

# Report of the Home to School Transport Policy Working Group

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# **1. Foreword by the Chair**

*Introduction by Chair of the Working Group - Cllr Andy Graham*

The review of the Home to School Transport Policy has been undertaken by Cllr Gregory, Cllr Waine and myself, with the support of officers, to investigate the policy with due regard to making recommendations to the Cabinet to ultimately make improvements where practical and realistic in the context of ever growing costs and budget pressures.

In addition to that, the working group has made every effort to establish where inequities exist, or exceptional circumstances should be highlighted, to ensure that the policy is as inclusive and fair as possible.

However, we have had to be conscious that the policy is laid out by statute and national legislation, and there have been occasions where that could be deemed to conflict with changes which might be deemed reasonable in one area of the county yet would set a case of being iniquitous elsewhere.

However, where discretion in the policy can be applied, we have sought to highlight specific examples to overcome that.

Ultimately, we have made every effort to ensure that the interest of all our children and those that have responsibility of ensuring they get to school and back safely has been at the forefront of our deliberations.

This review is not an attempt to solve all the issues involved but to make supportive recommendations in some of those areas that will make a difference and improve services for residents across Oxfordshire.

Councillor Andy Graham  
Chair of the Home to School Transport Policy Working Group

## **2. Introduction**

1. On 17 February 2022, the People Overview & Scrutiny Committee established a working group with the following terms of reference
  - i. to consider the Home to School Transport Policy and the options for any changes to the policy;
  - ii. to consider the impact on carbon emissions;
  - iii. to consider the equalities implications; and
  - iv. to agree a report and recommendations to the Cabinet for submission to the People Overview & Scrutiny Committee for endorsement.
2. The following Members were appointed to the Working Group:
  - Cllr Andy Graham (Chair)
  - Cllr Kate Gregory
  - Cllr Michael Waine
  - Cllr Juliette Ash (until October 2022)
3. This report will be presented to the People Overview and Scrutiny Committee for endorsement on 30 March, and subsequently to the Cabinet.

## **3. The Working Group's Inquiry**

4. On 7 April 2022, the Working Group held its first meeting, at which it considered a report on catchment areas, heard oral evidence from the Corporate Director – Children's Services and Admissions and Transport Services Manager, and agreed principles for its inquiry.
5. On 3 May 2022, the Working Group agreed a project plan, elected Cllr Graham as its chair and agreed that Cllr Ian Corkin was to have observer status in his capacity as Chair of the People Overview & Scrutiny Committee.
6. On 22 July 2022, the Working Group considered written submissions from Councillors, a report on home to school transport policy, and options to engage stakeholders in its inquiry; and heard oral evidence from the Deputy Director – Education, Admissions and Transport Services Manager and Principal Officer – Road Safety.
7. From August to November 2022, the inquiry was paused due to Member availability.
8. On 18 November 2022, the Working Group considered a report on the After-School Activity Travel Bursary, received an update on the decarbonisation of home to school transport, reviewed financial challenges facing the Home to School Transport budget, discussed discretionary SEND expenditure and the application of the Home to School Transport Policy to split-site schools. The Working Group heard oral evidence from the Corporate Director – Children's Services, Deputy Director of Education, Head of Access to Learning, Admissions and Transport Service Manager, and Team Leader – Supported Transport Services.

9. On 5 January 2023, the Working Group considered Home to School Transport data, a report on the decarbonisation of Home to School Transport, and a report on Independent Travel Training. The Working Group heard oral evidence from the Cabinet Member for Climate Change Delivery and Environment, Corporate Director – Children’s Services, Deputy Director of Education, Head of Access to Learning, Admissions and Transport Service Manager, Director of Highways and Operations, Head of Supported Transport, Climate Action Delivery Manager, Team Leader – Supported Transport Services, and Consultant from Gefleet. The Working Group would like to thank everyone, especially external contributors, for sharing their time and expertise with the Working Group.

## **4. Background**

10. 10. Education Authorities have a duty to provide free school transport to children and young people in certain situations and this is often referred to as Home to School Transport. Oxfordshire is a mostly rural county and the Council provides home to school transport to over 10,000 pupils every year at a cost of over £25 million per year.

