

Public Document Pack

North Yorkshire Council Children and Young People's Service - Executive Members & Corporate Director Meetings -

Tuesday, 23 January 2024 / 1.00 pm

A G E N D A

1 **Apologies for Absence**

2 **Declarations of Interest**

Items for Executive Member decision

- 3 Proposal to consult on changes to the Council's Home to School Transport Policy (Pages 3 - 24) (Pages 3 - 24)

To agree that a consultation be undertaken on a new North Yorkshire Home to School Travel Policy 2024 in respect of travel for children of compulsory school age.

- 4 Academy Conversion Rate (Pages 25 - 26) (Pages 25 - 26)

To agree that the academy conversion charge should be uplifted to £6,620 for the financial year 2024/25.

- 5 DfE Teachers Pay Additional Grant (Special Schools and Pupil Referral Units) – Funding Consultation Approval Request (Pages 27 - 30) (Pages 27 - 30)

To grant approval for the consultation to be undertaken with Special Schools and Alternative Provision (AP) Schools on the methodology to be used by the local authority for the distribution of the TPAG to these establishments for the 2023/24 and 2024/25 financial years.

Items for Corporate Director decision

Any Other Business

- 6 Date of future formal meetings

Circulation:

Executive Members

Janet Sanderson
Annabel Wilkinson

Officer attendees

Stuart Carlton
Howard Emmett

Presenting Officers

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Appendix D of this report contains information of the type defined in paragraph 3 of Part 1 of Schedule 12A Local Government Act 1972 (as amended).

NORTH YORKSHIRE COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICE
CORPORATE DIRECTOR MEETING WITH EXECUTIVE MEMBERS
23 January 2024
HOME TO SCHOOL TRAVEL POLICY

1.0 PURPOSE OF REPORT

- 1.1. To seek Executive Member approval to undertake consultation regarding the Council's Home to School Travel Policy for children of compulsory school age, and to approve the content of the consultation in terms of the proposed updates and revisions.

2.0 EXECUTIVE SUMMARY

- 2.1 The Council has a statutory duty to provide home to school travel for eligible children of compulsory school age in accordance with statutory guidance issued by the Department for Education (DfE).
- 2.2 In 2023 the DfE published a revision to their statutory guidance entitled 'Travel to school for children of compulsory school age, statutory guidance for local authorities, June 2023'.
- 2.3 The Council sets out its policy in a document that is currently called the North Yorkshire Council Home to School Transport Policy (referred hereafter as the 'current policy') that was previously subject to consultation and implemented in 2019.
- 2.4 The current population at compulsory school age (5 to 16) of schools in North Yorkshire is c.75000 pupils and the number of those accessing free home to school transport is c.10500. Therefore, it can be said that the Council's policy and provision of free transport services is currently a factor for broadly 14% of the pupil population aged 5-16, and for c.86% it is not.
- 2.5 The Council is required to consult and implement policy changes to ensure compliance with the revised statutory guidance. In future it is intended to rename the revised policy document to be the 'North Yorkshire Council Home to School Travel Policy' (referred hereafter as the 'new policy') in accordance with the language used by the DfE in their statutory guidance.
- 2.6 The overall cost to the Council of the provision of home to school travel is significant and rising at pace. The current policy makes provision for eligibility above and beyond statutory requirements that have associated costs, and the consultation provides opportunity to review these 'discretionary' elements.
- 2.7 There is a separate North Yorkshire Council Post 16 Transport Policy Statement 2023-2024 that is supported by stand-alone DfE guidance. The Council is to wait for the next update to that DfE guidance, which is anticipated later in 2024, before considering whether consultation is required on any Post 16 changes. The exception to this will be the subsidised charging rate that is contained in the Post 16 Policy Statement, and which is adopted via a report to the Executive Member in the spring of each year.

3.0 BACKGROUND

Statutory guidance and policy background

- 3.1 In June 2023, the Department of Education (DfE) published their revised statutory guidance relating to travel to school for children of compulsory school age (referred hereafter as ‘the guidance’). The update was introduced as it was recognised that the earlier 2014 publication was open to misinterpretation and resulted in significant Local Government Ombudsmen challenges across the country.
- 3.2 Part of the drive for the updated guidance was the result of a fatality in 2016 on school transport, and recommendations from the inquest that reflected the medical needs of pupils and duty of care within the home to school travel framework. The guidance therefore places greater emphasis on the responsibility of Local Authorities in respect of children with SEND (Special Educational Needs and Disabilities), mobility and medical needs.
- 3.3 The guidance includes these additions and points of clarification which the Council will need to prioritise.
- Greater emphasis placed on local authorities to assess eligibility of pupils with SEND (Special Educational Needs and Disabilities) or mobility needs, it is now clear that an Education, Health and Care Plan (EHCP) is not required for a pupil to be eligible for transport under the criteria.
 - Appropriate risk assessment for children with SEND and/or mobility/medical needs.
 - Requirement for mandatory training for all staff involved in the commissioning and provision of school transport – this is approximately 3900 drivers and passenger assistants.
 - The Council must publish a sustainable modes of travel strategy for each academic year. This should be published annually by 19 September.

The new guidance is clarifying the latter two points that have been required since 2014, therefore the expectation is that these duties should be delivered as soon as possible and within one year. The guidance does not require consultation on these two elements, and they will be subject to separate internal processes and decision making.

- 3.4 The guidance also provided a check list to ensure that local authorities’ home to school travel policies meet the required standards. Following a review of the current policy, it only achieved six out of the 11 points. The current work and proposed consultation will constitute a full review using the check list to ensure compliance.

