

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Lead Member for Children's Services
Date:	19 January 2024
Title:	Proposed changes to the School Transport Policy
Report From:	Director of Children's Services

Contact name: Jon Bramley (Head of School Transport)

Tel: 0370 779 3077

Email: Jon.Bramley@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to update the Executive Lead Member for Children's Services on the outcome of the public consultation on changes to the School Transport Policy (the Policy) for children and young people, including those with special educational needs, and to seek approval for changes to be made to the County Council's School Transport Policy.

Recommendations

2. **Recommendation 1** - To update the Policy (APPENDIX C) to reflect the following proposal: For Personal Transport Budgets (PTB) to be available to families where a child or young person's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market (as per paragraph 29 of this report).
3. **Recommendation 2** - To update the Policy (APPENDIX C) to reflect the following: To allow for development and delivery of an Independent Travel Training service for children and young people with SEND who may be capable of travelling independently to their place of education (paragraph 37).
4. **Recommendation 3** - To update the Policy (APPENDIX C) to reflect the following: To require the regular review of the provision of Passenger Assistants (paragraph 46).
5. **Recommendation 4** - To update the Policy (APPENDIX C) to reflect the following: To increase the level of contribution to discretionary school transport arrangements (where parents are required to make a financial

contribution) in line with inflation (Consumer Price Index) from September 2024 and inflation-linked increases applied in future years (paragraph 57).

6. **Recommendation 5** - To update the County Council's School Transport Policy to reflect the current Department of Education statutory guidance on travel to school for children of compulsory school age (paragraph 62).
7. All changes would be reflected within the revised School Transport Policy as of February 2024.

Executive Summary

8. The purpose of this report is to update the Executive Lead Member for Children's Services on the outcome of the public consultation on changes to the School Transport Policy for children and young people, including those with special educational needs, and to seek approval for changes to be made to the County Council's School Transport Policy.
9. The County Council provides transport assistance for eligible children of compulsory school age to attend school. This statutory service is largely provided to Hampshire children attending their catchment or nearest suitable school but living over two or three miles (depending on age) from school, as well as specialist school transport for children with Special Education Needs, a disability or mobility problems. Transport assistance is provided where children meet the national eligibility criteria.
10. The current expenditure on School Transport is over £50 million per annum for the 2022/23 financial year. Expenditure has risen by 47% from £34 million per annum in the previous financial year (see paragraph 28).
11. The purpose of the proposed changes to the Policy is to enable the County Council to provide flexible transport arrangements that can respond to children's changing needs, demand and external market pressures as well as updating the Policy to reflect the updated Department for Education [Travel to school for children of compulsory school age](#) statutory guidance.
12. The majority of the recommended changes to the Policy provide enhanced choice and flexibility for parents regarding their child or young person's school transport arrangements. For example, in addition to existing transport assistance options, parents/carers may be offered a PTB as an alternative.
13. The County Council is not proposing to change eligibility criteria for School Transport or to remove the service from existing service users. Regardless of any decisions made, the County Council would continue to meet its statutory requirements in respect of school transport.

14. There are no expected financial savings as a result of any of the proposals.
15. A public consultation took place between 30 October – 6 December 2023 and received 262 responses.
16. **62% of consultation respondents agreed or strongly agreed** with the proposal to make Personal Transport Budgets available to families (Recommendation 1).
17. **50% of consultation respondents agreed or strongly agreed** with the proposal to develop and deliver an Independent Travel Training service (Recommendation 2).
18. **66% of consultation respondents agreed or strongly agreed** with the proposal to regularly review the provision of passenger assistants (Recommendation 3).
19. **39% of consultation respondents agreed or strongly agreed** with the proposal to increase the level of parental contributions to discretionary school transport arrangements in line with inflation (Recommendation 4).
20. Respondents were asked about Proposal Five (to update the Policy to reflect Department for Education statutory guidelines, and to make it easier to understand) and respondents were able to add their own comments. Respondents were generally positive about improving the clarity of the Policy on the proviso that their existing eligibility was not affected. Other topics raised included their experience of how 'Parental Preference' is applied in practice, the importance of School Transport for children with SEN, and concerns relating to the lack of local SEN provision.
21. **90%** of individuals responded that there were **children or young people under the age of 19 living in their household** (including themselves).
22. **65%** (142) of individuals with children or young people in their household responded that they **received School or Post-16 Transport** provided by Hampshire County Council.
23. **59%** (130) of individuals with children or young people under 19 in their household responded that the children or young people had **Special Educational Needs and/or Disabilities**.
24. The County Council has considered the responses received and has reviewed impacts highlighted during the consultation, as well as actions identified to mitigate impacts, where possible. This includes developing Independent Travel Training with parent representatives (and ensuring it is

optional), continuing to make provision for families with a low income who use discretionary services, and introducing additional wording to the Policy to provide further clarity regarding accompaniment (paragraph 109 of this report, and 4.20, 4.21 and 4.22 of the Policy in Appendix C).

25. Any approved changes to the Policy as set out in this report would be effective as of February 2024. Timescales for implementation of each of the recommendations are outlined within the “Recommended School Transport Changes” section (paragraph 29) of this report.
26. Changes to transport arrangements would continue to take account of the individual needs of children and young people and would be in accordance with statutory guidance and the County Council’s School Transport Policy.

Contextual information

27. The County Council provides transport assistance for eligible children to attend school. This statutory service is largely provided to Hampshire children attending their catchment or nearest suitable school but living over two or three miles (depending on age) from school, as well as specialist school transport for children with Special Education Needs, a disability or mobility problems. Transport assistance is provided where children meet national eligibility criteria.

28. Expenditure on school transport has increased by approximately £16 million from £34 million in 2021/22 to over £50 million in 2022/23. There are several factors that have contributed to these increasing costs:

External market factors affecting the transport market have meant that costs have risen significantly for operators, and the costs are being passed on to the County Council.

Nationally, the number of Education Health and Care Plans (EHCPs) for children with SEND has been increasing at a rate of over 10% per annum since 2014. A rise in EHCPs typically leads to a rise in demand for transport. This is resulting in higher demand for transport overall, and at times, a requirement for more complex travel arrangements.

There is a higher demand for specialist school places, which are spread over a wider geographical area and require more specialist travel arrangements to ensure the needs of children are met.

Recommended School Transport Changes

29. **Recommendation 1: For Personal Transport Budgets (PTB) to be available to families where a child or young person’s needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market.**

30. For the large majority of eligible children, traditional ways of providing transport assistance are successful at making their journey to school safe and without undue stress, strain or difficulty. However, in some situations more flexibility is needed.
31. Sometimes there are situations where a child's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market. For example, a child may require an adapted vehicle that is not available locally, or require skilled support tailored to their individual needs. In those cases, the County Council would like the ability to offer parents a PTB to enable them to make suitable travel arrangements for transport and/or passenger assistant support.
32. The current Policy includes a range of options to assist eligible children to travel to school. Parents can currently choose to accept a Parental Mileage Allowance to cover costs with approximately 350 eligible children currently travelling this way. Introducing a PTB would offer flexible options for families to make suitable travel arrangements tailored to a child's individual needs.
33. A PTB may be explored at the request of a parent, schools or where the County Council thinks it could be suitable. The parent would not be obliged to accept a PTB, and the arrangement would only be put in place where it is agreed between the County Council and the parent as the best means of supporting them.
34. The PTB would be paid directly to the parent/to enable them to make suitable travel arrangements for transport and/or passenger assistant support. The PTB would replace the child's existing travel arrangement.
35. For the majority of service users, there would be no change in their transport provision. For a small number of children with needs best met by an alternative arrangement, the School Transport Service would investigate whether a Personal Transport Budget would allow for their needs to be met more effectively and offer this to parents/carers where appropriate.
36. It is recommended that Personal Transport Budgets would be offered in circumstances where that is the most appropriate option. This would start to be offered from February 2024.
37. **Recommendation 2: The development and delivery of an Independent Travel Training service for children and young people with SEND who may be capable of travelling independently to their place of education.**

38. It is recommended that the County Council have the option to provide Independent Travel Training for a small number of suitable children who may benefit from it to help them to prepare for approaching adulthood.
39. At present, eligible children with SEND are transported to educational settings by transport arranged by the County Council. The Service does not currently offer support or training to prepare children for more independent travel.
40. For many children, learning to travel independently is an important part of preparing for adulthood and will help them lead fulfilling adult lives. The County Council understands that some children may never reach a level of independence that allows them to travel without assistance. Others may do so if suitable training is put in place.
41. The option of independent travel training may be offered to eligible children with parents' consent. Readiness to complete Independent Travel Training would be determined by a discussion between the County Council, the school and parents. Following completion of Independent Travel Training, the travel arrangements for some children will be reviewed taking into consideration their greater independence. Input from parents, children and schools will be sought and, depending on the outcome of the review, transport arrangements may or may not be changed. Existing travel arrangements will not be reviewed until the child has successfully completed the training programme.
42. The completion of independent travel training might not always result in the child being able to travel more independently and so once the training is complete, their needs would be assessed to consider what travel arrangement will be suitable for them.
43. The DfE statutory guidance for travel to school for children of compulsory school age recognises that for many children, learning to travel independently is an important part of preparing for adulthood and will help them lead fulfilling adult lives. Independent Travel Training is a service provided for within the Policies of many other local authorities such as Lincolnshire, Devon, Essex and Kent. The County Council would like to bring services offered in line with DfE guidance and other local authorities.
44. If the Executive Lead Member approves this recommendation, the County Council would further explore approaches to Independent Travel Training provision and plan how best to provide it. This would include consulting with parent representative bodies, exploring and learning how other local authorities have done so, how successful the service has been and whether it is a service the County Council would want to implement.

