

North Yorkshire Council

EXECUTIVE

16 JULY 2024

REPORT OF THE CORPORATE DIRECTOR CHILDREN AND YOUNG PEOPLE'S SERVICE

PROPOSED CHANGES TO THE COUNCIL'S HOME TO SCHOOL TRAVEL POLICY

1.0 PURPOSE OF REPORT

- 1.1 This report is presented to Executive for recommendation to Full Council for approval on the proposed amendments to Home to School travel proposals following public consultation, together with a final draft of the amended home to school travel policy recommended for consideration of adoption by Full Council on 24 July 2024.

2.0 SUMMARY

- 2.1 The Council has carried out a consultation upon the current home to school travel policy. This report is brought to update the Executive as to the officers consideration and recommendations for the Executive to consider recommending to Full Council to consider and adopt the draft policy.

3.0 BACKGROUND

- 3.1 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).
- 3.2 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'.
- 3.3 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.
- 3.4 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.10000. Therefore, it can be said that the Council's policy and provision of free transport services is currently a factor for broadly 13% of the pupil population aged 5-16, and for c.87% it is not.
- 3.5 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.

- 3.6 The overall cost to the Council of the provision of home to school travel is significant and rising at pace. Expenditure has broadly doubled since the last revision of the policy in 2019. 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.
- 3.7 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.

4.0 ISSUES

- 4.1 The Council's existing home to school transport policy was adopted by the Council at its meeting on 24 July 2019 following an extensive consultation exercise. A copy of the existing policy is attached to this report at Appendix A.
- 4.2 In June 2023 the Department for Education (DfE) published revised Statutory Guidance on travel to school for children of compulsory school age. This guidance (referred hereafter as 'the guidance') was re-published in January 2024 with minor amendments. A copy of the guidance is attached to this report at Appendix B.
- 4.3 Part of the rationale 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.
- 4.4 The guidance includes these additions and points of clarification which the Council is required 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 plan for each academic year. This should be published annually by 19 September.
- 4.5 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 Council internal processes and decision making.
- 4.6 The guidance also provided a check list to ensure that local authorities' home to school travel policies meet the required standards. A review of the existing policy identified that it complied with only six of the eleven points and concluded there would be a requirement for the Council to adopt a revised policy to achieve compliance. The work that has been undertaken in developing proposals for a revised policy has, therefore, considered those elements of the existing policy that are not consistent with the new guidance including with

respect to the criteria for eligibility for travel assistance. A copy of the proposed policy is attached to this report at Appendix C.

Financial background

- 4.7 In 22-23, data shows that compared to the previous year, national expenditure on transport for pupils with special educational needs (SEN) increased by 24.4% to £1.3 billion, whilst mainstream home to school transport expenditure increased by 14.3% to £460.2 million.

In North Yorkshire, 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.£51m for the current financial year and this has more than doubled since 2018-19. 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	20.5	13.6	0.6	6.2
16-17	21.0	13.1	0.6	7.3
17-18	22.5	13.3	0.7	8.5
18-19	24.2	13.2	0.7	10.3
19-20	26.1	14.1	0.6	11.5
20-21	24.8	13.2	0.4	11.2
21-22	29.0	14.6	0.3	14.1
22-23	35.5	17.0	0.3	18.2
23-24	42.7	20.6	0.5	21.6
24-25 (forecast)	50.8	23.4	0.5	26.8

- 4.8 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 in the period 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. Whilst the situation is 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 increase contract charges.
- 4.9 The new policy requirements in the guidance are likely to increase the number of pupils with mobility or medical needs who meet eligibility criteria and potentially lead to increased expenditure.
- 4.10 In the context of the financial challenges faced by the Council, officers considered it appropriate, given the financial position for school transport 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 a new policy that would have the potential to reduce expenditure.

Original Policy Proposals

4.11 At a meeting with the Corporate Director on 23 January 2024 the Executive Member for Education, Learning and Skills approved policy proposals for the basis of a consultation exercise and which are set out below.

4.12 Out-of-scope

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.

4.13 Necessary elements

There is a requirement for any new policy to be compliant with the checklist set out in the guidance. A consultation stage draft policy was made available for the start of the consultation period for stakeholders to view. This draft contained a significant re-write of the current policy in order for it to more closely align with the language, style and content of the latest DfE guidance.

4.14 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 an assessment of eligibility. This assessment is currently only undertaken following the issuing of an EHCP.

4.15 'Discretionary' elements

The current policy includes provisions for transport or eligibility criterion that are above and beyond the requirements of the statutory 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 were six areas considered as part of the consultation:

- 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 areas were considered separately during the consultation process and details of the policy provision and the responses are in Section 5.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 The consultation exercise that was undertaken was designed to provide information about the policy proposals and to seek the views of a broad range of stakeholders, including via an online survey. The indicative timetable for the consultation was 5 February 2024 to 20 March 2024. However, the consultation took place from 12 February 2024 to 26 April 2024.

5.2 The consultation, including the survey, was undertaken via the Council's website but was promoted via a number of different mechanisms, including:

- Pre-consultation briefings with headteachers and school leaders
- Email distribution to schools, asking them to pass the link on to families via their own newsletters/ email services
- Email distribution to all registered early years providers in the county
- Email distribution to neighbouring local authorities
- Webinars with primary, secondary and special schools
- Group and individual meetings with schools and councillors when requested
- Links to the online consultation were sent to all parish councils in the county
- 16 public face to face events in venues across the county, and held during the day and in the evenings

The exercise was promoted via the local media and also via the Council's own social media channels.

Response to the Consultation

5.3 A total of 1,299 responses were received to the online survey, of these, 800 consultation responses included detailed written statements in a 'free text' question within the survey. Copies of all of the written statements are attached to this report in Appendix D1. Responses were received from a range of stakeholders, including:

- Over 900 from the parents or carers of pupils in North Yorkshire schools or early years settings
- Over 60 school based responses (approximately 62% from secondary schools and approximately 31% from primary schools)
- Over 20 pupils
- 18 transport providers
- Of the pupils, parents and carers attending or soon to be attending a NY school, approximately 45% of responses came from families with children attending primary schools and approximately 44% from families with children in secondary schools. 6% came from families with pre-school aged children and the remaining responses from children at special schools or post 16 settings
- Seven Parish Councils submitted online responses through the survey.