Financial background

- 3.5 The cost of providing home to school travel is the third largest item of revenue expenditure for the Council (behind Adult Social Care and Waste Management). The total expenditure is projected to stand at c.£42m for the current financial year and this has more than doubled since 2015-16. The Council is one of the highest spending local authorities in the country on home to school transport. The following table shows the total expenditure levels over time, together with a breakdown for each type of provision:

Financial Year	Total expenditure £m	Mainstream school expenditure £m	'Out-of-school' expenditure £m	Specialist provision expenditure £m
15-16	20.485	13.633	0.633	6.219
16-17	21.026	13.076	0.670	7.281
17-18	22.544	13.271	0.740	8.534
18-19	24.199	13.189	0.714	10.296
19-20	26.133	14.124	0.554	11.455
20-21	24.793	13.229	0.363	11.202
21-22	28.950	14.616	0.283	14.051
22-23	35.527	17.029	0.326	18.173
23-24 (forecast)	42.143	20.612	0.402	21.130

- 3.6 The increase in expenditure levels for school transport is broadly driven by two elements. Firstly, an increase in the number of eligible children. This is particularly relevant for specialist provision expenditure as the number of children who have an Education, Health and Care Plan (EHCP) and are eligible for transport has increased by 47% from 1,203 pupils to 1,772 pupils since 2018/19. The second is the operational cost of providing the services to maintain the required network of school transport for all school types. In that regard recent times have seen increases in contract prices due to rising costs in the transport industry associated with pandemic recovery. Whilst things are starting to slowly improve there are still significant challenges around driver and vehicle availability, increased costs for fuel, parts, insurance and vehicle maintenance which in turn increases contract charges.
- 3.7 The new policy requirements in the guidance (note 3.3 and 4.5.2) are likely to increase the number of pupils with mobility needs who meet eligibility criteria and potentially lead to increased expenditure.
- 3.8 In the context of the financial challenges faced by the Council, officers feel it appropriate, given the financial position for school travel and the foreseeable rise in expenditure due to the statutory requirements, for there to be an examination of what changes could possibly be implemented in the new policy that would have the potential to reduce expenditure.

4.0 PROPOSED CONSULTATION

Consultation period and format

- 4.1. In accordance with requirements the public consultation would run for 28 school days from 5 February to 20 March 2024. The consultation would be hosted on the Council's website with an on-line response form. Written submissions to the Council would also be welcomed via a freepost address.
- 4.2 The consultation will be publicised to a broad range of stakeholders including all North Yorkshire schools and academies and the parents of pupils attending, early years providers and their parents, NYC councillors, parish councils in North Yorkshire and neighbouring local authorities.

- 4.3 The public engagement during the consultation period would be a mix of in-person and on-line events, with some provided specifically for schools and some for parents and other stakeholders. A programme of engagement is currently being developed.

Consultation content and proposals

4.4 Out-of-scope

- 4.4.1 There are two policy elements that are to be out-of-scope for this consultation:

- Transport provision at Post 16 – there is a separate NYC Post 16 Transport Policy Statement 2023-2024 that is supported by stand-alone DfE guidance. The Council will wait for the update to that DfE guidance, which is anticipated in 2024, before considering consultation on any Post 16 policy changes.
- Sale of spare seats via paid travel permits – this is closely linked to Post 16 arrangements as all Post 16 eligibility is on a paid basis. The Council will also wait for the update to the DfE Post 16 guidance before considering consultation on any policy changes regarding spare seats.
- The exception to this will be the subsidised charging rate for Post 16 and spare seats which is set annually via a report to the Executive Member in the spring of each year.

4.5 Necessary elements

- 4.5.1 There is a requirement for the new policy to be compliant with the checklist set out in the guidance. The intention is that a consultation stage draft policy will be available for the start of the consultation period for stakeholders to view. This draft will constitute a significant re-write of the current policy to more closely align with the language, style and content of the latest DfE guidance.

- 4.5.2 The guidance provides clarity regarding the eligibility of children with SEN, disability and mobility needs. It sets out that a child does not need to:

- have an Education Health and Care plan (EHC plan); or
- have travel to school specified in their EHC plan if they have one; or
- attend a special school; or
- live beyond the statutory walking distance.

The guidance goes on to describe that *“local authorities will need to assess eligibility on the grounds of special educational needs, disability or mobility problems on a case-by-case basis.”*

This has potentially significant implications for the numbers of children requesting and/or requiring assessment of eligibility. This assessment is currently only undertaken following the issuing of an EHCP.

Attached to this report as appendices are extracts from the draft new policy that will be subject to consultation:

- Appendix A refers to Special Educational Needs, disability or mobility needs
- Appendix B refers to Children with Medical Needs

4.6 ‘Discretionary’ elements

- 4.6.1 The current policy includes provisions for transport or eligibility criterion that are above and beyond the requirements of the guidance. In that respect they are considered

discretionary, and it is for the Council to decide whether and how they will form part of the new policy. There are six areas to consider:

- Extended eligibility in the Reception Year
- Extended eligibility in Year 3
- 50/50 second address
- Primary phase denominational transport
- Two days of transition, where possible, for pupils with SEND
- The main eligibility criteria – nearest school / catchment school

Each of these are discussed in the following paragraphs.

4.7 Proposed to be retained

4.7.1 Extended eligibility in the Reception Year

Under the current policy, travel assistance is awarded from the start of reception year to the term following the 5th birthday (compulsory school age). This aids and simplifies the administration of transport services for the whole academic year. The guidance specifically refers to this an example of a discretionary decision when it says:

It is for each local authority to decide whether and how to exercise their discretionary power. Most use it to provide free travel to school for 4-year-olds attending reception classes if they will be eligible for free travel when they reach compulsory school age

It is recommended that the Council consult on retaining this as part of the future travel policy.

