



DARLINGTON

Borough Council

Children and Young People Scrutiny Committee Agenda

9.30 am, Monday, 19 February 2024
Council Chamber, Town Hall, Darlington, DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/ Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meetings of this Scrutiny Committee held on 8 January 2024 and 15 January 2024 (Pages 3 - 10)
4. School Transport and the Associated Services – Report of the Assistant Director, Education and Inclusion (Pages 11 - 98)
5. Childcare Sufficiency Review 2023-24 – Report of the Assistant Director, Education and Inclusion (Pages 99 - 114)
6. Work Programme 2023-2024 – Report of the Assistant Director, Law and Governance (Pages 115 - 124)
7. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
8. Questions



Luke Swinhoe
Assistant Director Law and Governance

Friday, 9 February 2024

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Crudass, Durham, Johnson, Kane, Layton, Renton, Storr and Toms.

Statutory Co-optees

Carly Stonier.

Non Statutory Co-optees

Maura Regan, Janet Woodcock, John Armitage and Sally Hudson.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Democratic and Elections Officer, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays email: paul.dalton@darlington.gov.uk or telephone 01325 405805

CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

Monday, 8 January 2024

PRESENT – Councillors Layton (Chair) Ali, Crudass, Dillon, Storr and Toms.

NON-STATUTORY CO-OPTÉES – Sally Hudson.

APOLOGIES – Councillors Allen, Johnson and Renton, and John Armitage

ABSENT – Councillors Durham, Carly Stonier, Maura Regan and Janet Woodcock.

ALSO IN ATTENDANCE – Councillors Wallis.

OFFICERS IN ATTENDANCE – Chris Bell (Assistant Director of Children's Services), Tony Murphy (Assistant Director Education and Inclusion), Martin Graham (Head of Quality Assurance and Practice Improvement), Helen Watson (Senior Strategic Commissioning Manager), Joanne Littler (Head of SEND and Inclusion), Ann Baxter (Independent Chair of the Darlington Safeguarding Children Board), Louise Addison (Adoption Tees Valley), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

CYP26 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

CYP27 TO APPROVE THE MINUTES OF THE MEETING OF THIS SCRUTINY COMMITTEE HELD ON 23 OCTOBER 2023

Submitted – The Minutes (previously circulated) of the meeting of this Scrutiny Committee held on 23 October 2023.

RESOLVED – That the Minutes of the meeting of this Scrutiny Committee held on 23 October 2023, be approved as a correct record.

CYP28 PERFORMANCE INDICATORS QUARTER 2 2023/24

The Assistant Director, Children's Services, submitted a report (previously circulated) to provide Members with an update on performance against key performance indicators.

The submitted report provided performance information for Quarter 2 (July 2023 to September 2023) in line with an indicator set agreed by the Monitoring and Co-ordination Group on 2 July 2021, and subsequently by each individual Scrutiny Committee Chair.

The submitted report highlighted where Children's Services were performing well and where there was a need to improve. It was also outlined that where indicators are reported annually, quarterly updates will not be available.

Members entered into discussion on the indicators in relation to Children in Care who had been placed 20 or more miles away from home as of September 2023, and the basis for the target of 10%.

RESOLVED – That the performance information provided within the submitted report be noted.

CYP29 DARLINGTON CHILDREN’S SERVICES - SELF-ASSESSMENT 2023

The Assistant Director, Children’s Services, submitted a report (previously circulated) to provide Members with the Annual Self-Assessment for Children’s Services, to enable constructive ‘critical friend’ challenge to take place and drive improvement in public services.

It was highlighted the self-assessment is not a statutory requirement, however is developed with input from Ofsted, and that the self-assessment is used as part of Ofsted’s ILACS Annual Engagement Meeting and plays an important role in their understanding of local authorities and how they work.

Members noted that the number of Children in Care had risen, and expressed concerns in relation to the impact that this would have on service provision, with assurances provided that the agency market could be utilised, if necessary.

Discussion ensued on the number of children who were placed in care with no SEND diagnosis, but who subsequently left care with a SEND diagnosis, and whether there was a need to record ‘missed diagnosis’, however it was suggested that there could be a number of factors that would have an impact and that it would be difficult to quantify.

RESOLVED – That the content of the report be noted.

CYP30 SEND RESOURCE BASE REMODELLING AT HEATHFIELD PRIMARY SCHOOL

The Assistant Director, Education and Inclusion, submitted a report (previously circulated) to provide an overview of the work being undertaken to remodel the existing Special Educational Needs and Disabilities (SEND) resource base at Heathfield Primary School.

The submitted report stated that the resource base at Heathfield Primary School, which was part of Lingfield Academy Trust, had been in its current configuration for a number of years, and that the Lingfield Academy Trust had worked in partnership with Darlington Borough Council to explore how the resource base could be re-modelled effective from September 2024, to be more reflective of and responsive to the needs of Darlington children and young people with SEND.

It was reported that the re-modelling would see the base change to have a primary remit of support for communication and interaction needs which was aligned with the presenting need of Darlington children and young people with SEND, and that the base would be incrementally filled over a 3-year period supporting children from Reception to Year 2. It was noted that the re-modelling proposal fell within the Department for Education (DfE)’s significant change process for academies, and therefore required a period of open consultation, following which a business case could be submitted to DfE for review and determination.

Concern was expressed as to whether children at Northwood Primary School would still be

able to access provision at Heathfield Primary School, and Members were reassured that they would and that there would be no impact on provision.

RESOLVED - That the work being undertaken to remodel the existing resource base at Heathfield Primary School to align with, and respond to, the presenting needs of Darlington children with SEND, be noted.

