



Department
for Education

Home to school travel and transport: statutory guidance

Government consultation

Launch date: 19 July 2019

Respond by: 31 October 2019

Contents

Introduction	3
Who this is for	3
Issue date	3
Enquiries	3
Additional copies	3
The response	4
About this consultation	5
Respond online	5
Other ways to respond	5
Deadline	6
Consultation questions	7
Ease of use and understanding	7
Examples	7
The interaction between Universal Credit and eligibility for extended rights transport	8
Children with medical needs	8
Local home to school transport policies	8
General comments	9
Public Sector Equalities Duty	9

Introduction

The Department for Education is consulting on revised statutory guidance for local authorities on home to school travel and transport. The guidance was last updated in 2014. There have been no changes to the law. The revised guidance seeks to clarify local authorities's statutory duties in relation to home to school travel and transport policy, in response to feedback from local authorities and other interested parties.

Who this is for

- Local authorities

We would also welcome feedback from other interested parties, including:

- schools
- parents
- organisations involved in advising parents
- transport providers
- special educational needs and disability organisations.

Issue date

The consultation was issued on 19 July 2019.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the school transport policy team by email:

SchoolTravel.consultation@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Coordinator.CONULTATIONS@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

We will aim to publish the results of the consultation [on GOV.UK](#) in Winter 2019/Spring 2020.

About this consultation

In autumn 2017, the Secretary of State for Education committed to revising the statutory home to school transport guidance for local authorities in response to a report by the charity, [Contact](#), which indicated that a number of local authority home to school transport policies contain unlawful elements or are unclear and difficult for parents to understand.

Our main aim in revising the guidance, therefore, is to support local authorities in putting in place lawful policies which are easy for parents to understand. For example, we have re-organised the guidance so the eligibility criteria come first, included examples of how the statutory duties apply in practice, and used clear, concise language wherever possible.

We have also reviewed the section on driver training and included new guidance on transporting pupils with medical needs in response to concerns raised by the coroner following the death of a child on school transport.

Lastly, we have updated the guidance to reflect changes that have been introduced since the current guidance was issued, such as Universal Credit, and to reflect evolving local practice such as the effective use of personal travel budgets.

We are grateful to all the charities, local authorities and other stakeholders who have worked with us to ensure the revised guidance is clear and helpful and does not have any unintended consequences.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a PDF version of the consultation document, and respond either via email or post.

By email

- SchoolTravel.consultation@education.gsi.gov.uk

By post

Home to School Transport Policy Team
Level 3 Churchside

Department for Education
Bishopsgate House
Darlington
DL1 5QE

Deadline

The consultation closes on 31 October 2019.

Consultation questions

If you are not responding via the online survey, please can you ensure you provide:

- your name
- relevant contact details
- whether you are responding as an individual or on behalf of an organisation
- whether you would like your responses to be kept confidential

within your response.

Ease of use and understanding

To support local authorities in meeting their statutory duties we have sought to make the guidance more user-friendly and easy to understand. We have tried to be concise, use plain language and provide clear explanations of what is required of local authorities.

Question 1a: Do you agree that the new guidance is clear and easy to understand?

Response: Yes – The guidance provides greater clarity on aspects of Home to School Travel and Transport than previous versions. However, there are some areas of the guidance which need further review and clarity which are highlighted in our response.

Question 1b: Are there any areas of the revised guidance you believe could be further improved? If yes, please provide further feedback.

Response: There are two key areas which do not appear to be addressed in the guidance which would be valuable for councils. These are:

1) There are increasing numbers of children being assessed as entitled to travel/transport who have medical conditions which present increased risk to the child while travelling. Due to the nature of these needs, it often requires input from health professionals to identify the associated risks while travelling to their school and what mitigating action/controls are required. We do not believe this is reflected in the draft guidance currently. It would also be beneficial to identify the role and responsibility of both the council and health where this situation arises, including who is responsible for providing health support (due to the child's specific health needs e.g. provision of a nurse), including budget/funding responsibility. If this type of support continues to increase, there will be increasing budget pressures as this support is more expensive to provide.