4.7.2 Extended eligibility in Year 3

Under the current policy there is continuation of the 2 miles statutory walking distance criterion until the end of the academic year (Year 3) instead of ceasing on the child's 8th birthday. This aids and simplifies the administration of transport arrangements for the whole academic year.

It is recommended that the Council consult on retaining this as part of the future travel policy.

4.8 Proposed to be removed

4.8.1 50/50 second address

This current policy provision allows for transport to be provided at full cost recovery to a second address where a child lives with each parent or guardian for 50% of the school term time. Experience has shown this to be an administrative burden without any financial benefit to the Council. This is because officers undertake the initial process, but parents do not then take up the option once they are made aware of the cost. This is unnecessary given there is no expectation within the guidance of transport provision to a second address. It is recommended that the consultation includes a proposal to remove this provision.

4.8.2 Primary phase denominational transport

This current policy provision on low-income grounds was introduced in 2015 following the wider removal of transport to denominational schools. Transport is provided to the nearest suitable primary school parents prefer because of their religion or belief, where the distance from home to school is more than two miles but not more than 5 miles. There is a statutory requirement for eligibility at secondary phase but not primary, as such it is recommended that the consultation includes a proposal to remove this provision for denominational schools.

For clarity, the guidance does however make provision for 'extended rights' for low-income families at primary phase to 'exercise choice'. This provision does not solely relate to denominational schools. It states:

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 they are aged 8 or over but under 11, attend their nearest suitable school and it is more than 2 miles from their home.

This statutory low-income provision is part of the current policy and is proposed to be retained in the new policy and will be contained in the consultation.

4.8.3 Two days of transition, where possible, for pupils with SEND

This current policy provision is a general approach to travel as part of transition which in practice has been found unfit for purpose and has not been reviewed since 2008. It is recommended that the consultation include a proposal that travel on transition is assessed on a case-by-case basis in accordance with the EHCP.

4.9 Proposed to be amended

The main eligibility criterion – nearest school / catchment school

4.9.1 The county is covered by a system of catchment areas that are currently used to define both priority for school admissions and eligibility for travel assistance.

The current NYC home to school transport policy states that:

Free transport is provided to pupils from the start of reception year to the catchment school or the nearest school to their home address where the walking distance is

- over 2 miles (until the end of the school year in which a pupil turns 8)
- over 3 miles (if aged 8 and over)

4.9.2 The statutory requirement confirmed by the DFE guidance 2023 is for transport to be provided to the nearest suitable school. The guidance is as follows:

A suitable school for school travel purposes is a qualifying school that is suitable for the child's age, ability, aptitude and any special educational needs they may have. It should also be suitable for the child's sex, for example a girls' school could not be considered the nearest suitable school for a boy.

'Suitable school' does not mean the most suitable school for a child. Schools are able to meet a wide range of needs. The nearest secondary school to the home of a child of secondary school age, for example, will almost always be their nearest suitable school (provided it would be able to admit them).

Qualifying schools are:

- *community schools, foundation schools, 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;*
- *maintained nursery schools (where attended by a child of compulsory school age);*
and
- *city technology colleges and city colleges for the technology of the arts*

- 4.9.3 The main eligibility criterion within the current NYC home to school transport policy is therefore above and beyond the requirements of the statutory guidance which only requires that transport be provided to the nearest suitable school (with places available). It is recommended that the consultation should include a proposal to amend this criterion to match the statutory requirement, meaning that in future eligibility on catchment grounds would no longer apply.
- 4.9.4 The application of the current NYC home to school transport policy means that children can have eligibility for transport to more than one school i.e. where their catchment school is not the nearest to their home address. However, the proposed policy change would mean that children would only have eligibility to one school, that being the nearest school to the home address (with places available).
- 4.9.5 For some addresses in North Yorkshire an out-of-county school can be the nearest so the Council is now, and will continue to be, statutorily obliged to provide transport assistance to schools outside of North Yorkshire.
- 4.9.6 The proposal to match the eligibility criterion to the statutory requirement would bring the Council in line with several comparator Local Authorities such as Durham, Buckinghamshire, Shropshire, Warwickshire, West Berkshire, Worcestershire,
- 4.9.7 The Council would expect to realise a financial benefit over time through this proposed change: transport costs would be less than if the policy continued as it is. Analysis undertaken to date on a large sample of currently eligible travellers suggests that the annual saving at the end of the transition period (when the new policy applies to all) on a like for like basis could be up to £3.2m. This figure is based on a number of assumptions, and much will depend on the extent to which the change in the transport arrangements influences future parental preference for schools, and that is difficult to predict with any certainty.

Estimated daily saving	£17,070
Estimated annual saving	£3,243,000
Estimated pupil numbers (over 7 years)	1,866

It is of note that savings can only be realised if the expected reduction in the number of eligible pupils translates to a reduction in the size of vehicle required and therefore the costs associated with any given route.

Further data and analysis on the potential localised impact of the policy is attached to this report as Private Appendix C. Should a decision be taken to include a review of the main eligibility criterion in the consultation then the intention would be to make this analysis available as part of the consultation.

- 4.9.8 As stated earlier, the county is covered by a system of catchment areas that are currently used to define both priority for school admissions and eligibility for travel assistance. Virtually all the catchment areas have remained the same for many years, and in most cases since 1974 or much earlier.

Changing the future NYC travel policy to exclude catchment eligibility would essentially mean that in future a child may have admissions priority for a school on catchment

grounds but not be eligible for transport to that school unless it were also the nearest school to the home address (with places available).

The Council is the admissions authority for all community and voluntary controlled schools. There is no proposal to vary the catchment area criterion within the NY admissions policy that applies to those schools.

