting in September 2024.
- c) Approve the list of 'Geographically Associated Schools' attached in Appendix B which will be used by the Council to determine entitlement to free home to school transport to schools which are not a child's nearest. The list will apply from the beginning of the academic year starting in September 2024.
- d) Provide delegated authority to the Executive Director of Place, Economy and Environment in consultation with the Portfolio Holder for Environment, Transport, Highways and Waste to make any adjustments to the policy which are necessary to ensure it remains compliant with legislation and Statutory Guidance issued by the Department for Education.

4. Reason for Recommendations

- To demonstrate how the Council will meet its statutory obligations in relation to the provision of Home to School transport. The current policy includes enhanced arrangements over and above the Council's statutory duty.
- The current policy has not been reviewed in over 10 years and during this time most schools within West Northamptonshire have moved to academy status and are no longer under local authority control. As a result, the current policy and the associated enhancements need to be reviewed and updated to ensure the policy is clear for parents and carers.
- The changes are proposed in order to meet increased demand and operating costs that the service has experienced over the last 2 years, whilst at the same time attempting to create a fairer system and exploring opportunities to give greater flexibility for parents, supporting young people's independence and helping to promote sustainable travel.

5. Report Background

- 5.1 The home to school transport service is a statutory (legally required) service. West Northamptonshire Council currently supports nearly 6,000 children and young people by transporting them to and from school each day. The operation of this is complex and involves nearly 500 transport routes, supported by over 100 transport providers ranging from bus and coach companies to local taxi services. We are legally required to provide home to school transport for pupils of compulsory school age (5 years to 16 years of age) if:
- i. The child is below the age of 8 and is attending their nearest suitable school which is over 2 miles from their home address
 - ii. The child or young person is aged 8 to 16 and is attending their nearest suitable school which is over 3 miles from their home address

- iii. The child or young person is aged 8 to 11 and is attending their nearest suitable school which is over 2 miles from their home address and is from a low-income family (for example, in receipt of free school meals)
- iv. The child or young person is aged 11 to 16 and is attending one of their three nearest schools between 2 and 6 miles from their home address, and is from a low-income family (for example, in receipt of free school meals)
- v. The child or young person is aged 11 to 16 and is attending a school between 2 and 15 miles from their home address where this is the nearest school preferred on the grounds of religion or belief, and is from a low-income family (for example, in receipt of free school meals)
- vi. The child or young person is attending their nearest suitable school which is below the statutory walking distance but due to their special educational needs or disability, they cannot reasonably be expected to walk to and from school
- vii. The route has been assessed by the Council as unsafe to walk even when accompanied by an adult

5.2 The current Home to School Transport policy has recently been reviewed and this concluded that the Council is not consistent with other similar local authorities in terms of the level of support it provides. The Council is also aware that the way in which we provide travel assistance has changed and we are currently providing transport for a number of sole occupancy journeys, many of which require the support of a passenger assistance.

5.3 The review also identified that the Council is providing an enhanced level of provision above and beyond our legal requirement (statutory duty), for example, we provide a subsidised concessionary seats scheme to some pupils who do not meet statutory eligibility criteria for free transport. We are proposing to amend this and ensure that West Northants residents only fund the legal requirements rather than subsidise the cost of travel for children that are not legally entitled to support.

5.4 We also have a lower take up of personal travel budgets which can enable families to make their own transport choices for their child which can sometimes lead to the best outcomes.

6. Issues and Choices

6.1 Proposal 1: Removal of the current non entitled scheme and replace with new Spare Seat Scheme.

6.1.1 Under the currently discretionary scheme, parents of non-entitled students who apply for transport by the third Friday in May each year are guaranteed a seat on one of our existing contracted services. Proposal 1 is to withdraw the provision of a guaranteed seat and instead parents and carers will be required to apply for a seat under the Council's new Spare Seat Scheme.

6.1.2 The new Spare Seat Scheme will mean that parents are no longer guaranteed a seat as these will only be offered where the Council has spare capacity available on its existing contracted services.

