

From: Individuals

Date	Message
21/02/24	<p>I was hoping to get an answer to a question regarding the proposed changes in the H2S transport policy.</p> <p>When my youngest child starts primary school (our catchment school but not the closest by distance in a car), I believe he will not qualify for free transport, is that correct? However, my 2nd child will continue to receive the free transport as she already attends the school and uses the service?</p> <p>Also, both schools, catchment or closest are inaccessible safely by foot as they require crossing the A64 or walking along a 60mph country road.</p> <p>Based on the fact that my youngest child would receive free transport for the closest school (not the catchment school he will likely attend) could he not access the same free transport my 2nd child will continue to access at the catchment school?</p> <p>I have read the policy several times but cannot find any examples of such a situation. I can only find information stating my 2nd will continue to access the transport to avoid disruption and my youngest would not apply. Seems bonkers to think a bus would be put on for one sibling and not the other.</p> <p>I will also have my eldest starting secondary school at the same time.</p>
26/02/24	<p>I have received the home to school policy consultation attached to my daughter's newsletter from her school today.</p> <p>I wanted to double check the detail of her eligibility regardless of whether the catchment area changes would go ahead or not.</p> <p>We have already put forward our choices for [REDACTED TEXT] secondary school (Upper Wharfedale) - a decision made knowing that the school transport would be provided for her. Now however, if this change goes ahead, we would be stuck with her attending a school that we can not get her to.</p> <p>The transport would be provided if she went to the school in Skipton however? (Not possible, since we have already submitted choices)</p> <p>Could you clarify for me, just to make sure I haven't read the detail incorrectly?</p>
26/02/24	<p>Please can I check if the information below that is being circulated on the local social media forum is correct?</p> <p>Currently, our pupils who live in Whitley and Eggborough villages have free transport to Brayton Academy & this secondary school has become a popular choice for our parents. At the opposite end of the scale, there is usually a maximum of 1 child per year that applies for admission to Campsmount (and historically that has been because they have lived in Askern, not the local villages).</p>

	<p>I can see that from Whitley & Eggborough school postcode, the closest seconodary school is still Brayton, however, Whitley is a long, linear village with some pupils living in a housing estate at the far end of the village which is over a mile away from the school & this then means Campsmount is closer.</p> <p>Does this mean that some children who live in the same village & attend the same school will be eligible for free transport to Brayton and some won't?</p> <p>If you could clarify the correct information it would be appreciated.</p> <hr/> <p>North Yorkshire Council are holding a consultation on a new Home to School Travel policy for children from reception to year 11 The proposals will impact on free school transport to high school in our area</p> <p>From 2025. a Child would only be eligible for free transport to school if they attend the “nearest” school, even if that “nearest” school is over the county border</p> <p>The “nearest” school to Whitley is the Campsmount Academy in Norton.</p> <p>If a child applies and gets a place at another school; Sherburn, Selby, Brayton or Snaith, and there are places available at the Campsmount school, then the child would not get free school transport. Currently free school transport is provided to Brayton, the catchment school.</p> <p>If there are no places at the Campsmount Academy, then the Council will look at whether the child would have got a place, if they had applied to the Campsmount Academy. And, if they would have got a place at the Campsmount Academy, then they will not get free school transport to the school of their choice.</p> <p>If a child applies for the Campsmount Academy and does not get in. then they will get free school transport to the next “nearest” school, which would be Brayton.</p> <p>These changes will come into force in September this year so their initial impact will be for children transitioning to high school in 2025.</p> <p style="text-align: center;">The consultation, which runs until 12 April, includes a survey</p> <hr/>
1/3/24	<p>I am seeking clarification on the proposal to force pupils away from Settle College due to school transport.</p> <p>As someone who lives in Ingleton (North Yorkshire) and has children who attend North Yorkshire schools, it would appear that the proposal suggests they will no longer be able to attend their catchment school. We are in Settle College's catchment, pay North Yorkshire Council Tax (and quite the council tax it is...) but are, as the crow flies, closer to QES (an academy) in Kirkby Lonsdale.</p> <p>I'm assuming this is an error and some wording needs to be altered to say transport will be for their catchment school - said catchment being controlled by North Yorkshire.</p> <p>If this isn't the case, I can only assume this is a direct attack on Settle College to force it to struggle enough financially to be forced into academisation and out of LA control. This would be</p>

	<p>somewhat scandalous, so I'm sure it's not the case. I know the official view is money and cost of transport etc, but there's always a back story and there are a growing number of us concerned about what it may be.</p>
6/3/24	<p>My daughter has just accepted a place at Skipton Girls' High School, which is on the same bus route as Skipton Academy. We live in Gargrave. She starts in Yr 7 this September.</p> <p>SGHS is technically further away than Skipton Academy (which is probably the closest suitable school for her), however they are on the same bus route - will she still qualify for a free bus pass?</p> <p>I hope that you can answer this, as it's causing me quite a lot of stress and worry. We are on Universal Credits but don't qualify for free school meals, so I don't think we would qualify for any assistance.</p>
09/03/24	<p>To follow up my response on the questionnaire I have a few photos which I would like to share with you! This is the B6270, the road in which we would have to travel on to go to our nearest school in a neighbouring county! Not the school in which we would chose in what would be in our catchment area and we would choose this due to the road conditions going west!! The B6279 is absolutely treacherous at the best of times and it's bonkers in thinking that you would want the children sending over such a road!! During a snow period along with a cold spell, the road could be closed for up to 2/3 weeks as it is that bad for a gritter to be able to access due to the snowdrifts nearly been up to the bonnet of a tractor!! Winter is not just a couple of days a year, for us winter could last from November and we could get snow as late as April!</p> <p>Within these pictures is a car which has attempted to descend down the hill but has got stuck and has had to walk nearly 5 miles to come and get help from us!</p> <p>There is also a picture of a van on a recovery truck which my husband had taken. This instance he had to rush to the vets and had to travel on his 4 wheeler quad bike as this was the only way of him been able to make it! This had crashed into another car which had got stuck going up the hill and ended up slipping down and doing a 360 turn and getting wedged into the barrier!!</p> <p>There is also a couple of photos which is actually only half a mile from our house at the neighbouring farm and again this did not get treated for a number of days!</p> <p>I really hope you do consider this part of the policy whether it be just for our area and send up an easterly direction to Richmond or Leyburn and this is on a road which gets gritted several times a day or just scrap it all together!</p> <p>We really do feel like we are getting punished for where we live! We aren't in a position to relocate to get a nearest school as we have been farming the same farm for 3 generations!</p> <p>Regards</p>
9/3/24	<p>I am emailing in regards to the school transport consultation, having now completed the survey, I thought I would email my comments instead of using the comments section on the survey.</p> <p>In this consultation document there is much focus and consideration on the "safety of walked routes", obviously aimed at those within the 2/3 miles of their school, but no mention of the safety of roads for buses.</p> <p>I assume this is completely obvious and therefore think it is unnecessary for me to comment, however I would just like to check that these proposed changes won't actually come into place</p>

for the children of Upper Swaledale, and their transport arrangements will remain the same, and they will travel down the dale - currently to Richmond School.