CYP31 INDEPENDENT REVIEWING OFFICER ANNUAL REPORT 2022-23 AND CHILD PROTECTION CONFERENCE CHAIR ANNUAL REPORT 2022-23

The Assistant Director, Children's Services, submitted a report (previously circulated) to provide Members with an overview of the work undertaken by the Independent Reviewing Officers in relation to Children who are Looked After and Children who are the subject of Child Protection Conferences and / or multi-agency Child Protection Plans; and to consider the Annual Reports of the Independent Reviewing Officer for 2022/23, and the Child Protection Conference Chair for 2022/23.

The submitted report stated that the production of the Independent Reviewing Officer Annual Report 2022/23 was a requirement under the statutory guidance and covered the role of the Independent Reviewing Officer which is a defined role that relates to Children Looked After; and the Child Protection Conference Chair Annual Report 2022/23 covered the role of the conference chair in relation to children who are in need of safeguarding and the statutory requirements are set out in Working Together to Safeguard Children (July 2018).

It was highlighted that for the period April 2022 to March 2023, due to the roll-out of the Agile Working programme and post-Covid-19 working arrangements across agencies, formal meetings, which in previous years would have been face to face, had been conducted using virtual platforms. It was reported that this applied to all Child Protection Conferences and Child Looked After Reviews.

Members entered into discussion on the tracking of families between areas; how child participation in Children Looked After Reviews worked, and how children contributed; and the desire not to ask children to relive previous bad experiences.

RESOLVED – That the annual reports of the Independent Reviewing Officer and Child Protection Conference Chair for 2022/23 be noted.

CYP32 YOUNG PEOPLE SEND ENGAGEMENT

The Assistant Director, Education and Inclusion, submitted a report (previously circulated) to provide the Scrutiny Committee with an overview of how Council services engage with young people regarding the issues relating to Special Educational Needs and Disabilities (SEND).

The submitted report outlined the various activities undertaken to ensure that young people with SEND were able to co-produce plans affecting them and contribute to wider strategic work.

Discussion ensued on the wider engagement opportunities that existed for young people, both provided by the Council and external partners, and the scope for a piece of work in this

area in the future.

RESOLVED – That the actions outlined and the progress made to date be noted.

CYP33 ADOPTION TEES VALLEY ANNUAL REPORT 2022/23

Louise Addison, Deputy Service Manager, Adoption Tees Valley, presented the Adoption Tees Valley (ATV) Annual Report 2022/23, and outlined the work that had been undertaken across the Tees Valley during 1 April 2022 and 31 March 2023.

The submitted report stated that the year had been one of building on partnerships and existing practice to strengthen and improve adoption in the Tees Valley. It was stated that worked had continued with the five partner local authorities to continue to strengthen early twin track care planning for adoption. Ms. Addison highlighted the increased offer to families, and the preparation undertaken for ATV's own Ofsted inspection.

The submitted report also outlined two key projects, the Pan Regional Early Permanence Project and the Pan Regional Multi-Disciplinary Adoption Support Service.

Focus centred on the funding received from the Integrated Care Board, and whether this was something that could be repeatedly accessed on an annual basis, or whether it was a one-off payment. The Chair thanked Louise Addison for attending the meeting and also for the work of the ATV.

RESOLVED – That the 2022/23 Annual Report of Adoption Tees Valley be noted.

CYP34 DARLINGTON SAFEGUARDING PARTNERSHIP ANNUAL REPORT 2022-23

The Assistant Director, Children's Services, submitted a report (previously circulated) to enable Members to consider and comment on the Annual Report of the Darlington Safeguarding Partnership (DSP) for the period 2022/23.

It was reported that Local Safeguarding Partnerships are required to produce an Annual Report to account for the Partnerships achievements over the previous year and make an assessment of the effectiveness of multi-agency safeguarding arrangements within the local area.

The Annual Report summarised and reflected on the work of the Partnership over the period 2022/23, drawing upon a range of data and information, to outline the progress made and to illustrate the effectiveness of multi-agency safeguarding partnership arrangements across Darlington, and highlighted that the year continued to be shaped by the impact of the Covid-19 pandemic and the national safeguarding context had been an evolving landscape as services continued to adapt, many organisations facing national recruitment challenges.

The submitted report outlined significant organisational change during the year with the introduction nationally of Integrated Care Boards and a new iteration of Working Together to Safeguard Children, along with the implementation of Local Authority Adult Regulatory inspections.

Ann Baxter, Independent Chair of the Darlington Safeguarding Partnership attended the meeting to outline the Annual Report and answer Members questions thereon.

Members entered into discussion on the introduction of the Integrated Care Boards, and the advantages and disadvantages associated with the reorganisation; and thanked Ann for the worked of the Darlington Safeguarding Partnership.

RESOLVED – That the Darlington Safeguarding Partnership Annual Report for 2022/23, be noted.

CYP35 WORK PROGRAMME 2023/24

The Assistant Director, Law and Governance, submitted a report (previously circulated) requesting that consideration be given to this Scrutiny Committee's work programme and to consider any additional areas which Members would like to suggest should be included in the previously approved work programme

RESOLVED – That the work programme be noted.

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CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

Monday, 15 January 2024

PRESENT – Councillors Layton (Chair), Ali, Crudass, Dillon, Renton, Storr and Toms.

APOLOGIES – Councillors Allen and Johnson, John Armitage and Sally Hudson.

ABSENT – Councillor Durham, Carly Stonier, Maura Regan and Janet Woodcock.

ALSO IN ATTENDANCE – Councillor Wallis.