As a result capacity will be limited and therefore applications for spare seats will be prioritised in the following order:

Non entitled children with special educational needs or disability

Looked After Children or former Looked After Children who have been adopted

Children of Armed Forces personnel, in line with our duty as part of the West Northamptonshire

Armed Forces Covenant

Siblings of eligible students travelling on the same route

Non-entitled mainstream children

- 6.1.3 The students who currently utilise this scheme are not entitled to free transport and in most cases this is due parents or carers exercising their right of parental preference and choosing a school which is not their nearest. In these circumstances the Council does not have a duty to provide free transport and therefore is currently procuring additional vehicles and capacity to accommodate this additional demand. Whilst parents and carers are required to pay a fee for the use of this service, this does not cover the entire cost including the additional resources which are needed to manage this discretionary service.
- 6.1.4 The Council is also concerned that there is currently a shortage of operators and qualified drivers in the local market to accommodate our current demand for services and this is having a direct impact on our costs which have increased significantly since the Covid 19 Pandemic. By reducing the demand for services from the bus, coach and private hire sector, this will help safeguard sufficient capacity to meet our statutory duty.

Impact and Possible Mitigations

- 6.1.5 There are currently 144 Mainstream and 24 SEND students using this facility who could be negatively impacted if the proposal is implemented.
- 6.1.6 As shown in the consultation feedback in Appendix A, a total of 49% respondents disagreed with the proposal, with 36% strongly disagreeing. In terms of other feedback, there were some comments requesting that 'siblings' be ranked higher in the order of priority and that now children are required to remain in education or training until the age of 18, the Council should adopt a uniform approach and be fair to all students in full time education.
- 6.1.7 Although students are now required to continue in education or training until the age of 18 years, the statutory leaving age remains unchanged at 16 and therefore Local Authorities have no statutory duty to provide transport for non-entitled and Post 16 students. Local Authorities have instead a duty to publish a "transport policy statement" each year, setting out how they will support 16 – 19-year-olds to access education and training. The Council will be undertaking a separate consultation on its revised Post 16 transport policy statement later in the financial year.
- 6.1.8 The Equality Impact Assessment undertaken for this proposal has identified that there may be an adverse impact on existing mainstream and SEND children of statutory school age using the scheme. To mitigate the impact of this change, students who are currently guaranteed transport under the current non-entitled scheme will continue to be guaranteed a seat until they either

cease attendance at their current school or when they complete Year 11, whichever is sooner. The Council has created a substantive legitimate expectation to those currently receiving transport that this would continue, therefore it is not considered appropriate to withdraw it at this stage.

6.1.9 In terms of the order of priority for the spare seat scheme, this has been amended in light of the consultation feedback and no longer includes Post 16 students. This is because the Council already has in place a specific Post 16 Transport Policy for these students which will be subject to a separate consultation later this financial year.

6.1.10 The new Spare Seat Scheme can be found in Appendix C.

6.2 Proposal 2 – Provision of Free Transport to Linked Schools

6.2.1 Parents and carers currently have the right to express a preference as to which school their child attends when applying for a school place. All councils have a legal duty to provide free transport to a child's nearest school with places available when the relevant distance criteria are met, however WNC's current policy provides an enhancement to this and includes free travel assistance to a child's nearest or linked school.

6.2.2 This enhancement was put in place when schools were under local authority control and prior to the advent of academies and was used by the former Northamptonshire County Council to help distribute student school places to relieve pressure on oversubscribed schools, and support those schools who were under subscribed, by including the provision of free transport.

6.2.3 Academies can set their own admission criteria and are no longer under local authority control. This means that a particular school/academy can now determine the towns and villages they will prioritise through their admissions criteria without regard to other schools, whether they are over or under subscribed. This can provide an unfair advantage as some parents are able to receive free transport to a preferred school which is not their nearest, which can then limit places for children where the same school would be their nearest.

6.2.4 Therefore, the inclusion of 'linked' schools in the Transport Policy is no longer applicable for the purpose it was originally intended.

Impact and Possible Mitigations

6.2.5 The proposal that was subject to public consultation was to remove the provision of free transport to all Linked Schools however the feedback received showed a significant level of objection with a total of 78% (785 respondents) disagreeing with this proposal, with 63% strongly disagreeing. Many respondents commented that the proposal would cause significant disruption and would negatively impact on students' education and wellbeing. There was also a strong sense of feeling that this could impact rural areas and that the social impact will divide children and communities. Further comments are included in the consultation report attached at Appendix A.