This consultation suggests that transport would be provided to 'nearest suitable school' but isn't very clear on what 'suitable' means. The nearest school for Upper Swaledale by road miles is Kirkby Stephen, in Cumbria, but I trust this won't actually be an option that NYCC are considering. The B6270 from Keld to Kirkby Stephen is not a suitable route at all in winter months, which often runs from November through to March. The road is sometimes not gritted at all, due to it being deemed not safe for a gritter. For anyone who lives at the top of Swaledale and experiences first hand how exposed the road is to the extreme weather conditions in winter, it is obvious just how many days school the children would miss if their school transport was over the country border. This would be of huge detriment to their education. The idea of children being transported over a road with a 14% gradient, at 530m altitude to school is simply ridiculous. It is just common sense to continue to take all children of Swaledale down the dale towards Richmond.

I understand the proposed changes are with the aim of saving costs. The current transport situation for the children of Swaledale are as follows:

- A Mini bus from Ravenseat to Gunnerside (10miles), then a coach from Gunnerside to Richmond (17miles). Currently 2 bus contracts, for the whole of Swaledale, with total mileage of 27 miles.

Under the proposed changes, the children of Swaledale would be split, around the Gunnerside area, with the children of Upper Swaledale (Gunnerside up to Ravenseat) being transported to Kirkby Stephen (their nearest school), so the situation for Swaledale would be:

- A Mini bus from Gunnerside to Kirkby Stephen (17miles), plus the existing bus from Gunnerside to Richmond(17miles), so 2 bus contracts, for the whole of Swaledale, with total mileage of 34 miles.

Therefore for this specific community, I cannot see how this would be a cost saving, instead it increases total miles between the 2 buses, as well as travelling over a very unsuitable road. I appreciate that I am sure there are many other areas in the whole of North Yorkshire where these changes will decrease costs and improve efficiencies, however I trust that the whole point of this being a consultation is to highlight/confirm any exceptions to these very simplistic changes, and Upper Swaledale must be one of them.

The communities living and working in the Dales already face many challenges both logistically and financially for school and work opportunities. Bringing in changes to transport policies like this would completely deter any young families from moving to the area, specifically Upper Swaledale, if their only school options where transport is provided is by travelling over a dangerously high route.

NYCC will surely agree that safety is paramount in defining which school is 'suitable'.

If parents had to transport their children to the school that is truly suitable (Richmond) then this would have a hugely negative impact on working parents. Many of these working parents have overcome the challenges of maintaining a career alongside raising young children, and if transporting their children from Upper Swaledale to Richmond, two times a day, was to become the only option, this would take 2 hours out of every working day for all of those working parents. There could be almost 20 vehicles travelling 54 miles a day.

	<p>I do hope NYCC is not aiming for the dales to become only a museum where tourists visit at weekends, and instead is going to support those who live, work and look after these rural areas.</p>
19/03/24	<p>Good morning,</p> <p>I hope you are well.</p> <p>Please can you send me all information you have regarding the proposal of a parent/carer funded school transport from Swaledale to Richmond school/Home to school transport to geographically the closest school .</p> <p>This should include but not be limited to:</p> <ul style="list-style-type: none"> - The outlining and detailed ideas of the proposal - The desired outcome of NYCC of the proposal - The minutes of any previous meetings held before todays date - The dates, times and locations of any future meetings after todays date - Findings from the previous meetings before todays date - The ongoing progress of the proposal - The names of the Council officials that are responsible for the proposal and its orchestration - Who is ultimately responsible for making the final decision - Any details of Cumbria council officials that NYCC are loading directly with - Minutes of any previous meetings held with Cumbria council officials - Dates, times and locations of any future meetings being held with Cumbria Council officials regarding any of the matters listed above <p>I hope to receive this at your earliest convenience. However, should I need to obtain this information via a subject access request please inform me ASAP and include details of how this may be obtained.</p> <p>Should you require any further information from myself please do not hesitate to get in touch.</p> <p>Best regards</p>
26/03/24	<p>My daughter has just accepted a place at Skipton Girls' High School, which is on the same bus route as Skipton Academy. We live in Gargrave. She starts in Yr 7 this September.</p> <p>SGHS is technically further away than Skipton Academy (which is probably the closest suitable school for her), however they are on the same bus route - will she still qualify for a free bus pass?</p> <p>I hope that you can answer this, as it's causing me quite a lot of stress and worry. We are on Universal Credits but don't qualify for free school meals, so I don't think we would qualify for any assistance.</p>
29/03/24	<p>I currently have to pay for a seat on a bus for my daughter who attends Campsmount Secondary School and we live in Womersley, at a cost of £750 for a seat on a morning only.</p> <p>The school is classed as out of catchment (despite being around 3 miles away). There is still a bus service running in our village that exists for the children that were entitled to</p>