45. From Summer 2024, the County Council would then start considering appropriate children and young people for this service and would engage with schools and parents about the involvement of the child in the service.
46. **Recommendation 3: The regular review of the provision of Passenger Assistants.**
47. A Passenger Assistant (PA) is assigned to support eligible children on school transport provided by County Council's School Transport Service to and from school. Their role is to enable children to travel safely and arrive at school ready and able to learn. For example, children with Learning Difficulties can become anxious during their journey to school. When they get to school, they can be too anxious to learn for quite a time. A Passenger Assistant could be assigned to provide support, so these children arrive at school in a calm state of mind and ready to benefit fully from their school time.
48. The County Council employs approximately 550 PAs to support children on school transport across the County who are assigned based on the needs of the child. On occasion a PA is assigned based on the combined needs of children in a vehicle as opposed just to the needs of one child.
49. At present, once a PA is assigned to support a child, this arrangement is not reviewed on a regular basis to take into account any changes in the child's needs or circumstances.
50. The County Council understands that some children will always need the support of a PA on their journey to and from school. Where this is the case, there will be no intention to trigger a regular review of a PA.
51. Children's needs in relation to support on school transport may change over time. Some may become more independent; for others, their needs may increase.
52. In order to ensure the right level of support is provided for children, there will be times where a review of the provision of a PA should be conducted to ensure the travel arrangement is safe and suitable for the child's current situation.
53. It is recommended that the School Transport Policy is amended to allow for the regular review of the requirement for a PA. The review would take into account information received and in consultation with all relevant parties and would take place at such a time as decided by the County Council, based on the individual child's needs.

54. Parents, schools or passenger assistants themselves would be able to trigger a review if they have information that demonstrates that a child currently without a PA needs support, or a child currently with a PA allocated can travel without this support.
55. By allowing for the regular review of the PAs, the County Council would be able to optimise the PA workforce, and support children as their needs change.
56. It is recommended that the County Council would start to review the provision of PAs from the Summer term 2024.
57. **Recommendation 4: Where parents are required to make a financial contribution towards discretionary school transport arrangements, to increase this contribution in line with inflation (Consumer Price Index (CPI)) from September 2024, with inflation-linked increases also being applied in future years.**
58. Currently, the School Transport Policy outlines the level of contribution that will be applied to spare capacity seats (previously referred to as privilege seats) where a spare place on a contract vehicle may be offered to a child who is not entitled to transport assistance, and other discretionary arrangements which require a parental contribution. The current Policy does not allow for contributions to be uplifted each year.
59. The County Council currently funds a high proportion of the cost of discretionary transport arrangements, with parental contributions funding the remaining proportion. Transport costs have risen significantly above inflation over the last year and the County Council has absorbed this cost pressure. Whilst the County Council will continue to fund the majority of this cost, absorbing the increased cost of the transport arrangements would impact and reduce the limited resources available for other essential services for vulnerable children. The proposed increase in discretionary contributions would bring them in line with this overall rise in transport costs.
60. An inflationary increase would be applied to the contribution for spare capacity seats and discretionary arrangements. This would be applied in September 2024 in line with the CPI rate for March 2024, and then annually each September, based on the CPI rate in March of that calendar year.
61. These charges would apply to approximately 200 children who receive discretionary transport arrangements and would not affect children that are entitled to free of charge transport assistance.

62. **Recommendation 5: Updating the County Council's School Transport Policy to reflect the current Department for Education statutory guidance and to be easier to understand.**
63. Any changes to the School Transport Policy are required by law to be subject to a public consultation.
64. The Department for Education have updated the statutory guidance for Travel to school for children of compulsory school age and the current Hampshire County Council School Transport Policy requires updating to bring it into line with this latest guidance. In addition, some of the wording and language has been revised to ensure that it is clear and easy to understand.
65. In line with the most recent DfE guidance, the following sections are proposed to be updated in the Policy:
- Parental preference for children with Education, Health and Care Plans
 - Children with medical needs
 - Accompaniment of children
66. In addition, it is proposed that a number of additional updates are made throughout the Policy document to provide clarity in wording and language, ensure the Policy is relevant to the current School Transport Service, and to reflect the most recent DfE guidance.
67. A draft of the amended School Transport Policy has been attached in APPENDIX C of this report. Changes are indicated by a red font.
68. The Policy would be updated and come into effect from 1 February 2024.

Consultation

69. A public consultation seeking feedback on the proposed changes to the School Transport Policy took place between 30 October 2023 – 6 December 2023.
70. Awareness of the consultation was raised in a number of ways including: press releases prior and during the time the consultation was live, sending an email to the parents/carers of all current users of the Service, posts on the County Council's social media platforms (including reminders), newsletter articles, communicating with schools, and emailing community groups.

71. The consultation was also supported by five virtual “drop-in” sessions, where respondents could ask any questions or clarify any queries about the consultation directly with members of the School Transport Service.
72. The consultation has received 262 responses in total.
73. All comments received as part of the consultation have been read, analysed and provided to the School Transport Service.
74. **90%** of individuals responded that there were **children or young people under the age of 19 living in their household** (including themselves).
75. **65%** (142) of individuals with children or young people in their household responded that they **received School or Post-16 Transport** provided by Hampshire County Council.
76. **59%** (130) of individuals with children or young people under 19 in their household responded that the children or young people had **Special Educational Needs and/or Disabilities**.
77. **36%** (51) of individuals with children or young people in their household who receive School Transport from the County Council stated that PA support was provided to children or young people in the household, **7%** (10) received a mileage allowance, and **6%** (9) pay a contribution towards School Transport provided to children or young people in the household.
78. A summary of the consultation questions and responses is provided below. Full results can be found in APPENDIX D.
79. **Proposal 1: “To what extent do you agree, or disagree, with Proposal One: For Personal Transport Budgets (PTB) to be available to families where a child or young person’s needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market?”**

Response	Percentage	Count
Strongly agree	28%	71
Agree	34%	86
Neither agree nor disagree	14%	35
Disagree	10%	24
Strongly disagree	12%	29
Don't know	3%	8

80. When asked about the reasons for their answers, respondents commented on the flexibility that PTBs would offer families, and that they would also provide families with more financial support.

81. Other respondents thought that payments wouldn't cover the cost for families, stated that operators may not be suitable or available to parents, or were concerned that the payments might be misused by some parents. Some respondents felt that the introduction of PTBs for some families could be stressful, costly and cause difficulties for working parents.

82. Mitigations:

PTBs would be introduced as an option for parents. The parent would not be obliged to accept a PTB, and the arrangement would only be put in place where it is agreed between the County Council and the parent as the best means of providing transport arrangements.

The County Council would explore a PTB at the request of a parent, school or where the County Council thinks it could be suitable.

PTBs would be calculated based on three elements:

Travel costs – for example current HMRC mileage rates or quotes from commercial taxi companies

Support costs (where applicable) – for example the current cost of a Passenger Assistant

Discretionary costs – other costs that need to be covered to ensure that the proposed PTB arrangement is viable in the long-term

The County Council has established ways of working that would be applied to mitigate the misuse of PTBs. These include an existing process to prevent misuse of parental mileage allowances, and the well-established use of PTBs within County Council Social Care and SEN services.

83. Proposal 2: To what extent do you agree, or disagree, with Proposal Two: Development and delivery of an Independent Travel Training service for children and young people with SEND who may be capable of travelling independently to their place of education?"

Response	Percentage	Count
Strongly agree	17%	43
Agree	33%	83
Neither agree nor disagree	19%	47
Disagree	12%	31
Strongly disagree	15%	38
Don't know	5%	11

84. When asked about the reasons for their answers, respondents commented on the independence that this proposal could offer some children or young people, and how this would be better for some families.

85. Other respondents highlighted safety concerns, that independent travel training wouldn't be suitable for all children or young people (particularly as their needs could change regularly), and that independent travel training would not be straightforward. They also noted that independent travel could be stressful both for children or young people and families, that the training should be optional/parent's choice, and that there should be the option to revert back to previous arrangements if more independent travel is introduced and then found to be unsuitable. Some respondents also felt that they would need more clarification or information on how the service would be delivered before deciding whether they agreed with the proposal.

86. Mitigations:

The Independent Travel Training offer would be jointly developed by the County Council and parent representatives. This will include development of the assessment criteria that a 'pass' or 'completion' of the training is judged against.

It is understood that some children or young people may never reach a level of independence to allow them to travel safely without assistance and in this case, Independent Travel Training would not be recommended for these individuals.

Readiness to complete independent travel training would be determined by a discussion between the County Council, school and parents.

Parental consent would be required before optional independent travel training is offered to a child or young person. There is no requirement for any child or young person to undertake the training.

Any travel arrangements would remain until after the child or young person has successfully completed the training programme.

The County Council recognises that a child or young person’s ability to travel independently may not be constant and may change regularly. This will be considered when offering or assessing the outcome of any training. DfE guidance states that “some children may need to participate in travel training again if their circumstances change, for example if they move school”, and this will also be taken into account.

The completion of independent travel training may not always result in a child or young person being able to travel more independently or changes to transport arrangements. Each child’s or young person’s needs will be assessed on completion of the training and transport will still be offered if this is appropriate to their needs.

87. Proposal 3: “To what extent do you agree, or disagree, with Proposal Three: to regularly review the provision of Passenger Assistants?”

Response	Percentage	Count
Strongly agree	22%	56
Agree	44%	111
Neither agree nor disagree	18%	46
Disagree	5%	13
Strongly disagree	9%	22
Don't know	2%	5

88. When asked about the reasons for their answers, respondents commented that they were in favour of the regular review of passenger assistant (PA) provision, as children’s needs change over time.

89. Other respondents felt that there were safety concerns associated with removing a passenger assistant from a child’s provision, that the proposal could be an attempt to reduce provision by the County Council, and that there could be an impact on the driver if a PA was removed from a route. Respondents also stated that reviews must be based on the needs of the child, the family must be involved in the decision, and that there should be caution when a PA is shared between multiple children.