### **Home to School Transport – Law and Policy**

11. Home to School Transport in Oxfordshire is delivered in accordance with the relevant legislation and guided by the Council’s policy to enable it to successfully meet local needs. As described under paragraph 17, the Council currently provides home to school transport above and beyond what is required by law.

### **Legislation and statutory guidance**

12. Statutory home to school transport eligibility is prescribed by the Education Act 1996 (the ‘1996 Act’) as amended by the Education and Inspections Act 2006, and education authorities, such as the County Council, must:
- Provide free transport to children under 8 years of age who attend their nearest suitable school if the walking distance to that school exceeds two miles.
  - Provide free transport to children aged 8 to 16 years who attend their nearest suitable school if the walking distance to that school exceeds three miles.
  - Provide free transport if a child is entitled to free school meals or their parents are in receipt of working tax credits and
    - the child is aged 8 to 11 years and attends their nearest suitable school, which is over two miles from their home,
    - the child is aged 11 to 16 years and attends one of their three nearest suitable schools and that is between two and six miles of their home, or
    - the child is aged 11 to 16 and attend a school that is between two and 15 miles of their home and their parents have chosen that school on the grounds of their religion or belief and, having regard to that religion or belief, there is no nearer suitable school.

- Make transport arrangements if a child attends their nearest suitable school and cannot be expected to walk to it because of their special educational needs, disability or mobility problems.
  - Publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the authority considers necessary to make to facilitate the attendance at education or training of all persons of sixth-form age receiving education or training.
  - Make such arrangements for the provision of transport and otherwise as the authority considers necessary to facilitate the attendance of adults – including those with education, health and care plans – at education or training.
13. Local authorities must have regard to the relevant statutory guidance issued by the Department for Education: *Home to school travel and transport guidance* (2014)<sup>1</sup> and *Post-16 transport and travel support to education and training* (2019)<sup>2</sup>.

### **Council Policy**

14. [Oxfordshire County Council's Home to School Transport Policy](#) sets out how it fulfils its home to school transport duties for children in Reception to Year 11.
15. Key principles of the Policy are:
- Free travel to 'nearest school' in excess of statutory walking distance or sub-statutory distance if walking route is assessed as unsafe.
  - Free travel for post-16 children with special educational needs (SEND) to the nearest college or school at which their needs can be met.
  - Providing a 'spare seat' scheme, under which children who are not entitled to home to school transport may apply to use excess home to school transport capacity for a fee.
  - Providing a formal appeals process.
16. Under the Policy, transport is provided using the most cost-effective means – most often a free bus pass.
17. The following elements of the Policy are discretionary:
- Free travel to the nearest suitable education setting for post-16 students.
  - The Spare Seat Scheme.
  - Free travel from RAF Benson to Icknfield Community College.
  - The 'split village' entitlement, whereby children are provided with free travel to the catchment school in villages where (a) at least 20 per cent of addresses are nearest to the catchment school and the rest are nearest to another school and (b) the catchment school is beyond the statutory walking distance or there is no safe walking route.

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<sup>1</sup> [DFE-00501-2014](#)

<sup>2</sup> [DFE-00022-2019](#)

- Free travel to the nearest school in Oxfordshire even though there is a nearer school in an adjoining authority if the school is over the statutory walking distance.
  - The maintenance of free travel for entitled children who move house in Year 11 and continue to attend the same school provided that transport can be provided other than by taxi and the new journey distance is no further than 15 miles.
18. The council also provides free travel to respite care for SEND students and free travel to after-school clubs for SEND students. Such travel is not included in the Home to School Transport Policy and is funded from dedicated budgets administered by the Home to School Transport Team. There is no legal requirement that the council provides such transport.