OFFICERS IN ATTENDANCE – Brett Nielsen (Assistant Director Resources), Chris Bell (Assistant Director of Children's Services), Tony Murphy (Assistant Director Education and Inclusion), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer)

CYP36 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

CYP37 MEDIUM TERM FINANCIAL PLAN 2024/25 - 2027/28

The Assistant Director, Resources, submitted a report (previously circulated), which invited Members to give consideration to the Medium Term Financial Plan (MTFP) for 2024/25 to 2027/28, and forward any views, in particular those in relation to the services and finances which were specifically within the remit of this Scrutiny Committee.

The submitted report stated that the MTFP had been agreed by Cabinet on 5 December 2023 as the basis for consultation, and Members were asked to discuss and consider the overall contents of the MTFP, however, with particular emphasis on those services and finances within the MTFP which specifically related to those areas within their remit, and forward any views to a Special Meeting of the Economy and Resources Scrutiny Committee, to be held on 18 January 2023, for consideration. It was reported that the Economy and Resources Scrutiny Committee would then agree a formal response to Cabinet on behalf of all the Scrutiny Committees, as part of the consultation.

A briefing was delivered to Councillors on 13 December 2023 which provided an overview and highlighted key points in the plan. It was noted that since the MTFP had been published for consultation, the Council had received notification of the draft financial settlement for 2024/25.

Discussion ensued on whether the costings and savings identified in the report entitled 'Children's Social Care in Darlington – Ensuring Placement Sufficiency and Enabling Creative Alternatives' had been incorporated within the MTFP; the level of detail provided to Members and the format of the submitted report; the proposed invest to save proposals outlined; and the impact of school non-attendance on budgets.

RESOLVED – (a) That, should any further savings be identified, this Committee feels that priority should be given to SEND provision, and the further development of creative alternatives and in house proposals to reduce the dependence on costly external

placements.

(b) That the report be noted, and that the Chair of this meeting, in consultation with the Lead Scrutiny Officers supporting this Scrutiny Committee, be given authority to agree the Minutes of this Ordinary Meeting of the Scrutiny Committee, in order to enable the Minutes to be considered at a Special Meeting of the Economy and Resources Scrutiny Committee, scheduled to be held on 18 January 2024.

CYP38 SUPPLEMENTARY ITEM - CHILDREN'S SOCIAL CARE IN DARLINGTON - ENSURING PLACEMENT SUFFICIENCY AND ENABLING CREATIVE ALTERNATIVES

The Assistant Director, Children's Services, submitted a report (previously circulated) to enable Members to consider a series of proposals to reduce dependence on costly external placements and to support and improve placement sufficiency for children and young people in Darlington.

The submitted report referenced a report that had been submitted to Cabinet on 5 December 2023, and invited Members to comment on, and note, the proposals.

Members entered into discussion on the improved fostering offer, and the expansion of the Cedars to a seven days per week offer.

RESOLVED – That the Children and Young People Scrutiny Committee note and welcome the Placement Sufficiency proposals, which will progress to Council within the Medium Term Financial Plan (MTFP) process.

**CHILDREN AND YOUNG PEOPLE SCRUTINY
19 FEBRUARY 2024**

SCHOOL TRANSPORT AND THE ASSOCIATED SERVICES

SUMMARY REPORT

Purpose of the Report

1. This report outlines the current arrangements for the Council's Home to School Transport Policy and outlines the changes in recent statutory guidance.

Summary

2. Darlington Borough Council has a statutory duty to provide free home to school transport in certain circumstances.

Recommendation

3. It is recommended that :-
 - (a) Scrutiny Committee note the arrangements currently in place.
 - (b) Scrutiny Committee note the changes to statutory guidance relating to home to school transport.

**Tony Murphy
Assistant Director Education & Inclusion**

Background Papers

No background papers were used in the preparation of this report.

Tony Murphy : Extension 5637

S17 Crime and Disorder	The service supports the Council's crime and disorder responsibilities, young people engaged in learning are less likely to engage in anti-social behaviour
Health and Wellbeing	The service actively promotes health and wellbeing
Carbon Impact and Climate Change	The service promotes sustainability
Diversity	The service actively supports the diversity agenda
Wards Affected	All wards will be affected
Groups Affected	All families of school age children
Budget and Policy Framework	Services for home to school transport are supported through the Dedicated School Grant and core council funding
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	This work will support the aim to provide excellent services for children and young people with special educational needs and disability (SEND) - implement a new SEND strategy, increase the number of SEND places in schools and work to raise SEND funding levels from central government
Efficiency	The work will support efficient use of resources to support SEND and education
Impact on Looked After Children and Care Leavers	This work will have a positive impact on Looked After Children and Care Leavers

MAIN REPORT

Information and Analysis

4. All local authorities have a statutory duty to have in place arrangements for the provision of home to school travel assistance and transport for children and young people with Special Educational Needs and Disabilities (SEND) who meet the published eligibility criteria.
5. Under Section 7 of the Education Act 1996, it is the responsibility of the parent of every child of compulsory school age, to cause their child to receive efficient full-time education either by regular attendance at school or otherwise. The duties and powers of local authorities to provide home to school travel assistance are covered in other sections of the Act and its amendments. The provision of travel assistance support incorporates consideration for children from low-income families.
6. Sections 508B and 508C of the Education Act 1996 (as amended) set out the local authority's duties and powers respectively, to make such suitable travel arrangements as the local authority considers necessary, to facilitate a child's attendance at school.
7. All local authorities must have in place a travel policy that is regularly reviewed and updated in line with statutory requirements. Darlington LA has two separate policies a SEND policy that applies to students with an EHCP (**Appendix 1**) and version that covers all non EHCP students (**Appendix 2**).
8. Normally eligibility for free travel will be determined at the time that a school place is allocated through:
 - (a) Darlington Borough Council's Coordinated Admissions Scheme for entry at the normal points of admission; and/or,
 - (b) The issuing of an Education, Health and Care Plan; and/or,
 - (c) The operation of the Fair Access Protocol; and/or,
 - (d) The In-Year Coordinated Admissions Scheme.
9. Statutory walking distances beyond which children are not expected to walk to school are as follows. Two miles if under 8 years of age, three miles if 8 to 16 years of age. Free travel is also provided if the distance from the child's home to the nearest available school is under the statutory walking distance but the route is unsafe to walk, even if accompanied by an adult.
10. After consultation with relevant parties inclusive of local authorities, the Department for Education issued an updated travel guidance in June 2023 (**Appendix 3**) that has sought to clarify previous requirements for both statutory and non-statutory transport support.
11. When, under the Home to School Travel and Transport Policy, children and young people are entitled to free travel it is provided by the most cost-effective means. This will usually be by the provision of a free bus pass. However, where numbers are small, children may

