

## **Divisions Affected – All**

### **PLACE OVERVIEW AND SCRUTINY COMMITTEE - 17 FEBRUARY 2022**

### **OVERVIEW OF HOME TO SCHOOL TRANSPORT IN OXFORDSHIRE**

#### **Report by Corporate Director for Children's Services**

#### **RECOMMENDATION**

1. The Committee is RECOMMENDED to note the report.

#### **Executive Summary**

2. Officers were asked to provide an overview to include the following information.
  - Current arrangements including parental preference
  - Pupil projections, expansion plans and need
  - How to create fairness within the system
  - How to decarbon the service
  - Service User experience and opinion

#### **Overview**

##### **What is 'Home to School Transport'?**

3. Parents have a right to express a preference for the school they want their child to attend. However, there is no general statutory right to free transport based upon parental preference of school.
4. Parents who have not opted for elective home education for their children have a legal duty to make necessary arrangements to ensure that their statutory aged children attend school regularly. The council is only required to provide free school travel to children resident within the administrative area of Oxfordshire County Council who are eligible under the law and this Home to School Transport policy. If children move to an address outside the administrative area of Oxfordshire County Council, the responsibility for determining and, where appropriate, providing free or assisted travel passes to the child's new home authority.
5. The legal basis for the provision of home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and, where appropriate, the Equality Act and English and European case law. In addition, local authorities are under a statutory duty to have

regard to the Home to School Travel and Transport Guidance issued by the Department for Education (DfE) in July 2014 and the statutory Post 16 Transport to Education and Training guidance issued in October 2016.

6. Oxfordshire County Council is keen to encourage young people to walk or cycle to the school or college they attend, or to make use of public transport.
7. Those who are not resident in Oxfordshire are advised to contact their own home local authority for details of any policy that their local authority may have regarding home to school/college transport.
8. Free and subsidised transport is not provided to children of pre-school age who attend nurseries or other Early Years settings, irrespective of whether they have an Education, Health and Care Plan (EHCP). Travel to nursery/early years settings is wholly the responsibility of a child's parent. This is the case both for children who have an EHCP and those who do not have a such a plan.
9. The current policy is available at [2021-22 OCC Home to School Travel and Transport Policy \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/2021-22-OCC-Home-to-School-Travel-and-Transport-Policy).

#### **Current arrangements including parental preference**

10. Normally eligibility for free travel will be determined at the time that a school place is allocated through:
  - Oxfordshire County Council's Coordinated Admissions Scheme for entry at
  - the normal points of admission; and/or,
  - the issuing of an Education, Health and Care Plan; and/or,
  - the operation of the Fair Access Protocol; and/or,
  - the In-Year Coordinated Admissions Scheme.
11. The key principles in the council's current policy are
  - Free travel to "Nearest school" if in excess of statutory walking distances
  - Post 16 free travel for SEN students to the nearest college/school at which need can be met
  - Providing a spare seat scheme
  - Providing a formal appeals process
12. Statutory walking distances beyond which children are not expected to walk to school are as follows.

2 miles if under 8 years of age  
3 miles if 8 to 16 years of age  
Distances are measured using the 'Route Finder' system.  
All roads, streets, footpaths, bridleways are on our route network.
13. Free travel is also provided if the distance from the child's home to the nearest available school is under the statutory walking distance but the route is unsafe to walk, even if accompanied by an adult. Route assessments are

carried out by the Principal Officer for Road Safety and routes should be reassessed regularly. These routes are assessed against the Road Safety GB Guidelines - "Walked Routes to School" and are concerned with road safety risks rather than potential criminal activity.

14. Routes are assessed assuming a responsible adult is available to accompany the child as this would be a necessary arrangement to be made by a parent/carer to ensure the child attends school.
15. When, under the Home to School Travel and Transport Policy, children and young people are entitled to free travel it is provided by the most cost-effective means. This will usually be by the provision of a free bus pass. However, where numbers are small, children may sometimes have to be transported by taxi. If parents wish to take their children to school and it is therefore possible to avoid the provision of a taxi, the Council may agree to the payment of a mileage allowance.
16. If free travel is agreed, children and young people will normally be expected to use public transport (ordinary scheduled bus or train services) or, if this is unavailable, contracted transport such as a coach or minibus. Up until the end of Year 5 children of primary school age who receive free travel to school by public transport will normally be expected to travel with a parent and the parent as well as the child will be eligible for a free bus pass. However, in normal circumstances once a child is of Year 6 age and above only the child will receive free travel.

