

CABINET – 16 JULY 2013

ADDENDUM TO THE PROPOSED HOME TO SCHOOL TRANSPORT POLICY

Report by Director for Children's Services

1. Local authorities have a statutory duty to follow the most recent statutory guidance on home to school transport issued by the Secretary of State.
2. The proposals put before Cabinet were all consistent with the statutory guidance issued by the Secretary of State in March 2013. This statutory guidance replaced earlier guidance issued in 2007.
3. The Secretary of State has now withdrawn the statutory guidance issued in March 2013 and has re-issued the statutory guidance dating from 2007. This followed the charity IPSEA (Independent Parental Special Education Advice) filing an application for a judicial review regarding the guidance.
4. No direct or indirect notification was received from the DfE regarding the withdrawal of the document or the re-issuing of the 2007 guidance. However, on 11 July the Council was alerted to the withdrawal of the statutory guidance by a third party and this was confirmed by checking the DfE website, making a direct enquiry to the DfE, and in discussions with representatives of the DfE at a meeting on 12 July.
5. The statement shown below is taken from the DfE website:

“We published on 8 March 2013 statutory guidance on home to school transport. A number of local authorities, dioceses and voluntary organisations have suggested ways in which the guidance could be more helpful. We have therefore decided to reinstate, for the time being, the statutory guidance which applied immediately prior to the publication of the 8 March 2013 guidance.

During the autumn, we will be consulting widely on a further version of the statutory guidance. A key aim for this new guidance will be to reduce prescription and to allow greater freedom for local authorities to develop transport policies that meet local needs. We also aim to ensure that the final guidance reflects, so far as possible, the views of those affected by the decisions that local authorities make about home to school transport policies.

About this guidance

This guidance, to which local authorities are under a statutory duty to have regard, is issued under duties placed on the Secretary of State by section 508D of the Education Act 1996 and provides a summary of the statutory

duties with which local authorities must comply when making home to school travel arrangements.”

6. Any Home to School Transport Policy now needs to be consistent with the requirements laid out in the Home to School Travel and Transport Guidance 2007 rather than the guidance issued in March 2013. This means that the proposed changes to the Home to School Transport Policy now need to be reconsidered in the light of the reinstated statutory guidance from 2007.
7. This means that it would now be inappropriate to consider the proposals regarding the Home to School Transport Policy at the Cabinet meeting scheduled for 16 July 2013.

Jim Leivers
Director for Children, Education and Families

Background papers: Home to School Travel and Transport Guidance 2007,
Department for Education

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