- 6.2.6 The Equality Impact Assessment identified that the proposal could also have a disproportionate impact on families residing in more rural areas with younger children having to attend a different school to their older sibling.
- 6.2.7 As a result of this impact, the Council will continue to provide free home to school transport to a child's nearest or Geographically Associated school where this is over the statutory walking distance, or where the walking route is deemed unsuitable.
- 6.2.8 In order to prevent any future confusion between the Council's Home to School Transport Policy and the Schools Admissions criteria, the term Linked Schools has been replaced by Geographically Associated Schools in the new Home to School Transport Policy.
- 6.2.9 The list of Geographically Associated Schools is the list of schools that are currently linked schools and can be found in Appendix B. It is intended that from this point onwards this list will largely remain static.
- 6.2.10 Any school that is not included in the list will be able to make a formal request to the Council for their school be included in the Geographically Associated list. Any decision to include this school would be subject to Cabinet approval so that any impacts on other schools or on the Council's budget can be fully considered.

6.3 Proposal 3 – Regular Review of Provision of Transport for Rising 8's

- 6.3.1 Under the current policy, the transport team periodically reassess those children who turn 8 to establish whether they are still eligible to receive travel assistance based on the distance they live from their school. At age 8, the statutory walking distance changes from 2 miles to 3 miles and therefore some children in receipt of free transport may no longer be entitled.
- 6.3.2 This is not a change in policy and is something the Council previously did on a more regular basis prior to the Covid 19 pandemic. The proposal therefore is to re-introduce this and carry out an appraisal at certain periods during the academic year.

Impact and Possible Mitigations

- 6.3.3 The impact of this proposal has been assessed and there are currently 19 students in the current academic year that would be re-assessed for entitlement to free transport. From the consultation feedback, a total of 39% of respondents disagreed with this proposal with 23% strongly disagreeing.
- 6.3.4 Many of the respondents who disagreed with the proposal raised concerns over children's welfare and safety and that it was unreasonable for children to walk this distance. However the distances proposed remain as laid out in the Statutory Guidance. There was also concern that having transport withdrawn could be detrimental and unsettling for children. Some also asked that the Council make no changes to the service and that changes to transport entitlement should not happen during the academic year.

- 6.3.5 The EqIA for this proposal identifies 'age' as a characteristic that is most impacted. The number of students who would have their entitlement re-assessed is low and given the proposal is to bring their entitlement in line with that of children in other age groups, the impact is not considered sufficient to require amendments to the proposal. Similarly any disability would be given full consideration to both the child and parents needs in determining whether it would be reasonable to expect them to walk to school. In most cases SEND children are likely to retain their entitlement to free transport due to their needs.
- 6.3.6 In terms of mitigation, the Council will not remove transport entitlement until after the academic year during which the child has turned 8. For example, if a child turns 8 years of age in January 2025, the Council will re-evaluate their entitlement to transport and if the walking route was deemed safe, free transport would not be removed until the end of the academic year the student turns 8.
- 6.3.7 Parents and carers will have the right to formally appeal any decision to withdraw transport and the current appeal process is not changing. Parents and carers will also have the option to apply for a seat under our spare seat scheme.

6.4 Proposal 4 - Removal of Transport for Children Under 5 (mainstream Children Only)

- 6.4.1 The current policy provides discretionary travel assistance to children in reception class which the Council does not have a legal duty to provide. The public consultation on the proposed policy changes included the removal of this discretionary travel assistance (i.e., free transport) for mainstream pupils below the statutory age for education (those in Reception Year who have not yet turned 5 years). This would not have applied to children who have a special educational need or disability.
- 6.4.2 Legally parents are not required to send their child to school until the term after their 5th birthday and there is no statutory duty for the Council to provide transport, therefore attending reception is a parental choice.

