



## CABINET

**Subject Heading:**

Home to School Transport Policy

**Cabinet Member:**

Cllr Oscar Ford, Cabinet Member for Children and Young People

**SLT Lead:**

Tara Geere

**Report Author and contact details:**

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**Policy context:**

This is a proposed change to the existing Home to School Transport Policy for the purpose of facilitating eligible children within Havering to attend their relevant educational establishment in line with statutory duties.

**Financial summary:**

This Policy change will enable the service to fulfil its duties and deliver a cost-effective home to school transport service to support delivery of a Medium-Term Financial Saving (MTFS) target over the next 4 years of £1.4m

**Is this a Key Decision?**

Indicate grounds for decision being Key:  
(a) Expenditure or saving (including anticipated income) of £500,000 or more

**When should this matter be reviewed?**

Before September 2024 and then annually

**Reviewing OSC:**

People OSC

**The subject matter of this report deals with the following Council Objectives**

People - Things that matter for residents      X

Place - A great place to live, work and enjoy X

Resources - A well run Council that delivers for People and Place. X

## **SUMMARY**

Local authorities (LAs) have a legal responsibility to provide home to school transport for eligible students of statutory school age, including children with Special Education Needs and Disability (SEND).

LAs are responsible for deciding what travel arrangements to make, provided they are suitable for the needs of the children for which they are made.

Havering Council currently provides transport assistance to nearly 800 individuals up to 25 years old with Special Educational Needs and Disabilities. In recent years, Havering has experienced a significant and continued increase in the number of requests for an Education Health and Care Plan (EHCP) and the number of EHCPs being issued. The number has increased from 1,328 in 2017/18 to over 2,300 in 2022/23. This increase is forecast to increase further, and we expect to have over 3,200 plans in place by 2025/26.

This increase in EHCPs has also resulted in a significant increase in demand for transport assistance and spend has exceeded budgets for a number of years, despite various mitigations being introduced. The pandemic impacted on spend as travel was disrupted due to the various periods of lockdown, which meant that spend was suppressed in 2020/21 and 2021/22. However, spend in 2022/23 was £5.5m, against a budget of £2.7m resulting in a £2.8m overspend.

The Department for Education (DfE) has recently updated their statutory guidance, replacing the previous Home to School Travel and Transport guidance from 2014.

In response to the changes to the government guidance, Havering Council undertook a consultation on a new Home to School Transport policy. There was a good response rate to the consultation, made over the statutory consultation period, with a total of 575 individuals responding.

Of the 575 responses, the vast majority were from Parents/Guardians accounting for 83 % of the responses, followed by school or educational settings at 6%, the general public at 4% and children under 16 offering a 3.5% contribution.

The consultation identified that some parents and guardians had fears that transport would be cut to accommodate savings targets. The Council is committed to maintaining a full transport provision, in compliance with its statutory duties. It will work with parents in collaboration to identify the best fit transport arrangement for the needs of the child. Whilst the Policy supports a greater focus on cost efficient travel provision, this does not mean that inappropriate arrangements will be forced upon families.

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Home-to-school travel is an integral part of the school system. It ensures no child of compulsory school age is prevented from accessing education through a lack of transport or due to the cost of transport.

The cost to the LA of delivering free home-to-school travel has increased significantly in recent years. The DfE statutory guidance states that it is important that local authorities take travel costs into account when planning the supply of school places. Capital expenditure, revenue costs and travel costs need to be considered together with efficient systems and practices to ensure financial sustainability.

The Council is under a duty to have regard to the DfE guidance when:

- carrying out their duties in relation to arrangements for travel to school for eligible children of compulsory school age;
- exercising their discretionary power to arrange travel for other children;
- carrying out their duties in relation to the promotion of sustainable travel to school (this duty applies in relation to young people of sixth form age as well as children of compulsory school age).

Parents are responsible for ensuring their child attends school. This means they must take all the action necessary to enable their child to attend school. For most parents, this includes making arrangements for their child to travel to and from school.

However, local authorities must make arrangements for eligible children to travel to school free-of-charge, ensuring that families, local authority school travel, and special educational needs teams work together to ensure travel arrangements are considered when deciding what school to name in a child's Education, Health and Care Plan.