All of the existing 141 mainstream academies that had a North Yorkshire catchment area (as a former LA maintained school) have kept it unchanged within their admissions arrangements since academy conversion. These academies are their own admission authority responsible for determining their own arrangements.

- 4.9.9 There are some risks attached to the potential change of eligibility criterion and these are discussed at section 6. Amongst them is recognition that when a longstanding policy is changed it can subsequently take time to be widely understood. The Council will need to have effective systems and processes in place to communicate the revised policy position very clearly to future parents to minimise any uncertainty around eligibility under the travel policy. Importantly this must include very clear communication that the North Yorkshire Admissions Policy for Community and Voluntary Controlled schools is *not* affected by this transport policy change.

5.0 IMPLEMENTATION OF NEW POLICY

- 5.1 The policy publication is linked to the school admissions round, therefore any changes to the travel policy would apply to new admissions and/or travel applications received on or after 1 September 2024 and would affect new entrants to schools (REC and Y7) with effect from September 2025.

- 5.2 Pupils in the admission round 2024/2025 and those who applied for a school place prior to September 2024 would not be impacted.

Transport eligibility awarded prior to September 2024 would be honoured (effectively protected from subsequent policy changes) under the current policy, unless there was a material change of circumstance (e.g. of school, or of address that changed eligibility) for a pupil which required a reassessment of eligibility. The guidance states:

Wherever possible, local authorities should phase in changes so that children who begin attending a school under one set of travel arrangements continue to benefit from those arrangements until they leave that school.

6.0 RISK

- 6.1 The necessary changes in policy could increase the number of pupils with SEND or mobility difficulty who attend the nearest suitable school but live under the statutory walking distance and who are unable to walk to school, accompanied as necessary. As a result of this, individual assessments of this category of pupils and subsequent risk assessments (which are a statutory requirement) would require resourcing.

- 6.2 The Council also must effectively manage the risk of medical incidents on transport services for pupils with known conditions. The cohort of pupils accessing transport and who have EHCPs are already compliant with this requirement and work is underway, in conjunction with schools, to address the requirement within the mainstream school cohort who are accessing NYC transport.

- 6.3 The requirement for driver and passenger assistant mandatory training will upskill the workforce and improve customer confidence. This is likely to result in operational changes.

6.4 The potential removal of the following three policy areas can be considered low risk as incidence of each in the system is either very low or does not exist at all:

- 50/50 second address - This was introduced in 2019 and there have been no families accepting the full cost recovery charges since that time. Officers have found that once a parent is aware of the cost they do not want to proceed.
- Primary denominational transport - There are only four pupils who are currently eligible under this criterion and their provision would be honoured to the end of the primary phase.
- Two days of transition, where possible, for SEND pupils – This currently has no take up.

6.5 The table indicates the number of pupils currently receiving transport under the elements of the policy that, subject to consultation, may be removed in future:

Eligibility Criteria	Numbers in receipt	Phase of education	Academic Year that the last child will receive transport provision
50/50 second address	0	N/A	N/A
Primary Denominational	4	Primary	2026/27
Two day transitions	0	N/A	N/A

6.6 The potential amendment to the main eligibility criterion around nearest school/ catchment school will potentially affect more pupils in the future than the three issues listed above. Some of the risks attached to the policy change that are recommended for consultation are as follows:

- The transitional nature of the policy change means that the full financial impact of the change won't be seen until seven years from the date of implementation.
- The transitional nature of the policy change also means that within families with more than one child could have different eligibility.
- There could be a disproportionate impact on rural communities as the prevalence of school transport services to rural schools is higher given that home to school travel distances are inherently longer.
- There is a risk around a potential lack of understanding of the revised eligibility criterion and what it means for parents and children.
- The proposed policy change has the potential to change the pattern of admissions at all schools where transport provision is a factor.

7.0 FINANCIAL IMPLICATIONS

7.1 The requirements in the guidance relating to individual assessments of eligibility, risk assessments and mandatory training will all carry an additional operational burden on the Council which will require appropriate resource. The requirement to publish a sustainable modes of travel strategy each year will similarly have an additional administrative burden.

- 7.2 The clarification within the guidance regarding the eligibility of children with SEN, disability or mobility needs has clear potential to increase the number of pupils who are eligible for home to school transport, and therefore drive further increases in expenditure.
- 7.3 Officers consider it appropriate, in the context of the above, for the Council to review those areas of discretionary provision within the current policy that are above and beyond statutory requirements and which are a factor in the high expenditure levels.

8.0 TIMETABLE

- 8.1 The indicative timetable of events and key dates that would lead to adoption and publication of a new policy is as follows:

Milestone	Indicative dates
Director and Executive Members meeting – Approval to consult	23 January 2024
Start 28 school day public consultation	5 February 2024
End of consultation	20 March 2024
Officer review of consultation feedback and formulation of recommendations	21 March – mid May 2024
Director and Executive Members meeting	28 May 2024
Executive	18 June 2024
Full Council for adoption	24 July 2024
Home to School Travel Policy to be published	31 July 2024

9.0 LEGAL IMPLICATIONS

- 9.1 The Council has a duty to provide sustainable travel to school under the Education Act 1996. The Council has a duty to provide free home to school travel arrangements for eligible compulsory school aged pupils (first term after their 5th birthday until last Friday in June in year 11). The Council has a discretion to provide other children with home to school travel arrangements.
- 9.2 The Council has a duty to carry out a consultation when proposing to make any changes to its home to school travel policy, and to consider any responses before making any decisions on proposed changes.
- 9.3 The Council has a duty to publish their home to school travel policy each academic year at least 6 weeks before the admission round.
- 9.4 The Council has a duty to pay due regard to those who have protected characteristics under the Equality Act 2010.
- 9.5 The Council also has a duty to comply with statutory guidance issued by the Department of Education. The possible changes to the current policy are to take account of changes made under ‘Travel to school for children of compulsory school age, statutory guidance for local authorities, June 2023’.