Impact and Possible Mitigations

- 6.4.3 Feedback from colleagues within Education teams highlight the importance of children attending reception as they are taught the phonemes (letter sounds) to match the graphemes (the written letters) and by the end of Reception most children should be able to read and understand simple sentences. It is also important for a child's social and emotional skills as these are developed during Reception year along with their fine and gross motor skills. There are also concerns that missing parts of the school year could have an impact on a child's development.
- 6.4.4 From the consultation responses received, 52% of respondents objected to the proposal with 36% strongly disagreeing. Respondents felt that the proposal would discriminate against low-income families and could result in children effectively not being able to attend reception due to the date at which they turn 5.

- 6.4.5 Other comments refer to the Council's own objectives of children having the best start and that this proposal contradicts this. Feedback from the Northampton Parent Forum Group was that this could also disadvantage children who did have a special educational need or disability as often this is not identified until a child starts reception or year 1. This is because nurseries often do not have staff who are trained to identify this.
- 6.4.6 The EqIA for this proposal does highlight that that low-income families in more rural locations may be disproportionately disadvantaged. There are also valid concerns over the potential loss of learning for reception age children and the longer term impacts of this.
- 6.4.7 As a result of this impact, the Council will not implement this proposal and will continue to provide free transport for children under the age of 5 who are attending their nearest suitable school, where the walking distance is in excess of 2 miles, or where it is less than 2 miles and the walking route is not deemed suitable.
- 6.5 Proposal 5 - Removal of travel assistance for year 11 pupils who move home during the academic year
- 6.5.1 The current policy provides some discretion for year 11 students who move address during their last year of GCSE examinations and are no longer attending their nearest or linked school. The proposal is to remove this discretionary provision unless the house move is necessitated by an emergency such as a house fire or due to domestic abuse.

Impact and Possible Mitigations

- 6.5.2 The Council is currently providing transport for one Year 11 student who has moved home during the academic year. The move was necessitated due to a house fire or domestic abuse and therefore under the new policy free transport would still have been provided.
- 6.5.3 In most cases the decision to move house during a student's final exam year will be planned and it is reasonable to expect that the family would put in place suitable arrangements to allow their child to travel to and from school should they no longer be entitled to free transport.
- 6.5.4 From the consultation feedback received, 57% of respondents disagreed with the proposal with 40% strongly disagreeing. Comments from respondents included concerns over the level of disruption and that it was not clear what constituted an emergency, and that it penalises parents for wanting or needing to move for anything other than an emergency.
- 6.5.5 The Equality Screening Form for this proposal identified that the proposal will ensure that entitlement for Year 11 students will be consistent with that of children in other age groups.
- 6.5.6 Given we currently only transport one Year 11 student then the impact of the policy change will be minimal.
- 6.5.7 Under the new policy the Council will consider each case on its own merits and parents will be able to formally appeal our decision should we decline transport.

6.6 Proposal 6 - Review of Suitable Walking Route Criteria

- 6.6.1 The current suitable walking route criteria has not been reviewed for over 10 years and during this intervening period, some routes have been upgraded and are no longer deemed unsuitable. The proposal is to update the existing walking route criteria as it is not clear and needs to be simplified whilst at the same time ensuring that the safety of school children is maintained at all times.
- 6.6.2 The walking route criteria currently forms an appendix to the existing policy. As part of this proposal, the walking route criteria will be independent of the policy and will be reviewed annually to take account of any changes in legislation or national guidance. It will also provide the opportunity to identify any changes or additions that may result from recommendations of the Transport Appeals Panel.
- 6.6.3 The proposals may result in some existing routes being re classified as suitable and as a result some students who receive free transport may no longer be entitled. It is proposed that the new criteria will be used as a guide for parents and the Council to use when considering if a route is suitable and whether free transport should be provided.
- 6.6.4 Walking to and from school does provide benefits in terms of health, wellbeing and supports independence. The Council will continue to provide transport for children with a disability or mobility problem that makes it difficult for them to walk to and from school. The policy will also provide consideration for parents who have a mobility problem or disability that means they are not able to accompany their child.