5.4 In addition to responses to the online survey:

- Representation via letter or email was received from MPs, councillors, parish councils, schools and individual residents throughout the county, copies of which are attached to this report at Appendices D2 to D5

- A petition 'Stop school bus cuts' was received on 26 April 2024 from the North Yorks Liberal Democrats containing 378 signatories. Although the petition did not meet the threshold to be considered at the Area Constituency Committee

General feedback about the policy documents

- 5.5 Views were sought in relation to the draft policy document. Feedback showed agreement that the document being clear and easier to understand than the current policy and for the usefulness of the examples in the draft policy appendix. The responses were generally positive with regard to the clarity of the descriptions of the approaches for children with Special Educational Needs or Disabilities, children with mobility needs and children with medical needs. The question with least support was the clarity of the 'nearest suitable school' definition in which approximately 22% of responses disagreed that the definition was clear.

Feedback in relation to the discretionary elements

- 5.6 Proposed to be retained - 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. This also provides consistency for parents as there will not be two different systems they require during the reception year. The guidance specifically refers to this as 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

Almost 90% of responses agreed or were neutral in relation to this proposal.

It is recommended that the Executive considers the report and recommends this proposal to Full Council to retain this extended eligibility in reception year as part of the future travel policy.

- 5.7 Proposed to be retained - 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 and also provides consistency for parents as there will not be two different systems they require during the academic year.

Almost 90% of responses agreed or were neutral in relation to this proposal.

It is recommended that the Executive considers the report and recommends this proposal to Full Council to retain this extended eligibility in Year 3 as part of the future travel policy.

- 5.8 Proposed to be removed - 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 DfE guidance states that 'there is no expectation that local authorities should provide travel to and from two separate addresses.'

Almost 70% of responses agreed or were neutral in relation to this proposal. However, there is currently no take up of this policy provision. There was some confusion in the consultation responses whereby a small number of responses stated they were accessing this provision, however this is incorrect, instead all recent enquiries have resulted in parents choosing a paid travel permit or accessing travel via the existing pass and pick up point

despite having a second address. A very small number of responses felt that families where children live at two addresses were being penalised.

It is recommended that the Executive considers the report and recommends this proposal to Full Council to remove transport assistance to second address as part of the future travel policy.

5.9 Proposed to be removed - Primary phase transport assistance to children attending designated religious character schools

This is another area of the Council currently applying its discretionary power to provide travel assistance. This element of the current policy to allow provision to those children at primary phase on low-income grounds was introduced in 2015 when the Council removed the previous discretionary transport assistance to all children attending designated religious character schools. Travel assistance is currently 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 five miles. There is a statutory requirement for eligibility at secondary phase, but not primary.

Over 65% of responses agreed or were neutral in relation to this proposal.

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 designated religious character schools it applies to all school and 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 will exist in the new policy. The Council would have to consider any request for transport assistance if it were made by a parent/carer for travel to such a school, and the Council should consider whether it would be appropriate to exercise the discretionary power.

It is recommended that the Executive considers the report and recommends this proposal to Full Council to remove travel assistance to children attending designated religious character primary schools as part of the future travel policy.

5.10 Proposed to be removed - 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.

Over 60% of responses agreed or were neutral in relation to this proposal.

It is recommended that the Executive considers and recommends that this proposal to Full Council include a proposal that travel on transition is assessed on a case-by-case basis in accordance with the EHCP.

5.11 Proposed to be amended - The main eligibility criterion – nearest school / catchment school

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. A catchment area is an area around a single school. The 'catchment school' for admissions purposes is allocated by the local authority from the geographical area linked to home addresses. A catchment school is determined by a home address, and not the primary school that a child attends. It is to be noted that the Council's catchment area map, shows that some home addresses are in two or more catchment areas.

5.12 The current 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)

5.13 The statutory requirement confirmed by the DFE guidance 2024 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*

5.14 The main eligibility criterion within the current home to school transport policy is therefore above and beyond the requirements of the Education Act 1996 and statutory guidance, which only requires that transport be provided to the nearest suitable school (with places available).

It is recommended that the Executive considers and recommends to Full Council for a proposal to amend this criterion to match the statutory requirement, meaning that in future eligibility on catchment grounds would no longer apply.

5.15 The application of the current home to school transport policy means that some children can have eligibility for transport to more than one school where their catchment school is not the nearest to their home address and in some places where an address is located in the catchment area for more than one school. However, the proposed policy change would mean that all children would only have eligibility to one school, that being the nearest suitable school to the home address (with places available). The proposal therefore addresses an existing anomaly and creates greater equity of access to travel eligibility across the council area.

5.16 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. This applies to children living in other council areas who may also have an address closer to a school in North Yorkshire. The council where the pupil is resident is responsible for the travel eligibility and arrangements.

The proposal to match the eligibility criterion to the statutory requirement would bring the Council in line with several comparator and neighbouring local authorities such as

Buckinghamshire, Cheshire and Chester West, Durham, West Berkshire, Lancashire, Leeds, Redcar and Cleveland, Darlington, Wakefield and Bradford.

Whilst other local authorities may also consult on potential changes to their Home to School Travel Policies, the Council has not made any adjustments to the anticipated maximum saving from the proposed change to the North Yorkshire policy. Changes to a neighbouring council's Home to School Travel policy will not directly make changes to admissions – nor to the level of potential saving that North Yorkshire may achieve by the proposed changes to our policy. Paragraph 5.27 provides further information about school funding and how this is calculated.