## 5. Financial Pressures

19. Home to School Transport in Oxfordshire has a yearly budget of £25.5m (2022/23), which, similarly to other areas of the Council and in line with national trends, is facing significant pressures as a result of demographic changes (15% increase in young people aged 5 to 14 between 2011 and 2021)<sup>3</sup> and inflationary pressures. This has resulted in an estimated overspend of £1.2m in the 2022/23 financial year.
20. Currently expenditure on mainstream students is significantly exceeded by expenditure on free travel for SEND students. The average cost to transport a mainstream child is just over £1,100 per year whereas a SEN child typically costs over £6,000 per year. The most significant item of discretionary expenditure is free travel for Post 16 students and this is one of the areas of increasing cost together with Special Schools transport, as the number of eligible pupils is increasing year on year.
21. Given the significant variations in the numbers of pupils per route every year, contracts need to be retendered on a yearly basis (especially on contracts to specialist settings) which in the current economic climate has meant that inflationary pressures have most clearly been seen in this area, with a 30% increase in the cost of some contracts and over 10% increase in the cost of contracts overall.
22. The current trends show decreasing demand in the primary school sector and increasing demand in the secondary school sector. This is likely to continue in the coming years and is also likely to increase costs as transport for secondary school pupils is usually more expensive than primary school, as distances travelled are typically greater, we use larger vehicles and these contracts are costing significantly more at this time.
23. The Working Group considered the geographical distribution of Home to School Transport and noted that most schools with over 100 pupils being transported

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<sup>3</sup> [Oxfordshire Insight](#)

were mainstream secondary, but in terms of special educational needs schools the proportion of pupils transported was very high (i.e. 91 out of 118 pupils in John Watson School are currently transported by the Council). This also tends to be the type of transportation which is most costly.

#### School-run services

24. The Working Group discussed potential options to mitigate these financial pressures and noted that Supported Transport have worked with a number of schools in Oxfordshire to develop provision that best meets local needs.
25. The Working Group noted that the organic development of self-run transport schemes by schools had the capacity to deliver better outcomes and/or reduce costs and suggests that the Council be proactive in exploring the potential for more such schemes and to identify the support schools might seek to do so.

**Recommendation 1: The Council engage with schools regarding whether there are circumstances in which they would consider providing home to school transport for pupils entitled under the Home to School Transport policy.**

#### Changes to the scope of provision

26. Travel to After School Clubs for SEND students is not part of the Home to School Transport Policy, however, the Home to School Transport Team are responsible for authorising expenditure from this £51,000 budget. There is no statutory responsibility for free travel to After School Clubs, and this is a cash limited budget.
27. Similarly, travel to respite care for SEND students is not part of the Home to School Transport Policy. However, the Home to School Transport Team are responsible for authorising expenditure from this £63,400 budget.
28. The legal and policy position is that Post 16 travel should only be provided at the beginning and end of the school/college day, but it has been common for transport to be provided on a bespoke basis to reflect course timings. This comes at a considerable cost to the Council and the Working Group supports the plans that from September free travel is provided only at the beginning and end of the school/college day, which is estimated to save the Council £100,000 per year.

**Recommendation 2: Home to School Transport only be provided for post-16 students at the beginning and end of a school day where that delivers financial efficiency.**

## **6. Discretionary School Transport (Spare Seats Scheme)**

29. Parents have a legal duty to make necessary arrangements to ensure that their children attend school regularly, and the Council only has a requirement to

provide Home to School Transport for eligible children as set out in paragraph 12 above.

30. Often the provision of home to school transport for entitled children creates surplus capacity (i.e. spare seats on a bus) and the Council operates a Spare Seats Scheme which enables this surplus capacity to be used by unentitled children.
31. The prices charged by the Council for discretionary home to school transport are lower than the costs to the Council, for example in September 2022 the average cost of a seat was approximately £800-£900, and the over 3-mile spare seat fare was £733 for the year. This means that these seats are effectively subsidised and increases in discretionary capacity would result in an increase in costs to the Council.
32. The Working Group considered the possibility of adjusting routes to ensure that all spare seats are used effectively, which would have the benefit of increasing the provision of Home to School Transport to pupils, whilst simultaneously reducing overall costs to the Council.
33. Selling spare seats that arise opportunistically is a simple and fair countywide approach to supporting families, being environmentally friendly while making better use of spare capacity, and the Working Group recognises that adjusting routes to create spare capacity may be difficult to develop and apply fairly in a countywide policy that does not increase costs to the local authority. The Working Group therefore recommends the implementation of a pilot scheme to consider the principle and viability of route adjustment to increase the take-up of spare seats.