Impact and Possible Mitigations

- 6.6.5 From the consultation feedback, 38% of respondents disagreed with 34% supporting it. 16% neither agreed or disagreed and 12% had no opinion.
- 6.6.6 Some of the comments received included the importance of safety for children and that they should feel safe when walking to school and there should be suitable lighting and footpaths. Other feedback included concerns over walking over fields, isolated areas, weather conditions and walking along roads where speeds were high.
- 6.6.7 Some respondents felt that the criteria was not clear whereas others felt it was and that walking and cycling should be encouraged.
- 6.6.8 The Equality Screening Form did not highlight any specific character group that would be adversely impacted by the proposal.
- 6.6.9 In terms of mitigation, the walking route criteria has been amended to take account of concerns raised through the consultation and will now include a commitment that should a parent or carer appeal the decision of the Council to decline free transport on the grounds of the suitability of the walking route, that the route will be formally assessed by an independent Road Safety Specialist and the finding shared as part of the formal Appeals process.

6.6.10 The amended Suitable Walking Route Criteria can be found in Appendix D.

6.7 Proposal 7 - Increase the Cost of a Non-Entitled Bus Pass

6.7.1 Under the existing non entitled scheme, the cost of a bus pass is £600 per academic year which has not been reviewed for over 10 years. The proposal is to increase the cost of a non-entitled bus pass to £1,000 per academic year which better reflects the actual cost of providing a seat to a mainstream learner and will therefore help meet the cost of providing the service.

6.7.2 Local Authorities can apply a charge where the student does not have a statutory entitlement and the increased cost will apply to both mainstream and Special Educational Needs and Disabled students.

6.7.3 The current cost of providing a seat on one of our contracted services for a Mainstream student is £1,040 per academic year. This does not include any other costs associated with the resources needed to administer the scheme or procuring and managing the services used by non-entitled students.

6.7.4 This proposal will also mean that the cost of a seat will be subject to an annual review in line with the Council's wider fees and charges review that takes place as part of the annual budget setting and any change will be publicised and implemented from the start of the next academic year.

Impact and Possible Mitigations

6.7.5 There are currently 144 mainstream and 24 SEND students using this facility who could be negatively impacted if the proposal is implemented. This excludes Post 16 students of which there are considerably more with the majority also paying £600 per academic year for their home to school transport. The Post 16 Transport Policy will be the subject of a separate review and consultation on proposed changes to be carried out later this financial year.

6.7.6 From the consultation feedback, 73% of respondents disagreed with 55% strongly disagreeing with some respondents commenting that the increase is set too high especially in the current financial climate and cost of living increases. A smaller number of respondents that agreed with the proposal commented that the increase should reflect the actual cost. Some also felt that this would penalise rural communities and that maybe the cost increase should be phased and that the cost should be proportionate to the distance travelled. The impact would also be felt worse for those with more than 1 child using the scheme.

6.7.7 The EqIA identified impacts on age, disability and low-income groups and options were explored as to how these could be mitigated which are outlined below. Unfortunately, each of the mitigations considered would have a negative impact on the saving targets that are needed to ensure the Council meets its Medium Term Financial Plan. The Council will however provide parents with flexible payment plans to help spread the cost of a new bus pass.

6.7.8 The charge is applicable to students who are not entitled to free transport, and in most cases, that apply for a seat through the discretionary scheme. These are children who are not attending

their nearest school, but a school which was their parent or carers preference. In many rural areas, where parents decide to send their child to their nearest secondary school, they are likely to be entitled to free home to school transport due to the distance being more than 3 miles or because the route is deemed unsuitable to walk. Therefore, if parents or carers elect to send a child to a school which is not the nearest, then they are responsible for ensuring they can get their child to and from that school. Parents and carers do have a choice and can avoid relying on the Council's non-entitled scheme if they chose their nearest school.

6.7.9 In terms of mitigating the impact of the increase in cost, the Council has considered a phased increase in cost over 2 years. For example, for students using the scheme from September 2024, the cost could be increased to £800, and from September 2025, the cost could then increase to £1,000.

6.7.10 As an alternative option the Council has also considered setting the cost at £800 for students who are currently part of the scheme and not increasing this for the period they attend their current school or until they complete Year 11, whichever is sooner. The new charge of £1,000 would therefore only apply to all new students requesting to join the scheme from September 2024 allowing parents to fully understand the impact of their decision when they are choosing a school place for their child who is starting school from September 2024.