	<p>transport before the changes in 2019, I can apply to pay for a place on an annual basis but its not guaranteed and at present they are only offering a seat on a morning.</p> <p>Would the proposed changes effect the current provision for my daughter already in year 8 currently and also how would they effect my daughter due to start Campsmount in September 2024?</p> <p>The current rules stipulate that my children would be entitled to transport to their catchment school (10 miles away); but not on a bus that already runs, 3 miles away, which seems a complete lack of common sense in terms of expenditure.</p> <p>If these queries could be clarified it would be much appreciated</p>
09/04/24	<p>I am emailing in regards to the school transport consultation, having now completed the survey, I thought I would email my comments instead of using the comments section on the survey.</p> <p>In this consultation document there is much focus and consideration on the "safety of walked routes", obviously aimed at those within the 2/3 miles of their school, but no mention of the safety of roads for buses.</p> <p>I assume this is completely obvious and therefore think it is unnecessary for me to comment, however I would just like to check that these proposed changes won't actually come into place for the children of Upper Swaledale, and their transport arrangements will remain the same, and they will travel down the dale - currently to Richmond School. This consultation suggests that transport would be provided to 'nearest suitable school' but isn't very clear on what 'suitable' means. The nearest school for Upper Swaledale by road miles is Kirkby Stephen, in Cumbria, but I trust this won't actually be an option that NYCC are considering. The B6270 from Keld to Kirkby Stephen is not a suitable route at all in winter months, which often runs from November through to March. The road is sometimes not gritted at all, due to it being deemed not safe for a gritter. For anyone who lives at the top of Swaledale and experiences first hand how exposed the road is to the extreme weather conditions in winter, it is obvious just how many days school the children would miss if their school transport was over the country border. This would be of huge detriment to their education. The idea of children being transported over a road with a 14% gradient, at 530m altitude to school is simply ridiculous. It is just common sense to continue to take all children of Swaledale down the dale towards Richmond. I understand the proposed changes are with the aim of saving costs. The current transport situation for the children of Swaledale are as follows:</p> <ul style="list-style-type: none"> • A Mini bus from Ravenseat to Gunnerside (10miles), then a coach from Gunnerside to Richmond (17miles). Currently 2 bus contracts, for the whole of Swaledale, with total mileage of 27 miles. <p>Under the proposed changes, the children of Swaledale would be split, around the Gunnerside area, with the children of Upper Swaledale (Gunnerside up to Ravenseat) being transported to Kirkby Stephen (their nearest school), so the situation for Swaledale would be:</p> <ul style="list-style-type: none"> • A Mini bus from Gunnerside to Kirkby Stephen (17miles), plus the existing bus from Gunnerside to Richmond(17miles), so 2 bus contracts, for the whole of Swaledale, with total mileage of 34 miles. <p>Therefore for this specific community, I cannot see how this would be a cost saving, instead it increases total miles between the 2 buses, as well as travelling over a very unsuitable road.</p> <p>I appreciate that I am sure there are many other areas in the whole of North Yorkshire where these changes will decrease costs and improve efficiencies, however I trust that the whole point of this being a consultation is to highlight/confirm any exceptions to these very simplistic changes, and Upper Swaledale must be one of them.</p> <p>The communities living and working in the Dales already face many challenges both logistically and financially for school and work opportunities. Bringing in changes to</p>

	<p>transport policies like this would completely deter any young families from moving to the area, specifically Upper Swaledale, if their only school options where transport is provided is by travelling over a dangerously high route.</p> <p>NYCC will surely agree that safety is paramount in defining which school is 'suitable'. If parents had to transport their children to the school that is truly suitable (Richmond) then this would have a hugely negative impact on working parents. Many of these working parents have overcome the challenges of maintaining a career alongside raising young children, and if transporting their children from Upper Swaledale to Richmond, two times a day, was to become the only option, this would take 2 hours out of every working day for all of those working parents. There could be almost 20 vehicles travelling 54 miles a day.</p> <p>I do hope NYCC is not aiming for the dales to become only a museum where tourists visit at weekends, and instead is going to support those who live, work and look after these rural areas.</p> <p>I look forward to hearing back from you please.</p>
09/04/24	<p>I am emailing about the proposal that children will now only receive free transport to their nearest school.</p> <p>I live at Muker and have two pre school children. If what is being proposed becomes a reality then they will only receive free transport to Kirkby Stephen secondary school. This would take them over a hill top which would mean they would miss many days of schooling in winter, which would severely affect their education. Tailbridge hill, the descent in to Kirkby Stephen via Nateby does not get gritted as a priority. REDACTED TEXT states the "road is closed regularly in winter due to snow and also from ice on the upper sections forcing our customers to find alternative routes. We call the council to come and clear it but we are told it's not a priority road" please see his full letter attached.</p> <p>I would urge you to take this in to account and change the proposal to being the nearest school when using Priority 1 gritting routes. This would be Richmond school, which is the school that historically upper Swaledale children have attended. There is a reason for this as the route to Kirkby Stephen and those over other tops such as Leyburn are wholly unsuitable. In the 1950's when it was brought in that children from Swaledale had to receive secondary education there was only one child attended Kirkby Stephen and not Richmond, REDACTED TEXT</p> <p>You have a duty of care to provide transport for children to be educated, and if you proceed with this proposal that doesn't take in to account Priority 1 gritting routes then you will be failing in that duty of care to children within rural locations</p> <p>2 Enclosures:</p> <p>Enclosure 1: Redacted text After speaking to one of our customers who is a resident in Muker she was sharing her concerns about the road conditions in winter on the B6270 and her children potentially having to travel on it. We are well aware of this issue as the road is closed regularly in winter due to snow on Tailbrigg and also from ice on the upper sections forcing our customers to try and find alternative routes. We call the council to come and clear it but we are told its not a priority road and after a gritter crashed through the barrier and rolled over one year a gritter will not attempt to clear it without a digger alongside now.</p> <p>Enclosure 2 To whom it may concern: I have heard about taking children from Swaledale to Kirby Stephen School. In winter it is one of the worsed roads in the North of England. I my self many years ago attended that school had to board during the week and could not get home at the weekends in winter for snow many feet deep. Please think about the safety of the children and also the time they will be unable to attend school</p>
10/04/24	<p>As a parent of a child, who is due to start secondary school in September 2025, I need to share my concerns of the proposed transport consultation, and illustrate the impact this would have on my physically disabled son.</p>