### **RECOMMENDATIONS**

Cabinet is recommended to agree the recommendations below:

1. To adopt the revised Home to School Transport policy attached at appendix A, providing appropriate support according to need and ability, ensuring that the Council meets the statutory requirements in accordance with guidance issued by the DfE
2. To not introduce a charge for Post 16 Travel at this time
3. To note that the draft policy for approval was the subject of changes in light of responses received by the council, through its consultation,

### **REPORT DETAIL**

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1. Havering Council currently offers advice, support and assistance to eligible children and young people travelling between home and school/college in accordance with the criteria set out in our home to school travel assistance policy.
2. In recent years, Havering has seen a significant rise in the child population of 15.2% compared to the England 3.9% increase. And we have experienced a significant and continued increase in the number of requests for an Education Health and Care Plan (EHCP) and the number of EHCPs being issued. This is in line with the rise in the number of Education, Health and Care Plans (EHCPs; or their predecessor, Statements of Special Educational Needs) that has been seen nationally by 52% between 2010 and 2022. In the last three years we have seen an 155% increase from having 1602 children and young people with EHCPs in 2020 to 2494 children and young people in Havering with EHCPs, as of November 2023. This continues to rise and furthermore, our forecasts predict this number could rise by a further 54% to 3864 by 2030.
3. This increase in EHCPs has also resulted in a significant rise in demand for transport assistance. Spend has exceeded budgetary provision for a number of years, despite various mitigations being introduced. The pandemic impacted on spend, as travel was disrupted due to the various periods of lockdown. This resulted in spend being suppressed in 2020/21 and 2021/22, rising the following year. Spend in 2022/23 was £5.5m, against a budget of £2.7m – a £2.8m overspend. Currently, nearly 800 all with SEN and have an EHCP children are receiving some form of transport assistance, and this number has increased in recent years in line with the increase in the number of children with an EHCP, as can be seen below:

<b>Havering Travel Assistance</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
Total Applications Received	449	428	495	175	690	840	<b>780</b>
Students Approved for Passenger Bus	303	347	373	348	366	358	<b>438</b>
Students Approved for Taxi/ Shared Taxi	79	97	133	158	175	199	<b>189</b>
Students Approved for Personal Transport Budget	22	14	45	17	43	68	<b>99</b>
Students Approved for Travel Training	19	11	25	11	13	29	<b>8</b>

4. Travel needs are directly connected to the location and availability of appropriate school places. Support for, and investment in, new and improved SEND provision increases the number of SEND Units and Special school places in and across the borough. Below is a summary of the new additional places delivered over the last two years or planned in the next 3 years:

Primary;

- St Edwards Primary – 12 places
- Suttons Primary – 12 places

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- Harrow Lodge Primary – 12 places
- RJ Mitchell – expansion from 21 to 40 places
- Harold Wood Primary – 12 places
- Newtons Primary – 12 places

### Secondary

- Bower Park secondary – 12 places
- Harris secondary – 20 places
- Sander Draper secondary – 20 places

### Special;

- Compass special school – 60 places
- Lime Academy – expansion from 120 to 150 places
- Balgores special school – 300 places

5. These additional school places will have a significant impact on our home to school transport demand and associated costs, as more provision is made available within borough this will reduce the need for high cost out of borough transport arrangements.
6. As part of the improvement into our existing travel services, we are introducing a new transport management system to oversee the scheduling and arrangements of our travel service. The new system will have fully integrated applications, with a driver app that allows two-way communication to speak directly to the central team, parents/guardians and/or passengers. This will provide real-time live GPS locations, enabling parents to be alerted to any potential delays and giving them greater confidence in pick up and drop off times.
7. The systems routing algorithms enable journeys to be automatically planned with the greenest and fastest routes, based on real-time traffic data, leading to shorter journey times, and reduced fuel usage, which is better for the environment and the children.
8. As stated, the purpose of this report is to gain endorsement for the new policy to be adopted which ensures Havering is legally compliant with the current legislation and introduces alternative options for transport assistance to support children to be independent where this is safe and appropriate.
9. A review of existing policies in other boroughs has shown that Havering is an outlier in many aspects. For example, many other LA's do not provide transport assistance if the school is the parental choice, and an alternative school is closer. Many also seek financial contributions for pupils who are post-16 but require transport. All boroughs use the statutory distance criteria, but passenger assistants are not universally provided. Most boroughs promote the use of travel training and personal transport budgets, and whilst most state that a seat on a passenger bus and/or taxi are exceptional, the

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majority of children in Havering currently access transport assistance in this way.