#### **What is different about SEND Home to School transport?**

17. Local authorities have a duty to make suitable arrangements as they deem necessary to facilitate attendance at school for eligible children between the ages of 5-16 (Section 508B of the Education Act, 1996). This transport provision applies if their nearest suitable school is beyond 2 miles (if below the age of 8) or beyond 3 miles (if aged between 8 and 16).
18. For our SEN pupils, there is a statutory responsibility to make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their SEN or disability. As outlined in our policy documents, eligibility for such children and young people (CYP) should be assessed on an individual basis to identify their transport requirements.
19. For further education up to the age of 18, local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the authority considers necessary to facilitate the attendance of all persons of sixth form age receiving education or training. The overall intention of the 16-18 transport duty is to ensure that students of sixth form age are able to access the education and training of their choice and, if support for access is required, that this will be assessed and provided where necessary. As outlined in Home to School Travel and Transport Policy 2020/21 onwards for

Reception to Year 11, free transport will not be agreed to any school irrespective of distance, journey time or number of other suitable schools that are closer to the family home. Free travel will only be provided to the nearest suitable school. The OCC Transport Policy Statement for those aged 16-18 and students continuing in education who are aged 19 outlines that:

20. Applications for travel assistance for students with learning difficulties and/or disabilities aged between 19 and 24 years of age will be considered on an individual basis for a first course of study. An assessment will be made of the application taking account of the particular circumstances of the applicant and the case for assistance with travel.
21. Where travel assistance is agreed, it will normally continue during the agreed course of study until the end of the academic year in which the student's 25th birthday occurs. However, travel assistance will be reviewed throughout the course and independent travel encouraged.
22. SEN Home to School transport tends to be in smaller vehicles. Routes provided by Supported Transport Fleet Services, Multi Academy Trusts and contracted private hire vehicles. For some students a travelling passenger assistant is required.

### **Financial Implications**

#### **23. Budgets and Number of Passengers**

Table 1. Expenditure

Category of spend	Budget 2021/22
Mainstream Primary	£1,880,000
Mainstream Secondary	£6,300,000
SEN	£14,600,000
SEN Post16	£635,000
<b>Total</b>	<b>23,415,000</b>

24. The number of pupils conveyed to school every day are set out in the two tables below.

Table 2. Numbers of pupils Using Home to School Transport

<b>Type</b>	<b>Number</b>
SEN Travel	1375
Mainstream	7336
Spare Seat Scheme	1188
<b>Total</b>	<b>9899</b>

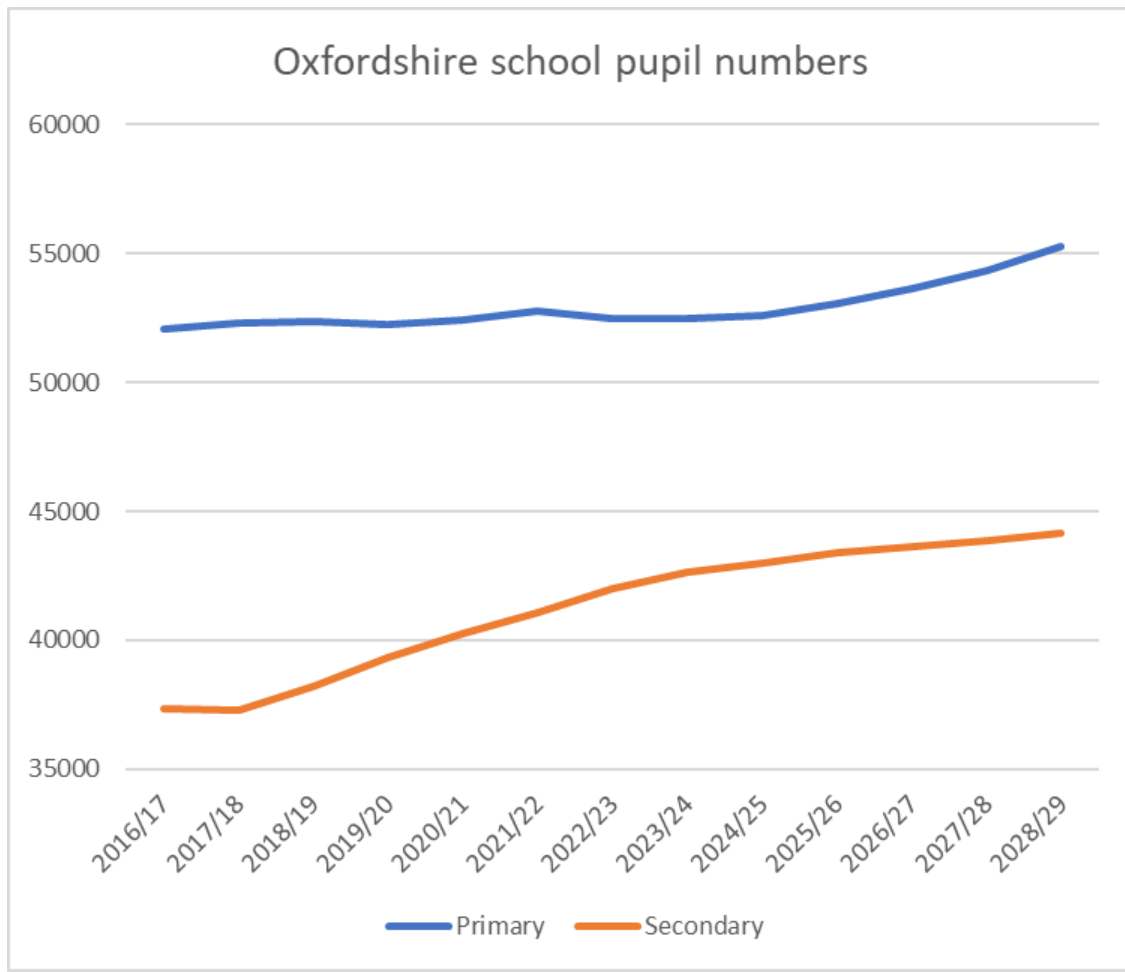
25. The vehicles used to meet this need vary in size but generally the smaller the size of vehicle the higher the cost per pupil.
26. In the council's proposed budget (to be discussed 8<sup>th</sup> February) there is recognition that Home to school transport represents a significant proportion of the councils' overall budget for Education and Services for children.

