

<b>Title of Report</b>	Hackney Home to School Travel Policy
<b>Key Decision No</b>	CE S258
<b>For Consideration By</b>	Cabinet
<b>Meeting Date</b>	22 January 2024
<b>Cabinet Member</b>	Mayor Caroline Woodley
<b>Classification</b>	Open
<b>Ward(s) Affected</b>	All
<b>Key Decision &amp; Reason</b>	Yes Significant in terms of its effects on communities living or working in an area comprising two or more wards
<b>Implementation Date if Not Called In</b>	31 January 2024
<b>Group Director</b>	Jacque Burke, Group Director of Children and Education

**1. Cabinet Member's introduction**

- 1.1. This report seeks approval to carry out a consultation on a new home to school travel policy for Hackney.
- 1.2. Hackney's SEND Strategy for 2022-2025 sets out our vision to provide an excellent, inclusive and equitable local experience for all Hackney children and young people with special educational needs and disabilities (SEND).
- 1.3. We say in that strategy that we want all our children and young people to have the access to the right support at the right time from local service and to be able to travel easily to a great inclusive local school which engages with their neighbourhood parent/carer community.
- 1.4. Every child is entitled to an education and no child should be prevented from accessing education because they cannot get to school. We want to find out what people think of current travel arrangements to and from school and to develop an overall home to school travel policy for Hackney that is clear, and which promotes sustainable and independent forms of travel.

**2. Group Director's introduction**

- 2.1. Every local authority across the country that has responsibility for home to school travel faces the challenges of rising demand and rising costs,

particularly with travel assistance for children and young people with special educational needs and disabilities.

- 2.2. Recently published government guidance (Travel to school for children of statutory school age, June 2023) offers advice and clarification on the duties of local authorities, the responsibilities of parents and the role of schools in home to school travel arrangements.
- 2.3. It is therefore timely for us to update our home to school travel policy and to consult on it in the new spring term.

### 3. **Recommendations**

- 3.1. **It is recommended that Cabinet approve a consultation on a new home to school travel policy for Hackney during the spring term of 2024.**

### 4. **Reason(s) for decision**

- 4.1. Local authorities must publish their home to school policy for children of compulsory school age on their website and in paper form. Local authorities should keep their school travel policy under regular review to make sure it continues to meet local needs and that it complies with statutory requirements.
- 4.2. The proposed consultation is on an updated home to school policy that takes account of recently published statutory guidance on travel for children of compulsory school age (5-16 years). It also reflects current guidance on travel support for young people aged over 16 years.

### 5. **Details of alternative options considered and rejected**

- 5.1. No other options were considered.

### 6. **Background**

#### Policy Context

- 6.1. Children of statutory school age (5-16 years), who are resident in the borough, have a right to free home to school travel if:
  - They live 2 miles (if under 8 years of age) or 3 miles (if they are 8 -16 years old) from their nearest suitable school that has a vacancy. That criterion of distance can be overridden if:
    - The walking route to school is unsafe;
    - The child has a special educational need, disability or mobility issue which means that they cannot reasonably be expected to walk to and from school; or
    - They are from a low-income family and, as such, have an 'extended right' to free travel to a wider choice of school, in certain prescribed circumstances, not just the nearest.

- 6.2. The budget for home to school travel in the current financial year is £5.8 million. But, as was the case in many other authorities, in Hackney there was an overspend of £1.6 million in the previous financial year in the face of rising demand and significant increases in costs in the sector, particularly post-Covid.
- 6.3. The number of pupils for whom we provide travel assistance rose from 610 in 2020/21 to 720 (+18%) at the end of summer term 2023. There were 238 pupils travelling on the Council's own school buses and 352 in private hire taxis and minibuses. Parents/carers of 130 pupils accepted the offer of a personal travel budget and made their own travel arrangements using these funds. The overall average cost of travel assistance per pupil exceeds £9,300 a year.
- 6.4. Almost all travel assistance provided is for children with SEND, as free travel for school age children is provided by TfL. Most of the expenditure is for pupils aged 5-16, and £1.2 million is spent in 'discretionary' areas, that is, where the Council has a choice whether to provide travel assistance. The latter is mainly for students with Education Health and Care plans who are aged 16 or over. A small though increasing amount is spent on travel assistance for preschool age children with SEND.