- 5.17 The Council would expect to realise a financial benefit over time through this change to the main criterion: transport costs in the future would be less on a like for like basis than if the policy continued as it is. Updated analysis undertaken on a large sample of currently eligible pupils suggests that the annual saving at the end of the seven-year transition period (when the new policy applies to all) on a like for like basis could be approximately £4million. This figure is based on a number of assumptions, and much will depend on the extent to which the proposed change in the travel eligibility influences future parental preference for school admissions, and that is difficult to predict with any certainty.

Estimated daily saving (max)	£22,440
Estimated annual saving (max)	£4,263,445
Estimated pupil numbers (over 7 years)	2,382

The model is an estimate of future pupil eligibility, using recent pupil census information but with the proposed policy being applied. The model has many variables including: parental preference for admissions, school popularity/place availability, decisions made by families with siblings under two policies, Free School Meals eligibility over time, family life eg parent job location/other childcare arrangements. This is why an estimate savings range has been created from 20% to 100%

Implementation Based on academic year	Estimated 20% of potential savings (Cumulative)	Estimated 40% of potential savings (Cumulative)	Estimated 60% of potential savings (Cumulative)	Estimated 80% of potential savings (Cumulative)	Estimated 100% of potential savings (Cumulative)
25-26	£168,160	£336,320	£504,480	£672,640	£840,800
26-27	£318,838	£637,676	£956,515	£1,275,353	£1,594,191
27-28	£478,010	£956,020	£1,434,030	£1,912,040	£2,390,050
28-29	£629,207	£1,258,415	£1,887,622	£2,516,829	£3,146,036
30-31	£805,273	£1,610,545	£2,415,818	£3,221,090	£4,026,363
31-32	£826,796	£1,653,591	£2,480,387	£3,307,182	£4,133,978
32-33	£852,689	£1,705,378	£2,558,067	£3,410,756	£4,263,445

100% savings

This is a modelled estimate showing the value of what could be achieved if all future families follow the same admissions preferences as they do under the current policies; therefore, the policy change means that some parents who choose schools that are not their nearest suitable school take responsibility for their own travel arrangements.

20% savings

This is a modelled estimate showing the value of what could be achieved if all future families switch their admissions preferences and secure a place at their nearest suitable school – even if this is not catchment; therefore, the policy change means that the council will provide travel assistance to a maximum number of eligible pupils.

- 5.18 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 sizes or number of vehicles required and therefore the costs associated with any given route.

General issues raised in the survey responses and correspondence

5.19 Safety issues – routes, roads, vehicle size and weather conditions

Many respondents, for example from the Upper Swaledale area, objected to the proposed change to the eligibility criterion to being to the nearest school only. They identified that, for example, although Richmond School is the catchment school for the Upper Swaledale area, for many children either the Wensleydale School, Teasdale School (County Durham) or Kirby Stephen Grammar School (Westmorland and Furness) would be their nearest school.

In most cases respondents expressed concern about the suitability of the relevant roads for use by home to school transport, particularly during periods of inclement weather and specifically during winter periods. Many respondents noted that the shortest routes are not suitable for large vehicles and that road conditions, including in relation to gritting are unsuitable.

Response

The number of children provided with home to school transport on any individual route is determined by a range of factors, including:

- Parental preference for schools as part of the admissions process
- Availability at preferred schools; and
- Eligibility under the council's Home to School Travel Policy

Following the allocation of school places and identification of the number of children who are eligible for assistance with transport the Council's Integrated Passenger Transport (IPT) team establish the most appropriate travel arrangements for individual pupils. Where relevant, in determining the most appropriate arrangements IPT, in consultation with transport providers when relevant, take account of a range of issues.

Whilst the Council does not specifically prescribe the exact travel routes that are to be used by a transport provider, the commissioning arrangements that are established take account of the numbers of children to be transported in an area, the means via which those pupils are able to access the transport (including whether additional 'feeder' transport is required), and the characteristics of the road(s) that are likely to be used.

Once a contract is in place with a provider, the terms and conditions of contract require that providers risk assess the routes that they are proposing to use, taking account of the contract's specified vehicle capacity and to ensure that contract providers only utilise vehicles that is suitable for the specific route (including the suitability of the size of vehicle). Further, providers are expected to risk assess prior to undertaking each journey

and are clearly instructed not to undertake any journey that they do not consider can be completed safely.

The IPT team are advised by Highways colleagues about all road closures and roadworks. In turn, this information is passed on to all contract providers who are required to respond accordingly in consultation with IPT. Such a response may include:

- A temporary change in either the route or vehicle(s) utilised; or
- Negotiation with contractors to facilitate access for Home to School Transport vehicles through roadworks

Where circumstances, such as bad weather lead to non-operation of service, the IPT team record non-operation through their incident/complaints procedure. For the period 1 September 2023 and 1 June 2024 they have identified 29 occasions where they were informed that transport did not run due to weather related issues. Furthermore, 16 of these services didn't run at all and the other 13 either ran late, or only completed part of their route. Please note that this includes non-operation on days when schools are open. It may also be the case that transport arrangements are cancelled when there is also a school decision to close due to weather conditions or other unplanned circumstances.

The reasons for the 29 incidents include from snow/ice as well a fallen trees due to a storm and flooding. The 29 cases relate to 18 different operators. For context, there are almost 1300 home to school transport services operating for 190 days per academic year.

As Highway Authority under Highways Act 1980, the Council has a 'duty to maintain highways maintainable at public expense'. Additionally, under the same act 'a highway authority is under a duty to ensure so far as is reasonably practicable that safe passage along the highway is not endangered by snow or ice'. In order to fulfil this duty, the Council has a winter maintenance policy that is approved by Members and that sets out the Council's approach.

However, it should be noted that the current prioritisation of winter routes is not derived from service buses, school bus routes or any other *specific* type of road user. Instead, the current winter policy and treated routes (incl. their priority) has evolved around network hierarchy as per the extract from the Council's current policy immediately below.