sometimes have to be transported by taxi. If parents wish to take their children to school or other means cannot be arranged, the Council may agree to the payment of a mileage allowance.

12. If free travel is agreed, children and young people will normally be expected to use public transport (ordinary scheduled bus or train services) or contracted transport such as a coach or minibus.
13. Three secondary schools in Darlington operate contracted home to school transport routes. These are Carmel College, Hummersknott Academy and Hurworth Academy. Darlington Borough Council provide administration and procurement support to schools so that they can procure buses for their routes. The fees charged for these routes are set by the schools, and the Council then purchases seats on these routes for children who are eligible for free home to school transport. These seats are currently paid for by the Authority at the same cost per child as fare paying children. Local Authorities are statutorily required to provide free school transport for Secondary School children if their nearest appropriate school is beyond 3 miles. Free home to school transport is available for Darlington pupils of compulsory school age if the family are in receipt of free school meals or full working tax credits and their nearest appropriate school is beyond 2 miles.
14. After consultation with relevant parties inclusive of local authorities, the DfE issued an updated travel guidance in June 2023 (Appendix 3) that has sought to clarify previous requirements for both statutory and non-statutory transport support.
15. Where applicable the council will need to update both policies to reflect latest DfE travel guidance. A local public consultation will be required where necessary for any changes. The consultation would be required to last a minimum of 28 days and take place during term time.
16. The Council will seek to work with Darlington Parent Carer Forum prior to any public consultation so that parent/carers views can form part of any proposed changes.



DARLINGTON
Borough Council

SEND Travel Assistance Policy

Approved March 2019

Introduction

1. Darlington Borough Council recognises the pressures faced by the parents of children with Special Educational Needs and undertakes to provide statutory transport services in accordance with the Department for Education Guidance on Home to School Travel.
2. This Policy has been written with the intention of removing ambiguity and reassuring parents that they will receive the services to which they are entitled. The Policy also aims to clarify eligibility, when and how transport may be provided, and what to do if parents do not agree with an outcome.

Scope

3. Children aged 5-16 with an Education Health & Care Plan (EHCP)
4. Please note that whilst there is no statutory entitlement to travel assistance for children under 5, this Policy takes statutory school age to include those children who have taken up the legal right to start schooling from the start of the term after a child's fourth birthday.

Core principles

5. Darlington Borough Council is committed to ensuring that each child can fulfil their potential and is supported to do so. The aim of this policy is to support all children with Special Education Needs (SEN) to lead lives which are as independent as possible. Where possible, children will be supported to achieve greater independence through the development of independent travel skills and the use of public transport. The Council will work closely with parents and schools and expects all parties to play a supportive role in the development of this key life skill.
6. The Council promotes sustainable modes of travel such as walking, cycling and use of integrated public transport and aims to reduce traffic congestion, the environmental impact of vehicle journeys and improve road safety. Where agreed, travel assistance for 'eligible children', will be provided in a safe manner that will take into account: the Council's statutory duties, the specific needs of the child, the legally recognised walking distances and appropriate use of its resources. Travel solutions provided will support initiatives that lead to reducing the volume and length of vehicle journeys.
7. The legal responsibility for ensuring that a child attends school lies with the parent or carer and this includes accompanying a child to school where necessary. In the event that parents are working or otherwise unavailable at the time their child travels to and from school it remains the parents' responsibility to make arrangements to ensure that their child attends school.

8. If both of the child's parents are, by reason of disability unable to ensure that their child attends school, or are unable to make suitable alternative arrangements, eligibility for travel assistance for the pupil will be considered on the individual circumstances, with regard to the Equality Act 2010.
9. The Council takes statutory school age to include those children who have taken up the legal right to start schooling from the start of term after a child's fourth birthday. Compulsory school age ceases on the last Friday in June in the school year in which the child reaches the age of 16.
10. Under the Education Act 1996 and the Education and Inspections Act 2006, local authorities have a duty to provide assistance with travel to and from qualifying schools/college for children aged 5-16 in certain circumstances. The Council has no duty to provide transport but 'shall make such arrangements for the provision of transport and otherwise as they consider necessary'. This gives the Council discretion to provide travel assistance. A duty only arises if transport is referred to on a child's EHCP or the Council requires a child to attend a school which is not within the DfE walking distance of the child's home.

Eligibility

11. The Council will make travel arrangements in accordance with its statutory duties where children have a EHCP and where travel assistance is essential to access their specialist provision.
12. Having an EHCP does not mean that a pupil is automatically eligible for education travel assistance. Eligibility is assessed based on the individual needs of the pupil (taking into account their age and mobility).
13. In assessing any application for travel assistance, eligibility will be based on the needs of the eligible child, accompanied as necessary by a parent and will not normally take into account work or other family commitments such as the attendance of siblings at different schools.
14. No dispensation can be made for personal domestic arrangements or parents who are working at the time their children travel to and from school. Parents are expected to make full use of the separate legislation introduced to ensure flexibility for working parents or utilise the support of others to accompany their children as necessary.
15. Support services (such as pre and after school clubs at some schools) may be available to families to manage the conflicting priorities of their domestic arrangements. It is expected that parents will have explored alternative support services to assist them in meeting any conflicting priorities that may arise.