10.0 IMPACT ON EQUALITIES

- 10.1 A significant proportion of the service which the Council provides is governed by legislation with no options to adjust this. The proposals for consultation are to bring the NYC policy in line with the DfE requirements by removing some areas of discretionary provision, some of which have minimal impact to the population of North Yorkshire.

However, it is recognised that the proposal to restrict eligibility to the statutory requirement of nearest school only could have a more significant impact on some rural areas.

- 10.2 The proposed removal of denominational transport for primary age pupils will have an adverse impact, it is anticipated these number are less than 0.01% of the compulsory school age population and the requests are minimal each year.
- 10.3 The EIA will be reviewed at weekly feedback sessions throughout the consultation and revised based on the responses received to incorporate feedback and this will be reflected in the recommendations to Full Council for determination.
- 10.4 Following implementation of the new policy, there will be a 12- and 24-month post implementation review to ensure that any adverse impacts on young people are understood and mitigated where possible.

11.0 IMPACT ON CLIMATE

- 11.1 Any proposal which reduces eligibility could result in increased use of parental cars dependent on the response and future behaviours of parents. However, the potential focus of eligibility on the grounds of nearest school only could reduce the numbers of commissioned transport services over time and would reduce the travel distances for those services. Therefore, this would have a positive impact on the climate impact of the NYC home to school transport network. A Climate Change Impact Assessment (CCIA) will be completed in due course and is linked to our statutory duty to ensure sustainable travel arrangements are in place.

12.0 RECOMMENDATIONS

- 12.1 The Executive Member for Education, Learning and Skills is asked to agree that:
 - i) a consultation be undertaken on a new North Yorkshire Home to School Travel Policy 2024 in respect of travel for children of compulsory school age.
 - ii) the consultation should include these proposals regarding discretionary elements:
 - Retention of early eligibility in the Reception year
 - Retention of extended eligibility in Year 3
 - Amendment to the main eligibility criterion to be 'nearest school (with places available)' to match the statutory requirement
 - Removal of eligibility on the basis on 50/50 second address
 - Removal of eligibility for the primary phase on low-income denominational grounds
 - Removal of blanket eligibility to transport support for 2 days SEND transitions

Stuart Carlton

CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE'S SERVICE.

Report prepared by Amanda Newbold, Assistant Director Education and Skills

Action AgreedExecutive Member

Date:

Action RequestedCorporate Director

Date:

Appendix A – Draft new policy extract - Special Educational Needs, and/or Disability

Appendix B – Draft new policy extract - Children with Medical Needs

Appendix C – Draft Equalities Impact Assessment

Private Appendix D – Data to support consideration of the main eligibility criteria

DRAFT NEW POLICY EXTRACT

4. Special Educational Needs, disability or mobility needs

A child is eligible for free travel to school if:

- they attend their nearest suitable school, and
- it is within the statutory walking distance of their home, and
- they could not reasonably be expected to walk there because of their special educational needs, disability, or mobility problem, even if they were accompanied by their parent

To be eligible on these grounds, a child does not need to:

- have an Education Health and Care plan (EHC plan); or
- have travel to school specified in their EHC plan if they have one; or
- attend a special school; or
- live beyond the statutory walking distance.

Not every child with an EHC plan or who attends a special school will be eligible for free travel to school.

To qualify for eligibility on the grounds of special educational needs, disability or mobility problems, the Council is required to complete an individual assessment of the child, and this will take account of the child's physical ability to walk to school and any health and safety issues related to their special educational needs, disability, or mobility problems.

It may take account of whether they would be able to walk to school if they were accompanied by an appropriate adult.

Information we may consider when assessing a child's eligibility may include (but need not be restricted to) the following;

- information provided by the parent;
- information provided by any professionals involved in the child's care, for example, an educational psychologist or hospital consultant;
- information provided by the child's school;
- any relevant information in the child's EHC plan if they have one;
- any relevant information in their individual healthcare plan if they have one.

To request an application to be considered on the ground of Special Education Needs/Disability – please contact the SEND Transport Team or email in a copy of the application found in appendix 2

DRAFT NEW POLICY EXTRACT

14. Children with Medical Needs

When the Council makes travel arrangements for a child with medical needs, we consider if and how those needs might affect the child during their journey to and from school and, where necessary, put in place proportionate arrangements to manage those needs.

Not every child with the same condition will need the same arrangements, so assessments are to be undertaken on a case-by-case basis. The assessment will consider :

- the medical condition, its triggers, and symptoms;
- the likelihood and consequences of the condition affecting the child on the journey to and from school; and
- the action that may need to be taken to manage the condition, for example whether the child may require medication and, if so, what dosage is required, how it should be administered, and by whom.

If your child has a medical need you will need to alert the Council to discuss your child's conditions, this may result in a requirement for a risk assessment before any transport can be commissioned.

If the child has an EHC plan or individual healthcare plan, these may contain information that is relevant to the Council's assessment of medical need. There will be a requirement for the school to share information from the individual healthcare plan with the Council, where it is relevant to the journey to and from school.

The Council may sometimes need to seek specialist advice about a child and their condition. A range of different health professionals may be involved in a child's care, for example a community nurse, specialist nurse or doctor. The parent should be able to help the Council identify the appropriate health professional in relation to their child.

The Council will ensure the driver of a vehicle providing dedicated school transport, and any passenger assistant involved in providing the child's travel, are aware of their needs and how to respond to them and have received any training necessary to enable them to do so.