10. Following the launch of the new DfE statutory guidance, a revised Home to School Policy was drafted and was subject to a public consultation which was held with a wide range of stakeholders over a 28-day period (extended for a further 28 days to include out of Borough schools). The consultation took the form of an online questionnaire and a face-to-face event. A total of 575 individuals responded to our consultation questions, of which the vast majority as expected were from parent/Guardians and they accounted for 83% of the responses, followed by school or educational settings at 6%, the general public at 4% and children under 16 accounting for 4% of the responses.
11. There was a wide range of responses which has given the local authority helpful feedback, see Appendix B. This has been carefully considered and incorporated where appropriate into the revised Policy at Appendix A for example not charging for post 16 Travel. (please see point 26 for the main changes to the policy).
12. The consultation was broken down into a number of specific areas relating to the new proposals and changes within the policy. Analysis of the consultation responses considered both the quantitative and qualitative feedback to understand impact.
13. The first of these areas focussed on travel training, and in particular whether undertaking travel training would support a child's independence. Of the respondents to whom this applied, 213 (52%) strongly agreed/agreed with this statement, whereas 197 (48%) strongly disagreed/disagreed with this statement.
14. In addition, of the 426 consultees to whom travel training applied, 255 (60%) strongly agreed/agreed that undertaking travel training would not be suitable. This feedback has been incorporated into the policy changes and we have strengthened the need to ensure assessments of individual children's needs are undertaken as part of travel training considerations.
15. The consultation also focussed on gaining feedback on the use of Personal Transport budgets. There were a high number of responses (248 respondents) who strongly disagreed/disagreed (total 57.5%) that the use of personal budgets would improve school attendance, but with 161 (39%) strongly agreeing/agreeing with this statement.
16. There were a high number (228) of respondents who strongly disagreed/disagreed (55%) that personal transport budgets would be a positive impact on their own, or their child's mental health and 185 respondents who strongly agreed/agreed (45%) that there would be a positive impact.

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17. This feedback has been considered in relation to how the need for personal transport budgets is assessed (see criteria on page 5 of the policy) and the need to not be prescriptive, but to support creative dialogues to find innovative solutions to support young people to get to and from school. (Please see p10 of the policy).
18. The consultation received a high number of responses regarding post-16 travel assistance, and whether a charging mechanism should be introduced. 160 respondents (29%) told us they strongly agreed to the proposal to cap the level of charge, and 100 people (18%) strongly disagreed.
19. Analysis shows a higher agreement rate regarding charges/contributions being means tested from the 471 people to whom this proposal applied to, with 279 people, (59%) strongly agreed/agreed, and 192 (41%) strongly disagreed/disagreed.
20. 142 respondents (25%) strongly disagreed that any charges/contributions should be means tested, and 112 people (20%) who strongly agreed. As can be seen, response rates were very close when analysing the combined views of those 471 people to whom this proposal applied to, with 240 people (51%) either strongly agreed/ agreed to this proposal, and 231 (49%) strongly disagreed/disagreed.
21. Having carefully considered the feedback, and balancing the small potential income that might be possible against the impact on this cohort of young people in education, it is proposed that a charging arrangement for post 16 transport will not be implemented at this time. From the current cohort of Post 16 students this would generate a revenue of £16k based on the higher fee charge of £934 per annum. The revenue generated would not cover the cost of administrating this scheme, therefore it is not cost effective to implement such a scheme. This aspect of the policy will be regularly reviewed, including to ensure that there is an appropriate alignment with arrangements that are in place for Adult Transport.
22. The consultation produced over 600 free text responses including 589 comments in relation to the policy.
23. Analysis of the consultation document in appendix B shows 181 respondents (31.5%) commented that the draft proposed policy would have a negative impact, with specific concern for young person's individual needs (23%), safety (11.8%) and their mental health (11.5%).
24. Comments were also received regarding the current transport assistance service. 24 respondents (4.2%) commented that they would not want to lose an invaluable service, with 22 respondents (3.8%) saying that more specialist school provision is needed in the borough. 12 people said more bus routes are needed (2.1%) and 9 people felt that taxis are not always reliable (1.6%).