16. All decisions will be based upon clear medical/specialist advice and evidence of need for the eligible child only. Eligibility criteria will be kept under review and subject to legislative change; consultation with user groups from time to time and as services are developed.
17. Transport assistance will be provided where the pupil has an EHCP plan and;
 - a. the Council has determined and named an educational establishment in the EHCP as being the nearest available provision that is able to meet the child's needs and / or;
 - b. the child's health needs are such that upon written medical advice, (date within the last twelve months) travel assistance is necessary to access their provision
18. Travel assistance can only be provided at the beginning and end of the normal school day, and only to the special provision named on the EHCP.
19. Where a child's health needs are such that upon written medical advice, (date within the last twelve months), the pupil is unable to attend the standard school day, consideration will be given to providing assistance outside of the standard school day. It is expected that parents will support the facilitation of these additional journeys as necessary.

School Travel Assistance Options

20. Options that may be offered where travel assistance is agreed include:
 - a. Reimbursement of agreed public transport costs, (where concessional fares or free transport appropriate for the age and disability of the young person is not available)
 - b. Supported travel training and use of public transport
 - c. Payment of a personal budget at the Council's standard rates for parents to transport their children to the special school
 - d. Travel assistance via the Council's contracted transport providers with or without a passenger assistant. This may be on a shared basis and from a designated collection point which may or may not be the home address.
21. Assistance will be provided for as long as the child's needs are such that given all the circumstances they continue to require travel assistance to access their specialist provision. All transport assistance will be regularly reviewed and at least annually.

Circumstances when Travel Assistance is not provided

22. Please be aware that, in accordance with national guidelines, travel assistance is not provided in the following situations:
 - a. Where parents choose a school which is not the nearest suitable provision

which the Council considers to be appropriate to meet the needs of the child or young person

- b. In the event a child has to be taken to or from school outside of their normal school attendance times due to illness, any type of appointments including Doctors or any other specialists, interviews, assessment days, exclusion or for any other reason
 - c. Amended timetables due to behavior or suspension issues arising or a later collection following any form of detention or attendance at out of school time clubs
 - d. Attendance at school outside of the published School Term Timetable and daily timetable regardless of whether the pupil is travelling on their own
 - e. Parental attendance at annual reviews, meetings or any school events
 - f. Transport to and from work placements or any off-site provision.
23. It is the responsibility of the School to organise and provide pupil's transport for curriculum activities including examinations, during the school day. In these cases travel assistance will be provided at the beginning and end of the normal school times only.
24. For a child who has a disability, mobility problems or SEN (without an EHCP) applications will be considered under the Home to School Travel and Transport Policy.

Passenger Assistants

25. Following an assessment of need passenger assistants are provided where applicable. Any exceptional requirements will be based on evidenced need and discussions with schools and parents.
26. Where it would be unsafe for a child to travel without one, a passenger assistant will be considered subject to written medical / professional advice dated within the last twelve months. This is usually where a child exhibits severe challenging behavior or where the child has a severe or complex medical condition requiring continuous support.
27. Where a passenger assistant is necessary for complex health reasons, the Local Authority will work with health services to secure the appropriately qualified carer for transport purposes.
28. Parents or their nominees may be expected to accompany their child and undertake the role of passenger assistant where the pupil is the sole pupil attending a specific provision.
29. For all residential school placements parents will be expected to undertake the role of passenger assistant if necessary.

Young People Aged 16 - 25

30. Students with an EHCP continuing on in education or training after leaving school, who are seeking assistance with travel should refer to the Council's Post 16 policy statement.

Travel Assistance Reviews

31. All children and young people's eligibility for travel assistance will be regularly reviewed and at least annually. In most circumstances the review will take place at the child or young person's school and parents/carers must attend the review in order for travel assistance to continue. Non-attendance may result in travel assistance being ceased.
32. Travel assistance will also be reviewed at Key Stage reviews and when there is a significant change in circumstances, such as a change in home address or a change in the child or young person's needs. It is the responsibility of the parent/carer to notify the Council immediately of any changes that may affect the provision of travel assistance.
33. Any changes will be implemented from the beginning of the next school term, or sooner by mutual agreement following the completion of the assessment stage.

Cessation of Support

34. The Council may review and remove travel assistance from students where it is established that details within the application were inaccurate or where the child or young person's individual circumstances have changed. Confirmation of the reason for any change would be made in writing.
35. Transport assistance may also cease at the written request of the parent who may have made alternative arrangements for their child or young person's travel to school.