**Recommendation 3: The Council pilot adjusting a small number of Home to School Transport routes to fill as many unfilled spare seats as practicable.**

34. Given the significant financial pressures facing the Council, the Working Group agreed that spare seats should be offered “at cost” as a fair way of ensuring that extra capacity remains available while mitigating the cost pressures facing this scheme.
35. However, the Working Group recognises that it will be important to fully consider all factors influencing the cost of routes, as well as the administrative impact of amending the scheme, for example by the addition or amendment of price bands.

**Recommendation 4: The Council’s Home to School Transport Policy be amended so that spare seat prices are commensurate with the cost of providing them, including through the introduction of further price bands which better align with the costs of different routes**

## 7. Geographic Considerations and Split-Site Schools

36. Oxfordshire is a mostly rural county and this reality has an impact on the provision of home to school transport outside Oxford City and the major urban areas of the county.
37. There are three schools in Oxfordshire with campuses on two locations (referred to as 'split-site schools'), Lord Williams School, Cherwell School, and King Alfred's School. All three schools have campuses dedicated to different year groups (lower and upper school), and this can have implications on the entitlement of pupils as set out in paragraph 12 (i.e. where one of the sites is within the statutory two miles walking distance, but the other site is not).
38. At present the distance is calculated based on the primary site where a pupil begins the majority of their education, and the Working Group discussed how there may be occasions where the primary site changes (i.e. as pupils progress years) and this may result in the primary site subsequently being over two miles away from a pupil's residence, but the entitlement being calculated based on the previous site which is closer, an inconsistency which the Working Group agreed should be remedied.

**Recommendation 5: The Council reassess Home to School Transport entitlement when a child begins to receive the majority of their tuition at a different site of a split-site school to that in relation to which their transport entitlement was originally assessed. The entitlement to be re-evaluated when they move to the second site or at the start of their tuition, taking both sites into consideration and planning accordingly.**

39. Oxfordshire's demographics are changing and growing. Between 2011 and 2021 the county's population increased by 71,500 residents, from 653,800 to 725,300, an increase of 10.9%.<sup>4</sup> This increase in residents has been accompanied by an increase in dwellings and the associated infrastructure, including school places, sometimes in new schools.
40. Projections show that the county's population is expected to continue increasing with several new schools planned and this can create inconsistent arrangements for families where a new school has been built and is now the closest school where this may not have been the case in previous years. Although a rare occurrence, such situations can create difficult conditions for families and the Working Group agreed that possible exceptions and transitional arrangements should be explored where new schools have implications for the statutory distance but sticking to the letter of the policy could have negative consequences for families, for example resulting in two siblings attending different schools where it may be more convenient for them to attend the same school.

**Recommendation 6: The Council look at possible exceptions and transitional arrangements to provide spare seats to children if a new**

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<sup>4</sup> [Oxfordshire Insight](#)