90. Feedback was received as part of an Unstructured Response which stated that this Proposal also included the annual review of a child's eligibility for travel assistance. The aforementioned annual review forms part of Proposal 5 (updates to the School Transport Policy) and is therefore addressed in Paragraph 109.

91. **Mitigations:**

The County Council understands that some children will always need the support of a Passenger Assistant on their journey to and from school. Regular reviews will not be triggered where this is the case.

Reviews of Passenger Assistants would take into account any changes in a child's needs or circumstances, whilst also ensuring that travel arrangements are safe and suitable.

Where a Passenger Assistant is assigned based on the combined needs of children in a vehicle, this will be considered when reviewing arrangements for individual children.

The intention of this proposal is to ensure Passenger Assistants are allocated where they are needed, and reviews may result in the addition of a Passenger Assistant in some circumstances.

92. **Proposal 4: "To what extent do you agree, or disagree, with Proposal 4: To increase the level of contribution to discretionary school transport arrangements (where parents are required to make a financial contribution) in line with inflation (Consumer Price Index) from September 2024 and inflation-linked increases applied in future years?"**

Response	Percentage	Count
Strongly agree	15%	35
Agree	24%	55
Neither agree nor disagree	16%	37
Disagree	15%	34
Strongly disagree	27%	62
Don't know	4%	8

93. When asked about the reasons for their answers, respondents were concerned about affordability and cost of living, and that the increases were too high. Some respondents felt that access to education (including transport) should be free, and others felt that contributions should be means tested.

94. When asked to suggest alternative measures for calculating increases, respondents proposed basing increases on the rising cost of transport (such as fuel), means testing contributions based on family income/circumstances, or aligning increases with benefits or wage increases.

95. **Mitigations:**

The contribution rate will continue to be waived for families on low incomes, including those in receipt of certain benefits as outlined in the Policy.

Families with exceptional circumstances would continue to be able to apply for a discretionary waiver or reduction in parental contributions.

CPI is the method of calculating increases recommended by the UK Government. To depart from this method would require a strong case. CPI is currently 3.9% (at the date of submitting this report for publication). The other methods suggested by respondents would give equal or larger increases; transport costs are predicted to rise by over 20% since the last financial year and means-tested benefits rose by 10.1% in April 2023. Therefore, using CPI limits the rise more effectively than the other methods suggested.

96. **Proposal 5: Respondents were informed that the County Council was proposing to update the School Transport Policy “to reflect current government policy and to be easier to understand”.**

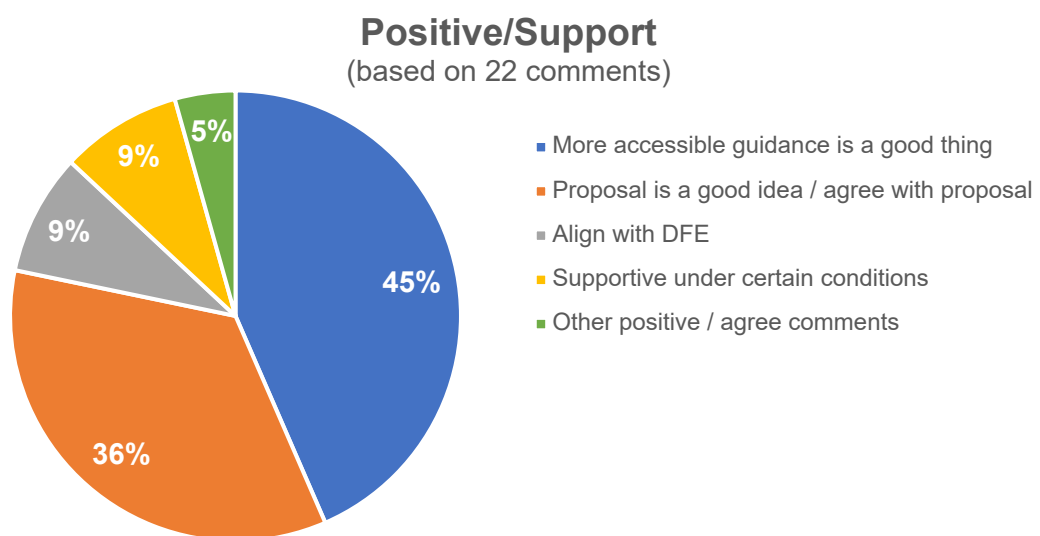
97. Respondents were asked to provide any feedback that they had on the changes to the Policy. Respondents were generally positive about making the

wording of the Policy clearer and simpler but on the proviso that there were no changes to the Policy itself within this proposal. There were, however, negative comments or concerns, most of which related to the clarity of the Policy, and the impact the existing Policy has on children with SEN and their families.

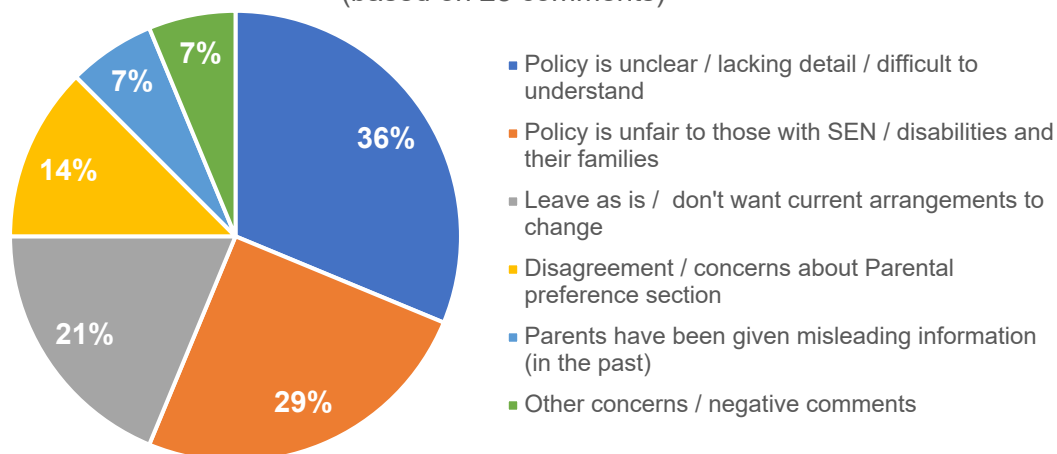
98. 70 comments were provided in response to Proposal 5 and have been tagged as 'positive', 'negative', or 'other'. Comments often include multiple topics, and therefore may fall under more than one category (for example, a mix of positive and negative comments):

Positive comments, or support for the proposed changes	22
Negative comments, or concerns about the proposed changes	28
Other comments, considerations or suggestions	31

99. The below charts show the common themes identified from the responses to Proposal 5:



Negative/Opposition (based on 28 comments)



100. The majority of the 28 negative comments or concerns received related to the existing Policy and eligibility criteria, including how difficult the Policy is to understand, acceptable walking distances and the fact that early years and Post-16 transport is not free of charge. Other respondents commented that they did not want their specific arrangements to change.

101. The majority of the 22 positive comments referred to respondents' agreement with the proposal, the fact that clearer guidance would be beneficial, and that it was right to align the Policy with DfE statutory guidance.

102. Four respondents made comments related to the newly added Parental Preference section of the Policy (paragraph 4.15, APPENDIX C), including balancing a child's needs with resources available. The Policy already referred to parental preference when listing Qualifying Schools (paragraph 4.24, APPENDIX C), however there was no explanation of this option. The updated DfE Guidance provides further clarification on how parental preference in choosing a school further away might operate in practice and the proposed change in the Policy closely follows the DfE Guidance.

103. Other comments included suggestions that all changes should be clear/transparent/easy to understand, that SEN provision is lacking locally, and positive comments about the current School Transport service.

104. As part of one of the three Unstructured Responses, a number of specific comments were made in relation to Proposal 5. These have been considered by the School Transport Service and further explanation and mitigation is outlined below:

105. Living in Multiple Catchments (see paragraph 4.8 of the Policy, APPENDIX C): A comment was raised regarding how this would "allow for where the

nearer school filled up from within catchment and was unable to provide a place”, or if a “family picked the further school before this change came in”. The Policy already provides for this situation more generally in paragraphs 4.25 and 4.26, where it explains that when a nearer school is unable to offer a place, free of charge transport will be offered to the next nearest school providing the distance criteria are met.

106. Transport at Start and End of the School Day (see paragraph 3.2 of the Policy, APPENDIX C): A comment was raised regarding school travel eligibility referring to the start and end of the school day *only* (with *only* being the change to this wording). The respondent highlighted that whilst this is appropriate “in general”, wraparound EHCP provision for SEN children should be accommodated. This topic also emerged as part of the wider consultation response. Provision at the start or end of a school day that is part of a child or young person’s education package as outlined within their EHCP will be considered on a case-by-case basis.
107. The respondents raised some concerns that the eligibility criteria had been changed as part of the changes to the Policy. The County Council is not intending to change the criteria for eligibility as part of these recommendations. These concerns are addressed individually below:
108. (Home to) School Transport: A comment was raised regarding the naming of the Policy, which is recommended to change to “School Transport” rather than “Home to School Transport”. This change has been made to reflect the [DfE guidance](#) which states: “It may not always be necessary to provide children with ‘door to door’ transport in order to meet their needs. Many will be able to walk to a suitable pick-up point to be collected, provided they would be able to do so in reasonable safety, accompanied by their parent if necessary. Some children’s needs will mean they need to be collected from their home. Local authorities should not have a policy that they never provide door to door transport and should make decisions on a case-by-case basis.” The DfE guidance itself is now entitled “*Travel to school* for children of compulsory school age”, replacing the previous “*Home to School* Travel and Transport Guidance”, as referenced in the “About” section of the guidance document. The County Council will continue to consider transport applications and suitability of transport on a case-by-case basis.
109. Accompaniment/Reasonably Walking to School (see paragraphs 4.19 – 4.22 of the Policy, APPENDIX C): A comment was raised regarding determining whether a child cannot reasonably be expected to walk to school, where the County Council had removed the sentence: “This will take into account age of the child and whether one would ordinarily expect a child of that age to be accompanied on that journey”. The respondent had concerns around what this would mean for secondary school pupils, and commented that it may impact upon eligibility criteria. The County Council does not believe that this would result in a change in eligibility, but that this change would make the

section open to interpretation, and therefore does not fit the intention to change the Policy to be clearer and easier to understand. As such, the previous wording in the Policy has been retained within paragraph 4.19. It is acknowledged in the [DfE guidance](#) that “it can be difficult for local authorities to make decisions in relation to children of secondary school age whose special educational needs, disability or mobility problem mean they could not reasonably be expected to walk to school unaccompanied. Other children of this age may normally be expected to walk to school unaccompanied which might, for example, enable parents to increase their working hours” and “local authorities should be sensitive to the particular challenges parents of such children may face” (pg.20, paragraph 52). In response to the feedback, an addition has been made to the Policy (paragraph 4.22, APPENDIX C) which reflects the DfE guidance. This reads: “When deciding whether it is reasonable to expect the parent of a child with special educational needs, disability or mobility problem to accompany their child to school, the County Council will be sensitive to the particular challenges parents of such children may face.”