27. An undertaking is given to review how this money is spent including:
- Adjusting the price of the spare seat scheme to reflect the increasing cost of providing this service
  - Reviewing areas of discretionary spend and adapting policies to bring the Oxfordshire transport offer more in-line with other parts of England
  - Optimising our routes to reduce emissions and make savings
  - Running our services more efficiently and ensuring eligibility is tightly managed.
28. Any proposed changes will be subject to full statutory consultation processes prior to decisions being taken by the council.

### **Pupil projections, expansion plans and need**

29. The annual Pupil Place Plan provides information on expected mainstream pupil numbers and expansion plans. The latest version was approved by the County Council Cabinet on 18 January 2022 as part of the Capital and Investment Strategy for 2021/22 - 2031/32 and is available at [Planning enough school places | Oxfordshire County Council](#)
30. After rapid growth in the early part of the last decade, growth of primary school pupil numbers subsided in the second half of the decade, and is now forecast to remain level overall until growth resumes in the second half of this decade. However, in areas of housing growth demand is still growing rapidly.
31. Demand for secondary school places been growing strongly in recent years, as the earlier births boom matured. Again, this pattern is not consistent across the county.

Table 3. Recent and forecast primary and secondary pupil numbers in Oxfordshire's schools



32. Our current pupil projections show a 1.2% increase in primary pupil numbers and for secondary school pupils a 7.8% predicted rise between 2020/21 and 2025/26. Longer term, there is expected to be significant further growth due to the high levels of housing growth planned for the county.
  
33. Approximately 1% of the total primary school population and 2% of the total secondary school population attends special schools. Forecasting for special educational provision is more complicated than for mainstream schools. The number of pupils with Education, Health & Care Plans (EHCPs) has grown significantly faster than the overall population at both the Oxfordshire and national level. Nationally and locally there has been an increased dependence on independent and non-maintained schools due to a shortage of suitable maintained school places. Pupil numbers in Oxfordshire's maintained special schools therefore depend not only on population changes, but also on changes in SEND policy and practice, as well as the availability of places, and will be affected by the actions proposed in the current consultation on support for children and young people with special educational needs and disabilities (SEND) in Oxfordshire ([SEND consultation | Let's Talk Oxfordshire](#)).

34. Most significant new housing developments are either within the statutory walking distance of school provision, or (in the case of larger developments) include on-site primary schools. Given the scale of some Local Plan developments, some are also expected to include new secondary schools.

### **How to create fairness within the system**

35. Eligibility for free home to school transport is rigorously assessed by a specialist team in the Children's Services Directorate.
36. There is a two-stage appeal process which offers families the ability to challenge decisions and further amplify exceptional circumstances or identify administrative errors. The two stages are set out below:

Stage 1 reviews – Admissions and Transport Services Manager

Stage 2 appeals – independent panel of 3 consisting of a local authority officer, a county councillor, and an independent person. All panel members must have received appropriate training prior to hearing appeals.