6.7.11 Implementing a phased approach or offering a subsidised rate for existing students, would result in the Service not being able to achieve its Medium Term Financial Plan target for 2024/25. Given there are no suitable alternative proposals available to meet this savings target, the result would be an overspend on the budget and so the original proposal to raise the cost of a non-entitled bus pass to £1000 from the beginning of the academic year commencing in September 2024 will be implemented.

6.8 Other Proposals

6.8.1 As part of the policy proposals the Council is also promoting independent travel training and are currently undertaking a pilot in conjunction with 2 local charities and a local SEND school. The pilot includes the use of virtual reality to help children and young adults overcome some initial fears and help familiarise them with the likely barriers they may face on their journey. Direct accompaniment will then follow, where the child or young adult will be accompanied on their journey until they become confident undertaking this by themselves.

6.8.2 The objective of the pilot is to explore how the Council can assist children and young adults with a SEND to become more independent not only for the purposes of home to school transport but also wider life skills. It will also promote healthy living and seek to improve overall wellbeing.

6.8.3 The Council will also be promoting the use of personal budgets for children entitled to home to school transport which will allow parents to identify the best possible solution to ensure their child arrives at school in the best possible temperament and ready for learning.

6.9 The proposed Home to School Policy can be found in Appendix E.

6.10 The proposed Transitional Arrangements document which includes the proposed mitigations will not form part of the main policy and can be found in Appendix F.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 The objectives of the proposed changes are summarised below:

- To help the Council meet the increased demand and operating costs the service has experienced over the last 2 years.
- To provide a more equitable and fairer application of the entitlement to free home to school transport.
- Provide greater clarity and certainty over the criteria that will apply when determining a child's entitlement to free home to school transport.

7.1.2 The total financial savings required from the Service for the financial year 2024/25 is £503k. The increased charges for bus passes will contribute significantly to achieving this.

7.2 Legal

7.2.1 The proposed policy, supporting documentation and Equality Impact Assessments have been reviewed by the Council's legal Services (Pathfinder Legal Services).

7.2.2 Local Authorities must comply with the public sector equality duty under the Equality Act 2010 ('EA 2010'). Local Authorities must consider the potential effect of their transport policy on disabled people, both disabled children and disabled parents alongside other groups with protected characteristics.

7.2.3 Local Authorities need to ensure that their transport policies do not unlawfully discriminate in relation to protected characteristics or contravene the Human Rights Act and also that they comply with the Statutory School Travel and Transport Guidance.

7.2.4 Further, where the Local Authority is exercising a discretion, it needs to ensure that it does not fetter its discretion. Thus, it has to apply the principles of Natural Justice and observe that any process which it follows in reaching its final decision is within the realms of reasonableness, fairness, lawfulness and proper.

7.2.5 Sections 508B and 508C of the Education Act 1996 require Local Authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. Section 508B deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children. Section 508C gives a power to the local authority to provide school transport for any child.

7.3 Risk

7.3.1 Any change to the Council’s policy will give rise to a risk of legal challenge. The changes proposed to the home to school transport policy and the associated Equality Impact Assessments have been reviewed by the Council’s legal advisors and they are satisfied that the Council has met its legal duty in consulting on the proposal, assessing the impact on all groups, and offering mitigations. This will help minimise the risk of legal challenge.

7.3.2 Should Cabinet not approve these changes at its July meeting, then the implementation of the policy changes will be delayed by a further academic year and will mean that the service is not able to meet the savings needed to remain within its budget. This is because the Council is required to provide a full academic years’ notice of any changes to its home to school transport policy.

7.4 Consultation and Communications

7.4.1 Formal public consultation on the proposed changes to the policy commenced on 31st March 2023 and closed at midnight on Tuesday 30th May 2023.

7.4.2 The consultation consisted of an online questionnaire which was made available through the council’s consultation hub, Citizen Space, at: <https://westnorthants.citizenspace.com/cet/home-to-school-transport-2023>. The questionnaire was offered in an alternative format including large font or easy read. Paper copies were made available where required. Alternatively, people could also respond via email at schooltransportpolicy@westnorthants.gov.uk, or post using The Guildhall address.