- Priority 1 includes all principal roads and important B Class, C Class and unclassified routes as approved by Members
- Priority 2 includes the remainder of B Class and appropriate C class and unclassified roads as approved by Members (note: not all remaining C Class roads will be Priority 2)
- Priority 3 the remainder of the network including estate roads

The gritting routes and policy are on the Council's website and are used to help inform highway users so that all road users can make dynamic risk assessments based on prevailing weather conditions.

5.20 Safety issues – unsafe walking routes

Many respondents noted that their property was less than 2 or 3 miles from their nearest suitable school but that there was no safe walking route to that school, for example, because there is no footpath. Other respondents noted that pupils should not be required to walk to either their school or home, or to or from their home to school transport pick up point in the dark.

Response

The Council will continue to provide assistance with home to school transport for children who live less than the statutory walking distance away from their nearest suitable school if

they would not be able to walk to that school in reasonable safety, even if they were accompanied by their parent. This is in accordance with the statutory requirements and therefore provision exists in the current and proposed policy.

The assessment of unsafe walking routes is provided for within the guidance and it should be noted that in assessing the distance between a child's home and their nearest suitable school local authorities are required to consider the shortest route (including footpaths, bridleways, and other pathways) along which a child may walk in reasonable safety *accompanied as necessary*, and that they are required to consider the safety of the whole of the route.

Upon parental request, the Council assesses walking routes to schools to determine whether they are able to be walked in reasonable safety, accompanied as necessary. Assessments are undertaken in accordance with guidance that is provided by Road Safety GB, *Assessment of Walked Routes to School*. A copy of the guidance is attached to this report at Appendix E.

The Assessment of Walked Routes to School guidance identifies a number of principles that are to be used, including: -

- **Nearest Available Route**

The route considered should be the shortest available walking route that a child is available to utilise, accompanied as necessary, and that the assessment should look at the relationship between pedestrians and traffic only.

- **Accompaniment of Children**

For a route to be available it must be a route along which a child, accompanied as necessary, can walk with reasonable safety to school. A route would not fail to qualify as available because of dangers which would arise if the child was unaccompanied.

- **Street Lighting**

The presence or absence of street lighting on a route is not considered to be a factor.

The statutory guidance notes that there is no expectation that children will walk and that it is for the parent to decide what arrangements would be suitable for their child's journey to and from school.

5.21 Delivery of transport for eligible pupils – value for money including use of taxis

A number of responses suggested that improvements could be made in the commissioning of home to school transport arrangements through the provision of contracts to a greater number of local providers and through commissioning of more suitably sized vehicles. Some respondents cited, for example, concerns about taxi services being provided by out of county providers and other respondents gave examples where buses or taxis had been witnessed having surplus capacity within them.

Response

Specific transport arrangements referred to in the consultation had recently been re-tendered as part of contract review for services in the Harrogate, Ryedale, Craven and Richmondshire areas. The existing contracts were due to end in April 2024 and as such they were reviewed in accordance with Financial Regulations, the Public Contracts Regulations 2015 and the Council's procurement process. The Council operates an open procurement process which is available to all bus and coach companies, community transport organisations as well as registered Hackney Carriage and Private Hire Operators who have registered on the Council's procurement system.

This open procurement process does not exclude any operators from tendering on contracts based on their location. The Council will select the most economically advantageous tender where the potential contractor meets all the threshold requirements in the quality tender submission document and following an inspection (if they are a new provider). This does mean that some contractors will travel from out of the immediate area to undertake a contract. However, they may have staff and cars in the local area in addition to any at their registered business address.

In relation to drivers, all drivers and passenger assistants who work on North Yorkshire Council home to school or social care contracts must submit a DBS application through the Council before they are permitted to work on a contracted service. The drivers and passenger assistants are issued with a North Yorkshire Council badge to confirm that they have received the required clearance, and these are expected to be worn/be visible at all times when operating on our contracts.

Whilst the Council commissions transport for a prescribed number of pupils, the size of vehicle provided either permanently or in individual circumstances is determined by the provider of the transport service. There are instances, for example, when providers use vehicles that are larger than required for a temporary period if the vehicle that is normally utilised for an individual route is not available on a specific day. Where this is the case, then the provider is obliged to ensure that the vehicle that is utilised on a temporary basis remains suitable for the route.

Equally, following an assessment of the number and location of eligible pupils the Council may commission routes that have multiple pick-up points and, therefore, buses may appear not to be full at the early stages of a route.

With regard to environmental impacts of the procurement process, the following is an extract from the terms and conditions of contract that forms part of the tender documentation and which each provider signs up to at the point of contract exchange.

20. SUSTAINABILITY AND BUSINESS CONTINUITY

20.1 *Throughout the Term of this Agreement the Supplier shall make all reasonable endeavours to reduce any negative impact on the environment caused by the Service and to ensure that, wherever possible, the vehicles supplied for the Service are of a type, and used, so as to minimise environmental pollution.*

20.2 *The Supplier may be required to provide evidence of actions taken to mitigate climate change and reduce greenhouse gas emissions, and on request, information relating to driver training, fuel use and other relevant indicators.*

5.22 Delivery of transport for eligible pupils – sustainability / climate / emissions

Many respondents suggested that any reduction in the provision of home to school transport would be likely to result in an increase in road traffic in the event that an increased number of parents elect to transport their children to school themselves and that this would result in an increase in both emissions from transport, and in health and safety risks as cars seek to drop off near to school entrances.

Response

The council recognises its duty to promote the use of sustainable travel on journeys to and from all places of education in North Yorkshire, and the benefits that will arise from increasing the use of it. In addition to contributing to the reduction in emissions and congestion, the Council would wish to promote the health benefits that would also arise for

children and their families from active journeys. This plan will be aligned with the ambitions of the Local Transport Plan 5 (under development) and Local Plan, as well as key aspects of the Climate Change Strategy.

The Council will be publishing a sustainable modes of travel plan annually setting out its vision for sustainable travel to school and will be working with schools and other educational settings to identify how this can be promoted and facilitated. The draft plan for September 2024 will be appended to the Full Council report on 24th July.