110. Review of Eligibility and Sustainability (paragraph 7.1, APPENDIX C): Proposal 5 also introduced wording within Section 7 of the Policy which outlines the approach already taken in practice. It refers to the points in time where a child’s circumstances will usually be reviewed, including whether any changes in circumstances affects their eligibility. The DfE guidance states that “local authorities must ensure that the travel arrangements they make take account of the needs of the child concerned”, and these reviews are undertaken to ensure that travel arrangements continue to take account of the child’s needs. Whilst this may result in changes to an individual’s eligibility, the criteria that eligibility is measured against is not changing. However, in response to feedback, and in line with the County Council’s intention to make the Policy clearer and easier to understand, this new section of the Policy has been renamed to “Review of Passenger Assistant suitability” and refers solely to Passenger Assistant arrangements.

Equalities

111. Participants were asked to ‘describe what, if any, impacts the Policy for School Transport provision in Hampshire may have on you, people you know, or your organisation, group or business.’ Many of the impacts raised referred to the existing Policy in addition to the proposed changes. Key themes included:

Impact on education

Impact on safety

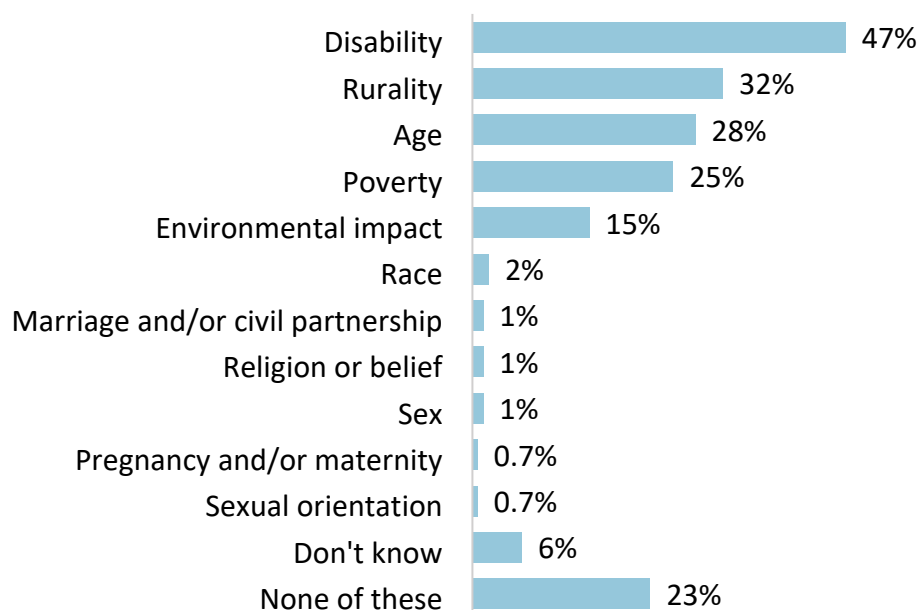
Impact on children with SEN/additional needs

Financial impact on families

Impact on parents with children at different/multiple schools

- Difficulties for working parents
- Environmental impact/more cars on the road
- Comments on the importance/benefits of the school transport service
- Criticism of the current school transport experience/Policy
- Suggestions for improvements
- Comments on the respondent's reliance on school transport

112. Participants who described the impacts of the Policy were then asked if the impacts they had mentioned “relate to any of the following characteristics or issues”. Based upon the 142 respondents who answered this question, the following groups were selected:



113. An **Equalities Impact Assessment (APPENDIX A)** has been produced which also highlights that there is a potential impact for the aforementioned characteristics of age, disability, poverty and rurality in the event that the recommended changes to the Policy are approved. Impacts and mitigations are described within the assessment, and include:

114. **Age:** As the school transport service is provided for eligible children and young people of school age (eligibility as set out in the Policy), it is recognised that they and their families/carers would be affected by the recommendations with regards to age as a protected characteristic. The age-related nature of the service is required by law.

115. **Disability:** The introduction of PTBs will affect a higher proportion of children with SEN than mainstream children, providing them with more flexible

transport arrangements. Independent Travel Training will primarily be offered to children with SEN, enabling greater independence for some children. Both PTBs and Independent Travel Training offer additional options for parents. Passenger Assistants are more likely to be provided for children with SEN. In addition, SEN children receiving discretionary travel may need to travel further than mainstream children, so could be in the higher distance brackets for parental contributions. However, the proportion of children with SEN receiving discretionary transport arrangements is low, and the contribution rate will continue to be waived for those on a low income or certain benefits, or in exceptional circumstances. The additional section added to the Policy around Parental Preference draws attention to an existing option available to parents of children with SEN which they may be in a position to consider.

116.**Poverty:** Without mitigation, the increase in contribution rate would particularly impact families on a lower income. This has been considered by the County Council and the contribution rate would continue to be waived for low-income families, for example those in receipt of certain benefits. Families with exceptional circumstances would also be able to apply for a discretionary waiver or reduction in parental contributions.

117.**Rurality:** Families living in rural areas often face a longer journey to their nearest suitable school, and public transport may be a more restricted offer. However, this longer distance means that they are more likely to qualify for statutory transport assistance. As journeys from rural areas will tend to be longer, the cost of providing discretionary transport for children from rural areas are greater on average. Therefore, due to the longer distances, rural families with discretionary arrangements will be more likely to be in a higher distance band, with a higher contribution. These charges will be waived for families on low incomes or in exceptional circumstances.

Finance

118. There are no financial savings realised from this change.

Legal Implications

119. It is the responsibility of the local authority under the Education Act 1996 to provide school transport, free of charge, for children of compulsory school age in certain circumstances as prescribed by the legislation.

120. Statutory guidance states that local authorities should consult on proposed changes to Policy. Consultations should run for at least 28 days during term time. The consultation was conducted between 30 October 2023 – 6 December 2023 to meet these requirements.

121. Transport arrangements for students aged between 16 -25 are set out in a separate annual Post 16 Policy statement that is published by 31 May each year. The consultation on the Post-16 Policy statement for 2024 ran during the same timescales as the School Transport consultation and will be reported upon separately.

Climate Change Impact Assessment

122. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the County Council does.

123. The Climate Change Adaptation tool is used to identify where climate variables pose a vulnerability to a new project or decision. The tool was not applicable for this report because the decision relates to Policy wording changes that will not materially change the nature of the School Transport service.

124. For the majority of the changes to the Policy, it is not clear whether there will be any impact on emissions, and any potential impacts are expected to be marginal. As part of this report, the School Transport Service is seeking approval to begin development of Independent Travel Training. The future delivery of Independent Travel Training would be designed to prepare children and young people with SEND for more independent travel as they prepare for adulthood. This may result in a higher proportion of children and young people with SEND using public transport or shared transport in the future, potentially reducing the number of individual vehicles used for School Transport and Post-16 journeys.

125. The proposed changes will allow the County Council to be better able to provide flexible transport arrangements for children (including those with SEN) that respond to their changing needs, demand and external market pressures. This directly supports Strategic Priority 2: People in Hampshire live safe, healthy and independent lives, as well as supporting Strategic Priority 4: People in Hampshire enjoy being part of a strong, inclusive communities.

□

Conclusions

126. The County Council has considered the views expressed through the public consultation.

127. The decision has to be a carefully balanced consideration of all the factors, including the responses to the consultation, the viability of the service and the importance of the County Council operating within its budget. The County Council continues to provide all statutory School Transport services and will not, as a result of the proposed changes, remove transport from existing eligible children unless their circumstances change.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Issue details - Permission to Consult on Proposed Changes to School Transport Policy About the Council Hampshire County Council (hants.gov.uk)	19 October 2023
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Travel to school for children of compulsory school age (publishing.service.gov.uk)	June 2023

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

APPENDIX A: EQUALITIES IMPACT ASSESSMENT

Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- 1 Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- 2 Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- 3 Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- 4 The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- 5 Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- 6 Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Equalities Impact Assessment

Title: School Transport Policy Consultation Outcome 2023

EIA for Savings Programme: No

Service affected: The School Transport Service

Description of the service/policy/project/project phase:

Hampshire County Council (the Council) has a statutory duty to provide free of charge School Transport for eligible children (eligibility as set out in the Council's School Transport Policy).

The School Transport Service currently arranges daily transport to school for approximately 13,500 children and young people. Of these, 9,600 attended mainstream schools and 3,750 attended schools and colleges that provide for their Special Educational Needs and Disabilities (SEND) or other needs.