7.4.3 People could also provide comments during the following consultation events:

Date & Time	Location
27 April, (10am to 12pm)	Engine Room, West Northamptonshire Council, One Angel Square, Angel Street, Northampton, NN1 1ED
28 April, (5pm to 8pm)	Egerton Hall, Juno Crescent, 20 High Street, Brackley, NN13 6GN
2 May, (4pm to 7pm)	Jeffrey Room, West Northamptonshire Council, The Guildhall, St Giles' Square, Northampton, NN1 1DE
4 May, (4pm to 7pm)	Council Chamber, West Northamptonshire Council, The Forum, Moat Lane, Towcester, NN12 6AD
10 May, (4:30pm to 7:30pm)	Daventry Volunteer Centre, New Street, Daventry, NN11 4BT

7.4.4 The consultation included access to all related documentation and material associated with the proposals along with further information and explanations around the reasoning for the proposals and frequently asked questions.

7.4.5 The consultation was publicised widely throughout the duration of the consultation period using different means including:

- Local press: A series of media releases that went to circa 370 newsrooms and individuals (including hyperlocal, local, regional, and national, print, digital and broadcast including the Chronicle and Echo and BBC Radio Northampton) from the council's Communications Team.
- Social media:
 - 6 promotions using Twitter, reaching a cumulative total of 5861 accounts, prompting 130 engagements through clicks, likes and shares.
 - Additionally, the consultation was promoted through Facebook posts 6 times, reaching a cumulative total of 23945 accounts, prompting 128 engagements through clicks, comments, reactions, and shares.
 - E-newsletters were sent on 3 different dates during the consultation. Articles were also included in news bulletins to town and parish councils.
 - Online council news pages: Internal communications and external public pages.
 - Notifications were sent to 186 educational establishments in West Northamptonshire at the start of the consultation and a reminder during including academies, maintained, universities, nurseries, and Special Educational Needs and Disabilities.
 - Detail about the consultation was also circulated via email to those registered on the council's Consultation Register and Residents Panel (over 500 contacts), as well as being sent to council members and parish councils. Wider promotion of the consultation was encouraged through these means.

7.4.6 There were 1460 online responses to the questionnaire through the Council's consultation platform.

7.4.7 The online consultation questionnaire was structured in a way that respondents were able to comment on individual proposals. There was no requirement for respondents to answer every question, therefore the total of responses for each question may differ. A summary report of the consultation is set out in Appendix A.

7.4.8 Discussion on the consultation took place directly with the Northampton Parent Forum Group (NPPFG) which included attending weekly meetings. As result, there have been minor changes made to the proposed policy. These changes are for clarity only and do not have a significant impact the proposals presented in this Cabinet report.

7.5 **Consideration by Overview and Scrutiny**

7.5.1 A summary of the proposed policy changes was presented to the Place Overview and Scrutiny Committee at their meeting held on 18th April 2023.

7.6 **Climate Impact**

7.6.1 Any reduction in the number of vehicles operated by the Council will help reduce the Council's carbon footprint. Additionally, the measures proposed within this report could give rise to an increase in children walking and cycling to school which will help with support the Council's health and wellbeing objectives.

7.6.2 There could be an increase in parents deciding to transport their child to and from school themselves as they are not willing to pay the cost of a non-entitled bus pass, however it is not possible to quantify how many parents may chose this option. Officers will work with schools to help promote more sustainable transport arrangements for parents and where requested, help schools procure their own transport.

7.7 **Community Impact**

7.7.1 Concern was raised in the consultation that the proposed changes could unfairly disadvantage families residing in more rural areas.

7.7.2 In many rural areas, where parents decide to send their child to their nearest secondary school, they are likely to be entitled to free home to school transport due to the distance being more than 3 miles or because the route is deemed unsuitable to walk. Therefore, if parents or carers elect to send a child to a school which is not the nearest, then they are responsible for ensuring they can get their child to and from that school. Parents and carers do have a choice and can avoid relying on the Council's non-entitled scheme if they chose their nearest or geographically associated school.

8. **Background Papers**

8.1 Equality Screening Forms and Equality Impact Assessments have been completed for each of the proposals and have been updated following the public consultation.