There is no expectation that a child's routine/daily medication will be administered on the journey to and from school, or that routine medical procedures will be carried out. Where a risk assessment recognises that it may sometimes be necessary to administer a child's emergency medication, the Council will recruit a Passenger Assistant who will be responsible for administering the medication.

The Passenger Assistant will receive all relevant training and the medication should be administered in accordance with instructions from a health care professional in the Health Care Plan.

Appendix C

**DRAFT Equality impact assessment (EIA) form:
evidencing paying due regard to protected
characteristics**
(Form updated May 2015)

Home to School Transport Review

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اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Education and Skills – admissions and transport Inclusion
Lead Officer and contact details	Amanda Newbold, AD Education & Skills
Names and roles of other people involved in carrying out the EIA	Andrew Dixon – Strategic Planning Manager Chris Reynolds – Head of SEND Strategic Planning
How will you pay due regard? e.g. working group, individual officer	All proposed changes will be subject to a formal public consultation of no shorter than 28 days and the recommendations if approved will influence changes to be made to the

	Home to School Travel Policy. The EIA will be reviewed as part of the consultation.
When did the due regard process start?	The original project initially started in September 2023 following revised DfE guidance

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

This EIA is about the proposed changes to the current Home to School Transport Policy following the new statutory guidance.

The Council has a statutory duty to provide home to school travel for eligible children of compulsory school age in accordance with statutory guidance issued by the Department for Education (DfE).

The aim of the changes is to ensure the proposed home to school travel policy is compliant with the guidance.

The proposals for consultation include discretionary arrangements which the current policy makes provision.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The proposed changes are due to the current home to school transport policy not meeting the requirement of the checklist produced in the revised statutory guidance.

The overall cost to the Council of the provision of home to school travel is significant and rising at pace. The current policy makes provision for eligibility above and beyond statutory requirements that have associated costs, and the consultation provides opportunity to review these 'discretionary' elements.

The policy publication is linked to the school admissions round, therefore any changes to the travel policy would apply to new admissions and/or travel applications received on or after 1 September 2024 and would affect new entrants to schools (REC and Y7) with effect from September 2025.

Pupils in the admission round 2024/2025 and those who applied for a school place prior to September 2024 would not be impacted.

Transport eligibility awarded prior to September 2024 would be honoured (effectively protected from subsequent policy changes) under the current policy, unless there was a material change of circumstance (e.g. of school, or of address that changed eligibility) for a pupil which required a reassessment of eligibility.

Section 3. What will change? What will be different for customers and/or staff?

There are six discretionary areas to consider:

- Extended eligibility in the Reception Year
- Extended eligibility in Year 3
- 50/50 second address
- Primary phase denominational transport
- Two days of transition, where possible, for pupils with SEND
- The main eligibility criteria – nearest school / catchment school

Census data from May 2023 shows that in North Yorkshire there are c.75,000 school aged children (reception to year 11) children. There are currently c.10500 pupils accessing home to school transport.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The consultation must last for at least 28 working days during term time this is anticipated to be from 5 February 2024 to 20 March 2024

As a minimum, the guidance recommends we consult:

- schools whose pupils will be affected by the proposed changes, including those located in other local authority areas;
- parents whose children will (or may) be affected by the proposed changes, including those whose children attend school in a neighboring authority, and those whose children may be affected in the future – for example, because they live in the catchment area of, or attend the feeder school of, a school affected by the proposed changes; and
- the local Parent Carer Forum

The consultation will be publicised to a broad range of other stakeholders including early years providers and their parents, NYC councillors, parish councils in North Yorkshire and neighbouring local authorities. Throughout the consultation a weekly breakdown will be provided for the policy owners to review and reflect any issues arising. Several face to face consultation events will be held across North Yorkshire. These will be supplemented by online opportunities for engagement.

The consultation events will be held at different times to allow those with childcare and working arrangements to opportunity to attend and engage at times which are more convenient. These events will be widely published on social media and within local media and community groups as well as on the council's own media: Schools E-red bag, NYC website, corporate Facebook and Twitter accounts.

The consultation will also be promoted through SEND parent and community group networks.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost, or reduce costs?

The current financial projection for Home to School Transport is demonstrating a continuous growth which is applying budgetary pressures on the Council to meet its statutory duties.

These proposals will not impact on the current expenditure as the local authority's offer is based on the policy in place at the time of allocation.

If the proposals are implemented it will ensure the Council is meeting its statutory duties. The new policy requirements in the guidance are likely to increase the number of pupils with

medical and mobility needs who meet eligibility criteria and potentially lead to increased expenditure.

Whilst some aspects of the policy review may reduce additional travel provision above statutory minimum – the financial benefits of this proposal will not be full achieved for a seven year period. Analysis undertaken to date on a large sample of currently eligible travellers suggests that the annual saving at the end of the transition period (when the new policy applies to all) on a like for like basis could be up to £3.2m. This figure is based on a number of assumptions, and much will depend on the extent to which the change in the transport arrangements influences future parental preference for schools, and that is difficult to predict with any certainty.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	✓			It is anticipated there would be no identifiable impact on pupils attending mainstream or specialist provision because of their age.
Disability		✓		The requirement for individual assessment under SEN may increase the number of pupil eligible for assistance Individual assessment will ensure children with disability needs are met on transport
Sex	✓			It is anticipated there would be no identifiable impact on pupils attending mainstream or specialist provision because of their sex.
Race	✓			It is anticipated there would be no identifiable impact on specific ethnic groups because of the proposals.
Gender reassignment	✓			It is anticipated there would be no identifiable impact on specific groups in relation to gender reassignment as a result of the proposals.
Sexual orientation	✓			It is anticipated there would be no identifiable impact on specific groups in relation to sexual orientation as a result of the proposals.
Religion or belief			✓	The removal of denominational transport for primary age pupils will have an adverse impact, it is anticipated these number are less than 0.01% of the population and the requests are minimal each year
Pregnancy or maternity	✓			It is anticipated there would be no identifiable impact on specific groups in relation to pregnancy or maternity as a result of the proposals.
Marriage or civil partnership	✓			It is anticipated there would be no identifiable impact on specific groups in relation to

