

Overview of DfES Home to School Travel and Transport Draft Guidance

Part 1 – Sustainable Transport and Travel

Part 1 of this guidance deals with the local authority's duty to promote sustainable travel which supports the overall aim and spirit of the Education & Inspections Act 2006 to promote widening access for all to schools. This duty involves assessing the travel and transport needs of children and young people, and involves developing an infrastructure to support sustainable school travel which it is expected would:

- help the LA to prioritise the measures that might be taken to tackle barriers,
- provide a valuable tool to choice advisers (admissions advisers), in supporting disadvantaged families in applying to schools that best meet their children's talents, needs and aspirations.

By conducting an assessment of pupil needs and carrying out an audit, the LA must develop a strategy for developing the infrastructure in order to improve access to a wider range of schools.

Within Hertfordshire the following activities are already underway which support this aspect of the guidance –

- Continued promotion and development of School Travel Plans (STPs) with targets in place, i.e by April 2011 83% of schools to own an approved STP (central government funding ceases March 2008);
- Updating relevant and appropriate Codes of Conduct re travel to school;
- Independent Audit/Review carried out by P Brett Associates;
- Environment's Accessibility plan includes journeys to educational establishments, which contributes to the Local Transport Plan accessibility strategy;
- Effective Safer Routes to Schools budget, prioritizing capital works (major and minor), both on and off site, to maximise modes of sustainable travel;
- Cycle strategy – linking schools with the national cycle ways;
- Rights of Way work programmes - linking schools with off-road networks e.g. Greenways, the Rights of Way network and permissive routes;

- Pilot project planned to encourage cycling to schools;
- Provision of guidance and support for schools which wish to develop their own transport provision;
- Publicity and promotion of sustainability initiatives eg Walk to School Week.

Regulations, to be made in 2007, will require local authorities to publish their school transport strategy each year at the same time as they publish information for parents about school admissions and according to the same timetable, ie at least six weeks before parents are required to make a decision about which schools they would wish their children to attend. It is also a requirement for each authority to publish its arrangements and policies in respect of transport for pupils with Special Educational Needs to and from maintained and non-maintained special schools and independent schools.

Part 2 – Provision of transport arrangements

The Education and Inspection Act 2006 inserted a new section 508B into the Education Act 1996. Section 508(1) requires local authorities to ensure that suitable travel arrangements for “eligible children” in their area are made where necessary to facilitate their attendance at “qualifying schools” or other relevant institution where the child is receiving education. The duty applies to travel arrangements at the beginning and end of the school day. This section also states that travel arrangements for eligible children must be free of charge, and that every feature of the arrangements must be free. On condition that the relevant parental consent has been obtained by the local authority, a number of allowances and other arrangements might be considered to meet the local authority duty relating to travel arrangements. For example, a cycling allowance can be paid where the parent agrees for their “eligible” child to cycle to and from school instead of catching a bus.

In order for the local authority to meet the requirements of this duty, the travel arrangements must be “suitable”. Part of the consideration of suitability relates to a reasonable journey time. The examples of maximum length of journey for a child of primary school age might be considered to be 45 minutes each way; whilst at secondary level, it might be expected that children will travel up to 75 minutes each way. Hertfordshire County Council currently operates school transport arrangements in accordance with these timings.

The pre-employment checks and training for drivers and escorts is outlined in this section, and links with the “suitability” aspect above, i.e. that arrangements must be reasonably safe and stress free. Currently Hertfordshire County Council carries out CRB checks on all drivers and escorts and is running a training programme for escorts.

Bus safety considerations are an important component of “suitability”, and paragraph 65 states that the Department for Transport is in the process of implementing an EU Directive that will require all seated occupants in buses and coaches to use seat belts where they are fitted. This currently applies for all children aged 14 and over, and the DfT is considering how to implement this requirement for younger children.

Poor behaviour on school buses can have wide ranging consequences, and the Education and Inspections Act 2006 requires head teachers to determine what measures should be taken to promote self-discipline among pupils, whilst making it explicit that head teachers can take action to address unacceptable behaviour even when this takes place outside the school premises, and when pupils are not under the legal control of the school. Paragraph 75 confirms that a local authority that places a transport ban (either permanent or temporary) on a particular child is not implying that travel arrangements are not necessary and should not be provided, but would be saying that travel arrangements were necessary and had been made, but that the child’s behaviour is such that they can not take advantage of it. Within Hertfordshire a Behaviour Code of Conduct and Protocol is being reviewed, and this section helpfully confirms the incremental approach taken.

Part 3 – “Eligible children” and “qualifying schools”

Section 508B of the 1996 Act (inserted by Education and Inspections Act 2006) deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for “eligible children”.

Part 3 provides guidance relating to “eligible children”, and “qualifying schools”, Schedule 35B of the 1996 Act (inserted by the Education and Inspections Act 2006). A condition of each category is that they are of compulsory school age, and that the arrangements must be provided free of charge.

Children unable to walk to school by reason of their SEN, disability, or mobility problem (including temporary medical conditions).

Clauses 79 and 80 – go into considerable detail which could place too high an expectation on LAs along with increased costs. Each LA should consider how, for example, in cases of temporary disability it ensures that the child continues to have access to education.

Disabled parents

Clause 88 - up until now it has been the disability of the child that has been considered and not the disability of the parent. This guidance seems to suggest that LAs should consider the provision of free transport for those pupils whose parents are disabled. This would be an increased cost to the LA. There are

resource implications which would need to be considered on a case by case basis.

Children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax credit - primary and secondary age groups

Clause 103 - this clause states that whilst the 2 mile limit should be measured in the same way as the "statutory walking distance", the 6 mile upper limit and the 15 mile upper limit to a school preferred on the grounds of religion or belief are not "walking routes", and should not therefore include any routes or parts of routes which would not be passable using a suitable motorized vehicle.

Timing of assessment of eligibility

Clause 111 to 113 - once eligibility for free home to school transport has been determined that this should be for the entirety of the school year in question.

Part 4- local authority powers relating to travel arrangements for other children

Clause 115 - this clause provides a general power for local authorities to make travel arrangements to facilitate attendance for any child or groups of children not meeting the definition of "eligible children". Initiatives such as the Saver Card and the use of 800 routes will make an important contribution to the new duty on the LA to promote sustainable travel.

Clause 118 - this clause states that where the LA has discretionary policies any alterations to these should be made at the end of the school year.

Clause 119 - this clause states that where LA charges for discretionary transport, this should be made clear in documentation.

Part 5-"Religion or belief"

This section says that "religion" means any religion, and "belief" means any belief. References to "religion or belief" include references to a lack of religion or belief. It therefore follows that this duty covers all religions and denominations, as well as philosophical beliefs.