



Haringey Council

Agenda item:

[No.]

Cabinet

On 17 July 2007

Report Title: **Home to School Travel**

Forward Plan reference number (if applicable):

Report of: **Director of the Children and Young People's Service**

Wards(s) affected: **All**

Report for: **Key Decision**

1. Purpose

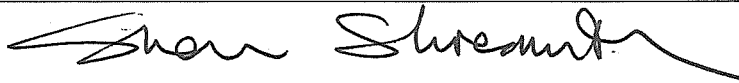
- 1.1 To amend the home to school travel policy for pupils of statutory school age living in the London Borough of Haringey and travelling to maintained primary and secondary schools in Haringey and beyond.
- 1.2 To request Cabinet's approval for the extension of entitlement to support which will bring Haringey Council's home to school travel policy into line with the requirements of the Education and Inspections Act (EIA) 2006.

2. Introduction by Cabinet Member

- 2.1 The Council's current home to school travel policy was fully compliant with legislation prior to the Education and Inspections Act 2006.
- 2.2 The EIA 2006 extends the fundamental duties of local authorities to provide home to school travel support for low income families, so that provision is means-tested and home to school distance requirements are lowered in many cases. There is also a duty to provide an appeal system for parents who have been refused support. (Please see Appendix 2).
- 2.3 This report outlines the new legal requirements for support at both primary and secondary phases. The extension of transport rights for primary aged pupils come into force from September 2007, and for secondary aged pupils from September 2008.

3. Recommendations

- 3.1 That the Council approves the amended policies for supporting pupils travelling from home to school in order to ensure that statutory duties are met.



Report Authorised by: **Sharon Shoemith,**
Director
The Children and Young People's Service

Contact Officer: **Ian Bailey, Deputy Director (020 8489 4601) and Sheila Locke, Head of Admissions (020 8489 8350)**

4. Executive Summary

- 4.1 This report seeks the Council's approval for the proposed home to school travel policies for primary and secondary school pupils from September 2007 and September 2008 respectively. It is concerned exclusively with pupils travelling to and from maintained schools, and does not include pupils with special educational needs, disabilities or mobility difficulties.
- 4.2 The current policy has its foundations in the 1944 Education Act, is not means tested, and is mainly assessed on the availability of suitable provision. This is no longer sufficient due to reforms contained within the Education and Inspections Act 2006.
- 4.3 The proposed extension to support for home to school travel is necessary as part of the new duties on local authorities to ensure the promotion of free sustainable travel to all qualifying pupils under the extended rights of pupils and young people who are resident in Haringey and are attending primary or secondary schools.

5. Reasons for any change in policy or for new policy development (if applicable)

5.1

6. Local Government (Access to Information) Act 1985

- Sections 76 - 85 of the Education and Inspections Act 2006
- Education Act 1996
- The 1944 Education Act
- Home to School Travel and Transport Guidance 2007 (Issued by DfES)

7. Background

- 7.1 Part 6 of the Education and Inspections Act (EIA) 2006 radically reforms the existing law on local authorities' duties and powers to provide home to school transport. Sections 76 – 85 of the EIA amend the Education Act 1996 by inserting ss.508A – 508F, 509AA, 509AD, new schedules 35B and 35C and amending s.444.
- 7.2 The foundation of the current home to school travel policy is found in the Education Act 1944. The duty placed on education authorities by this act is to provide transport 'where necessary' on a case by case basis. Children aged between five and seven would qualify if they had to travel more than two miles, and children aged eight and over qualified if they had to travel over three miles to the **nearest suitable school**. Distance was calculated along the shortest safe walking route

from home to school. No consideration was given to the family's level of income. The current policy is shown as Appendix 1.

7.3 The new travel policy reduces the distance qualification at secondary level (and for older primary aged pupils), and must include children from families on low incomes. Low income is defined as being in receipt of free school meals or the family is in receipt of the full rate of working tax credit. The proposed policy is attached as Appendix 2.

8. Financial considerations

8.1 In practical terms, it is anticipated that if there is any increase in expenditure at all, it will be extremely small, and the two main reasons for this are:

- The admissions policy – the distance category ensures that only those applicants living closest to the school are admitted up to the published admission limit.
- Travel on buses for pupils and young people under the age of eighteen is free.

9. Recommendations.

9.1 That the Council approves the amended policies for supporting pupils travelling from home to school in order to ensure that statutory duties are met

10. Comments of the Director of Finance

10.1 The Director of Finance has been consulted in the preparation of this report and concurs with the comments set out in 9.1 on the likely financial implications.