Appeals

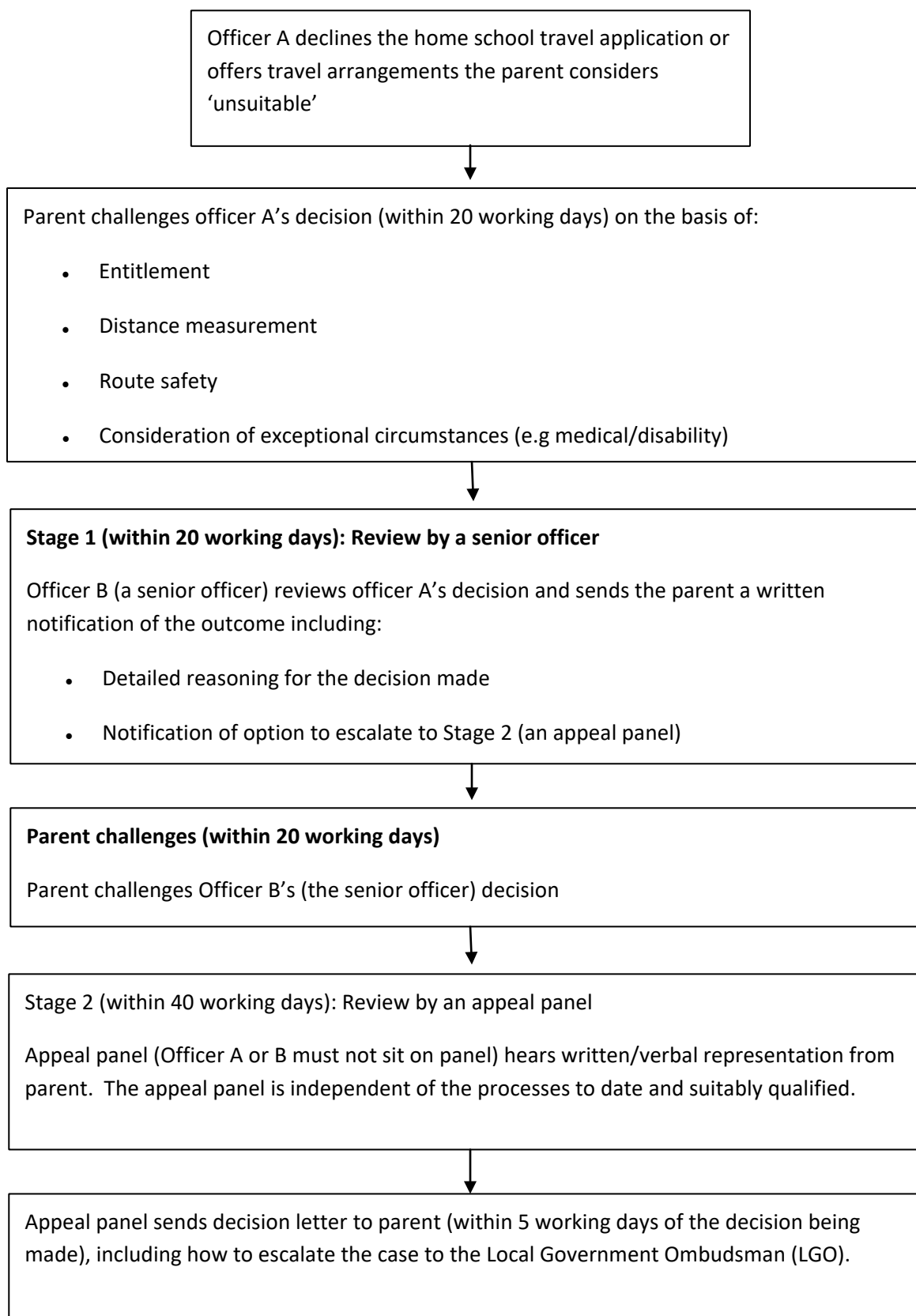
36. There may be instances where some applications are declined or where a needs assessment has led to a change to support and parents may not agree with the Council's decision. In these cases' the Council offers parents a formal 2 stage appeal process.
37. Please note that parents are responsible for ensuring their child's attendance at school during any appeal period.

Complaints

38. Darlington Borough Council welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating its commitment to working in partnership with all stakeholders.
39. The complaints process is comprised of two stages after which the complainant should be advised to refer the matter to the Local Government Ombudsman.

A copy of the Complaints Procedure is available on request and further information is available from the Darlington Borough Council Intranet.

40. Although complainants can refer their complaints from the outset, or at any stage, to the Local Government Ombudsman, they will not normally be investigated until the Council has conducted its own investigation and made a response.





DARLINGTON
Borough Council

Travel & Transport Assistance Policy

CONTENTS

1. Introduction

2. Home to School Travel and Transport for Children of Statutory School Age

3. Individual Circumstances and General Information

4. Behaviour on School Transport

5. Complaints/Concerns and Appeals

1. INTRODUCTION

The national guidance (last issued July 2014) on travel and transport arrangements states that a local authority has a duty to provide or arrange free travel to and from school for a pupil of statutory school age who lives in its area if:

- The pupil is aged under 8 and the shortest walking route to the nearest suitable school is over two miles;
- The pupil is aged 8 to 16 and the shortest walking route to the nearest suitable school is over three miles;
- The pupil is secondary age, attending one of three nearest schools where the shortest walking route is between 2 miles and 6 miles and are eligible;
- The pupil is secondary age, attending their nearest school preferred on the grounds of religion or belief and are eligible;
- The route to the nearest suitable school, whatever its length, is unsafe if travelled on foot, even if the child is accompanied by an adult.

This booklet outlines the travel and transport policy of Darlington Borough Council and can be found on the Council's website www.darlington.gov.uk or by contacting the school transport team at the details at the bottom of this page.

The Borough Council also provides information with regards to behaviour on school transport, which is intended to give both pupils and parents/carers information/guidance on how good behaviour on school transport can be encouraged and the way incidents of poor behaviour will be managed.

Further details can be obtained from:

**Transport Services
PEOPLE GROUP
Town Hall
Darlington
DL1 5QT**

Telephone: 01325 406333

Email: schooltraveltransport@darlington.gov.uk

2. HOME TO SCHOOL TRAVEL ARRANGEMENTS FOR CHILDREN OF STATUTORY SCHOOL AGE

Darlington Borough Council provides free transport or assistance with transport costs to the nearest appropriate and/or suitable school if one of the eligibility criteria is met. References to the 'nearest appropriate and/or suitable school' are taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have.