				marriage or civil partnership as a result of the proposals.
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Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Live in a rural area?		✓	✓	The proposals may reduce travel eligibility to the catchment school in rural communities in which the catchment school is not the nearest school, however eligibility to the nearest school, when distances are over the minimum threshold will remain in place
...have a low income?	✓			There remains statutory provision for low income families for children aged 8 and above

Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

This is unknown at this time but will be reviewed during the consultation.

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	x
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.)	
The reason why ‘ No adverse impact - no major change needed to the proposal ’ has been selected is because we have not yet consulted on the changes.	

Section 10. If the proposal is to be implemented, how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Subject to decision being made to implement the proposals the effect of the changes will be phased over 7 years as the Council has a legal requirement to protect those who transport arrangements were awarded on the previous policies.

Following implementation there will be a 12- and 24-month Post Implementation Review.

Section 11. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
28-day public consultation to commence	Amanda Newbold	5 February		
Public events to be held across localities	Andrew Dixon / Chris Reynolds	Throughout February and March 2024		Public events and feedback from these events will be monitored through a working group
28-day public consultation to end.	Amanda Newbold	20 March 2024		
All responses and feedback to be collated and reviewed following consultation.	Jon Holden /Chris Reynolds	21 March to mid May 2024		Reviewed by lead officers
Options to be revised (if required), EIA to be revised and Policy to be updated.	Amanda Newbold	May 2024		CYPLT
Sign-off of revised proposals and updated Home to School Travel Policy	Amanda Newbold	18 June 2024 (Executive Committee)		
Adoption of Home to School Transport Policy	Amanda Newbold	July 2024 (Full Council)		
Publish updated Home to School Transport policy	Amanda Newbold	31 st July 2024		

Development and sign-off of implementation and transition plan	Amanda Newbold/ Janet Crawford	1 st August – 31 st August 2024		This will be completed by a working group
Implementation and transition arrangements commence	Amanda Newbold/ Janet Crawford	1 st September 2024 onwards for up to seven years.		CYPLT

Section 12. Summary (Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.)

The proposals to inform the new Home to School Travel Policy will form part of a consultation process. Feedback from the process will consider the impacts and make recommendations if required as part of the policy review process.

Section 13. Sign off section

This revised EIA was completed by: Andrew Dixon / Chriss Reynolds

Name: Andrew Dixon
 Job title: Strategic Planning Manager
 Directorate: Children and Young People's Services
 Signature: A Dixon

Completion date: 4/1/24

Authorised by relevant Assistant Director (signature): A Newbold
 Date: 12/1/24

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NORTH YORKSHIRE COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICE
CORPORATE DIRECTOR MEETING WITH EXECUTIVE MEMBERS
23 January 2024
ACADEMY CONVERSION FEES

1.0 PURPOSE OF REPORT

- 1.1. To seek Executive Member approval for the proposed increase in the Academy conversion charge for the 2024/25 financial year in accordance with the Corporate fees and charges policy

2.0 BACKGROUND

- 2.1 The Council applies a standard charge for each academy conversion. This charge is common within many other LAs and recognises the significant input of officer time required to undertake work in relation to academy conversions and the absence of any specific additional funding stream to support this activity within LAs (unlike within the academy sector itself),
- 2.2. The charge was set at £6,245 for the 2023/24 academic year, which was a 6% increase on the figure charged in the previous financial year. The charge only applies to voluntary converters in accordance with legislative requirements.
- 2.3 For context regarding the volume of cases there were three voluntary conversions in 2021/22, ten cases in 2022/23 and there have been six to date in 2023/24.
- 2.4 The charge recoups a sum for the input from various departments across the Council to facilitate the academy conversion process. This charge is levied from Academy Trusts. The charge, and allocation of funds within the organisation, is administered within the Strategic Planning and Finance teams in the Children and Young People's Service (CYPS), in accordance with an agreed apportionment schedule. Responsibility for determining the appropriate rate of uplift has been assigned to CYPS.
- 2.5 The origin of the charging rate in 2018 was benchmarked using knowledge of the amounts being charged by other Local Authorities, together with an estimation of the amount of time each internal service would spend on a 'typical' conversion.

3. CORPORATE POLICY BACKGROUND

- 3.1. The main expectations of the Corporate fees and charges policy are as follows :-
 - Unless limited by Statute, fees and charges must be uplifted by the relevant inflation that the fees and charges relate to (finance would calculate the inflation rate specific to the relevant cost base)
 - There must be a review of opportunities to introduce new fees and charges
 - Fees and charges must be at full cost recovery including corporate and departmental overheads (unless limited by Statute as above)
 - If it is not possible to charge/ uplift to a minimum of full cost recovery, then the service should be discontinued
 - There must be clear benchmarking of fees and charges against other local authorities/ providers/ competitors that evidences why the recommended fees and charges are proposed

4.0 PROPOSED INCREASE FOR THE 2024/25 FINANCIAL YEAR

- 4.1. The assessment of officers is that the relevant inflation factor to apply would be 6% - reflecting the provisions that have been made across most staffing budgets for pay award inflation for 2024/25.
- 4.2. Whilst there has, in previous years, been some challenge from individual trusts, it is the case that academies receive grant funding allocations from the DfE to facilitate the academy conversion process, and officers cannot see any substantive grounds as to why the Council would not apply the increase in line with inflation.
- 4.3. As stated above the current charge is £6,245. It is proposed to increase this charge by 6% to £6,620. The charge would be applicable in cases where an academy order is issued from 1 April 2024 onwards. Schools will be notified in writing once the new charge is agreed.