5.23 Delivery of transport for eligible pupils – links to public transport requirements

Some respondents suggested that home to school transport could be delivered more efficiently if it were to be better integrated with public transport.

Response

A new way of procuring these services is due to be introduced and council officers are currently working on revised arrangements that should improve flexibility for operators to bid for linked services. In addition, proposals will be brought forward for a pilot scheme in the northern part of the county which could deliver both home to school transport contracts, adult social care transport and passenger transport utilising the same vehicles.

5.24 North Yorkshire schools – admissions, term dates and siblings

Many respondents expressed concern about issues associated with admissions arrangements and / or practical issues arising from attending a school in another local authority area. Some respondents were concerned that they would not be able to apply for a school place at their catchment school if their catchment school was not their nearest suitable school. Respondents were also concerned about day to day issues associated with a child attending a school in a different administrative area, including, for example, schools having different term dates and noted that this would be exacerbated if children in the same household were attending two different schools during the period of the policy implementation.

Response

In terms of admissions to school, parents will continue to be able to preference any school of their choice and the admission arrangements for the school will continue to determine who has priority for a school place. This is not changing. Applications for a school place from families living in the admissions catchment area for a school will still have priority for a school place over those who live outside the admissions catchment area.

The local authority is responsible for setting term dates for its maintained community, voluntary controlled and community special schools and maintained nursery schools; The Education (School Day and School Year) (England) regulations 1991 require all maintained schools to educate their pupils for at least 380 sessions (190 days) in each school year. These regulations do not apply to academies and Free Schools; the academy trust is responsible for deciding the length of the school year. It is hoped that for consistency across North Yorkshire all schools adopt the same recommended term dates. Furthermore, the Council is part of the group of LA's across the area that have agreed a set of guiding principles the aim of which is to achieve more consistent holiday dates across local areas. A consultation on the draft calendar for future academic years is proposed annually with all schools, academies, professional associations and interested parties. After the consultation the calendar is presented to the CYPS Executive Member for Education, Learning and Skills for consideration and approval.

5.25 North Yorkshire schools – selective schools

Some respondents, specifically from the Ripon and Skipton areas, expressed concern that pupils would not be entitled to assistance with home to school transport to selective schools, even in the event that pupils had been successful in entrance requirements.

Response

This is correct if the proposed policy is adopted, then children would not be eligible for assistance to selective schools unless they are their nearest suitable school. This would be equitable with all children attending non-selective schools as it is under the existing policy. The selective school would only be a suitable school for transport assistance where a child had achieved the entry requirements.

5.26 North Yorkshire schools – ‘nearest school in North Yorkshire’

Many respondents objected to the proposed change to the eligibility criterion to being to the nearest school only because of the potential impact to individual schools, particularly secondary schools.

Many respondents objected to the proposed change to the eligibility criterion to being to the nearest school only because they do not want their child to be only provided with transport to an out of county school (if it is the nearest). There was a view amongst some respondents that children who live in the county should be able to access travel assistance to schools in the county, even if other out of county schools are nearer.

Response

The Education Act Schedule 35B para 6 sets out that a child is eligible if they attend a qualifying school, do not live within walking distance, and no suitable arrangements are made for either attending boarding accommodation nearer the school or enrolling at a nearer qualifying school.

Part 1 of the guidance defines eligibility for home to school transport assistance, noting:

‘A child is eligible if they are of compulsory school age, attend their nearest suitable school and....’.

The guidance does not reference either administrative boundaries or catchment areas for schools and, therefore, in defining ‘nearest’ the council is only able to consider distance, irrespective of whether the distance is to an out of county school or a catchment school.

As noted, because the guidance is statutory there would be a continued requirement to continue to provide transport to the nearest school (out of county) even if the Council were to elect to retain the catchment, or define a new eligibility in relation to the nearest North Yorkshire school as part of the policy entitlement. The ‘nearest’ requirement exists within the current legislation and policy and is the basis upon which the Council currently provides transport for many children to schools outside of the county. An amended proposal, in light of the consultation responses, to add a new discretionary element that would provide eligibility to a nearest North Yorkshire school would create inequity of access to travel eligibility across the council area and therefore is not recommended by officers. This is because families that live in close to the border of another local authority would potentially have additional have additional eligibility compared to those that live elsewhere in the county.

From the sample data, there are approximately 2500 children who are currently eligible for travel assistance due to catchment, but who do not attend their nearest school.

Approximately 1000 of these children would have an out-of-county school as their nearest and approximately 250 of these would be in the statutory walking distance to that school.

Each year, the October school census information is used for the determination of school budget in the following financial year, for example, the October 2024 census information will be used for the determination of school budgets in 2025/26. Schools are funded for the pupils on roll at the school on the census day – not the pupils that live in the county. Whilst some school rolls will only include pupils who are resident in North Yorkshire, a number of schools – typically located near the county border – will include pupils who are resident in North Yorkshire and some pupils who are resident in other local authority areas. To clarify further, this means that North Yorkshire Council does not fund schools or academies located outside of North Yorkshire to educate North Yorkshire pupils. Funding from DfE is allocated according to census day pupils on roll, not pupils who are resident in the county.

The following tables show the number of children on roll at state funded schools including those who move across an LA boundary in order to attend school.

Total NY resident children attending NY state schools – as at Jan 2023	Primary Schools	Secondary Schools	Special Schools	Total
Total	40,704	28,602	953	70,259

NY resident children attending other local authorities state schools - as at January 2023	Primary Schools	Secondary Schools	Special Schools	Total
Neighbouring LAs	1,033	1,389	147	2,569
Other LAs	17	5	4	26
Total	1,051	1,396	151	2,598
NY children attending any state school Jan 2023	41,755	29,998	1,104	72,857

Children attending North Yorkshire state schools from other local authorities - as at January 2023	Primary Schools	Secondary Schools	Special Schools	Total
Neighbouring LAs	1,227	3,593	93	4,913
Other LAs	96	35	10	141
Total	1,323	3,628	103	5,054
All children on roll in NY schools Jan 2023	42,027	32,230	1,056	75,313

5.27 North Yorkshire schools – paid for permits

A number of respondents expressed concern that a paid for permit could not be guaranteed from one year to another. This was cited as an issue by parents who stated they would be willing to pay for transport provision arranged by the Council to a school of their choice - specifically a school other than the nearest school.