A rise in complexity of transport needs, along with pressures affecting the external market, have meant that it is becoming more challenging for operators to provide transport that adequately meets the passengers' needs. The County Council needs to consider approaches that would allow them to be better able to respond to these pressures and provide adequate, safe, and efficient transport to children.

New/changed service/policy/project:

Approval is being sought to introduce changes to the School Transport Policy. The proposed changes would enable the County Council to be better able to provide flexible transport arrangements for children that respond to their changing needs, demand and external market pressures. The proposed changes would also bring the School Transport Policy in line with the updated Department for Education statutory guidance on Travel to School for Children of Compulsory School Age (June 2023). Feedback has been gathered on the following proposed changes:

Proposal One: For Personal Transport Budgets (PTB) to be available to families where a child's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market.

Proposal Two: The development and delivery of an Independent Travel Training service for children with SEND as they prepare for adulthood.

Proposal Three: The regular review of the provision of Passenger Assistants.

Proposal Four: Where parents are required to make a financial contribution to discretionary school transport arrangements, to increase this contribution

in line with inflation (Consumer Price Index (CPI)) from September 2024, with inflation-linked increases also being applied in future years.

Proposal Five: The rewording and updating of the Policy to ensure it reflects the latest Department for Education statutory guidance (Travel to School for children of compulsory school age, issued June 2023), is relevant to the Service and is easy to understand.

The impact of the changes on young people with different protected characteristics have been captured as part of this consultation.

Equality considerations

A consultation was undertaken on proposed changes to the School Transport Policy, and was live from 30 October - 6 December, where respondents were asked to what extent they agreed or disagreed with the five proposed changes, and the impacts they foresaw should the changes be implemented.

A detailed communications plan was developed and delivered to ensure wide awareness of the consultation. An email was sent to all parents/carers of children and young people who use the School Transport Service, and five virtual drop-in sessions with members of the School Transport Service were set up and promoted.

262 participants responded to the consultation and the results are summarised as follows:

- 62% of consultation respondents agreed or strongly agreed with Proposal 1 (Personal Transport Budgets)
- 50% agreed or strongly agreed with Proposal 2 (Independent Travel Training)
- 66% agreed or strongly agreed with Proposal 3 (Regular review of Passenger Assistants)
- 39% agreed or strongly agreed with Proposal 4 (Increase parental contributions for discretionary arrangements in line with CPI)
- Open text comments in response to Proposal 5 (Improved clarity and alignment to Department for Education guidance) were generally positive about improving the clarity of the Policy on the proviso that their existing arrangements were not reduced. Other topics raised included comments around the 'Parental Preference' section of the Policy (which provides a clearer explanation of what happens when a parent selects a school that is not named as the nearest appropriate school on an EHCP), the importance of School Transport for children with SEN, and concerns relating to the lack of SEN provision locally.

90% of individuals had children or young people under the age of 19 living in their household (including themselves). Of these, 65% responded that the children or young people received School or Post-16 transport provided by the Council, and 59% stated that they included children or young people with Special Educational Needs and/or Disabilities.

Respondents were asked to comment with perceived impacts of the proposals, including on different groups and protected characteristics. These are detailed in the final consultation report appended to the 19 January Decision Day report and included against each group within this equality impact assessment. Respondents identified the following groups as being impacted:

Disability (47%)

Rurality (32%)

Age (28%)

Poverty (25%)

Environmental impact (15%)

A small number of respondents selected other groups, with 1% or 2% selecting marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex, and sexual orientation.

This EIA principally focusses on considering the potential impact of the proposed changes on the Public rather than Staff as there are no proposed changes to staff terms and conditions. Therefore, the impact has been assessed as neutral for Staff throughout.

Equality considerations – Impact Assessment

Age

Impact on public: Neutral

Impact on staff: Neutral

Rationale

As the school transport service is provided for eligible children and young people of school age (eligibility as set out in the Council's School Transport Policy), it is recognised that they and their families/carers would be affected by the proposed change in regard to age as a protected characteristic. Of the consultation respondents who answered a question regarding impacts on protected groups, 28% (40) stated that comments were related to 'Age'.

Proposal one – Positive – Personal Transport Budgets (PTB). This service would be something that gives more flexibility to children and families although it is anticipated that it will only be an option for some families.

Proposal two – Positive – Independent Travel Training (ITT) would be a service offered to students as they prepare for approaching adulthood and would only be suitable for a small number of students. For the students that it is suitable for and who choose to take part in the training, ITT would be a strengths-based service that, for some, would result in greater independence. The Council would work closely with families and school to implement ITT.

Proposal three – Negative low – The review of the allocation of Passenger Assistants (PA) would see that some students who no longer require a PA would have their PA phased out and students whose needs have changed and require one, would be identified for allocation of a PA in a more timely way.

Proposal four – Negative low – The increase in contribution rates for children receiving discretionary transport arrangements will affect children and young people of school age and their families. The number of families affected is approximately 100 of the approximate 13,500 students receiving school transport arranged by the council.

Proposal five – Positive – Changes to the school transport policy is anticipated to be positive as the changes would ensure it is up to date, relevant to the service and easy to understand. Where new sections have been added, these seek to explain existing procedures more fully.

Disability

Impact on public: Neutral

Impact on staff: Neutral

Rationale

47% (67) of consultation respondents who identified impacts on protected groups stated that their comments were related to 'Disability'.

Proposal one – Positive – PTBs will affect Children and Young people with disabilities and their families. The change will mean that children, young people and their families with disabilities who are suitable for a PTB will have more flexible options for their transport arrangements.

Proposal two – Positive – ITT would affect Children and Young people with disabilities and their families. Most people offered ITT would have SEND. For the students that it is suitable for and who choose to take part in the training, ITT would be a strengths-based service that, for some, would result in greater independence. The Council would work closely with families and school to implement ITT. Consultation responses were generally positive, on the proviso that ITT would be optional and not enforced.

Proposal three – Negative low – The review of PAs would affect children and young people and their families with disabilities as PAs are mostly used to support students with SEND. The proposal would see that some students who no longer require a PA would have their PA phased out and students whose needs have changed and require one, would be identified for allocation of a PA in a timelier way.

Proposal four – Neutral - The increase in contribution rates for students in receipt of discretionary travel arrangements would have no identified impact based on disability and therefore the impact has been assessed as neutral. Respondents to the recent consultation noted that SEN children receiving discretionary travel may need to travel further than mainstream children, so could be in the higher distance brackets for parental contributions. However, the proportion of children with SEN receiving discretionary transport arrangements is low, and the contribution rate will continue to be waived for those on a low income or certain benefits, or in exceptional circumstances.

Proposal Five - Neutral - Based on the proposed changes to the Policy, there is no identified impact based on disability and therefore the impact has been assessed as neutral. It should be noted, however, that respondents to the recent consultation were clear that any changes to the travel arrangements their children with SEND receive could have a negative impact on their child's access to education.

Whilst the Policy does not affect existing SEND provision, respondents to the consultation highlighted that improved provision would reduce travel time and lower costs. Some respondents challenged the Council's approach to naming suitable schools on EHCPs, and the associated 'Parental Preference' process (where parents can select a school that is not the nearest appropriate school but would need to pay towards travel costs). This process provides parents with additional options, and the update within the Policy was included to highlight that this is available.

Gender Reassignment

Impact on public: Neutral

Impact on staff: Neutral

Rationale

There is no identified impact based on gender reassignment and therefore the impact has been assessed as neutral.

Pregnancy and Maternity

Impact on public: Neutral

Impact on staff: Neutral

Rationale

There is no identified impact based on pregnancy and maternity and therefore the impact has been assessed as neutral.

Race

Impact on public: Neutral

Impact on staff: Neutral

Rationale

There is no identified impact based on race and therefore the impact has been assessed as neutral.

Religion or Belief

Impact on public: Neutral

Impact on staff: Neutral

Rationale

There is no identified impact based on religion or belief and therefore the impact has been assessed as neutral.

Sex

Impact on public: Neutral

Impact on staff: Neutral

Rationale

There is no identified impact based on sex and therefore the impact has been assessed as neutral.

Sexual Orientation

Impact on public: Neutral

Impact on staff: Neutral

Rationale

There is no identified impact based on sexual orientation and therefore the impact has been assessed as neutral.

Marriage and Civil Partnerships

Impact on public: Neutral

Impact on staff: Neutral

Rationale

There is no identified impact based on marriage and civil partnership and therefore the impact has been assessed as neutral.

Poverty

Impact on public: Negative Low

Impact on staff: Neutral

Rationale

Of the consultation respondents who answered a question regarding impacts on protected groups, 25% (20) stated that impacts were related to 'Poverty'.

Proposal One has no identified impact based on poverty and therefore the impact has been assessed as neutral. Within the consultation, some respondents were concerned that Personal Transport Budgets would be enforced on parents and that they would not be cost effective. PTBs would be optional, and any parents offered the option of a PTB would not need to consider them if they felt they did not cover costs.

Proposals two, three and five have no identified impact based on poverty and therefore the impact has been assessed as neutral.

Proposal four – Negative low – The increase in contribution rate would have a greater effect on families on a lower income. Responses from the consultation on this proposal referred to the cost-of-living crisis and that increases would be too expensive.

Mitigation actions:

This has been considered by the Council and the contribution rate would continue to be waived for families in receipt of certain benefits. Families with exceptional circumstances would also be able to apply for a discretionary waiver or reduction in parental contributions. As this increase would impact discretionary arrangements only, statutory travel would continue to be provided to eligible children without a parental contribution.

Rurality

Impact on public: Negative – Medium

Impact on staff: Neutral

Rationale

Of the consultation respondents who answered a question regarding impacts on protected groups, 20% (16) stated that impacts were related to 'Rurality'.