**school has become the nearest available, but one or more siblings attend the previously nearest school.**

## **8. Walking Route Safety**

41. There is an expectation in law that, where necessary, a child will be accompanied to school by a responsible person, such as a parent or other adult, if there is a safe walking route available. Children of statutory school age are eligible for free travel to the nearest available school to their address even if it is less than the statutory walking distance, if it would not be safe for a child accompanied by an adult to walk from the home to the school. If the route is subsequently determined to be safe to walk the free transport is discontinued.
42. Route Assessments are carried out by a member of the Traffic and Road Safety Team, in accordance with Oxfordshire County Council's Home to School Travel and Transport Policy, the statutory guidance issued by the Secretary of State in 2014 and the Road Safety manual 'Assessment of Walked Routes to School' which is issued by Road Safety GB.
43. The shortest publicly available route may include:
  - Footpaths
  - Shared footpath/cycle tracks
  - Bridleways and other pathways
  - Recognised roads
  - Paths along trunk roads
  - Footpaths along which there is a permissive right of way
44. Routes are not classed as unavailable solely due to any of the following factors:
  - Lonely routes
  - Routes that pass close to canals, rivers, ditches, lakes or ponds
  - Routes that require railway crossings if a suitable authorised crossing is present
  - The absence of street lighting
45. At present the route safety assessment does not include:
  - Local weather conditions
  - Temporary surface conditions such as mud or puddles
  - Difficult terrain and the arduousness of the route
46. The Working Group discussed how some routes deemed safe and available can become impassable for a significant amount of time, for example where a river or stream regularly floods in winter, and such factors should be taken into account when reviewing routes. At present assessments are not regularly reassessed but there may be occasions where circumstances have changed materially since an assessment was carried out and the Council should regularly reassess routes (i.e. every few years) as a matter of best practice. The Working Group also discussed the perceived lack of transparency on how routes are assessed and what information is used as part of the assessment. The Working

Group agreed that it would be beneficial to improve the transparency of the process, including consultation with councillors.

**Recommendation 7: That walking route safety assessments are regularly and consistently reassessed where circumstances may have changed, ensuring councillors are consulted (i.e. at localities meetings) and that data on assessments is made publicly available. Route safety assessments should also consider both short and long term weather conditions.**

## **9. Independent Travel Training**

47. Independent Travel Training aims to assist SEND students to gain valuable transferable knowledge and skills enabling them to travel safely and independently, whether that be walking, taking a bus, a train or cycling. The programme also aims to familiarise the student with their local home and school community and can result in significant cost-savings for the Council.
48. Oxfordshire County Council commenced a programme of Independent Travel Training in November 2019. The programme was suspended between March 2020 and June 2021 due to Covid 19, and has since resumed.
49. The Council currently employs one independent travel trainer with the intention of training schools (train the trainer) to use a structured programme developed by the Council that allows them to train a student on aspects relating to independent travel. There are currently 73 students in the programme being trained by schools and to date 23 students have been trained.
50. In total the scheme has cost £139,640 and achieved an estimated £186,000 savings based on the cost of transporting a student on OCC arranged transport estimated at £6,000 per student per annum, meaning that the scheme has achieved savings of £46,360 over its lifetime and has delivered benefits to the students trained.
51. The Working Group reflected that independent travel training is a valuable programme with eminently desirable aims, such as:
  - Gain an understanding of road safety theoretically and practically in a safe way
  - Develop increased self-esteem, confidence, and resilience
  - Enhance their quality of social engagement
  - Develop mathematical & literacy skills (i.e. timetables, money, etc.)
  - Access work experience, training, further education or work independently
  - Increase their risk assessment skills
52. In addition to benefits to the pupils, the programme also has the potential to deliver further savings to the County Council based on its existing performance and the Working Group agreed that it would be beneficial to expand the programme to empower more students and deliver the programme's benefits.

**Recommendation 8: The Council to explore investing to save in supporting independent travel by increasing the budget, exploring delivery models and recruiting more independent travel trainers.**

## **10. Transport Eligibility Appeals**

53. Home to School Transport and Travel Guidance 2014 states that local authorities should have in place both complaints and appeals procedures for parents to follow should they have cause for complaint about the service or if they wish to appeal about the eligibility of their child for travel support.
54. The appeals process should be a clear and transparent two stage process for parents who wish to challenge a decision about:
  - The transport arrangements offered
  - Their child's eligibility
  - The distance measurement in relation to statutory walking distances
  - The safety of the route
55. The transport appeal process used in Oxfordshire follows the framework outlined in the Home to School Transport and Travel Guidance 2014.
56. Stage One is a review by a senior officer and in Oxfordshire this is the Admissions and Transport Services Manager.
57. A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision. The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
58. Within 20 working days of receipt of the parent's written request a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review, setting out:
  - The nature of the decision reached
  - How the review was conducted
  - Information about other departments and/or agencies that were consulted as part of the process.
  - What factors were considered
  - The rationale for the decision reached
  - Information about how the parent can escalate their case to Stage Two (if appropriate)
59. Stage Two of the appeals process is review by an independent appeal panel. A parent has 20 working days from receipt of the Local Authority's Stage 1 written notification of the result of the Stage 1 review to make a written request to escalate the matter to Stage 2.