Response

The Council's current policy is to provide transport for pupils to either their catchment school or their nearest suitable school if they meet the eligibility criteria. The proposed policy would be to provide transport for pupils to their nearest suitable school if they meet the eligibility criteria. The same issue applies within the current and proposed policies - if

parents choose to send their child to another school where the eligibility criteria is not met.

Where a child attends a school that is not the nearest or the catchment school for the home address or the school is outside the qualifying distance, parents are responsible for the travel arrangements and costs. In some instances, parents are able to purchase a paid permit for a spare seat on a home to school transport service which is arranged for eligible pupils. The terms and conditions of the permit are that it is not for a guaranteed seat and that it can be withdrawn if the seat is then required for eligible children.

Furthermore, as the arrangements for eligible children can change from year to year, paid for permits are not made available until later in the year once all home to school transport arrangements for eligible pupils are established. Availability of spare seats cannot be confirmed until shortly before the beginning of the academic year when all necessary provision for the new cohorts have been confirmed. Put simply, if an eligible child requires the seat, it is no longer spare and would no longer be available as paid for permit and this may be at short notice for families.

The Public Service Vehicles Accessibility Regulations 2000 (PSVAR) require buses and coaches designed to carry over twenty-two passengers on local and scheduled routes to incorporate features to enable disabled people to travel on them comfortably and safely, including a wheelchair space and a ramp or lift. The Regulations have applied to vehicles progressively over the past nineteen years, including coaches manufactured from 2005 onwards. From 1st January 2020, the Regulations will apply to any remaining coaches subject to them, which were manufactured before 2005. This means that if transport is not PSVAR compliant the Council cannot sell spare seats. The Department for Transport has allowed Operators exemptions for home to school transport to continue to operate subject to the conditions set out in their guidance in relation to the upgrade of their vehicle fleet by 2026.

It must be noted that the consultation did not consider the paid for seats element as this is closely related to Post 16 travel and the Council is awaiting updated guidance from DfE.

5.28 Compulsory school age and Post 16 travel

Similarly, a number of respondents felt that travel to school sixth forms should be included in the eligibility for travel assistance due to the increased participation age.

Response

Although the participation age for pupils has increased to include 16 and 17 year olds, the compulsory school leaving age has remained the same and there is no legal obligation on a local authority to provide transport for pupils above statutory school age.

The Council does however have a duty to ensure that Post 16 students are not denied access to education because of a lack of transport provision. To facilitate this, the Council offers assistance with transport to the nearest school or college where it is necessary and offers this consistently across the county. The current guidance relating to this matter is clear that if a local authority does offer transport to post 16 students, they can charge.

The charge for Post 16 transport has been in place for many years and is the same for all students who live over three miles from their nearest school or college regardless of the distance. So, a young person who lives 5 miles from the school or college would be charged the same as one who lives 12 miles for example. The average cost (of a place on transport) to the Council are currently much greater than the charge. For 2024/25 this is £792 which is reduced to £396 if the family is eligible for the low-income reduction. With the Post 16 assistance, in the event that there was no seat on a service or other form of transport available that could be used, a mileage allowance would be offered.

It must be noted that the consultation did not consider post 16 travel arrangements as the Council is awaiting updated guidance from DfE before considering whether further consultation is required.

5.29 Concerns over the accuracy of the data set

A model was created in order to allow officers to consider the possible impacts of the proposed policy revisions on small and rural schools as it was important to avoid any unintended consequences including risk to small school viability, where a small reduction in pupil numbers can be a significant factor. The initial data set which contained indicative school level analysis was presented to the Executive Member for Education, Learning and Skills so she could consider the indicative school level data confidentiality prior to agreeing the consultation. This was the purpose for creating a school level data set. Since the model had been developed, indicative school level information was offered to school leaders and governors so they could consider the potential impacts of the proposed policy changes on their school setting to support them in fulfilling their management responsibilities.

During the consultation, a small number of schools approached the Council asking officers to check the data modelling as the schools estimates of how many children in their catchment may live closer to another school and therefore may not be eligible to travel in the same way as the current cohort were different to those initially provided by Council officers.

The Council checked and revised the modelling tool. This led to revised indicative school data being provided to individual schools, and the consultation being extended by two weeks, to allow further dialogue with interested schools.

The indicative school level data is not essential for the consultation but was added in order to provide a management indicator for schools in relation to any planning they may wish to do should the policy be implemented from September 2024 (with early impacts expected from Sept 2025).

The model is an estimate of future pupil eligibility, using recent pupil census information but with the proposed policy being applied. The model has many variables including: parental preference for admissions, school popularity/place availability, decisions made by families with siblings under two policies, Free School Meals eligibility over time, family life eg parent job location/other childcare arrangements. This is why an estimate savings range has been created from 20% to 100%.

The estimate shows the possible impacts over a seven-year implementation period (eg possible reduction and possible increase in eligibility over time). Some schools may experience both reductions and increases of pupils with eligibility with an unknown net effect. Any changes to admission numbers in one school has a direct effect on the neighbouring schools and the Council has statutory responsibility to ensure sufficient school places across the whole county. The Council must also ensure efficient use of resources fulfilling its responsibilities.

The Council does not consider this indicative school level data set essential to the consultation process, this information has been treated confidentially as we believe sharing it would prejudice the effective conduct of public affairs in the Council's discussions with schools.

5.30 Support for low income families

In response to the consultation, it is proposed that an additional discretionary element should be provided to mitigate the impacts on those with protected characteristics.