Proposals one, three and five have no identified impact based on rurality and therefore the impact has been assessed as neutral.

Proposal four – Negative Medium – Families living in rural areas often face a longer journey to their nearest suitable school, and public transport may be a more restricted offer. However, this longer distance means that they are more likely to qualify for statutory transport assistance. As journeys from rural areas will tend to be longer, the cost of providing discretionary transport for children from rural areas are greater on average. Therefore, due to the longer distances, rural families with discretionary arrangements will be more likely to be in a higher distance band, with a higher contribution, which was also raised by respondents to the consultation. These charges will be waived for families on low incomes or in exceptional circumstances. Respondents also commented that if their children were ineligible for transport, the parents didn't want their child to walk over a certain distance, and they could not afford the increase in contributions, this would impact family life as there is less likely to be alternative public transport provision locally and parents would potentially need to take their children to school.

Proposal two has no identified impact based on rurality and therefore the impact has been assessed as neutral. However, it was noted that consultation respondents feel there will be less opportunity for children with SEN in rural locations to benefit from Independent Travel Training due to reduced local transport options and longer travel distances.

Mitigation actions:

Where transport is necessary to facilitate attendance, the Council will provide transport assistance. Each child will be considered on a case-by-case basis, including the proposed journey and any limitations on infrastructure, to ensure provision reflects actual need. The School Transport Policy will continue to allow for parental contribution charges to be waived when parents/carers are on a low income, in receipt of certain benefits or if the child is in receipt of free school meals. Families with exceptional circumstances can also apply for a discretionary waiver or reduction in parental contributions.

Geographical Impact: All Hampshire

Additional Information:

This EIA accompanies an Executive Lead Member for Children's Services decision report on the 19 January 2024.

This EIA principally focusses on considering the potential impact of the proposed changes on the Public rather than Staff as there are no proposed changes to staff terms and conditions. Therefore, the impact has been assessed as neutral for Staff throughout.

EIA reference number: 00505

APPENDIX B: CLIMATE CHANGE IMPACT ASSESSMENTS

Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

Climate Change Adaptation

The Climate Change Adaptation tool is used to identify where climate variables pose a vulnerability to a new project or decision. The tool was not applicable because the decision relates to Policy wording changes that will not materially change the nature of the School Transport service.

Carbon Mitigation

The Mitigation Decision-making Tool considers the impact of carbon emissions and whether any mitigations are required. For some of the changes to the Policy, it is not clear whether there will be any impact on emissions. For example, Personal Transport Budgets will initially be offered to parents of children who require an adapted vehicle or other special arrangements to accommodate their needs, enabling parents to fund their own arrangements. These needs and the resulting transport arrangements already exist, so it is unlikely that there will be an increase in the total number of adapted vehicles in use. Similarly, it is not clear whether increasing financial contributions for discretionary arrangements and spare capacity seats will result in a change in emissions. Increases in parental contributions in line with CPI may lead some parents to decide that they no longer wish for their child to take a spare capacity seat, and some of these parents may then use their own personal vehicle to transport their child. However, these seats are usually oversubscribed, so it would be likely that other parents would take up these places, meaning the number of personal vehicles in use would remain at a similar level.

As part of this report, the School Transport Service is seeking approval to begin development of Independent Travel Training. The future delivery of Independent Travel Training would be designed to prepare children and young people with SEND for more independent travel as they prepare for adulthood. This may result in a higher proportion of children and young people with SEND using public transport or shared transport in the future, potentially reducing the number of individual vehicles used for School Transport and Post-16 journeys.

The proposed changes will allow the County Council to be better-able to provide flexible transport arrangements for children that respond to their changing needs, demand and external market pressures. This directly supports Strategic Priority 2: People in Hampshire live safe, healthy and independent lives, as well as

supporting Strategic Priority 4: People in Hampshire enjoy being part of a strong, inclusive communities.

Changes continue to keep the School Transport Policy in line with the Service's requirement to enable eligible children to arrive at school safely and ready to learn, and children and young people with SEN may gain additional independence future through the development and future delivery of Independent Travel Training. Much of the School Transport Service is statutory, and clearer wording within the Policy will ensure that parents of eligible children – in addition to service users themselves – are able to understand and make use of the support available to them.

APPENDIX C: PROPOSED SCHOOL TRANSPORT POLICY
Amendments to wording are marked in **red**.

School Transport Policy

HAMPSHIRE COUNTY COUNCIL

SCHOOL TRANSPORT POLICY

EFFECTIVE FROM [XXXXXXX]

CONTENTS

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	APPENDIX 1 Schedule of Charges for Discretionary Arrangements
	APPENDIX 2 School Transport - Review/Appeals Process

1. BACKGROUND AND SCOPE OF THE POLICY

- 1.1. The Policy sets out the legal responsibilities that Hampshire County Council (**the County Council**) has in order to provide assistance with transport to school or another education setting for children living in the **County Council** local authority administrative area. It also supports **the County Council's** sustainable school travel strategy ¹.
- 1.2. This Policy reflects the requirements of the Education Act 1996 (**the Act**) and the Education and Inspections Act 2006. It also complies with the Department for Education's statutory guidance, **Travel to School for children of compulsory school age**, issued in **June 2023**².
- 1.3. The changes to the previous Policy are included as **Section 2, Section 3, Paragraphs 4.8, 4.9, 4.11, 4.12, 4.15, 4.16, 4.17, 4.19 - 4.23, 4.27, 4.29, 4.31 – 4.39, 5.4, 6.2, 7.1 – 7.3, 7.9, 7.11, Appendix 1 and Appendix 2** of this version.
- 1.4. Charges for transport arrangements are set out in Appendix 1.
- 1.5. The process for appeals is set out in Appendix 2.
- 1.6. Arrangements for post-16 age (sixth form) student transport are set out in a separate annual transport policy statement that is published by 31 May each year.
- 1.7. **Note: References to parent in this document include birth parents, adoptive parents, foster parents, carers or legal guardians with parental responsibility.**

2. LEGAL RESPONSIBILITIES FOR TRANSPORTING CHILDREN TO/FROM SCHOOL

- 2.1. Parents have a legal duty and a responsibility to make the necessary arrangements to ensure that their child of compulsory school age attends school regularly. **For most parents, this means making arrangements for their child to travel to and from school.**
- 2.2. **It is the responsibility of those with parental responsibility to make suitable arrangements to ensure that their child is accompanied on walking routes to school, if it is considered by the parents that the child's age, ability and levels of understanding make this necessary. The Authority will therefore not provide transport solely because parents have not made such arrangements, unless there is good reason. In the event that parents are working or otherwise unavailable at the time their child travels to and from school it remains the parents' responsibility to make arrangements to ensure that their child attends school.**

¹ [Hampshire sustainable modes of transport for children and young people - January 2013](#)

² [Department for Education \(publishing.service.gov.uk\)](#)

- 2.3. **The** County Council has a statutory duty to make arrangements to provide free of charge school transport for **'eligible children' (defined in paragraph 3.1) only.**

3. DEFINITION OF 'ELIGIBLE CHILDREN'.

- 3.1. Eligible children are defined³ as children of compulsory school age (defined in paragraph 4.3):

- who attend their nearest or catchment school which is beyond the statutory walking distance. **Where a child lives within more than one catchment area, eligibility for School Transport will be based on the shortest walking route to any of the catchment schools.**
- who, because of their special educational needs, disability or mobility problems cannot reasonably be expected to walk to their school, **even if accompanied by an adult.**
- whose route to the nearest suitable school is unsafe **as determined in accordance with Road Safety GB guidelines.**
- children entitled to free school meals or whose parents receive the maximum level of Working Families Tax Credit (subject to a distance requirement).

- 3.2. All eligible children are entitled to free of charge transport to/from school at the beginning and end of the normal school day **only.**

4. 'ELIGIBLE CHILDREN' - EXPLANATION OF RELEVANT FACTORS.

- 4.1. As a general rule, **the County Council** will only make provision for free of charge transport for the children referenced set out above.
- 4.2. The following paragraphs explain the eligibility for free of charge transport for **eligible children only** in more detail.

Compulsory school age

- 4.3. Children are of compulsory school age from the beginning of the term following their fifth birthday (*or from their fifth birthday if it falls on 31 August, 31 December or 31 March*) until the last Friday in June of the academic year in which they reach 16 years of age.

³ Schedule 35b of the Education Act 1996

Statutory walking distances⁴

- 4.4. For **children** of compulsory school age, transport is provided if their nearest suitable or catchment school, measured from the child's home to the nearest available entrance to the school grounds', is:
- Beyond two miles (if below the age of eight); or
 - Beyond three miles (if aged between eight and 16).
- 4.5. A child living between two and three miles from their school ceases to be an eligible child on their 8th birthday.
- 4.6. **The above** are the statutory walking distances prescribed by legislation. However, different walking distances apply in respect of children who are entitled to free school meals or whose parents receive the maximum level of working tax credit (see paragraph 4.9).
- 4.7. When determining whether a non-catchment school qualifies as a nearer school distances greater than the statutory walking distances will be measured on 'road routes', passable for a suitable motorised vehicle.
- 4.8. **Where a child lives at an address that is within the catchment area of more than one school, the qualifying school for the purpose of School Transport is the catchment school that is closest to their home as measured by walking route. Where both schools in question are over the statutory walking distance, the route to the schools will be measured by the nearest available road route, passable for a suitable motorised vehicle, when determining which catchment school qualifies as a nearer school.**

Extended rights eligibility

- 4.9. **A child is eligible for free travel to school if they are eligible for free school meals or a parent with whom they live receives maximum Working Tax Credit, and the child is:**

Aged eight or over but under 11, attend their nearest suitable school and it is more than 2 miles from their home by the nearest walking route; or

Aged 11 to 16 years, and attend one of their three nearest suitable schools provided it is more than 2 miles (nearest walking route) but not more than 6 miles (by road) from their home; or

Aged 11 to 16 years, attend a school that is more than 2 but not more than 15 miles from their home that their parents have chosen on the grounds of their religion or belief if, having regard to that religion or belief, there is no suitable school nearer to their home.

