



CABINET

Subject Heading:	Home to School Transport Policy
Cabinet Member:	Cllr Oscar Ford
SLT Lead:	Tara Geere
Report Author and contact details:	Trevor Cook, 01708 431250, trevor.cook@ havering.gov.uk
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

The Department for Education (DfE) has recently updated their statutory guidance, replacing the previous Home to School Travel and Transport guidance from 2014 as a result we had to change Havering's Policy to fall in line with the new statutory guidance.

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.

We brought the new Home to School Transport policy to Cabinet in May where it was agreed and endorsed based on the understanding everyone had been consulted with.

It was later discovered that a cohort of schools had not been included within this consultation. These were schools where parents were taking their children to school and reclaiming a fuel reimbursement.

There were 16 schools we had omitted from the previous consultation due to internal systems recorded these recipients in a different database and were overlooked.

Parents and Carers brought this flaw in our consultation process to our attention and is something we had to address.

We started a repeat of the consultation with out of borough schools that supported Havering children and not just the 16 omitted from the initial consultation.

This consultation started on 15th June 2024 and it closed on the 14th July 2024. A total of 79 email invitations went out to individual schools and they were given 28 days to respond to the questionnaire of the consultation.

The consultation resulted in receiving 5 responses from the 79 invites a response of 6.3%

This now shows overall 580 responses with the vast majority were from Parents/Guardians accounting for 82 % of the responses, followed by school or educational settings at 7%, the general public at 4% and children under 16 offering a 3.5% contribution.

RECOMMENDATIONS

Cabinet is recommended to agree the recommendations below:

1. To quash the decision, it made at its meeting on 15 May to approve the Home to School Transport Policy
2. To conscientiously consider the further representations that have been received in the additional consultation exercise described in the Report below.
3. To take a fresh decision based on the totality of the consultation responses set out in this and the previous Report.
4. To adopt the revised Home to School Transport policy attached at appendix A
5. To not introduce a charge for Post 16 Travel at this time

REPORT DETAIL

1. As Cabinet will recall it approved the Home to School Transport Policy at its meeting on 15 May 2024.
2. It was pointed out by a parent following the meeting that there was a flaw in the consultation process as a number of schools had been omitted from being invited to consult on the Home to School Transport Policy.
3. The statutory guidance provides that “*Where they propose changes to their school travel policy which may affect 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;*
4. The parent identified some out borough schools which had not been consulted.
5. This was investigated and it was found that 16 schools which support Havering children and parents in receipt of fuel reimbursement as a form of transport assistance had been missed.
6. To correct this oversight, we ran another 28-day consultation from 17/06/2024 until 14/07/2024 and sent requests to 79 individual schools that

provide support to Havering Children even with or without transport assistance to capture all Havering Children in out of borough schools.

7. With the additional consultation finishing on the 14th July 2024 and out of 79 invites to respond we have received 5 views on this policy.
8. The responses to the later consultation are attached with the officer's comments also provided at Appendix E.
9. This is an unusual situation in that Cabinet had approved the Policy without having sight of these further responses.
10. In order to be fully compliant with its legal duty, Cabinet is asked to reconsider the approval as if it was coming to the decision afresh and taking into account the totality of the responses that it has received. Each of the consultation responses must be given conscientious consideration

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 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.

Even with the extended consultation these reasons do not change and are reflected in the original Cabinet Report.

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:

The original financial implications and risks are outlined in the original Cabinet Report and were accepted and adopted as part of the decision process. Please refer to the Appendix where the original Cabinet report can be found. The need to undertake further consultation may result in a slight delay in achieving the expected cost changes. This will be monitored as part of the Council's normal monitoring processes.

Legal implications and risks:

As stated in the main Report the Council said it was consulting all out Borough schools which had pupils provided with transport assistance by the Council before Cabinet made its decision.

It has been discovered after Cabinet made its decision that, due to an internal error, not all such schools had been consulted.

Given the expectation created that such out-Borough schools would be consulted the only reasonable approach is to ensure that those schools missed from the consultation have an equal opportunity to make any representations before a final decision is made.

The undertaking of the consultation has sought to mitigate the issues in a reasonable way.

It is a requirement of administrative law that the Council must consult before it has made final decisions. It is unfortunate that the error in respect of the out of borough schools was made. However, given the further consultation with a limited group of schools that had been missed in the first round the Council must consider the matter afresh.

Therefore, it is necessary for Cabinet to quash the original decision and to take a fresh decision as if it had not made the first decision, and the fresh decision must consider the totality of the responses received.

Each response to the consultation must be given conscientious consideration.

If such action were not taken the Council's decision to adopt the policy could be vulnerable to a legal challenge by way of judicial review.

14th August 2024

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](#)

Appendix – D Home to School Cabinet Report Approved in May

Appendix – E Responses to Latest Consultation Comments