Officers are recommending the provision of an additional discretionary element aimed at secondary age pupils that would enable low income families to exercise meaningful preferences for school admissions with the provision of travel assistance for up to three schools across a greater distance, given the rural context of the county. In effect this places the statutory guidance within the North Yorkshire context. This will address an adverse impact highlighted by the paying due regard process and the Equalities Impact Assessment.

It is recommended that the Executive considers and recommends to Full Council for a proposal to use its discretionary powers to extend the eligibility for travel assistance for secondary age pupils from low income families to attend one of their three nearest suitable schools provided it is more than **2 miles but not more than 12 miles** (an increase from 6 miles) from their home as part of the future travel policy.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 A number of other actions are being taken to ensure the home to school travel provision is efficient, providing a good service and achieving value for money. In parallel to the policy review, working groups have been established to fully review and improve the data and systems relating to unsafe walking routes, solo transport and the application and re-assessment of eligibility for mainstream and SEND transport.
- 6.2 Two strands of work have also been established to focus on transport operators, ensuring that key training requirements outlined by DfE are in place, as well as exploring potential opportunities for more efficient procurement processes and market engagement.
- 6.3 Prior to seeking approval for consultation – and when calculating the potential savings – officers considered a fixed date for immediate and full implementation. However, it was considered more appropriate to avoid the disruption that could be caused to families if there was implementation of all measures with effect from September 2024 and so a phased roll out is being proposed. As a result of the phased implementation, existing eligible children would retain eligibility unless there was a material change in circumstances. This means that the cash saving is reduced by £9million - £10million over same implementation period. The expected savings from the proposal will only be visible from 25-26 (part year) and then for the following five financial years from 26-27 onwards.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The draft policy change consulted upon is expected to contribute to almost £1.5million savings identified within the Council's current Medium Term Financial Strategy ('MTFS') and has potential to offer up to £2.5million further in the next cycle of savings.
- 7.2 Paragraphs 4.7 – 4.10 and 5.16 – 5.18 above contain more detailed information about the financial information.
- 7.2 Officers are recommending the provision of an additional discretionary element for secondary age that enables low income families to exercise preferencing to school admissions to up to three schools across a wider area. The cost if approved of this further discretionary provision is approximately £170k per year based on current contract costs. This could allow greater school choice for 96.5% of children, within the sample cohort, receiving Free School Meals who could, had this amendment not been proposed, be affected by the removal of catchment.

8.0 LEGAL IMPLICATIONS

- 8.1 The Council has a statutory duty under Section 508A of Education Act 1996 (the 1996 Act) to promote the use of sustainable travel and transport.

- 8.2 The Council has a statutory duty under Section 508B of the 1996 Act to provide, free of charge, suitable home to school travel arrangements to secure the attendance at school or other relevant educational establishment of eligible children.
- 8.3 The Council has a statutory duty under Section 509AD to have regard to amongst other things when exercising any of their travel functions to any wish for the child to be educated in a school designated religious character.
- 8.4 The Council has a discretionary power under Section 509A to provide assistance to a child receiving education at an Early Years setting, where without the assistance their attendance would be prevented.
- 8.5 Schedule 35B of the 1996 Act defines 'eligible children'. This includes a definition of compulsory school aged pupils (term after 5th birthday to end of June in year 11) and qualifying school which states categories of school and of those schools it is the nearer or nearest to the child's home. The proposed policy does not alter the statutory duties and the policy remains compliant with this legislation.
- 8.6 Whilst the Education & Skills Act 2008 raised the age of participation in education or training, the duties under the 1996 Act were not amended to include 16 and 17 year olds.
- 8.7 The Council has a discretionary power to make travel arrangements for non-eligible children where they consider it necessary under the 1996 Act. Even if the Council determines it is not necessary to provide travel assistance to non-eligible children, it may have further discretionary powers under Chronically Sick & Disabled Persons Act 1970.
- 8.8 The Council accepts that the 1996 Act has not been amended in recent years, and the legislation therefore remains the same. The Council has been providing transport arrangements for significant period of time above and beyond the statutory duties. The Department for Education has updated the statutory guidance and as a result that the Council must have regard to the Statutory Guidance for Local Authorities 'Travel to school for children of compulsory school age', published by the Department for Education, January 2024, the Council has to consult upon amendments to its policy in light of this updated guidance.
- 8.9 The Council carried out a consultation in accordance with the statutory duties, and guidance. This consultation was carried out at a time when the proposals were in development stage, the consultation was due to commence on 5 February to 20 March, however this was delayed, and the consultation was due to run from 19 February until 12 April, taking into account the Easter holidays. The consultation period was extended for a further period of two weeks to 26 April to allow for revised data to be provided to schools who had requested school level data, and further consultation on an individual school or Multi-Academy Trust basis. The Council is of the view that the consultation has complied with the statutory and common law requirements for consultation.
- 8.10 The Council must comply with the Equalities Act 2010 public sector equality duty whereby the Council and Councillors must have due regard in the exercise of its functions to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited
 - advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it
 - foster good relations between parents who share relevant protected characteristics and persons who do not share it
- 8.11 The Chair of the Council has pursuant to Overview and Scrutiny Procedure 16 (quote below) agreed that the decision taken being recommended by the Executive will be exempt from

call-in. This decision was due to be heard on 11 June 2024, however, was delayed as a result of the General Election and purdah period. As the Council must publish the Home to School transport policy by 31 July 2024, (to ensure that it is in place before the admission round opens on 12 September) this matter must be put to Full Council on 24 July 2024.

“The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council’s or the public interest.”