	<p>My son has complex needs, including a physical disability, speech and language difficulties, and moderate learning difficulties. Currently, he attends a local mainstream primary school, and I drive him to school every day, as he is unable to walk independently, and uses a walker. We live in Harrogate, and there is currently only 1 school that is accessible to [REDACTED], but they can't meet his learning and communication needs. All 3 special schools, have a cohort of mainly Neuro Diverse pupils, with large class sizes, and not especially accessible to children using walkers, or who require calm and small classes, because of communication difficulties. My son isn't Neuro Diverse, or Autistic, so they're definitely not appropriate to him. As a result, I've been looking for the most appropriate school for over 18 months now. In total I've looked at over 20 schools in North and West Yorkshire, and have found the best school to meet his needs is in West Yorkshire. But going to school in West Yorkshire would require school transport from door to door. Being directed to the nearest local school wouldn't be appropriate for my son and certainly wouldn't meet his complex needs. My son's year group will be the first to be impacted by changes to school transport. My son is unable to travel to school independently, and having to be driven to school by family members would have a really negative impact on his emotional wellbeing. He desperately wants to be independent in getting to school, as does every high school student. [REDACTED] experiences enough exclusion in life, due to his physical disability, and to further exclude him, from transport, to travel from North Yorkshire, to school in West Yorkshire, that best meets his needs, is utterly unfair.</p> <p>Please take my concerns on board when you're finalising the new school transport policy.</p> <p>Redacted text</p>
12/04/24	<p>I am writing in response to the current Home to School Transport consultation, of which I have been made aware by a local Councillor. I am concerned that the proposal to change the current provision's criteria of what constitutes a 'nearest suitable school' will lead to the threat of siblings having to be split up in order to access free transport. As a parent and former teacher who lived in rural North Yorkshire for many years, I suspect that this will, in reality, lead to more families using private cars for Home to School Transport, rather than the free buses/pass system. I understand that this is entirely the aim of this cost-cutting exercise, but it is hardly commensurate with reducing emissions, traffic management and the County's strive for Net Zero. Unless this proposal sits alongside a raft of carbon-reducing initiatives such as electric buses, improved charge point provision, upscaling of the Active Transport Networks, it will be counterproductive aiming for a cleaner, greener North Yorkshire. I urge you to consider not only the financial hardship under which you will be placing families who want nothing more than the best education for their children, but also to adopt a wider, more holistic approach to the question of de-carbonising the overall public and private transport systems in our rural areas.</p>
15/04/24	<p>The council will not see any cost saying whatsoever as the transport companies will just raise their prices. ie, a bus has 10 kids on it, the company charges the council £1 per kid, that is £10 for the bus. The new policy makes 5 kids walk or go in the car, the bus company now needs to charge £2 per kid to pay for that bus to run. The council still pays £10, but now there potentially are 3 extra cars on the road & 2 kids walking & now in danger!</p> <p>I suppose the plan may work in areas where 2 buses are needed & it gets 1 off the run, or removes some taxis.</p>

	<p>Some services just need to be run better, bus companies usually run their old & knackered busses for the school runs anyway. Offer them less money, they need the school run just as much as the council does!(probably more, they are not the ones trying to cut it)</p> <p>The village & road situation in North Yorkshire is different to London, where everywhere has a footpath & street lighting, around here, were lucky if we have a verge to walk on.</p>
15/04/24	<p>The council will not see any cost saying whatsoever as the transport companies will just raise their prices. ie, a bus has 10 kids on it, the company charges the council £1 per kid, that is £10 for the bus. The new policy makes 5 kids walk or go in the car, the bus company now needs to charge £2 per kid to pay for that bus to run. The council still pays £10, but now there potentially are 3 extra cars on the road & 2 kids walking & now in danger!</p> <p>I suppose the plan may work in areas where 2 busses are needed & it gets 1 off the run, or removes some taxis.</p> <p>Some services just need to be run better, bus companies usually run their old & knackered busses for the school runs anyway. Offer them less money, they need the school run just as much as the council does!(probably more, they are not the ones trying to cut it)</p> <p>The village & road situation in North Yorkshire is different to London, where everywhere has a footpath & street lighting, around here, were lucky if we have a verge to walk on.</p> <p>While I'm on, recently the bus from Tollerton to Alne primary has had a different driver to usual, my child has pointed out that he always triggers the 30mph speed warning & still doesn't slow down when it lights up.</p> <p>Also, there is a female driver on the Tollerton to Easingwold outwood run that my son points out she brakes dangerously hard if anyone is standing up in the isles causing them to fall over, but that may be a police matter?.</p>
18/04/24	<p>How is it determined where the nearest suitable school is...is this determined at policy setting or is it annually, how do parents find out which is their nearest suitable school for transport under the new plan. For example we live in Castleton, my children attend caedmon college whitby, the nearest suitable school is guisborough or brotton, but surely we cannot be expected to send out children to either school? But how would we fins this out.</p> <p>How can it be more financially viable to change the plan to nearest suitable school, including out of county. This would result in financial loss in the county paying other counties for school places, less children in ny schools. Therefore less funding, less staff, less everything in ny schools. And you're still paying the transport costs to get them to a school out of county. It doesn't make sense?!</p> <p>How does this actually save any money at all when rural areas have bus routes that pick up, the bus always runs be there 20 or 40 kids. Does the bus company charge per head? Perhaps you need to adjust the way the bus companies are paid. One flat rate to provide x number of seats transport indefinitely.</p> <p>I would like to be doubly sure I am correct in assuming that my child already in secondary education. Will still receive their free transport, have I understood that any child already with a bus pass will keep that and we will not be expected to pay. Can this change at any point.</p> <p>What is the transport fee, from Castleton to caedmon, be? How is this determined?</p>