2) Frequently families are informing us that there are other family circumstances which would impact on their ability to facilitate their child's travel to and from school. The guidance in its current form does not address the level of consideration or expectation on councils to consider the following when assessing if it is therefore unreasonable to expect a child to walk to school, accompanied as necessary:

- Parental working commitments
- Siblings attending other schools
- One parent working and one supporting other sibling to and from school
- A need to transport to/from childminder/childcare arrangements

- Single parent family with work commitment and/or other siblings to support

If there is an expectation that in these family circumstances it would be unreasonable to expect parents to facilitate their child's travel to and from school, there will be increasing budget pressures on councils.

Examples

We have included examples of how the statutory duties apply in practice to support local authorities in understanding the policy intent.

Question 2a: Do you think the examples will help local authorities meet their statutory duties?

Response: Yes, these are useful as these will aid local authorities, families and schools to understand the responsibilities of local authorities in relation to travel and transport

Question 2b: Please provide additional comments on any of the examples, ensuring you refer to the example to which your comment relates.

Response: Example Child M – 'Intimate care needs' should be included in the definition summary page as the phrase may not be familiar with all stakeholders/audiences of the guidance.

Question 2c: Are there any other areas in which you believe an example may be useful, or where you could possibly provide a further example? If so, please provide further information.

We may need to contact you for further details related to example suggestions. Please ensure you have provided your preferred contact information within your response.

Response:

1) **Child D example** captures a situation where the local authority would provide assistance. It would be equally be beneficial to include an example where a child has SEND or mobility problems, but it is reasonable to expect them to walk to school and travel/transport is not awarded. Understandably, families may not be aware that just because a child has SEND or mobility problems, it still may be reasonable to expect them to walk to school with an adult. Therefore an example demonstrating this would help to reinforce this message with families and schools.

2) A further example would be useful in the "**Further information about children with EHC Plans**" to describe the scenario and outcome if the parent's preferred choice school is named in the EHC plan rather than the one identified by the council that also meets the need of the child but is located nearer to the home address.

3) "**Accompaniment**" would benefit from an additional example. There is already one example (Child L) which explains that the child cannot walk (even accompanied) to school due to their needs. This section would benefit from an example which focuses on a situation where the parent, due to their health needs are unable to accompany their child, even though they could walk to school with the right adult support.

The interaction between Universal Credit and eligibility for extended rights transport

This question relates to paragraphs 15-19 in the draft guidance.

The introduction of Universal Credit does not change the way in which eligibility for home to school transport is determined for low-income families.

Question 3: Are paragraphs 15-19 clear about the interaction between Universal Credit and extended rights? If not, please explain why.

Response: Yes, paragraphs are clear

Children with medical needs

This question relates to paragraphs 71-72, and 75-76 in the draft guidance.

Following the death of a child on a school bus in 2014, we committed to review the section of the guidance on driver training.

We have included 'the handling of emergency situations, including when to contact the emergency services' in the list of things on which drivers and passenger assistants should receive training.

We have also included new guidance on transporting children with medical needs. This includes the expectation that local authorities should ensure that drivers and passenger assistants are aware of a child's needs and how to respond to them and have received any training necessary to enable them to do so.

Question 4: Do you agree this is an effective and proportionate approach to the management of children's medical needs on school transport?

Response: Paragraphs 71-72 need further clarity. While in most cases a driver and passenger assistant will be supporting the child, there will be instances where support will be provided by other parties. Therefore, there should be reference/acknowledgement that there may be other parties providing support to the child. This may include (not exhaustive):

- Teaching Assistant
- Carer
- Nurse
- Parent

Further clarity is required to define "medical need" and when a consultation is necessary. Some medical needs may not have any impact on a child's journey to school due to the distance/time being transported, or the medical need identified is effectively managed/supported through an existing care plan. In these instances, a consultation may not be necessary. However, the wording in the draft guidance gives the impression that if a medical need is identified there will be a form of consultation that is undertaken and agreed. There is a risk that families, LGO/legal support may interpret the current wording that everyone with a "medical need" will undergo a

form of consultation which is both an unrealistic expectation and not necessary in many cases.