9.0 EQUALITIES IMPLICATIONS

- 9.1 The Council has in the development of this policy paid due regard to those with protected characteristics. An Equality Impact Assessment is attached at Appendix F and has been reviewed and updated following the consultation responses.
- 9.2 The paying due regard prior to the consultation highlighted that there may be some adverse impacts to those with protected characteristics of age. However, the consultation showed that there are multiple impacts for more pupils as a result of wider range of protected characteristics such as low income, and rurality especially those with combined protected characteristics.
- 9.3 Officers are recommending the provision of an additional discretionary element for secondary age that enables low income families living in rural areas to exercise preferencing to school admissions to up to three schools across a wider area.
- 9.4 This is an additional extension to the extended rights currently within the policy and would mean that: 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 11 to 16 years, and attend one of their three nearest suitable schools provided it is more than 2 miles but not more than 12 miles from their home, rather than the 6 miles within the legislation and Statutory Guidance.
- 9.5 From the sample cohort officers are of the view that this amendment to the proposed policy would mitigate some of the potential adverse impacts to those pupils whose family are low income.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 The Council has in the development of this policy development has paid consideration to climate change implications where known. A Climate Change Impact Assessment is attached at Appendix G and has been reviewed and updated following the consultation responses.
- 10.2 Current annual expenditure on home to school transport amounts to £51 million annually arising from the provision of transport to eligible pupils. The requirements for home to school transport vary according to the needs of pupil cohorts but involve the use of a broad range of vehicles by size and type. As a consequence, there is some impact upon climate change arising from vehicle emissions and other impacts.
- 10.3 The implementation of revised proposals, aligned with statutory guidance issued by the DfE would have the effect of limiting some criteria for eligibility, and thus reducing the total amount of transport provided and, as a consequence, have a positive impact upon climate change.
- 10.4 In addition to the proposed implementation of policy proposals it is also proposed that the Council will develop and implement a Sustainable Travel Plan for all home to school travel (i.e. including that undertaken by pupils not eligible for assistance) and thus have a greater impact upon climate change.

11.0 POLICY IMPLICATIONS - ADMISSIONS

- 11.1 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.
- 11.2 Adopting the proposed home to school travel policy to exclude catchment eligibility as part of the main criterion 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).
- 11.3 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 North Yorkshire admissions policy that applies to those schools.
- 11.4 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.
- 11.5 There are some risks attached to the potential change of eligibility criterion. Amongst them is recognition that when a longstanding policy is changed it can subsequently take time to be widely understood.
- The phased implementation proposed for 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 phased implementation proposed for 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 any schools where transport provision is a factor for parent preferencing of school admission application. However, it is widely understood that other factors also affect admissions patterns, for example popularity and Ofsted outcomes of neighbouring schools.
- 11.6 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.

12.0 ICT IMPLICATIONS

- 12.1 To support the adoption and implementation of the new Home to School Travel Policy a distance calculator tool is being built to ensure those who apply for school places can do so fully aware of the implication of their admissions preferences on eligibility for home to school travel assistance. In addition, a new home to school travel assistance application process and annual re-assessment tool are being created to ensure that parents/carers are

required to make a conscious decision to access transport and are required to confirm their continuing requirement and eligibility on an annual basis.

13.0 REASONS FOR RECOMMENDATIONS

- 13.1 The Council has reviewed its existing Home to School transport policy within the context of the revised Statutory Guidance issued in June 2023 and amended in January 2024 and has identified that amendments are required in order to make it compliant with the Statutory Guidance.
- 13.2 The Council is under statutory duty to adopt and publish the Home to School travel policy by 31 July 2024.
- 13.2 The Council has statutory duties to balance its budget, and deliver statutory services within the resources it has available. The Council has a duty to fully consider how it can continue to deliver statutory services and ensure that the services are sustainable into the future.

14.0 RECOMMENDATIONS

That the Executive considers the report and proposes to adopt a new home to school travel policy including consideration of each of the following recommendations to Full Council:

- i) to retain this extended eligibility in reception year as part of the future travel policy.
- ii) to retain this extended eligibility in Year 3 as part of the future travel policy.
- iii) to remove transport assistance to second address as part of the future travel policy.
- iv) to remove travel assistance to children attending designated religious character primary schools as part of the future travel policy.
- v) a proposal that travel on transition is assessed on a case-by-case basis in accordance with the EHCP as part of the future policy.
- vi) amend the criterion to match the statutory requirement, meaning that in future eligibility on catchment grounds would no longer apply as part of the future travel policy.
- vii) use its discretionary powers to extend the eligibility for travel assistance for secondary age pupils from low income families to attend one of their three nearest suitable schools provided it is more than **2 miles but not more than 12 miles** (an increase from 6 miles) from their home as part of the future travel policy.

APPENDICES:

Appendix A	Existing Home to School Transport Policy
Appendix B	Travel to school for children of compulsory school age - statutory guidance for local authorities (January 2024)
Appendix C	Draft Proposed Home to School Travel policy (revised post consultation)
Appendix D1	Copies of all free text responses received via the online consultation
Appendix D2	MP Enquiries
Appendix D3	Parish Council Enquiries
Appendix D4	Councillor Enquiries
Appendix D5	Other enquiries
Appendix E	Assessment of Walked Routes to Schools Road Safety GB. April 2011

Appendix F
Appendix G

Equality Impact Assessment
Climate Change Impact Assessment

BACKGROUND DOCUMENTS:

Report to the CYPS Executive members and Corporate Director Meeting
23 January 2024 [HTS Transport report.pdf \(northyorks.gov.uk\)](#)

Consultation - [Previous consultations | North Yorkshire Council](#)

DfE Travel to school for children of compulsory school age - Statutory guidance for local authorities
January 2024 [Travel to school for children of compulsory school age \(publishing.service.gov.uk\)](#)

DfE Post-16 transport and travel support to education and training - Statutory guidance for local
authorities January 2019 [Post-16 transport and travel support to education and training
\(publishing.service.gov.uk\)](#)

Current Home to School Travel information [School transport for reception to year 11 children | North
Yorkshire Council](#)

North Yorkshire Council's gritting routes [Road gritting | North Yorkshire Council](#) and policy [Winter
maintenance policy | North Yorkshire Council](#)

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County Hall
Northallerton
8 July 2024

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Presenter of Report – Amanda Newbold, AD Education and Skills

Note: Members are invited to contact the author in advance of the meeting with any detailed queries
or questions.