	<p>Also, why am I only finding out about this AFTER the meetings have taken place.</p> <p>Why have schools not been consulted on this when it could have a massive effect on projected intake, on the assumption that those living near county borders will essentially have school options stripped from them based on distance to a school out of county.</p>
16/4/23	<p>I am writing in response to the current Home to School Transport consultation, of which I have been made aware by a local Councillor.</p> <p>I am concerned that the proposal to change the current provision's criteria of what constitutes a 'nearest suitable school' will lead to the threat of siblings having to be split up in order to access free transport. As a parent and former teacher who lived in rural North Yorkshire for many years, I suspect that this will, in reality, lead to more families using private cars for Home to School Transport, rather than the free buses/pass system.</p> <p>I understand that this is entirely the aim of this cost-cutting exercise, but it is hardly commensurate with reducing emissions, traffic management and the County's strive for Net Zero. Unless this proposal sits alongside a raft of carbon-reducing initiatives such as electric buses, improved charge point provision, upscaling of the Active Transport Networks, it is will be counterproductive aiming for a cleaner, greener North Yorkshire.</p> <p>I urge you to consider not only the financial hardship under which you will be placing families who want nothing more than the best education for their children, but also to adopt a wider, more holistic approach to the question of de-carbonising the overall public and private transport systems in our rural areas.</p> <p>Yours sincerely, Parliamentary Candidate for the Green Party , Selby District</p>
21/04/24	<p>I have been given these contact details by my eldest child's secondary school (King James, Knaresborough), to contact if I have any questions regarding the Home to School Transport Consultation.</p> <p>I have many questions, but listed below are ones that I would like answering if possible. I have a child in Y3 at present, so it will potentially affect her once she reaches Y7. I live in a village called Cowthorpe - my eldest child attends King James in Knaresborough in Y8 and my youngest attends Tockwith C of E Primary Academy in Y3.</p> <ol style="list-style-type: none"> 1. It seems that there will no longer be a choice, as there is currently, for the school to go to if you want to receive H2S transport. Is this the case? 2. There will no longer be catchment schools as such. Everything will be based on the nearest suitable school. Is this the case? 3. "Nearest suitable school" - according to the draft policy this will be regarded as the nearest school to my home address, regardless of whether it is in the same Local Authority or not. Is this correct? 4. Assuming it is correct, then hypothetically, (and the distances might be wrong, and I realise NYC will be releasing a tool to determine where the nearest school is in September); Cowthorpe to school distances (in miles): Wetherby High - 4.3 King James' - 6.5 Boston Spa - 7.4

	<p>...various schools... Tadcaster Grammar - 11.3 If these mileages are correct, then the nearest school is in a neighbouring LA. Will free H2S transport therefore be made available to the school if in a neighbouring LA?</p> <p>5. Does the neighbouring LA know about the consultation and the potential effects it will have on their school population?</p> <p>6. For my child already at KJS, will they be OK and will we still receive free H2S transport and an available bus for their time there, through to Y11?</p> <p>7. If I have a child in Y6 due to go to KJS in September 2024 will they still receive the free H2S transport through to Y11?</p> <p>8. If I have a child in Y7 at KJS and another in Y4, will I have to pay for child 2 when the time comes? And then will the bus cease to run after a certain length of time - i.e. after my child in Y7 finishes Y11?</p> <p>9. Will a pupil who lives in Tockwith and already attends Wetherby High school start to get free H2S transport?</p> <p>10. Will a bus still go from Tockwith/Cowthorpe to KJS if there are eligible students eg on an EHC plan? And if so, will my child be able to use the bus, albeit having to pay for using it?</p> <p>11. If due to the changes, most children from one year at Tockwith decide to go to Wetherby High and there are not enough places for one year, will they then get free travel to KJS (or the 2nd school on the mileage list) for the duration of their time there? If in the following year, there are enough places at Wetherby, these children will not be eligible for H2S transport to KJS. If in the following year, there aren't enough places at Wetherby, will there then be Hs2 transport available to KJS, and so on. So potential there will always be a bus running to KJS bur each year will be under different criteria.</p> <p>12. If the above is the case, will there be a bus running to Wetherby and KJS potentially every year? If so, obviously there will be no savings.</p> <p>13. How much does it cost to provide school transport from Tockwith to King James currently? And also how much does it cost to provide the bus from Cowthorpe to King James (that goes via Arkendale, Coneythorpe and Flaxby (756H route))?</p> <p>14. How much will it cost to provide transport to Wetherby High School for all these children?</p> <p>15. What is the estimated total of secondary children it will affect per year, and which area(s) in North Yorkshire will be most affected?</p> <p>I hope you can answer these questions and put my mind at ease (or not!)</p>
25/04/24	Please find attached a substantive response to the consultation. I would be grateful if you could acknowledge receipt. I have also completed the online form, which did not provide enough space for this response.

A response to the North Yorkshire Council draft “Home to School Travel Policy - for children from Reception to Year 11” (February 2024) policy.

1. Introduction
2. Children under compulsory school age
3. Accompaniment
4. The Equality Impact Assessment
5. The Equality Act 2010
6. Exceptionality is not the legal test
7. The Chronically Sick and Disabled Persons Act 1970
8. Applying for transport
9. Recommendations

1 Introduction

About the LEaP Project

1. The LEaP Project is part of Cerebra, a research charity that supports families of children with brain conditions. It is an innovative problem-solving project that works in conjunction with the School of Law at the University of Leeds. We listen to and understand families and help them to overcome the legal barriers they face to access social care and other support. We do this by providing resources and expertise to enable families to solve problems themselves, and through direct casework. We identify common legal issues that prevent families getting access to services and we develop innovative ways of solving those issues. We aim to reach as many families as we can by sharing our solutions as widely as possible. More information about the LEaP Project is available [here](#).

The Law on School Transport

2. The law underpinning the provision of school transport has not changed. Local authorities have a legal duty under Section 508B and Schedule 35B Education Act 1996 to make school transport arrangements for 'eligible' children, which includes children who cannot reasonably be expected to walk to school because of their special educational needs, disability or mobility problems. The January 2024 statutory guidance produced by the Department for Education, "Travel to school for children of compulsory school age" ("the DfE guidance") does not change this legal duty, nor does it change a local authority's discretionary powers under s508A and s508C. Where guidance departs from the law, the law always takes precedence.

2 Children under compulsory school age

3. The local authority has a discretionary power to provide transport from home to an educational establishment (including a nursery or pre-school ("Early Years")) under s509A Education Act 1996 and for children under compulsory school age attending a school under s508C Education Act 1996.

The current policy

4. The current "Home to school and college transport policy" includes children under compulsory school age, as there is a qualified discretionary arrangement for reception age children attending a school. There is no reference to children under compulsory school age attending

an Early Years setting. It appears the policy ("the Early Years policy") for these children can be found on the web page "SEND transport - frequently asked questions"¹:

"What is the transport policy for children attending school or nursery before they turn five?"

...

Transport assistance is not provided to children attending nurseries or playgroups, including nursery provision in special school or primary school in which your child will be receiving statutory education in the future."

