

## Home to School/College Transport

### *The Current Legal Position*

1. The local authority's responsibility for providing home to school transport is clarified by the Education and Inspections Act 2006 and explained in the Department for Education and Skills "Home to School Travel and Transport Guidance 2007". The local authority has a duty to ensure that suitable travel arrangements are made where necessary to facilitate a child's attendance at school (defined as the 'relevant educational establishment' in relation to the child). The expectation, though, is that the child is attending the nearest suitable school to his/her home and the responsibility to provide transport does not apply if the school is within what is defined as the statutory walking distance. This is up to 2 miles for a child aged under 8 or up to 3 miles for a child aged 8 or over. In addition, a child with a statement of special educational needs may be provided with home to school transport as part of his/her statement. The provision of this transport is not automatic but is dependent on need (see paragraphs 33-35 below).
2. In practice this means that, provided a Rutland child is offered a place at their nearest suitable school, or a place is available (the child's parents may not have named the nearest school as one of their preferences) and the school is less than 2 miles from the child's home (for under 8s) or less than 3 miles (for 8s and over) the Council has no obligation to provide transport.
3. Where the Council does provide transport it is not required to provide specific buses or taxis. Children and young people can use public service buses (which may be subsidised by the council), they may be transported by their parents (and a transport allowance paid) or by other parents (subject to parental agreement) to whom an allowance is paid, a cycle allowance could also be paid (and one local authority provides bicycles).
4. There is no expectation in law that children who are provided with home to school transport should be provided with a "door to door" service. Government guidance makes it clear that children and young people can be expected to walk or cycle reasonable distances to pick up points and from set down points. It is also worth noting that Government guidance encourages walking or cycling to school to combat obesity and improve health.
5. The local authority also has a duty to assess the safety of the walking route (and measure the distance by the walking route and not "as the crow flies") but it should be remembered that it is the parent/carer who is responsible for ensuring the child attends school and so in assessing

the safety of a route the authority can assume a parent/carer will accompany a young child. Therefore, the fact that a route may not have a pavement or street lights, for example, does not of itself make the route “unsafe”. It is this “safe walking route” that the 2/3 mile walking distance is based. Therefore if a child is attending their nearest school, it is within 2/3 miles, but the walking route is deemed not safe (even when the child is accompanied by an adult) the child is eligible for transport.

6. Some children, defined in law as “eligible children”, are entitled to free transport. These include children with a mobility problem unable to walk even a short distance to school and those with special educational needs where their needs prevent them walking safely to school regardless of distance to school. However, in this latter case if the special needs relates to the child’s safety (for example they have no sense of danger) then the local authority can provide an escort for the child to walk with him/her rather than provide motorised transport.
7. A child is also eligible for free home to school transport if they are attending a school beyond the statutory walking distance either because there is no school nearer to their home or, where there is a school, no place is available. If the child’s parents failed to apply for the nearer school but a place would have been available had they applied (but has subsequently been filled) then the local authority has no obligation to provide transport.
8. Children from low income families (this is defined by regulation) are entitled to free home to school transport if the school is more than 2 but less than 6 miles from their home regardless of whether there is a place in a school nearer home. This element of legislation is to facilitate parental choice. If the parents have chosen a faith school then free transport up to 15 miles must be provided.
9. Section 509AD of the Education and Inspections Act places a duty on local authorities to have regard to, amongst other things, any wish of a parent for their child to be provided with education or training at a particular school or institution on grounds of the parent’s religion or belief. This duty is in addition to the duty on local authorities to make travel arrangements for children of parents on low incomes who attend the nearest suitable school preferred on grounds of religion or belief, where they live more than two miles, but not more than 15 miles from the school considered (see paragraph 8). This has implications for Rutland should we consider ceasing to provide transport to denominational schools. For example, the authority might be seen to be in breach of this duty if we cease to

support public transport routes young people could use to access a denominational school.

10. Local authorities have the power to be more generous with home to school transport than the law stipulates. There is no requirement, though, when using this discretion, for local authorities to provide transport free of charge, not even for low income groups. This means we can charge part of the cost to families. By providing transport to catchment school RCC is, in some cases, being more generous than the statutory minimum.
11. Any changes to the Council's home to school transport policy must be consulted upon.
12. A local authority must prepare for each academic year a document containing their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area. Government guidance on this promotes walking and cycling as both sustainable and healthy exercise.
13. There is no requirement to provide transport for post 16 education but the Council has discretion to do this (see paragraph 10 above).

***Rutland's current Home to School Transport Policy (A summary)***

14. Rutland currently provide transport based on catchment area school and, following a Local Authority Ombudsman's ruling in 2011, on nearest school. This leads to duplication of provision and the risk that some contracted buses will be under utilised.
15. Rutland provides free transport to those deemed "eligible" as defined by legislation (see Annex 1 paragraphs 6, 7, 8 and 9). This applies only to those of compulsory school age (i.e. 5-16).
16. Rutland provides pick up points as near as possible to a child's home. This means there are some villages with more than one pick up point.
17. Rutland may provide the cost of transport (on public buses or through a fuel allowance) where a child moves home in either school years 6, 10 or 11 in order that they do not have to change schools.
18. Rutland will provide two bus passes where children have two residences, subject to qualifying criteria.
19. Rutland will "sell" spare seats on its home to school buses to parents of children not eligible for free transport.
20. Currently Rutland provides no assistance with train travel.

21. Rutland currently provides assistance with post 16 transport when all of the following criteria apply:

- The college is not more than 8 miles outside the County boundary
- The course is not available at a college nearer home
- The student is aged 16-18 prior to the September of the academic year for which the application is made
- The student lives more than 3 miles from the college

This policy currently gives young people some choice but does not support them in attending more specialised courses at colleges within travelling distance such as the BTEC extended diploma in horse management offered at Brooksby Melton College.

