

People and Health Overview Committee

28 June 2022

Dorset Council School Transport Policies 2022-2023

For Recommendation to Cabinet

Portfolio Holder: Cllr A Parry, Children, Education, Skills and Early Help

Local Councillor(s): All

Executive Director: T Leavy, Executive Director of People - Children

Report Author: Ed Denham

Title: School Place Sufficiency Manager

Tel: 01305221939

Email: ed.denham@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary:

The Local Authority has a duty to publish a suite of policies detailing eligibility/entitlement to school transport for any Dorset resident attending an education setting, both Dorset maintained, Academy or in the case of children and young people with Special Educational Needs and Disabilities, those attending an Independent Specialist Placement.

The policies fully encompass the duties that are placed on the Local Authority by the requisite legislation and its accompanying guidance issued by the Department for Education.

The Policies presented are unchanged in terms of eligibility for accessible school transport support for either those attending a mainstream setting or for those with Special Education Needs and Disabilities attending either mainstream or specialist educational settings.

There is one change in the 2022-2023 policy:

1. The surplus seat cost is to rise from the current £800 per child per year to £825 per child per year.

These policies were consulted on in March 2022. All the responses to the consultations are attached to the report.

The responses to the consultation have been fully considered but it is not proposed that any changes should be made. Four recommendations are placed before the People and Health Overview Committee for agreement and the subsequent adoption of the two policies and one recommendation for the future management of the policies

The policies will be presented to Cabinet on the 26 July 2022 for final ratification subject to any recommendations from People & Health Overview Committee

Recommendation:

1. The People and Health Overview Committee recommends to Cabinet that the Home to School Transport Assistance Eligibility Policy for Children and Young People attending School 2022-2023 be approved and adopted, which includes a rise in the surplus seat price from £800 to £825
2. The People and Health Overview Committee recommends to Cabinet that the Dorset Post 16 Transport Support Policy for 2022-2023 which includes a rise in the surplus seat price from £800 to £825 be approved and adopted.
3. The People and Health Overview Committee recommends to Cabinet that a schedule of increase of the Surplus Seat Cost in line with the prevailing Retail Price Index is implemented each year without the need to re-consult.
4. The People and Health Overview Committee recommends to Cabinet that the Home to School Transport Assistance Eligibility Policy for Children and Young People attending School and Post 16 Transport Support Policy are re-consulted on only either when there is a significant change to the eligibility criteria; or where there are changes to the statutory guidance that would require significant change to either policy; or in October 2026 for the 2027-2028 policy – whichever is the earliest.

Reason for Recommendation:

1. Report

- 1.1 Dorset Council has a duty to provide Home to School Transport services to eligible pupils and to assist in supporting pupils attending Post 16 provision.

- 1.2 The duty that is placed on the local authority is referred to in the following:
 - Sections 444, 508A, 508B, 508C, 508D, 508F, 508G, 508H, 508I, 509AA, 509AB, 509AC, 509AD, 509AE, and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006)
 - Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended
 - Equality Act 2010
 - Department of Education School Admissions Code - 2021
 - European Convention on Human Rights
 - The School Travel (Pupils with Dual Registration)(England) Regulations 2007
 - Public Service Vehicles (Carrying Capacity) Regulations 1984
 - Section 48 of the School Standards and Framework Act 1998
 - The policies have been developed in accordance with the Department for Education Guidance to local authorities:
 - DFE - Home to school travel and transport guidance – July 2014 (as updated)
 - DFE – Post 16 transport to education and training – October 2017

2. Consultation

Dorset Council undertook a consultation on these proposed transport policies between the 7 March – 3 April 2022 for implementation in the academic year

2022-2023. The Council received various responses to the consultation. Responses are categorised under four headings:

2.1 Swanage School Transport Arrangements –

- 2.1.1. There were 15 responses relating to the fact that since the Swanage School unilaterally extended their catchment area, that families across the Purbeck area were still not entitled to transport to the Swanage School except where it is the closest school.
- 2.1.1 In addition, The Swanage School made 2 representations suggesting that it is inappropriate to continue to provide transport to the Purbeck School for families living in the Swanage area, when the Swanage School still has places – their responses to the consultation are found in Appendix D.

DORSET COUNCIL RESPONSE:

- 2.1.2 The Swanage School is a Free School set up with DFE funding based on an application by the local community towards the end of the Purbeck Re-organisation.
- 2.1.3 Transport arrangements, when the school opened, were agreed on the basis that children resident in the Swanage Town area would remain catchment for the Purbeck School and, based on the transport policy, would continue to be eligible for transport to that school regardless of space availability at the Swanage School, subject to all criteria within the policy. Eligibility for transport to the Swanage School would be based on it being a pupil's closest school and subject to the usual 3 mile criterion.
- 2.1.4 The Swanage School has been undersubscribed in many of its year groups and they raised objections in 2017 and 2018 to the fact that Dorset County Council were providing transport to the Purbeck School while there were places available at the Swanage School thus increasing transport cost exposure for the Local Authority.
- 2.1.5 Based on legal advice it was agreed that the Swanage School do have the right to have a transport catchment area that would allow any student within that catchment area to be eligible for transport regardless of distance to the next nearest school but

still subject to the 3 mile criterion and any other policy stipulation.