⁴ Statutory walking distance defined in Section 444(5) of the Education Act 1996

Unsafe routes

- 4.10. Transport arrangements will be made for children of compulsory school age who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.
- 4.11. **Assessment of Walked Routes to Schools Guidelines**, published by Road Safety GB, support the assessment of routes. Officers apply the guidelines to determine the nature – safe or otherwise - of any walking routes.
- 4.12. **Where no safe walking route exists, for example where the road outside the child's home is unsafe, distances to schools, for the purpose of identifying the nearest suitable school, will be measured on 'road routes', passable for a suitable motorised vehicle.**

Special educational needs (SEN), a disability or mobility problems

- 4.13. A child of compulsory school age with special educational needs, a disability or mobility problems who cannot reasonably be expected to walk to school, even if they were accompanied by an adult, will receive free school transport, regardless of distance.
- 4.14. Eligibility is assessed on an individual basis, which includes the following:
 - The child must be attending the nearest designated catchment area school, a nearer school, or the nearest school with a place or is attending the nearest appropriate school as determined by the Special Educational Needs (SEN) service.
 - By reason of their SEN, disability or mobility problem (including temporary medical conditions) the child cannot reasonably be expected to walk to school.
 - Eligibility will be assessed on a **case-by-case** basis, and any evidence submitted e.g., from a medical practitioner will be taken into consideration.

Parental Preference for children with EHC Plans

- 4.15. **Where a parent would prefer their child to attend a school that is further away from their home than the nearest school that would be able to meet their needs, the County Council will consider whether arranging travel to the preferred school would be incompatible with the efficient use of resources.**
- 4.16. **The County Council will determine the cost of providing the child with free travel to each of the two schools. If travel to the parent's preferred school would cost more than travel to the nearer school, the County Council will decide whether the additional cost of providing travel to the parent's preferred school is incompatible with the efficient use of resources.**

4.17. If the County Council determines that providing travel to the parent's preferred school would be incompatible with the efficient use of resources, the County Council will either:

A. name a different school that would be appropriate for the child's needs, or

B. name the parent's preferred school on the condition that the parent arranges the travel or provides some or all of the cost of the travel. This would normally be the difference between the cost of travel to the parents' preferred school and the cost of travel to the nearest suitable school.

At this point, the parent may withdraw their request for the preferred school, and the County Council will therefore name the school that would have been named in option A.

Primary Age Siblings

4.18. In the case of children with SEN, a disability or mobility problems (see paragraph 4.13), transport will be provided where there is a need for primary age sibling(s) to be taken to other school(s), provided that the school(s) is/are the catchment area school(s), a nearer school or next nearest school. **In addition, consideration would be given to the timing** of the school day or the direction of the other school(s) **that** would prevent the parent from accompanying the child(ren).

Accompaniment

4.19. In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', **the County Council** will consider **on an individual basis** whether the child could reasonably be expected to walk if accompanied **by an adult** and, if so, whether the child's parent can reasonably be expected to accompany the child. This will take into account age of the child and whether one would ordinarily expect a child of that age to be accompanied on that journey.

4.20. The general expectation is that a child will be accompanied by a parent where necessary, unless there is good reason why it is not reasonable to expect the parent to do so. **A child will not normally be entitled to free school transport solely because their parents' work commitments or caring responsibilities mean they are unable to accompany the child to school. As set out in the Department for Education statutory guidance sections 47 – 52⁵ (Travel to school for children of compulsory school age), reasons such as the parent's working pattern or the fact they have children attending more**

⁵ [Travel to school for children of compulsory school age - June 2023](#)

than one school, will not normally be considered sufficient reasons for a parent being unable to accompany their child. These reasons apply to many parents, and, in most circumstances, it is reasonable to expect the parent to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a parent).

- 4.21. The circumstances the County Council will consider when determining if a child can be reasonably accompanied include (but are not limited to) where the parent has a disability or mobility problem that would make it difficult for them to accompany their child, or other exceptional reasons provided by the parent as to why they cannot accompany their child or make other suitable arrangements. If a parent submits evidence that they are unable to accompany their child to school this will be assessed on an individual basis and any evidence submitted e.g., from a medical practitioner will be taken into consideration.
- 4.22. When deciding whether it is reasonable to expect the parent of a child with special educational needs, disability or mobility problem to accompany their child to school, the County Council will be sensitive to the particular challenges parents of such children may face.

Definition of Home Address

- 4.23. The home address will be that at which the child resides and spends the majority of his/her time. Occasionally a child will have more than one address, for example, because they live with parents who have different addresses. In this situation, the **home** address used for determining transport will be the one at which the child spends most of their time including weekends and school holidays as well as during the week. **Where the child spends equal time at two addresses, parents must nominate one address as the home address for transport even if both addresses are eligible for transport assistance. Parents must let the County Council know if the child's home address changes and will be asked to provide evidence of this if it affects entitlement to transport assistance.** When the child lives at the other address, they will not qualify for any transport arrangements other than the one provided from the home address.

Qualifying schools

- 4.24. The schools covered by this Policy statement are: -

community, foundation and voluntary **aided and voluntary controlled** schools;

academies (including those which are free schools, university technical colleges, studio schools and special schools);

alternative provision academies;

community or foundation special schools;

non-maintained special schools;

pupil referral units (education centres)⁶;

maintained nursery schools (where attended by a child of compulsory school age); and

city technology colleges (CTC), city colleges for the technology of the Arts (CCTA).

for children with SEN, an independent school if it is the only school named in the child's Education, Health and Care Plan (EHCP), or if it is the nearest of two or more schools named in the EHCP and is not named on the basis of parental preference.

School choice

4.25. Where parents apply for the designated catchment or a nearer school and the school is unable to offer a place, free of charge transport will be offered to the next nearest school with a place available providing the distance criteria are met.

4.26. The **child** will remain entitled to transport to the next nearest school with a place until they leave the school, or they **change** address.

Exclusion

4.27. Transport is provided for pupils who have been permanently excluded from school who attend a new school or Education Centre, subject to the statutory walking distance criteria being applied.

Suitability of arrangements

4.28. Transport arrangements **should** allow the child to reach school without undue stress, strain or difficulty. Shorter journey times are desirable in achieving this. **Where practicable**, maximum journey times should be 45 minutes **each way** for **children of primary school age** and 75 minutes **each way** for children **of secondary school age**. A **Passenger Assistant** will be provided on SEN transport when required, based on the needs of the **children** travelling.

4.29. The most economic form of transport available will be provided, having due regard to the availability of the transport as determined by the **County Council's** Passenger Transport Group (PTG) and the maturity, health or

⁶ Where they are receiving education by virtue of arrangements made under section 19(1) of the Education Act 1996

special needs of the **child**, as determined by the Head of **School** Transport in **the** Children's Services Department.

- 4.30. One vehicle may be used to transport children attending different schools. Mixing of children attending special schools and mainstream schools may occur when appropriate.
- 4.31. Transport will either be provided from designated pick-up and drop-off points or from a child's home address. A decision as to the collection point for transport will be made using the criteria in 4.27 and 4.28. Designated Pick up or drop off points will be no further than one mile walking distance from a child's home address.

Personal Transport Budgets

- 4.32. In certain circumstances, and subject to parental consent, the most suitable arrangement might be for the parent to provide the transport. This may because:

Suitable transport is difficult to find, or not available at all, in the local provider market;

The child requires an adapted vehicle that is not available locally;

The child requires skilled support tailored to their individual needs; or

The County Council's officers and the parent agrees that transport provided by the parent is the most suitable arrangement.

In those cases, the County Council may offer the parent a Personal Transport Budget (PTB) to enable the parent to make suitable travel arrangements for transport and/or passenger assistant support. The PTB would replace the child's existing travel arrangement.

- 4.33. A Personal Transport Budget will be calculated by considering:

The mileage to the child's nearest suitable school (at the current HMRC mileage rate)

The child's support needs and the level of skill required to support them on their journey to school

Individual circumstances affecting the child's journey to and from school

The efficient use of the County Council's resources

Children with Medical Needs

- 4.34. Where a child has medical needs that might affect their journey to and from school, the County Council will ask parents about the support they need as

part of the transport application process. The County Council will also seek information from the child's school, as it is likely that the school will have arrangements in place to manage their medical needs during the day.

- 4.35. Passenger Assistants will receive a range of training, including First Aid certification and awareness about common medical needs affecting children travelling to school. Where the County Council is made aware that a child has a specific medical need, we will ask the parent to provide the Individual Healthcare Plan which will be shared with the Passenger Assistant. The County Council will also ask the child's school to share information about the arrangements they put in place to manage their medical needs and to offer training to the Passenger Assistant. The County Council will also ask the school to identify whether the child's needs will affect the child on the journey to and from school.
- 4.36. Where unforeseen medical issues occur, or the child needs a medical intervention beyond what has been covered in training, the Passenger Assistant or driver will immediately call 999 and act in accordance with the 999 operator's instructions.
- 4.37. A child's routine medication will not be administered on the journey to and from school, and routine medical procedures will not be carried out. It may sometimes be necessary to administer a child's emergency medication. Emergency medication will only be administered in accordance with instructions from a health care professional, for example where a clear Individual Healthcare Plan written by a health care professional has been provided, or under medical supervision during a 999 call.

Promoting independent travel

- 4.38. Transport arrangements for SEN children will, wherever possible, support them to develop independence, taking into account the health or special needs of the child, and any steps towards independence outlined in the EHCP.
- 4.39. Independent Travel Training may be offered to eligible children with parent's consent. Readiness to complete Independent Travel Training would be outlined in the EHCP or agreed by the County Council following a discussion with the school and parents. Once an eligible child has successfully completed Independent Travel Training, their travel arrangements will be reviewed.
- 4.40. The County Council will not withdraw free school transport from an eligible child who does not successfully complete the travel training programme.