60. Within 40 working days of receipt of the parents request for a Stage Two appeal an independent appeal panel needs to consider written and verbal representations from both the parent and officers involved in the case and then gives a detailed written notification of the outcome (within 5 working days), setting out the same information as during Stage One, with the addition of:
  - Information about the parent's right to put the matter to the Local Government Ombudsman
61. Between 1 March 2021 and 28 February 2022 a total of 285 appeals were submitted, 50 were SEND cases and 235 were mainstream cases.
62. Of the SEND cases, 8 were eligible for free travel, 23 had no right to appeal and 19 had a Stage 1 processed. Of the Mainstream appeals, 184 were not eligible to appeal, 39 were eligible for free travel and 12 had a Stage 1 review processed.
63. A total of 9 Stage 2 appeals were submitted, 5 were SEND cases and 4 were Mainstream. Of the SEND appeals, 1 was awarded, 2 were awarded in part, 1 was refused, and 1 was adjourned. Of the Mainstream appeals, 3 were awarded and 1 was refused.
64. The Working Group noted that a substantial proportion of appeals were upheld and that in many cases the original decision was due to the correct information not having been submitted. The Working Group agreed that learning from the appeals process could be used to improve the Council's guidance to help the submission of correct and relevant information earlier in the process.

**Recommendation 9: Feedback from transport eligibility appeals to be used to improve digital capabilities (communications, guidance and data collection) and to improve outcomes.**

## **11. Decarbonisation of School Transport**

65. The Working Group considered the Council's ambition as set out in the work commissioned on decarbonising the external market for Home to School Transport services that "Oxfordshire County Council wishes to reach a position where all its tendered supported transport services specify carbon neutrality as soon as practically possible", an ambition which the Working Group supported. As of 2019, the carbon footprint of the 770 vehicles used by or on behalf of OCC was estimated at 4,200 tonnes CO<sub>2</sub>e.
66. The Working Group heard how OCC wants to understand how it can influence the market to reach a position of carbon neutrality 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. As such the Council would like to understand costs according to different scenarios. 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.

67. The Council is currently working to an ambitious timetable:
- Easter 2025 **new** contracts which can be fulfilled with a car-based vehicle (hackney cab or private hire) will be expected to use of a zero emission or ultra-low emission vehicle
  - Easter 2027 **all** contracts which can be fulfilled with a car-based vehicle (hackney cab or private hire) will be expected to use of a zero emission or ultra-low emission vehicle
  - Easter 2027 **new** contracts which can be fulfilled with a MPV or small minibus (up to 3.5 tonnes GVW) will be expected to use a zero emission or an ultra-low emission vehicle
  - Easter 2030 **all** contracts using vehicles under 3.5 tonnes GVW will be required to use a zero-emission vehicle or an ultra-low emission vehicle operating in zero emission mode for the while of the contracted route.
68. The Working Group positively welcomed the Council's ambition, report on progress and its discussion with the Cabinet Member.
69. The Working Group discussed the importance of consulting with contractors to ensure that they have the opportunity to transition to low-emission vehicles. The Working Group also discussed the importance of ensuring policy and targets work together and the need for the Council to demonstrate ambition while also being pragmatic towards the realities of operators and the potential financial implications of change.
70. The working group heard how this work is being picked up at the Climate Action Program Board and how recommendations from the Working Group and Committee can feed into that forum.

## 12. Conclusion

71. The Working Group has made a total of 9 recommendations with the aim of improving Home to School Transport in Oxfordshire.
72. The Working Group recognised the pressures faced by Home to School Transport in Oxfordshire and hopes its recommendations will help this service become even more equitable and sustainable long term.

Councillor Andy Graham  
Chair of the Home to School Transport Policy Working Group

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