- 2.1.6 The Home to School Transport Policy for 2018-2019 made provision for an identified school transport catchment area for The Swanage School that would ensure that this legal advice was adhered to.
- 2.1.7 The Local Authority did not make changes that either removed the Swanage Town area from the catchment of the Purbeck School thus removing transport eligibility on catchment grounds, nor change the Home to School Transport Policy to only allow a pupil to be eligible to school transport to their nearest catchment school where the home address falls within the catchment of two schools.
- 2.1.8 To remove the Swanage Town area from being catchment for the Purbeck School would present the LA with significant challenge in pupil place planning and admissions as families in the Swanage Area would be unlikely to gain a place at Purbeck on a 'distance admission criteria'. The distances are greater from Swanage to Wareham than they are to Wareham from parts of the Thomas Hardy, Blandford, Lytchett Minster catchment areas and a significant area of the current Poole Local Authority area. Families in these areas would be more likely to gain a place at Purbeck over Swanage families were the Swanage families not to retain their catchment designation.
- 2.1.9 The removal of the eligibility on catchment grounds would disproportionately affect Low Income families as they are currently able to access either Swanage or Purbeck but once they are no longer catchment to Purbeck from Swanage, as the distance is greater than 6 miles, they would not be entitled to transport under the Education & Inspection Act of 2006 that provides for families on Free School Meals and Full Working Tax Credits and certain levels of Universal Credits to be eligible to transport to one of their 3 nearest schools, thus removing an existing eligibility from these low income families.
- 2.1.10 There is one other location within the Council area where there is a joint catchment and that is Verwood, where families are catchment for both Queen Elizabeth School and Ferndown

Upper School despite the fact that the nearest school will be Ferndown Upper. A change to policy would affect both of these joint catchment areas in order for there to be parity across the Local Authority Area.

2.1.11 The Swanage School have objected to the Home to School Transport Policy for 2022-2023 as there is continued entitlement of Swanage Town residents to be transported to the Purbeck School regardless of places being available at the Swanage School.

2.1.12 Since the consultation in 2018 – the Swanage School has unilaterally extended their catchment to include the whole of the Purbeck area – mirroring the existing historical catchment of the The Purbeck School. This has generated the responses about families across Purbeck not getting access to the Swanage School. It would be setting a very dangerous precedent were the Local Authority to accept that all children, subject to the 3 mile limit, are eligible to transport to the Swanage School from anywhere in this self-declared catchment area. Any Own Admissions Authority would then be able to extend their catchment area and the LA then having a duty to provide transport.

2.1.13 Dorset Council will retain the current transport eligibility policy for residents in the Purbeck Area.

2.2 Post 16 Transport Arrangements Responses–

2.2.1 There were 13 responses in relation to the Post 16 policy all referencing the requirement for young people at the age of 16+ to remain in education, training or employment and yet the Local Authority is not providing free transport for these young people to fulfil their legal obligations.

2.2.2 One of the Post 16 respondents also raised the concern about accessing a bus seat from Alderholt to Queen Elizabeth School, due to the lack of capacity on the school buses into QE.

DORSET COUNCIL RESPONSES:

2.2.3 The issues of Post 16 transport entitlement are regularly under review by the Council and these concerns will feed into that process. Dorset Council intends to continue to adhere to the National Guidance from the DFE that does not require a Local Authority to provide free transport for Post 16 provision subject to specific exceptions as detailed in the current policy.

2.2.4 However, in order to further support the young people of Dorset to access Post 16, a series of potential measures are being reviewed with the intention of providing assistance to both mainstream and SEND young people accessing 6th Forms and local Post 16 colleges in September 2022.

2.3 **Policy Responses** - There were a total of 23 other responses to the consultation. Five of the responses were directly referencing policy issues:

2.3.1 Concerns about how we measure safe walking routes from Colehill to QE, and why does the LA not use the doorstep of the property to the Doorstep of the school. – **DC RESPONSE:** *The LA has consistently measured from the point that a family home meets the public highway, and then to the nearest gate to the school in question. If families are concerned about the distance measured or the safety of the route they may ask for a walked route assessment.*

2.3.2 Concerns around the potential change in national regulations that would not allow fare paying students on buses that are not fully accessible. **DC RESPONSE:** *The LA is aware of the issues that this may pose and are working with colleagues in central government, as are all other Local Authorities, to resolve. Government have advise that this will not be implemented for the 2022-2023 academic year.*

2.3.3 Concerns that students in Sturminster Marshall are able to get transport to Queen Elizabeth School yet families in Spetisbury are not. **DC RESPONSE:** *The village of Spetisbury is over 6 miles shortest driven route. A family on certain benefits are entitled to transport to a school that is over 2 miles but within 6 miles shortest driven. Residents in Sturminster Marshall are entitled to transport to QE as their nearest school, with Corfe Hills being their catchment.*