25. Views on the introduction of personal transport budgets reflected parent concerns around how they would be able to manage the budget. There was a 60/40 split in individuals believing these budgets would make a positive contribution to their lives and those of their children.

26. The policy has been refreshed based on the feedback from the consultation, the statutory DfE guidance, as well as a comparison to other Local Authority policies. The main changes to the policy are:

- To provide clarity within the policy that sustainable cost-effective levels of support will be promoted and offered to families, and that offers of transport assistance will be developed to better fit the need of the child.
- To introduce flexible models of transport assistance which would allow families to adopt creative arrangements that better fit the needs of their child.
- All applications will be subject to an initial face-to-face assessment, looking at existing family support arrangements, and resilience, and discussing the best options for the family.
- Reviewing the provision of single occupancy taxis as a travel assistance option and promoting the flexibility of a personal transport budget offer to families.
- Promoting the use of a personal transport budget through the use of a prepaid card and individual accounts to families so they can organise their own transport, including paying for a travel card for parents to escort their child to school/college using public transport.
- Developing robust monitoring of personal transport budgets through the use of a prepaid card and account system to ensure audit compliance and reconciling against school attendance to ensure usage/spend is appropriate and utilised in the most appropriate manner.
- Increasing the number of young people accessing travel training by reviewing the current offer.
- To not introduce a charging model for Post-16 transport assistance at this time; this will need to be kept under consideration.
- To increase the number of collection points to reduce bus journey times.

## **REASONS AND OPTIONS**

### **Reasons for the decision:**

The launch of the DfE Statutory guidance requires Havering to review its current Home to School policy to ensure it meets the statutory duties. The revised policy



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provides a wider range of choices and greater flexibility for the Parents/Carers of eligible Children within the Borough using Home-to-school transport.

To continue to support Post 16 young people to access their education choices through not introducing a charging policy similar to all other local authorities at this time.

Improve the options available to Parents and Carers to enable their children to get to school.

### **Other options considered:**

Government guidelines require that Council review its policy for Home to School transport provision, a do-nothing approach maintaining the current policy would not ensure that we comply with our statutory duties. The statute and guidelines, whilst not wholly prescriptive, do place specific duties on the Council meaning that options are limited in terms of suitable provision and delivery arrangements.

Increasing the Fuel Reimbursement to incentivise the use of personal transport budgets was considered. However, this is currently paid the maximum of the HMRC currently set threshold and any additional funds above this will be treated as taxable income and will create a burden on parents/guardians in declaring the additional income and subsequently having to pay the tax on this income.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

In 2019, LGA, ISOS and CCN reported that between 2014/15 and 2017/18, the total national spend on home-to-school transport increased by 6.5% from £1.02 billion to £1.08 billion. The percentage of LAs that were overspending their home to school transport budgets rose from 71% to 83%, and the total national deficit on home to school travel stood at £111 million (LGA, ISOS, CCN, 2019).

The increase was largely driven by transport for children with SEND. The total national spend has not been calculated since, but CCN reported in 2022 that the costs of delivering home to school travel for children with SEND for the 28 county authorities who responded to their survey, had risen by 33% from 2016/17 to 2020/21, and accounted for 11% of the total spend on children's services (CCN, 2022). LAs continue to provide this service as efficiently as possible, yet with both need, cost and funding pressures increasing, members report that forecasts for home to school travel costs have significantly increased for 2024/25.

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The London Borough of Havering is one of those authorities that has seen increased pressures and is forecasting an overspend of £1m in 2023-24. Budget growth has been provided in the 2024-25 budget to meet the increased levels of demand. However, there is also a requirement to find more cost effective ways of delivering the service to help improve financial sustainability. A saving of £1.4m over four years has also been included in the MTFS. It should be noted that even with the saving there is will be a net increase in the budget over the MTFS period.

Fin Year	2023-24	2024-25	2025-26	2026-27	TOTAL
	£m	£m	£m	£m	£m
Savings Target	0.100	0.200	0.500	0.600	1.400

The rational to achieve MTFS savings was based on the reduction of single use taxis which are extremely expensive. The target is to reduce these taxi usages over 4 years and to offer personal transport budgets, capped at an average of 45% of the current taxi costs. Over 4 years this would equate to a £1.4m MTFS target.

This report identifies additional best value measures that will deliver further cost efficiencies through an enhanced transport management system as well as through reductions in taxi usage such as the provision of more in-borough specialist school places, and a focus on transport procurement arrangements to deliver cost reductions.