37. The Panel may not change the policy but can identify administrative errors or award transport based on exceptional circumstances for the appellant. The full process is laid out in the statutory guidance and the Home to School Transport Policy.
38. There is no legal requirement for the council to allow parents to purchase spare seats on home to school transport routes set up for those with an entitlement to free travel but in common with many councils Oxfordshire does provide such a scheme. This assists families and it helps to defray the cost of home to school travel for the council, and so for the community at large. The prices set in the Spare Seat Scheme are intended to reflect the cost of the seat to the council.
39. The "Spare Seat" Scheme operates on contracted routes that are operated for the benefit of those who are entitled to free transport to and from school. Fare prices are reviewed annually. The "Spare Seat" charge will be waived for those of statutory school age who are eligible for free school meals, or, in the case of those aged 5, 6 or 7, would be eligible for free school meals on income grounds, or whose parent is in receipt of the maximum level of Working Tax Credit.
40. Transport is not contracted to specifically provide places for the Spare Seat Scheme and current published rates are shown below.  
  
Under 3 miles            £378 per annum (current)  
£386 from September 2022  
Over 3 miles –            £705 per annum (current)  
£719 from September 2022
41. The council does not make a profit from the Spare Seat Scheme.

42. When there are more requests to pay for seats on a specific route than there are seats available, they are allocated in the descending order of priority shown in the table “Priority for Spare Seats”.

Table 4. Priority for Spare Seats

Priority	Category
1	Those with an Education, Health and Care (EHC) Plan naming the school
2	Looked After Children
3	Years 12 and 13 (if there is no available service bus route)
4	Children in receipt of Free School Meals or whose parent/parents are in receipt of the maximum level of Working Tax Credit
5	Those who travelled on the route the previous term
6	By year group, in ascending order of priority from Reception to Year 11 (or to Year 13 if there is an available service bus route)

*\*Where there are more applicants than places in any of the above categories, priority will be given to those living closest to the destination school (measured using the shortest designated route on Oxfordshire County Council’s Geographic Information System*

### **How to decarbon the service**

43. Oxfordshire County Council wishes to reach a position where all its tendered supported transport services specify carbon neutrality as soon as practically possible.
44. A body of work is about to commence to understand how the council can influence the market to reach this position by specifying higher vehicle standards in its tender documents and incentivising the use of cleaner vehicles and practices through its contract award mechanisms. OCC also wishes to understand the likely cost over and above the ‘status quo’ position, how it can measure progress towards targets and indeed what those targets should be.
45. By taking this action, OCC hopes to influence the taxi and coach industry as a whole to reduce its carbon emissions and also to establish best practice for others local authorities to follow.
46. The council also has its own internal fleet of around 70 minibuses. As an internal service, there is a commitment to be carbon neutral by 2030. There are a number of workstreams underway focussed on the future of fleet services, what it offers, what it can offer and how we can decarbonise it. Current lease agreements are in place until 2026 so 2027 is a good target to aim for.
47. Very broadly speaking, the technology is there and improving for taxis and smaller vehicles using electric power. Hydrogen however is likely to be more suitable for larger vehicles, and while technology is improving swiftly in this



area there is uncertainty on when this might become readily and practically available. This makes it particularly tricky for minibuses as there is uncertainty on whether to choose electric power or hydrogen. It is perhaps likely however that this will be clearer by the time the council needs to consider renewing or replacing leases from 2026.

### **Service User experience and opinion**

48. Home to School Transport policy has always been emotive and particularly so when pupils have Special Education Needs and Disabilities (SEND). There is always a good response from different stakeholders when any changes are consulted upon. There have been no major changes in policy since 2018.
49. Complaints generally fall into the following categories.
- a) Mode of travel allocated, for example, family expectation that a child should have lone transport related to their needs.
  - b) Flexibility of transport offer – times, drop off points for children particularly in relation to parent/carer work commitments.
  - c) Transport is only to and from child’s main residence – split families can often feel this is unfair.
  - d) Transport failures – late, non-arrival, unhappy with drivers.
  - e) Nearest school entitlement.
  - f) No transport for after hours activities offered at mainstream school sites.
50. Generally, the service is well thought of and most of the 9,899 pupils transported daily travel efficiently and no comments are received. Formal complaints regarding contracted routes are logged and dealt with by the Supported Transport team.

Table 5. Number of contractual complaints received per month for April – Dec 2021

<b>Month</b>	<b>Number of complaints received</b>
April	70
May	92
June	83
July	58
August	18
September	197
October	88
November	117
December	79

51. The system for allocation and contracting of SEN Home to School Transport was considered in detail as part of a transformation project for this service completed between 2018 and 2019. As part of that project families and users were consulted through the Co-Production Board and bespoke user/contractor workshops. The findings from those activities have been incorporated into current service provision.

**Kevin Gordon**

Corporate Director for Children's Services

Background papers: The current Home to School Transport policy is available at [2021-22 OCC Home to School Travel and Transport Policy \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/2021-22-OCC-Home-to-School-Travel-and-Transport-Policy)

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17<sup>th</sup> February 2022