22. Students will be required to pay a contribution to the cost of transport (colleges have bursaries) but the Council may waive payment in cases of hardship where the parent/guardian is on a low income. Transport is normally on a public bus although in some cases contract vehicles, or a mileage rate of 28.6p a mile, are provided.

23. Where charges are made, for example for the “spare” seats on a contracted bus, these are a contribution only and do not equate to the full cost of the transport.

### ***Areas for Consideration***

24. In some cases Rutland is more generous than the statutory minimum. In these times of constraint and cut backs it would be worth while undertaking a review of home to school/college transport to consider reducing provision to the statutory minimum.

25. Contracted routes are determined on the basis of individual applications for transport rather than on the basis of linking villages to schools. This leads to duplication (see below) and does not lead to efficient route planning. Further, contract length varies (although most are 5 year).

26. One Academy in Rutland has ceased to use catchment as an admissions criterion and thus it would now be reasonable for Rutland County Council to review its home to school transport policy and consult on whether only the criterion of “nearest school” should be used when determining free transport.

27. At present some villages have more than one school bus running through them and some have more than one “pick up” point in a village. For example, Cottessmore has 7 contracted buses running through it and 1 service bus; Barrowden has 4 contracted bus and one service bus. By routing on the basis of linking villages to their nearest (or catchment) schools and having only one pick up point per village (in

the case of Cottesmore, one in the village and one at Kendrew Barracks) a more efficient use of the buses could be made.

28. The buses are often underutilised. For example, 3 x 53 seater buses travel daily to CBEC starting at Cottesmore and a further bus travels from Greetham via Stretton and Clipsham to CBEC. These buses (total capacity 212 seats) have 177 allocated places which means there are 35 unallocated seats; more than enough to accommodate the 22 allocated on the bus from Whitwell to Exton to CBEC (it could be re-routed to collect some of the Cottesmore students). Further, A survey carried out on 10 September showed between 100% and 78% of the Cottesmore area allocated seats being used. This needs investigation (the schools will be able to tell if the students were absent or simply not using the bus) as it is possible seats are allocated but regularly not used.
29. Some young people are catching service buses although data on this is not complete as Rutland records only those who access the bus via the council's transport section. So, for example, Rutland records 5 pupils using the 47 bus from Oakham to Peterborough via Uppingham when, on most days, c30 Rutland young people actually use the service. There is scope to review the use of service routes for home to school/college transport as secondary aged and post 16 pupils are capable of using public transport.
30. Rutland supports some denominational travel both through the issue of subsidised travel passes and through supporting public service routes and there is scope for rationalisation. For example, the contracted MS560 departs from Oakham, stops at Barrowden and Uppingham on its way to Bishop Stopford School. It appears to have only 15 students (some may travel but have not notified RCC although this is unlikely as it is not a service route). The 47, a supported public service route, travels from Oakham to Belton, Uppingham, South Luffenham, Barrowden and on to Peterborough. It is utilised to transport young people to The Kings School and regularly transports c30 pupils (it is a 30 seater bus) as well as fare paying adults. Therefore young people in Oakham, Uppingham and Barrowden effectively have a choice of 2 Church of England secondary schools and one Catholic (in Peterborough) but pupils living elsewhere in Rutland do not have this choice. This is neither equitable nor rational. The Council also contracts route MS561, a 16 seater coach for, currently, 14 pupils travelling from Ryhall to Ketton and then on to Peterborough. If Delaine could be persuaded to re-time the 202 to link with the number 9 service run by Kimes, and Kimes to run their number 12 service to link with the number 9 then young people in Ryhall, Ketton and Tinwell could get to the denominational schools in Peterborough by public transport changing at the bus station in Stamford. Pupils in Ryhall, Tinwell and Ketton also have access to Call Connect.

31. Rutland has no legal duty to provide home to school transport to denominational schools except in the situation described in paragraph 8 above. However, parents do have a right to be able to express a preference for a denominational school and the Council may feel it right to facilitate attendance at a denominational school through supporting public transport routes (such as route 47) but not contracting specific home to school buses nor subsidising individual travellers (beyond the public transport route subsidy). This would also ensure the Council had considered s509AD of the Education and Inspections Act 2006.
32. If transport routes were focussed on linking villages to educational establishments rather than individuals to school/college then there would be scope to consider making some of the contracted routes public service routes. For example there is currently a bus that links Edith Weston to Rutland College (MFE628). If it were to stop in Oakham town centre it would provide a link to Oakham sought by St George's Barracks.
33. The rationalisation of the school transport system could well release funds and provide better public transport for residents and should be explored.

### ***Special Educational Needs Transport***

34. Where children have transport included in their statements of special educational needs this is provided by the Council, and usually via a taxi service. The annual cost of this is c£333k. Children in taxis also need escorts and the daily cost can be over £100. There is clearly a financial need to review this provision. Further, the budget is split between the Places Directorate (transport section) and the People Directorate (children) and in some case in-house mini buses are used to transport young people. The system is in need of rationalisation.
35. Some children being provided with home to school transport also need adapted cars (to take their wheelchairs, for example) and this understandably adds to the cost.
36. It is also possible that a parent/carer of a child who has transport included within their statement would like to transport their child to school themselves and already has an adapted car. We do not, however, offer a mileage allowance to these parents/carers (though there is no legal reason why we should not). Nationally there is a growing movement in social care for direct payments which is what offering a mileage allowance would be. Direct payments would also almost certainly be less costly than current provision.