Eligibility Criteria

The legal requirement for ensuring that a child attends school is that of the parent/carer. It is the Local Authority's responsibility to make arrangements to provide transport for all 'eligible' children.

In Darlington free home to school transport or assistance with transport costs is available for the following eligible pupils of compulsory school age:

Primary Age – Reception to Year 6

- Children who attend the nearest appropriate and/or suitable school determined by the Local Authority, if that school is more than 2 miles from the parents/carers home using the shortest walking route judged to be safe¹.
- Children who cannot access their nearest appropriate and/or suitable school using an identified 'safe route to school'.
- Children with SEN, a disability or mobility problems.

Secondary Age – Year 7 to Year 11

- Children who attend the nearest appropriate and/or suitable school determined by the Local Authority, if that school is more than 3 miles from the parents/carers home using the shortest walking route judged to be safe¹.
- Children whose parent(s) are in receipt of free school meals or the maximum level of working tax credit will be eligible for free home to school transport to one of their 3 nearest appropriate and/or suitable schools, if that school is more than 2 miles and less than 6 from the parents/carers home using the shortest walking route judged to be safe¹.
- Children whose parent(s) in receipt of free school meals or the maximum level of working tax credit will be eligible for free home to school transport to one of their 3 nearest appropriate school preferred on grounds of religion or belief where that school is more than 2 miles but less than 15 from the parents/carers home using the shortest walking route judged to be safe¹.

- Children who cannot access their nearest appropriate and/or suitable school using an identified 'safe route to school'¹.
- Children with SEN, a disability or mobility problem.

Students with an EHCP will have their travel requests considered using the SEND Home to School Travel Policy.

Parental Preference

Where a parent expresses a preference for their child to attend a school which is not the nearest suitable school which is more than 3 miles from the parental home, assistance with transport is not the responsibility of the Authority. This also applies to attendance at a voluntary aided school.

There is, however, transport arrangements for eligible families if the child has obtained a place at one of their 3 nearest schools (see Secondary Aged Pupils paragraph for further explanation).

Measurements

The Local Authority uses a Geographical Information System (GIS) to measure all distances, from the front door of the home address** (including flats) to the main school gate as designated by the Authority. These measurements are used for school admission purposes as well as for transport.

**Home address is where the child lives mainly resides. Where parents/carers are separated and the child lives with for periods with both, then the LA will determine the main residence based on evidence provided.

Change of Address

Where parents move house during the academic year and they are not able to attend a nearer suitable school appropriate to their age and below the statutory walking distance, then the Authority will look to assist with transport/costs. This would be reassessed at the start of the next academic year.

Whilst a child is in Year 11 National Curriculum Year and that address is more than 3 miles from the school, the Authority will assist with travelling expenses to enable continued attendance at the same school where it is considered 'reasonable' to do so. The arrangements will not be extended if the pupil continues into post-compulsory education after 16 years of age. Only in exceptional circumstances will the Authority offer travel assistance after the autumn term in Year 10.

3. INDIVIDUAL CIRCUMSTANCES AND GENERAL INFORMATION

Medical

Children with acute medical needs or short-term medical conditions may require transport or a travel assistant to facilitate their attendance at school. The Authority will consider provision appropriate to the pupil's requirements on medical grounds. In such cases, the request will need to be supported by written evidence provided by a specialist involved with the child. If the request is turned down, a parent/carers may appeal against the decision (see Appeals section for information). Travel and transport arrangements for children with an EHCP² can be found in the SEND Travel Assistance Policy.

If a child is provided with either transport or a travel assistant, the provision will be reviewed on a 6-weekly basis, which may require proof of the ongoing medical need i.e. a letter from a professional practitioner.

Provision to the Home & Hospital Service based at Rise Carr College will also be assessed as above.

Disabled Parents

The Disability Discrimination Act 2005 has placed a duty on the public sector to promote equality of opportunity for disabled people and to eliminate discrimination. The Council is therefore under a duty to review all their policies, practices, procedures and services to make sure they do not discriminate against disabled people and to ensure that all of its services are planned with disabled people's needs fully considered in advance.

Therefore, where disabled parents have to accompany their child/ren along a walking route for it to be considered safe¹, due to the child's age and where the parents' disability prevents them from doing so, in such circumstances, the Council may consider providing free home to school travel or assistance for the child/ren of disabled parents.

In a two-parent household both parents would need to have a disability that would prevent them from fulfilling their responsibilities as parents, in securing their child/ren attend school regularly and punctually. The fact that one parent may be out at work is not in itself sufficient reason for the Council to offer support.

The Council has a duty to manage its' limited resources and reserves the right to challenge any claims of parents that they are unable to support their children's attendance at school. Evidence may be required from an appropriate health professional supporting the claims of disability.

Children with temporary mobility problems

Children with a mobility problem caused, for example, by a temporary medical condition such as a broken leg, may be unable to walk to school. Where such children attend a qualifying school, which is within “statutory walking distance”, and no suitable arrangements have been made by the Council for enabling them to become a registered pupil at a qualifying school nearer to their home, they will be “eligible children”.

This means that councils must make suitable travel arrangements for children with SEN, a disability, or mobility problem (including temporary medical conditions) if their SEN, disability, or mobility problem means that because of the nature of the route they could not reasonably be expected to walk to the school.

Children unable to walk in safety to school

Where children live within ‘statutory walking distance’, councils are under a duty to make travel arrangements where the nature of the route is such that a child cannot reasonably be expected to walk (accompanied as necessary) in reasonable safety.