The proposed policy

5. The consultation document "Home to School Travel Policy - for children from Reception to Year 11" ("the proposed policy") deals with children under compulsory school age in the same way as the current policy - with the same qualified exception for reception age children attending a school (page 4, proposed policy). There is no reference to a separate Early Years policy for children under compulsory school age attending an Early Years setting as there is for post-16 travel.
6. The local authority has adapted the list of qualifying schools set out at s15(2) Schedule 35B Education Act 1996 by removing children below compulsory school age who attend maintained nurseries from consideration (page 6, proposed policy). Similarly, the discretionary powers that cover children below compulsory school age are omitted from the list of "Discretionary Arrangements" on page 10. This implies the local authority will continue to rely on the Early Years policy as set out on the SEND transport FAQs web page.
7. The local authority appears to be operating a blanket Early Years policy, which is unlawful following well-established public law principles. The local authority is fettering its discretion and is susceptible to challenge by judicial review and/or criticism from the Local Government and Social Care Ombudsman (LGSCO) as a result. All applications for transport must be considered on a case-by-case basis.
8. This blanket policy is likely to mean some families have lost out on free transport to an Early Years setting in the past and will continue to do so in the future, should the policy remain in place. As well as being contrary to public law principles, the Early Years policy is likely to be

¹ <https://www.northyorks.gov.uk/children-and-families/send-local-offer/send-information-parents-and-carers/send-transport-parents-guide/send-transport-frequently-asked-questions>

having a disproportionate effect on families with disabled children, which would be a form of indirect discrimination.

3 Accompaniment

(i) Expecting parents to accompany children of all ages

9. The current policy at section 4.0 makes explicit that, in accordance with the DfE statutory guidance from 2014, local authorities have a duty to provide transport for certain eligible children. That guidance required local authorities to take into account a range of factors, including a child's age and "whether one would ordinarily expect a child of that age to be accompanied".
10. The proposed policy does not require the local authority to consider a child's age or the age appropriateness of accompanying a child. Accompaniment is treated as a matter of ordinary parental responsibility. Essentially the proposed policy says that the daily pressures of fitting work and family commitments around the school run apply to all parents in the same way and it's up to parents to 'fulfil their various responsibilities'.
11. We don't dispute that parents may be expected to accompany their child to and from school where it's age appropriate, whether the child has a disability or not. But the pressures on parents of disabled children are different because their children will need to be accompanied to a much higher age than their non-disabled peers. This shift towards expecting parents to accompany all children, with no regard for a child's age, will therefore have a disproportionate and discriminatory impact on parents of disabled children. It demonstrates a marked failure to understand the very well-documented inequalities faced by parents of disabled children in terms of income, employment, health, well-being and more.²
12. In particular, it seems likely that employment opportunities for parents of disabled children, predominantly mothers, will be adversely affected. We hear from parents who have had to reduce their working hours or consider giving up work altogether simply to make themselves available for the school run. In its response to the 2019 DfE draft consultation "Home to school travel and transport for children of compulsory school age Statutory guidance for local authorities", the LGSCO shared our concerns about securing the rights of children with disabilities and their parents and the "undue pressure on parents to accompany their children to school which disproportionately affects children with SEND".³

² See for example Contact's various research reports at <https://contact.org.uk/help-for-families/campaigns-and-research/research/>

³ See Ombudsman's [response to the consultation on home to school travel and transport](#), p10, 29 October 2019

13. A parent's requirement to accompany a child should be determined by the child's age, not by his or her disability. In our view, expecting parents to accompany disabled children of all ages breaches the prohibition on disability discrimination in the Equality Act 2010. Infantilising disabled young people by expecting their parents to accompany them, whatever their age, amounts to indirect (and arguably direct) disability discrimination and requiring parents to act as escorts in these circumstances constitutes direct discrimination by association. The opening pages of the DfE guidance says that the public sector equality duty ("PSED") is likely to be 'particularly relevant' when local authorities are deciding whether it's reasonable to expect a parent to accompany their child, but the proposed policy fails to have regard to this duty.

14. In Herefordshire Council (18 017 909) - a decision concerning the Equality Act 2010 and discretionary transport for a child in the Early Years, the LGSCO said:

"63 The Council's new early years / exceptional circumstances transport policy says 'work commitments or arrangements for transporting siblings to other schools are not reasons that can be taken into consideration'. I am not persuaded this approach is compatible with the statutory guidance or the Equality Act. Where a disabled child has to be educated outside their local area due to a need for specialist education this may have an adverse impact on parent's ability to work or care for other siblings. The 2004 guidance is clear that Councils do have to take any adverse impact into account. Councils should not have blanket policies, this would be fettering their discretion, they must look at each case on its individual facts."

15. We believe that treating parents of disabled children in the same way as all other parents may also infringe the prohibition on disability discrimination in the Human Rights Act, which requires public bodies to treat differently persons whose circumstances are significantly different.⁴

16. Failure to ensure that disabled children have access to adequate school transport has also been held to infringe a child's right to an education under the Human Rights Act.⁵

17. The DfE guidance contains a section on promoting independence for eligible children with special educational needs (from para 55), stating that local authorities may take into account how best to support children to develop independence. It appears that requiring parents to accompany children with SEN of any age runs counter to this concept.

⁴ See for example *Thlimmenos v Greece* (2001) 31 EHRR 15 and *Gorry v. Wiltshire Council and others* [2012] EWCA Civ 629.

⁵ Article 2 of the First Protocol, incorporated in the First Schedule to the Act, provides that 'No person shall be denied the right to education'. See Luke Clements, 'School transport as a human right' (2 April 2023) https://www.lukeclements.co.uk/school-transport-as-a-human-right/#_ftn2 accessed 23 April 2024. See also age as "another status" in para 14 in *R (Drexler) v Leicestershire County Council* [2019] EWHC 1934 (Admin), [2020] EWCA Civ 502