5.0 RECOMMENDATION

- 5.1. The Executive Member for Education, Learning and Skills is asked to agree that the academy conversion charge should be uplifted to £6,620 for the financial year 2024/25.

Stuart Carlton

CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE’S SERVICE.

Report prepared by Andrew Dixon, Strategic Planning Manager

Action AgreedExecutive Member

Date:

Action RequestedCorporate Director

Date:

NORTH YORKSHIRE COUNCIL

CYPS EXECUTIVE MEMBERS

23 JANUARY 2024

DISTRIBUTION OF THE TEACHERS PAY ADDITIONAL GRANT TO SPECIAL SCHOOLS AND ALTERNATIVE PROVISION SCHOOLS FOR THE 2023/24 AND 2024/25 FINANCIAL YEARS

FUNDING CONSULTATION APPROVAL REQUEST

1.0 PURPOSE OF THE REPORT

This report provides an overview of the funding consultation required to be undertaken in respect of the distribution of the Department for Education (DfE) Teachers Pay Additional Grant (TPAG) for the 2023/24 and 2024/25 financial years. CYPS Executive Members, in conjunction with the Corporate Director – CYPS, are asked to provide approval for a consultation to be undertaken with Special Schools and Alternative Provision (AP) Schools on the methodology to be used by the local authority for the distribution of the TPAG to these establishments for the 2023/24 and 2024/25 financial years.

2.0 BACKGROUND

- 2.1 The DfE have announced the provision of £525 million to support schools with the September 2023 teachers' pay award, with a further £900 million in the 2024/2025 financial year. This funding is being split between mainstream schools, special schools and alternative provision (AP), early years, and 16 to 19 provision. The split reflects relative pupil numbers, and core funding amounts, across these different types of provision. The funding is being allocated through the Teachers' Pay Additional Grant (TPAG). For the 2023/24 financial year, funding through TPAG covers the 7-month period from September 2023 to March 2024. The TPAG will continue for the 2024/25 financial year. Funding allocations for 2024/2025 will be calculated by the DfE using twelve sevenths of the funding rates in 2023/2024. The DfE aim to incorporate the grant into core budget allocations for 2025/2026 as part of the schools and high needs national funding formula.
- 2.2 The TPAG funding for local authority maintained mainstream schools is paid by the DfE to local authorities, who are required to pay the funding to individual schools at the published rates. The DfE pay the grant funding directly to mainstream academies at the published rates.
- 2.3 The TPAG funding allocation for Special Schools and AP (both LA maintained and academies) is paid to local authorities by the DfE. Local authorities have flexibility in how they pass on the funding allocations for special schools and AP schools to individual providers. This flexibility recognises that the teachers' pay costs faced by special schools and AP schools may vary between individual providers, depending in part on the complexity of the pupil needs that they serve. However, the DfE require

local authorities to comply with the following requirements in setting their local methodologies for how they will pass on the additional funding to schools they currently maintain, academies they previously maintained and free schools located in their area. Local authorities must:

- pass on 100% of TPAG funding to individual eligible schools
- ensure that all eligible schools receive a funding allocation through TPAG in 2023/2024
- have transparent criteria to distribute funding to individual schools, treating academies and mainstream schools the same
- consult with eligible schools before deciding their methodology for allocating TPAG funding

2.4 The DfE TPAG funding rate for the 2023/2024 financial year for special schools and AP schools is £260 per place.

3.0 CONSULTATION PROCESS

3.1 The local authority proposes to consult special schools and AP schools (LA maintained and academies) on the methodology for the local authority distribution of the TPAG funding to these establishments for the 2023/24 and 2024/25 financial years. The indicative timescales for the consultation process are detailed in the table below:

Date	Process
31/01/2024 – 06/03/2024	Consultation with special schools & AP schools on the TPAG distribution methodology for the 2023/24 and 2024/25 financial years.
19/03/2024	Consultation feedback considered CYPS Executive Members in conjunction with Corporate Director and decision of TPAG distribution methodology for special schools & AP schools on the for the 2023/24 and 2024/25 financial years.

4.0 FINANCIAL IMPLICATIONS

4.1 The funding consultation considered in this paper is related to the DfE Teachers' Pay Additional Grant (TPAG). There is no direct impact on the Council's budget.

5.0 LEGAL IMPLICATIONS

5.1 No specific legal implications are identified as a result of the recommendations contained within this report.

6.0 EQUALITIES IMPACT ASSESSMENT

6.1 An Equalities Impact Assessment (EIA) will be undertaken in respect of the consultation detailed in this report.

7.0 CLIMATE CHANGE IMPACT ASSESSMENT

7.1 A Climate Change Impact Assessments (CCIA) will be undertaken in respect of the consultation detailed in this report.

8.0 RECOMMENDATIONS

- 8.1 CYPS Executive Members, in conjunction with the Corporate Director – CYPS are asked to provide approval for the consultation to be undertaken with Special Schools and Alternative Provision (AP) Schools on the methodology to be used by the local authority for the distribution of the TPAG to these establishments for the 2023/24 and 2024/25 financial years.

STUART CARLTON

Corporate Director – Children and Young People's Service

Report prepared by: Howard Emmett, Assistant Director - Resources

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