Also, there appears to be no mention of health being involved or accountable in this process to ensure the child has the appropriate level of support/care in place.

In relation to the Training section (75-76), there is no mention of safeguarding which is an oversight.

Local home to school transport policies

This question relates to Part 4 and annex 1 in the draft guidance.

We have included new guidance for local authorities on putting in place a lawful local home to school transport policy. We have also included a checklist which local authorities will be able to use to ensure they have included all the required components of a lawful transport policy in their own policy, whilst still allowing them to tailor aspects of their policy to local circumstances.

Question 5: Do you agree that Part 4 and the checklist in annex 1 will help local authorities make sure their transport policies are lawful?

Response: Agreed

General comments

Question 6: Please provide any additional comments you wish to make on the draft guidance. In particular, we would be grateful for any comments on:

- paragraphs 22-26 on personal transport budgets;
- paragraphs 69 and 70 on independent travel training; and
- paragraphs 77 and 78 on behaviour.

We are also keen to hear about any positive strategies that local authorities have employed to manage behaviour on home to school transport, and may reflect these in the guidance.

You are not required to provide additional information if you do not have any further comments.

Response:

Personal Transport Budgets – No additional comments

Independent Travel Training - Although councils will have a desire to train all children with SEND, the phrasing sets unrealistic expectations and needs re-wording. Training will typically be limited to only those that are entitled to travel and transport. There will be many children with SEND that do not qualify for travel and transport. Also, the council may want to prioritise those children where there are opportunities to make travel arrangements more efficient and ensure training does not add pressure to the existing transport budgets.

The current phrasing in 69-70 gives the impression that Independent Travel Training is a potential removal of eligibility. Independent Travel Training is a form of assistance and if a young person is successfully trained, they are still entitled to support with their travel arrangements, although this is likely to be in the form of a bus/train pass rather than a contracted taxi/minibus.

Behaviour – Paragraph 78 refers to stipulating the need for escorts in tender documents. Councils may use an internal fleet or utilise school vehicles and staff to provide some transport so wording needs to reflect these variations.

Public Sector Equality Duty

The Public Sector Equality Duty places a legal obligation on the department to consider how its policy or service decisions impact differently on different people.

The relevant "protected characteristics" for the purposes of the Public Sector Equality Duty are:

- sex
- race
- disability
- religion or belief
- sexual orientation
- pregnancy and maternity

- gender reassignment
- age

We believe that the changes proposed to the guidance will have a positive impact on children with disabilities, as many of the changes focus on making local authorities' duties clearer, strengthening safety measures and supporting local authorities to have accessible transport policies. This should mean that all children who are eligible for free home to school transport on the grounds of the disability are able to access it.

We do not believe the proposed changes will have a negative impact on any children with one of more of the relevant protected characteristics outlined in the Equality Act.

Question 7: Do you agree with the public sector equality duty assessment as stated above? If not, please explain why.

[Response: Agree with the Public Sector Equality Duty Assessment](#)

New Burdens Assessment

The Department is required to consider whether any policy or initiative would increase the cost of providing local authority services, and this includes revised guidance. As part of this process, a New Burdens Assessment is required.

As we are not changing local authorities' responsibilities or duties in relation to home to school travel and transport, we believe that there will be little to no additional costs for local authorities.

Question 8: Do you believe the revised guidance will result in any new costs or savings for local authorities? If yes, please explain why.

Response: Yes – Greater clarity on supporting children with medical needs may result in an increase number of examples being identified; this provision is typically more expensive and therefore this may increase costs as a result.

Also, if the expectation is that all SEND children (entitled and non-entitled) are able to access Independent Travel Training (current phrasing) then this would cost local authorities more.

If the council is only able to provide Independent Travel Training with the parent's consent, then suitable young people who could be successfully trained following an assessment may not be. This will limit the young person's future benefits in terms employment/education, independent living, community participation and good adult health.



Department
for Education

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