The decision not to introduce charging for post 16 transport would mean in theory that the Council will forego a very small amount of offsetting income. However once eligibility and means testing has been taken into account this is estimated to be only around £20k which would be offset by the costs of administering the process so the decision not to charge has only minimal impact. It is still expected that the savings will be made through the other measures set out in the report and the changes to the policy.

Without the endorsement of the Policy, it will not be possible to achieve the MTFS target for transport costs.

The impact of the changes, the total expenditure on transport and the levels of demand will be monitored throughout the year as part of the Council's budget and savings monitoring.

### **Legal implications and risks:**

As stated in the main body of the Report the Local Authority has to arrange free transport for eligible pupils.

The Council has other relevant statutory duties in relation to school transport.

S 508 A Education Act 1996 requires the Council to have an annual sustainable modes of travel strategy

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In terms of the main duty to provide free school transport for eligible children in section 508B Education Act 1996

(1) A local authority in England must make, in the case of an eligible child in the authority's area to whom subsection (2) applies, such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment in relation to him, are made and provided free of charge in relation to the child.

Subsection (2) applies in the following circumstances:

(a) no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided free of charge in relation to him by any person who is not the authority, or

(b) such travel arrangements are provided free of charge in relation to him by any person who is not the authority but those arrangements, taken together with any other such travel arrangements which are so provided, do not provide suitable home to school travel arrangements for the purpose of facilitating his attendance at the relevant educational establishment in relation to him.

(4) "Travel arrangements", in relation to an eligible child, are travel arrangements of any description and include—

(a) arrangements for the provision of transport, and

(b) any of the following arrangements only if they are made with the consent of a parent of the child—

(i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling to or from the relevant educational establishment in relation to the child;

(ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;

(iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.

It is possible for parents to make their own arrangements for eligible pupils without recourse to the Council but under ss(5) the Council can only decide that it does not need to make its own travel arrangements if the parents have made their own arrangements voluntarily.

If there is to be a change to the current policy then the Guidance indicates that there should be consultation.

125. Where they propose changes to their school travel policy which may affect

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children's eligibility for transport, local authorities should consult locally. As a minimum, this should include consulting:

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

The consultation should run over 28 days. As set out in the Report the consultation has followed this Guidance. The requirement of a lawful consultation is that the results of the consultation should be conscientiously taken into consideration by the decision makers before any final decisions are taken. For that reason the extensive responses are set out in the Appendices and should be fully read and considered.

Para127 of the Guidance states that before making a final decision on the content of the policy local authorities should give careful consideration to:

- the impact proposed changes to their policy will have on parents' choice of school, particularly where travel arrangements have been made to support parents' preference for their children to attend a school with a designated religious character (some such arrangements are associated with long-standing local agreements about the siting of schools);
- the financial impact the changes will have on affected families, paying particular attention to the potential impact of any changes on children from low-income families;
- the impact the changes will have on people with protected characteristics

Furthermore, para 128 provides:

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

The Policy appears compliant with the current legislation.

Therefore, there do not appear to be any legal risks in adopting the new policy.

### **Human Resources implications and risks:**

There are no human resource implications as a result of this report.

### **Equalities implications and risks:**

The EQIA is as Appendix C

### **Health and Wellbeing implications and Risks**

The risks to the mental well-being of staff will be affected trying to manage and maintain the current process and maintain the cost implications.

### **Environmental and Climate Change Implications and risks**

The introduction of increased SEND provision will mean smaller journeys will be made through vehicles impacting positively on the emissions reduction targets.

A new transport management system is being implemented to oversee the scheduling and arrangements of our travel service. The new system will have fully integrated applications, and the systems routing algorithms enable journeys to be automatically planned with the greenest and fastest routes, based on real-time traffic data, leading to shorter journey times, and reduced fuel usage, which is better for the environment.

The perception of personal budgets meaning more cars on the road is unfounded and the aim is to find alternative ways to get to school such as reducing cars through shared arrangements or greater use of public transport. Either way this is a positive impact on the environment through reduced emissions.

## **BACKGROUND PAPERS**

Appendix – A New Revised Policy

Appendix – B Consultation Outcomes Review

Appendix – C [EqHIA Home to School Post Consultation.docx](#)