(ii) Whether it's reasonable to expect a parent to accompany a child

18. The 'Accompaniment' section of the proposed policy begins by reproducing para 49 of the DfE guidance, missing out the final clause, which states "local authorities must act reasonably in the performance of their functions."
19. The proposed policy appears to set a test which requires a parent to provide, minimally, "good reasons" why transport should be provided, which would not normally include a parent's working pattern or the fact that parents have children and more than one school.
20. The High Court, citing the House of Lords in *Devon County Council v George* [1989] 1 AC 573 set out that, "the general standard in this area is that "the parent must do those things which are reasonably practicable to be done and which an ordinary prudent parent would do.""⁶ In *R (on the application of S) v Education Ltd (Waltham Forest)* and another [2006] EWHC 3144 the High Court – in a post-16 claim - said, "There is no absolute rule that the parents of children over 16 who cannot travel to school on their own are expected to take them. What parents can be expected to do will depend on their circumstances. There will be cases where it is not reasonable to expect them to drive a child to school. Each case will turn on its facts." (para 33).
21. The test is therefore one of reasonableness, and must take into account the different circumstances parents of disabled children face compared to families without disabled children, otherwise the local authority will disproportionately disadvantage disabled children and their families.
22. Further, the proposed policy does not give examples of what a 'good reason' might be. As previously mentioned, there is a presumption that work commitments, caring responsibilities or taking other children to different schools will not 'normally' be considered good reasons for being unable to accompany a child. While the word 'normally' allows for flexibility in principle, we have already seen in practice that other local authorities are adopting a fixed approach.

(iii) Expecting parents to make 'other suitable arrangements'

23. The proposed policy expects parents not only to accompany disabled children of all ages on the walk to school, but also to 'make other suitable arrangements for their journey to and from school. It's not clear what 'other suitable arrangements' means.
24. Once it has been decided that a child isn't eligible for transport, then it is obviously up to their parents to decide how to take them to school – there's no expectation that all children must walk to school. But the problem here is that the proposed policy has made the availability of 'other arrangements' part of the eligibility decision itself – i.e. the local authority can now

⁶ *R. (on the application of M) v Hounslow LBC* [2013] EWHC 579 (Admin)

consider whether a parent can accompany or make 'other arrangements' for a child before deciding whether the child is eligible. In our view, this is inconsistent with the law on school transport⁷, which refers only to 'walking' routes and does not provide any legal basis for expecting a parent to drive a child who needs to be accompanied to school. Explanatory notes to the school transport legislation state that

"a local education authority cannot conclude that, merely because a parent has a car and could drive his or her child to school, the local education authority will not be under a duty to make arrangements..."⁸

25. We also believe that placing the onus on parents to 'make other suitable arrangements' is inconsistent with the Equality Act 2010 as it will have a disproportionate impact on disabled children, who are more likely to need support to travel to school. Relatives and friends may not have the time, commitment or skills needed to support a disabled child on the journey to school. Breakfast clubs may be unaffordable or unable to meet a child's needs.

4 The Equality Act 2010

26. There is no mention of the Equality Act 2010 in the proposed policy, save for a definition of disability which appears in the glossary. The local authority must have due regard to the PSED under s149 Equality Act 2010, and the application of a transport policy engages the Act. Local Authorities are required to have regard to the need to advance equality of opportunity to access education between persons with a disability and those without. The LGSCO has previously criticised a local authority for a lack of reference to the Act⁹:

80...The policy also makes no reference to the Equality Act that I can see but, if I am wrong, the Council can tell me. The Equality Act is a key piece of legislation designed to protect disabled people and ensure parity of service between them and their able-bodied peers. And a key aspect of the Equality Act is to ensure that a council does not discriminate against those with a protected characteristic, in this case disability.

...

85. We expect councils to consider their Equality Act duties when considering the transport needs of children and young adults with special educational needs and disability. They should not be treated less favourably than children and young adults of the same age.

⁷ Section 508B and Schedule 35B of the Education Act 1996

⁸ Explanatory notes to the Education and Inspections Act 2006, para 353 (which inserted school transport provisions into the Education Act 1996)

⁹ London Borough of Harrow (19 017 779)

86. So, I consider that there is fault because the Council's transport policy appears silent on its Equality Act duties. But that is not to say officers and the Panel are not aware of these duties.

...

88. Accordingly, I consider that the Council has acted with fault because its transport policy does not make reference to its Equality Act duties and I also consider the Panel's decision did not give sufficient thought to B's disability and whether it was necessary to provide transport to enable her to have the same options as her able-bodied peers and to attend the College of her choice.

27. This omission, in combination with the totality of the documents comprising this consultation, suggests the local authority has not adequately considered its duties under the Equality Act 2010 and the impact the proposed policy will have on disabled children and their families.

5 Exceptionality is not the legal test

28. The local authority refers to providing transport in exceptional cases throughout the proposed policy:

- In the 'Exceptional Circumstances' section itself (page 10);
- 'Facilitating Attendance' (page 12);
- 'Residential Children' (page 12) and;
- Stage 2 appeals' (page 21).

29. In all references, the wording is incorrect. For children of compulsory school age, the legal test is not one of exceptionality, but necessity. For non-eligible children of statutory school age, the relevant legislation is set out as follows:

508C Local authorities in England: travel arrangements etc for other children

(1) A local authority in England may make such school travel arrangements as they consider necessary, in relation to any child in the authority's area to whom this section applies, for the purpose of facilitating the child's attendance at any relevant educational establishment in relation to the child.

(2) This section applies to a child who is not an eligible child for the purposes of section 508B.

(emphasis added)

30. 'Exceptional' puts the presumptive bar significantly higher than 'necessary', which is likely to be unlawful and susceptible to legal challenge.¹⁰ The LGSCO has found fault with local authorities that use an exceptionality test.¹¹ In LB Lewisham (16 009 458) the LGSCO referred to the Post-19 case of Staffordshire County Council v JM (UKUT) 0246 (AAC) 2016 in which the Court said "although the question of what is necessary is a matter for [the council] in deciding that question they must exercise their judgment judiciously and in good faith". The LGSCO concluded that as "there is no evidence the Council has considered what is necessary, rather than if there are exceptional circumstances, this was fault."

31. For children attending 52-week residential schools, the legal test is not exceptionality but, again, one of necessity, this time stemming from s2 Chronically Sick and Disabled Persons Act 1970. The enforceable duty is triggered by the local authority being satisfied the services are necessary.¹²

6 Chronically Sick and Disabled Persons Act 1970

32. Where a child is not eligible under one of the four categories set out in Section A of the proposed policy, and the local authority decides not to exercise its powers to provide discretionary transport, there may be a duty on the local authority to provide transport under the Chronically Sick and Disabled Persons Act 1970.