2.3.4 A proposal to improve Cycle Paths from residential areas around Wimborne into the town to help students cycle to school as well as accessing Lytchett Minster School from Sturminster. **DC RESPONSE:** *This particular suggestion has been forwarded to the relevant team in the Local Authority for this consideration.*

2.3.5 Concerns around distance measurements from rural areas in The Gryphon and Queen Elizabeth catchment areas and the respondent suggesting that there more flexible definitions of the home to school distance (currently over 3 miles) in these circumstances or subsidised busses. **DC RESPONSE:** *The LA feels it is appropriate to maintain the national mandated distance criteria for entitlement to subsidised or free school transport which is set at 3 miles.*

2.4 **Operational Responses** - The remaining responses were around operational issues for both SEND and mainstream students. They included concerns in the following areas:

2.4.1 Concerns were raised that there may be changes to the safety designation for walking routes from Stourpaine to the Blandford School and to Durweston Primary. **DC RESPONSE:** *The designation that these walking routes are unsafe remains.*

2.4.2 A request that children are not dropped off alone or to an unidentified adult. **DC RESPONSE:** *Given the multiple drop off points for some routes, it is impractical to expect the bus driver to wait for a particular adult before proceeding, or to wait and call the school when many schools would already be closed at this point in the afternoon. It is the responsibility of the parents to be at the drop off points in plenty of time.*

2.4.3 The management of Personal Assistants and ensuring there is cover when one is off ill. **DC RESPONSE:** *Dorset Council have permanent adverts out trying to recruit passenger assistants but are finding it very difficult to recruit. COVID has had a very negative effect on the willingness of people to become passenger assistants, especially as many are vulnerable themselves. This also applies to drivers.*

- 2.4.4 Late buses and asking that all children are dropped off a minimum of 15 mins prior to the school day. **DC RESPONSE:** *In principle buses should arrive within a 15 minute window prior the start of the school day. However, other factors do affect the timing of the route over which the driver has little or no control – such as traffic congestion, roadworks, weather and incidents along the route. The timetables also take into account that schools are unable to undertake their safeguarding duties should children and young people arrive on site prior to this window.*
- 2.4.5 Late issuing of Bus passes. **DC RESPONSE:** *Most bus passes are provided by the transport operator and Dorset Council inform all our operators well in advance of when we expect bus passes to reach pupils i.e. the end of August. We also provide guidance to parents about which operator is providing their bus pass. In some cases bus passes are arranged directly by Dorset Council and these have been regularly circulated prior to the end of August, though it is acknowledged that delays may occur in a few cases.*
- 2.4.6 There should be free access to Dorset schools for those residents outside Dorset who are on Pupil Premium. **DC RESPONSE:** *Transport to school is the responsibility of the Home Local Authority.*
- 2.4.7 There were various comments about routings and time spent on buses, with some routes being different in the afternoon than the morning etc. **DC RESPONSE:** *All bus operators are mandated to ensure compliance with the suggested best practice of a maximum 45 minutes for primary aged children and 75 minutes for secondary aged children. If families have specific concerns they should raise them with the bus company concerned.*
- 2.4.8 Concerns about the payment schedules for Surplus eats are only ½ yearly for full cost with no other options for a less burdensome payment schedule. **DC RESPONSE:** *In Dorset Travel we do try to be more flexible around payments for school bus passes. This may vary amongst our operators depending on what staff resources they have to administer the schemes. We would need to review individual details to comment further.*

2.4.9 Concerns were raised about behaviour on school buses. **DC RESPONSE:** *If there are instances of poor behaviour on school transport then these should be raised with the school in the first instance.*

2.4.10 Training for Personal Assistants on SEND transport routes: **DC RESPONSE:** *Dorset Council are under increasing pressure to provide bespoke training to our passenger assistants. This the LA tries to do, but it takes time and with the limited response to our adverts for recruiting new PAs it is making it very difficult to provide cover for PAs with specific skills when they are off sick or for other reasons.*

3 Financial Implications

3.1 The increase from £800 to £825 will help to offset the costs of provision of the surplus seats though does not cover the whole cost of such provision given the rises in prices being experienced in the travel sector.

4 Climate Implications

4.1 Dorset Council continues to form all policy around the Climate Emergency. This policy along with the Admissions Policy encourages families to attend their local school and where possible to walk or cycle to school.

4.2 The Transport policy also ensures that Dorset Council is fulfilling its statutory obligation to provide transport under existing government legislation.

5 Well-being and Health Implications

5.1 Dorset Council is working to ensure that as many children as possible have the opportunity to walk or cycle to school safely, this being a significant contribution to a child's health and well-being.

6 Other Implications

7 Risk Assessment

7.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low
Residual Risk: Low

8 Equalities Impact Assessment

A full EQIA has been carried out

9 Appendices

Appendix A: The Home to School Transport Assistance Eligibility Policy for Children and Young People Attending School – 2022-2023

Appendix B: The Dorset Post-16 Transport Support Policy – 2022-2023

Appendix C & D: Representations from the Swanage School

10 Background Papers