11. Comments of the Head of Legal Services

11.1 The Head of Legal Services has been consulted on the content of this report. The report sets out the general framework of changes emanating from the Education and Inspections Act 2006. In particular the 2006 Act extends the arrangements concerning the provision of free home to school transport. Section 77 of the 2006 Act places a new duty on local authorities to provide free transport for pupils, who are eligible for free school meals or whose parents are eligible for the maximum level of Working Tax Credit, in a range of specified circumstances. Schedule 35B to the Education Act 1996, which has been introduced by the 2006 Act, indicates that the new eligibility criteria should be applied by reference to the age of the children rather than the stage of education. The first phase, which is to be introduced in September 2007, is for children who have attained the age of 8 but are under 11. The second phase will be introduced in September 2008 and will apply to children of compulsory school age aged 11 or over.

12. Equalities Implications

- 12.1 Figures supplied by the Department for Education and Skills show there are inequalities in access to schools for pupils from low income families across the country. 41% of parents in social housing said that travel convenience was the main factor influencing school choice. Only 10% of pupils in receipt of free school meals travel more than three miles to school, compared with 18% of other children.
- 12.2 In their survey, the DfES found that across the country nearly two thirds of pupils who travel by bus pay for themselves, and that low income groups are more likely to pay.
- 12.3 It is therefore concluded that children from families with low incomes are disadvantaged when considering applications to schools, and the legislative changes that have extended support to these families should help more children from poorer families to attend their preferred schools.

Use of Appendices

- Appendix 1 Payment for home to school travel allowance for mainstream schools.
- Appendix 2 Support for travel from home to mainstream schools for children and young people aged 5 to 16.

Payment for home to school travel allowance for mainstream schools.

1. ELIGIBILITY (Reception class to school year 11)

Your application for travel assistance will only be considered if ALL the following conditions apply.

- That the child is ordinarily resident in the Borough of Haringey.
- You have made a recent application for a place in a Haringey school.
- The LA has not been able to offer you a school place in a Haringey school within the distance threshold.

2. DISTANCE THRESHOLD

No fares will be paid if the school the pupil attends is:

- Less than 2 miles from home to school if the pupil is under 8
- Less than 3 miles from home to school if the child is over 8
Children and students aged 5-16 travel free on the buses
Children aged 5-10 travel free on the underground with a fare paying adult.

Distance is measured by the shortest walking route. However, if medical, social or other reasons are provided and supported by independent evidence from a doctor, social worker or other relevant agency, the

Director of the Children and Young People's Service may agree a shorter distance.

3. QUALIFYING SCHOOL

No fares will be paid for any non -state funded school unless attendance at the school is a direct consequence of a statement of special education need.

4. AMOUNT OF PAYMENT

Payment for the cheapest form of travel will be made unless the difficulty of the journey by the cheapest form makes this unreasonable. Parents in receipt of assistance with travel must re-apply every term. Approved payments start from the date the application form is received in the office.

5. LOST PASSES

The cost of lost passes are not normally considered only if there are exceptional circumstances. The LA will wait 15 working days before considering requests in case the lost pass is returned. You will be expected to pay a handling charge of £5.

6. PROVISION MADE AT THE DISCRETION OF THE LOCAL AUTHORITY

Individual cases may be made on the grounds that a parent is unable to secure attendance of the child at school through medical or geographical reasons, although definitions of a such reasons are very stringently restricted by case law and you will have to provide independent supporting evidence for your case. Decisions

are taken within the constraints of the available budget and the legal responsibility on parents' to secure their children's attendance at school.

7. APPEALS PROCEDURE

Appeal forms are available from the Student Finance Manager, Student Finance and Entitlements
48 Station Road, London N22 7TY. Telephone 020 8489 3863.

Support for travel from home to mainstream schools for children and young people aged 5 to 16.

The Council will provide support with travel to qualifying pupils. In order to qualify, applicants must satisfy the following criteria:

1) Qualifying families must be in receipt of free school meals for their children **or** parents must be eligible for the **maximum** rate of Working Tax Credit.

2) For primary aged pupils (Reception to Year 6):

Where the nearest suitable school is more than two miles from home.

3) For secondary aged pupils (Year 7 to Year 11)

Where the child attends one of the three nearest schools and the school attended is between two and six miles from the child's home address.

4) Where the school is between 2 and 15 miles from home and is the parental preference based on religion or belief (including parental preference based on **no** religion or belief).

The method of support provided will be the cheapest available public transport (usually bus), unless the journey by this method would be unreasonably long, i.e. that the child's journey would take one and a quarter hours or more. In these circumstances, the Authority will offer alternative public transport (usually by underground train).

Other children may qualify for short-term emergency support, for example where the child has a broken leg. Each of these cases will be decided on its own merits, and parents must provide independent medical evidence that clearly states the travel support is necessary.

Parents who are refused travel support can appeal against the decision. Appeals must be made in writing to Vanessa Giles, Student Finance Manager, 48 Station Road, Wood Green, London N22 7TY, or e-mail Student.Finance@haringey.gov.uk.