#### Home to school travel policies

- 6.5. A new home to school travel policy for Hackney has been prepared and this will form the basis of the consultation. It covers the Council's policies for pupils of statutory school age and for post 16 students (with or without SEND). The aim is to shift the focus towards more independent and sustainable travel.
- 6.6. We are not proposing to change or remove travel assistance in the 'discretionary' areas we have previously provided. Many other councils have consulted on reducing travel support to the statutory minimum (so that it is for 5–16 year olds only), removing it in areas where it does not have to provide support, such as for post 16s. Few authorities actually do this, but others introduce charges (known as 'parental contributions' towards the cost of transport) for students aged 16 or over with SEND. Only a few London boroughs make charges, whereas most councils outside London do so.
- 6.7. However, Hackney's new policy will suggest a shift towards greater independence where possible for all pupils – including the development of independent travel training, more pick up points rather than door to door collections and the deployment of passenger assistants only where necessary. For students with SEND aged 16 or more, the aim is that the norm becomes independent travel – independent travel training, travel budgets, cash payments and reimbursements – unless organised transport is necessary for the most significant special needs.

### Equality impact assessment

- 6.8. Hackney Council and its decision makers must comply with the Public Sector Equality duty set out in Section 149 of the Equality Act, 2010, which requires us to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics.
- 6.9. Home to school travel enables children and young people to access education. It supports the Council's SEND strategy, the purpose of which is to champion equality and to ensure that families, children and young people are included and thrive within their local community.

### Sustainability and climate change

- 6.10. The Council, with its partners, are committed to improving the health and wellbeing of children and young people with SEND to achieve excellent outcomes for the people of Hackney.
- 6.11. Local authorities have a duty to promote the use of sustainable travel on journeys to and from places of education in their area. Sustainable travel includes public transport and shared transport; and active travel such as walking, wheeling, cycling and scooting.

### Consultations

- 6.12. The views of schools, parents, pupils and students, and partner organisations will be sought through the consultation exercise to help shape the new policy and practices.
- 6.13. Consultation should last for at least 28 working days during term time.

### Risk assessment

- 6.14. The risks associated with developing a new home to school travel policy are low in that it provides the framework to improve travel provision across the area.
- 6.15. Having an up to date, comprehensive and compliant home to school travel policy in place informs decision making and reduces the risk to the Council of challenge.

## **7. Comments of the Interim Group Director, Finance**

- 7.1. The new Home to School Travel Assistance policy outlines a change to the current framework to include the introduction of travel training as part of the local offer. Shifting the focus to more independent travel and sustainability is likely to provide a more cost effective mode of travel for children and young people with SEND. The 2022/23 SEND Transport budget overspent by £1.6m, and increasing the number of children who undertake more independent travel to and from school is likely to represent better value for money compared to individual taxi journeys. A significant push to promote

more independent travel assisted by the training offer is likely to have a mitigating impact on the Council's current costs in this service area.

## **8. Comments of the Acting Director of Legal, Democratic and Electoral Services**

8.1. The Council must have regard to the statutory guidance published by the DfE when carrying out its duties in relation to home to school travel, including sustainable travel. An updated version of this, "Travel to school for children of compulsory school age, Statutory guidance for local authorities" (the Guidance) was published in June 2023. It captures powers and duties imposed by and given to the Council by the Education Act 1996 (the Act) including making suitable travel arrangements, free of charge, for "eligible" children. There are no such duties where alternative suitable arrangements are in place, free of charge (such as free TfL transport). The Act imposes other duties and gives the Council various powers including those relating to making transport arrangements for post 16 pupils. The law that underpins the guidance has not changed. The guidance includes requirements relating to publication and making changes to policy, including consultation and good practice.

8.2. The Council is under a duty at all stages of decision making to comply with s149 of the Equality Act 2010 (EqA 2010), the Public Sector Equality Duty (PSED). The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010.
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard to the needs to:
  - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
  - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.

8.3. The Council is under a general Duty of Best Value to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness." The Council has fiduciary duties towards residents.

8.4. In taking decisions the Council must act lawfully, including acting within its powers and following its own procedures as well as those required by law,

such as those contained within the Guidance. The Council must ensure that the consultation is fair and carried out in accordance with common law and the Guidance. It must make rational evidence-based decisions, taking into account all relevant considerations, for a proper purpose, be compliant with the European Convention on Human Rights and make proportionate decisions that are properly reasoned.

- 8.5. It must seek detailed legal advice where required, for example in meeting the requirements of the PSED.

### **Appendices**

Appendix 1 - Draft Home to School Travel Policy

### **Background documents**

- Travel to school for children of compulsory school age- Statutory guidance for local authorities, June 2023, Department for Education.
- Post 16 travel and transport guidance to education and training- Statutory guidance for local authorities, January 2019, Department for Education.

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