5. DISCRETIONARY TRANSPORT ARRANGEMENTS – CHARGEABLE

- 5.1. This section sets out the limited circumstances in which the County Council will use its discretionary powers (under Section 508C of the Act) for children

who are not entitled to free transport (as set out under Section 4 of this Policy above).

- 5.2. Where this discretion is used, there will usually be a charge for the transport provided, as shown in Appendix 1
- 5.3. All arrangements within this section will be time limited. At the end of the specified period, parents will need to re-apply.

Spare Capacity Seats

- 5.4. A spare place on a contract vehicle may be offered to a child who is not entitled to transport assistance. It will be withdrawn if **the space is required for an eligible child** or if **there are changes to the route** which reduces the number of concessionary seats. A flat rate charge will be made for such seats (set annually by **the County Council**), except where the child being transported is entitled to free school meals or the family is in receipt of the maximum level of working tax credit. Parents must make their own arrangements for the **child** to travel to the nearest existing pick-up point on the route. **Spare capacity seats will be offered only once all arrangements are in place for eligible children.**

Part-time attendance

- 5.5. This will not normally be supported with a transport arrangement. Transport may be provided to facilitate part-time attendance, where a child is convalescing following medical treatment or illness. The child's progress will be reviewed at least on a termly basis. This is a discretionary arrangement and may be subject to the charge in Appendix 1 except when part-time attendance is in place with the agreement of the local authority.

Journey times of more than 75 minutes

- 5.6. Unusually there may be situations where a journey time of more than 75 minutes is required. These may occur in transport:
 - to Faith secondary schools;
 - to special schools;
 - to pupil referral units (Education Centres);
 - for pupils attending their next nearest school with an available place because no place available at designated catchment area school or nearest school; and
 - for pupils attending out of county residential schools.

Religion or belief

- 5.7. Under the extended rights eligibility (paragraph 4.9), there is entitlement to free transport for certain children aged 11 to 16 attending the nearest school preferred on the grounds of religion or belief. Where extended rights eligibility does not apply, requests for transport will be considered applying this Policy and any grounds for an exceptional arrangement.

6. CIRCUMSTANCES WHERE TRANSPORT WILL NOT BE PROVIDED

6.1. Transport will not be provided in circumstances other than those set out above for eligible children and where discretionary arrangements are made.

6.2. Specific examples of where transport will not be provided are:

Temporary address. Transport will not be provided from a temporary address to a school that is not the designated catchment area or nearest school for that address.

Journeys to and from other destinations. Transport is not offered to or from points other than the school/ education centre and home or pick up/drop off points.

Victims of bullying. Dealing with bullying should be fully explored with the current school. If parents decide to move their child's school due to dissatisfaction with their current school, then there is no entitlement to free school transport.

To or from pick-up and drop-off points, except as outlined in paragraph 4.30.

Unacceptable behaviour of a pupil, as determined by the **school/the County Council/transport operator or passenger assistant** (where applicable) **with reference to the Mainstream and SEN Pupil Codes of Conduct. In such cases, requests for an allowance for parents to provide transport (paragraph 4.31) or for public transport will be considered.**

To take account of work/business commitments or domestic difficulties of parents.

To accommodate attendance at after school activities or for arrival at start times other than the usual start time for the school. **For example, individual exam timetables will not usually be accommodated.**

7. OTHER ISSUES

Review of Passenger Assistant suitability

7.1. **A timescale for a planned review of Passenger Assistant allocation will be set at the same time as an eligibility decision is made.**

7.2. **The planned review timescale will be based on the child's needs and will typically be at the end of the academic year, at a change of school phase, or at the end of the child's compulsory school career.**

- 7.3. **Passenger Assistant allocation will also be reviewed if the County Council becomes aware of a change of circumstance, including where a parent notifies the County Council that the child's circumstances or needs have changed.**

Withdrawal of Assistance

- 7.4. Where the school transport Policy is changed and the level of discretionary provision reduced, transport may be withdrawn from children who are currently receiving assistance. In these cases, a reasonable notice period will be given to enable parents to make informed decisions about their child's education. Any change of Policy will be subject to a period of consultation with those affected.

Delays

- 7.5. Where a delay occurs in providing transport which is over and above the normal operational timescale for doing so and the application for transport has been submitted in good time (with full information), reimbursement may be made to cover expenses incurred (upon production of evidence of expenditure) from the date from which transport would otherwise have been provided. Such reimbursement will be for use of the most cost-effective type of transport.
- 7.6. In the case of entitlement being granted upon appeal, reimbursement may be made of expenses incurred upon production of evidence of expenditure from the date upon which the appeal was lodged or, if this falls within a school holiday period, from the start of the following term or half-term. Such reimbursement will be for use of the most cost-effective type of transport.

Errors

- 7.7. Where assistance is found to have been granted in error, notice of one full term will normally be given that assistance will be withdrawn to allow families to make other arrangements.
- 7.8. Where entitlement has been denied in error, transport will be arranged as soon as possible and consideration will be given to reimbursing parents retrospectively, with a time limit of the start of the academic year in which the error was discovered.

Complaints/Appeals

- 7.9. **Hampshire** County Council takes all complaints seriously and has a complaints procedure to ensure they are investigated and, where possible, resolved. The procedure is available on **our website: [Children's Services Complaints](#)**.
- 7.10. People are encouraged to raise their concerns using the appropriate contacts. Where necessary, complaints will be considered at a more senior level to ensure every effort is made to resolve the issue.

7.11. Parents wishing to make an appeal regarding a transport entitlement decision or subsequent transport arrangements should **contact** the Head of **School Transport**, **via email at School.Transport.cse@hants.gov.uk or in writing to** Children's Services Department, Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UG. The appeals process is provided in Appendix 2.

Contacts

7.12. Please visit the School Transport page on **Hampshire** County Council's website (Hantsweb) for up-to-date contact information.
[Travel to school | Hampshire County Council \(hants.gov.uk\)](#)

Appendix 1

Schedule of Charges for **Discretionary** Arrangements

Spare Capacity Seats to be reviewed annually and charges adjusted in line with the Consumer Price Index (CPI):

Distance to travel	Annual charge
Up to 5 miles	£640
5.01 miles to 7.5 miles	£887
7.51 miles to 10 miles	£1,242
Over 10 miles	£1,419

The contribution is waived for families when the travelling child is in receipt of Free School Meals on the grounds of low income or the family is in receipt of the maximum level of Working Tax Credit.

Exceptions to Policy

To be reviewed annually and charges adjusted in line with CPI. The following contributions apply based on the distance to travel. The exception to Policy will be time limited and the charge for discretionary arrangements can be pro-rated based on the length (in weeks) of the actual arrangement.

Distance to travel	Example annual charge
Up to 5 miles	£640
5.01 miles to 7.5 miles	£887
7.51 miles to 10 miles	£1,242
Over 10 miles	£1,419

If the child's parents are in receipt of Income Support; income-based Jobseekers Allowance; income-related Employment and Support Allowance; support under Part VI of the Immigration and Asylum Act 1999; the guaranteed element of State Pension Credit; Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190); Working Tax Credit run-on-paid for 4 weeks after you stop qualifying for Working Tax Credit; or Universal Credit, the contribution will be waived.

Families in receipt of free school meals (due to low income) are not required to pay the contribution.

Families with a low income, but not in receipt of the above benefits, where the imposition of the **contribution** would reduce their income to around £16,190; or those with **discretionary** circumstances, may apply for a discretionary waiver or reduction in **contribution**.

Appendix 2

School Transport - Review/Appeals Process

Parents who wish to challenge a decision about:

- The **suitability of the** transport arrangements offered **to their child**;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the **inherent** safety of the route **in accordance with the Road Safety GB guidelines**

may do so **via email to School.Transport.cse@hants.gov.uk or in writing to, School Transport**, Elizabeth II Court, Children's Services Department, Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UG. **Parents should indicate their reasons for challenging the decision using the categories above.**

In the first instance a case will be reviewed by a Senior Officer **within the School Transport Service.**

In cases against refusal of a transport service there may be a further appeal to an Independent Appeal Panel made up of one or more Senior Officers outside of the School Transport **Service. Members of the Panel will** hold a comprehensive understanding of the school transport Policy and legislative framework **and** will make decisions on appeals against offers of transport.

Stage one: Review by a Senior Officer

A parent has 20 working days from receipt of the local authority's 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 **using the categories above. They should** give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

Within 20 working days of receipt of the parent's written request a senior officer **will** review the original decision and send the parent a detailed written notification of the outcome of their review, setting out:

- **whether they have upheld the local authority's original decision;**
- **why they reached that decision;**

- how the review was conducted (including the standard followed e.g. Road Safety GB);
- the factors considered in reaching their decision;
- any other agencies or directorates that were consulted as part of the review.

Where they have upheld the original decision, they should also explain how the parent may escalate their appeal to stage two of the process.

Stage two: Review by an independent appeal panel, where it applies.

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case and give a detailed written notification of the outcome (within 5 working days), setting out:

whether they have upheld the local authority's original decision;

why they reached that decision;

how the review was conducted (including the standard followed e.g. Road Safety GB);

the factors considered in reaching their decision;

information about any other directorates and/or agencies that were consulted as part of the review; and

information about the parent's right to put the matter to the Local Government and Social Care Ombudsman (see below).

The independent appeal panel will be made up of one or more members who will be independent of the original decision making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the local authority), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk. **Members will be assigned by a senior manager within the County Council's Children's Services directorate.**

Local Government and Social Care Ombudsman There is a right of complaint to the Local Government and Social Care Ombudsman, but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.