33. This duty is not explained within the proposed policy, and as such is an omission. In our view it is not acceptable to state that transport for social care purposes is not covered by the policy. The LGSCO has previously criticised local authorities for failing to publicise or consider its duties to provide free transport under s2 CDPA 1970. See for example Herefordshire Council (21 004 629), in particular the following paragraphs:

"23. The Council's school transport policy includes reference to the relevant legislation and statutory guidance that underpins the Council's decision making in this area. It is disappointing the Council did not use its latest review of that policy to include a reference to CSDPA and its discretionary powers under this legislation. The Council has agreed to my recommendation to take further action to address this issue below."

24. I am satisfied with the action the Council has taken to remedy the personal injustice Mrs X experienced. However, I recommend the Council should, within one month of the final

¹⁰ See, by analogy, R (Ross) v West Sussex PCT [2008] EWHC 2252 (Admin), (2008) 11 CCLR 787; and R (M) (Claimant) v Independent Appeal Panel of Haringey [2009] EWHC 2427 (Admin) at para 27.

¹¹ For example, para 38 LGSCO decision: Leeds City Council (19 019 971)

¹² See R v Gloucestershire CC ex p Barry [1997] AC 584; (1997-98) 1 CCLR 40.

decision, include reference to its discretionary powers under s.2(1)(c) Chronically Sick and Disabled Persons Act 1970 to its school transport policy and reminds relevant staff, including independent review panel members, of this duty. The Council has agreed to take this action.

25. The Council should provide us with evidence when it has completed the above action." (emphasis added)

34. Without referring to these duties under the CSDPA 1970 the local authority may not be considering its discretionary duties fully and as a result may be unlawfully denying families home to school transport and may be subject to legal challenge or be similarly criticised by the LGSCO.

7 Equality impact assessment ("EIA")

35. The EIA comes to the wrong conclusion about the impact on disabled children and their families, contains faulty analysis and is misleading. The proposed changes will make things worse for disabled children and their families.

36. The EIA states [A] "The requirement for individual assessment under SEN may increase the number of pupil [sic] eligible for assistance' and, [B] 'Individual assessment will ensure children with disability [sic] needs are met on transport.' It goes on to conclude, [C] 'No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified."

37. With respect to statement A, it is not clear how the proposed assessment process for children with special educational needs, disability and mobility issues will be materially different to the current process, which already requires an individual assessment - parents have to make an application and a decision is made based on the evidence that they supply. The local authority, if not satisfied with that evidence, must seek out further evidence until it has enough in order to make a decision in each individual case. The current process already takes into account the factors outlined in the proposed policy on page 7. It is not clear what additional steps an "individual assessment" include over and above the current process. As the proposed eligibility criteria - in particular those around accompaniment - are being made more stringent, the application of the proposed policy' will mean fewer families with disabled children will qualify for home to school transport. Further, the law has not been changed and so it is unclear how a greater number of children could be eligible.

38. Statement B is poorly phrased and can be interpreted in two ways. If the intended meaning is that individual assessments will lawfully identify children who will qualify for free home to school transport, then, as per the totality of this response, we do not agree. The proposed policy will

restrict transport for disabled children because there is a much broader expectation that parents will make arrangements for their children, no matter what their age, absent of a "good reason". If the intended meaning is concerned with the suitability of the transport the local authority will provide, the law already requires the local authority to make suitable home to school travel arrangements (s508B EA1996, SEND Code of Practice para 4.49) and for a "child to reach school without undue stress, strain or difficulty" (R v Hereford and Worcester County Council, ex parte P 2 [1992] 2 FCR 732). A child's disability needs must already be considered when transport is provided. Proposal B, in this interpretation, represents no change.

39. With respect to statement C, it has been demonstrated that the proposed policy will disproportionately affect disabled children and their families and result in an increased chance of discrimination against them.

40. The EIA fails to consider the impact of discrimination by association. The proposed section on accompaniment will have a disproportionate, negative impact on the parents of disabled children and potentially any siblings of disabled children.

8 Applying for transport

41. We could not find an online application form or any information about how to apply for home to school transport. A link on the web page "[School transport for reception to year 11 children](#)", titled "Get in Touch", is available at the very bottom of the page. Once that tab has been clicked, a link is revealed titled "Please contact us" along with a postal address. The link leads to a page called "[School and college transport](#)". There is a button on that page called "Apply for school transport for reception to year 11 children" which sends the reader back to the original page "[School transport for reception to year 11 children](#)", making this a circular process.

42. By making the application process unavailable online, either through deliberate action or otherwise, families may be put off applying and exercising their legal rights.

9 Recommendations

- i. Early Years - amend the scope of the proposed policy to include all children below compulsory school age. Replace the blanket Early Years policy, making explicit that the local authority has a power to provide transport, and that each application will be considered on a case by case basis. In the alternative, write a separate, legally compliant, Early Years policy and cross refer to it in the proposed policy.
- ii. Amend the wording on the [SEND transport - frequently asked questions](#) page to reflect the law (the Early Years policy).

	<ul style="list-style-type: none"> iii. In the section "What legislation does this policy adhere to?" list the Equality Act 2010 and the Chronically Sick and Disabled Persons Act 1970. iv. Accompaniment – re-write this section to be legally compliant, having due regard to the Equality Act 2010, case law and LGSCO decisions. v. Equality Act 2010 – add a section that explains the local authority's duties under the Equality Act 2010 and how the Act has informed the proposed policy. vi. Exceptionality – re-write this section to reflect the correct, lower legal bar, that of necessity. vii. CSDPA 1970 - add a section that explains the transport duties the local authority has under the CSDPA 1970 and how the local authority will consider whether it is necessary to provide transport under the CSDPA 1970. viii. Acknowledge the Equality Impact Assessment comes to the wrong conclusion with respect to disabled children and consider the impact of discrimination by association on family members. Revise the EIA. ix. Ensure there is a working online transport application process as well as a paper version available. <p style="text-align: center;">Leap Project, Cerebra</p> <p style="text-align: center;">24 April 2024.</p>
26/04/24	<p>Please could I ask for clarification of one of the points on the new proposed changes for free school transport - what is meant by the county boundaries. I longer matter? Does this mean that a child with a home address in North Yorkshire could be made to go to a school that is in County Durham?</p> <p>Thank you in advance for your time in answering this matter.</p>