When determining eligibility, a range of factors may also be taken into consideration including:-

- the age of the child;
- whether any potential risks might be mitigated if the child were accompanied by an adult;
- the width of any roads travelled along and the existence of pavements;
- the volume and speed of traffic travelling along any roads;
- the existence or otherwise of street lighting;

In reaching decisions on suitable safe routes, the Council will not remove from parents their legal responsibility to ensure that their children attend school regularly and punctually. The fact that parents may face other pressures at this time, such as the need to go to work, is not in itself sufficient reason for the Council to provide travel support. This would apply in cases where the route may be deemed unsafe for young children travelling un-accompanied but which would be regarded as safe should their parents fulfil their legal responsibilities. In all cases it will remain the decision of the Council to determine whether or not it is reasonable for parents to accompany their children on the school journey.

Looked After Children

Children who are in the care of Darlington Local Authority and attending a Darlington school will be assessed under the same eligibility criteria for statutory aged pupils, if the school remains the most appropriate one for the child to attend.

¹The Local Authority determines a safe walking route as a footpath lit at regular intervals and paved/tarmacked.
²Education, Health and Care Plan

Discretionary Arrangements

Local Authorities also have the discretion to go beyond their statutory duties and can provide transport for those children who are not entitled to free transport, this can include charging for all or part of the travel arrangements made. Darlington Local Authority must balance the demands of a broad range of services against budget priorities, therefore consideration of applications which do not meet the statutory eligibility conditions or other elements of this policy, will be considered under 'discretionary arrangements' but should travel be granted it would be with a view to a charge being made to parents/carers for all or part of the travel arrangements.

Permanently Excluded Pupils

Should a child be permanently excluded from a mainstream school and live over 3 miles, then they will be entitled to transport/assistance with transport costs to their temporary educational setting, whilst awaiting re-integration into another mainstream school.

Should a child access an alternative educational setting which is between 2 and 6 miles and they are in receipt of free school meals or maximum level of working tax credit, then transport/assistance with transport costs will continue to be provided.

Mileage Allowance

If a parent/carer chooses to transport their child to a school that is the nearest appropriate which is over 2 miles (primary) 3 miles (secondary) themselves, they can receive a mileage allowance. Requests for a mileage allowance should be made to the School Transport Team.

A mileage allowance will be awarded for the journey's taken to school at the beginning and end of the school day.

Should the family address change, assistance will cease in the following circumstances:

- the school that the child is attending is no longer over 2 miles (primary) 3 miles (secondary);
- the school that the child is attending is over 2 miles (primary) 3 miles (secondary) but there is a school closer with available places.

Bus Passes for Public Transport

In cases where a child of secondary school age is not eligible for free home to school transport and is unable to gain a place at their nearest secondary school and will have to travel more than 2 miles but less than 6 to school, then the Authority will reimburse the cost of a bus pass on public transport.

Poor behaviour on public transport will not be tolerated and the consequence of such would be short and/or long-term withdrawal of financial assistance with no reimbursement or alternative provision being made, during which time it will be the parents' responsibility to ensure the child attends school

Passenger Assistants

Passenger assistants will accompany children in Key Stage 1 (those in Reception, Year 1 and Year 2) who travel in transport provided by the Local Authority.

Passenger assistants are required to attend various training courses pertinent to their role i.e. safeguarding training; first aid. Refresher courses are also held when required. Transport officers liaise with Passenger Assistants on a regular basis to discuss transport issues.

Safety

All drivers and passenger assistants engaged on education transport contracts are subject to an enhanced DBS (Disclosure and Barring Service – formerly a CRB) as part of their contract. All transport operators contracted on education transport are required to provide the following information:

- Vehicle registration and plate details for taxis.
- Insurance certificates.
- Vehicle test certificates.
- Operators licence for PSV vehicles.
- DBS

Transport Services carry out checks on operator vehicles and their staff. Where necessary these are done in conjunction with the Police and Vehicle Operator Services Authority (VOSA).

Contact Details

For all school travel/transport enquiries you can contact the transport team by writing to Travel and Transport Services, People Services, Town Hall, Darlington, DL1 5QT by telephoning on 01325 406333 and choosing the option for transport or by emailing schooltraveltransport@darlington.gov.uk

4. BEHAVIOUR ON SCHOOL TRANSPORT - TRAVEL SAFELY IN DARLINGTON

A GUIDE FOR PUPILS

Your Entitlements are:

To:

- A safe, secure, non-threatening and civilised environment on school transport.
- Having your views and concerns listened to and addressed, as appropriate.
- Being treated consistently and fairly.
- Being made aware of the Policy and your school and the Local Authority's expectations of the behaviour and conduct expected on transport and the sanctions, which may be applied where these expectations are not met.
- A good 'service' on the school transport provided by the Local Authority.
- Being made aware of the seriousness of your behaviour where there are problems, and the possible consequences arising from such.

Your Responsibilities are:

To:

- Conduct yourself at all times in a safe, orderly, courteous and responsible manner.
- Respect the rights and feelings of others, including other passengers, drivers and escorts, bystanders and other road users.
- Comply with the guidelines issued to pupils by the Local Authority and any such issued by the school.
- Carry and show your bus pass at all times when using school transport.
- Remain seated throughout your journey and use a seatbelt where one is available.

The consequences of poor behaviour on School Transport can be:

- A letter of complaint to your parents/carers from school and / or Local Authority.
- The range of normal school based sanctions, which may include exclusion, detention, withdrawal of privilege, etc.
- Voluntary agreements / contracts between parent, school and pupils.
- Short and long term withdrawal of transport with no reimbursement or alternative provision made.
- The potential for loss of travel if no pass is carried.
- Possible Police action in appropriate cases.
- The loss of transport privileges on a permanent basis in the most serious of cases.

5. COMPLAINTS/CONCERN AND APPEALS

Complaints/Concerns

If you have a complaint/concern about Home to School Transport, including SEN Transport, you should contact the School Transport Section immediately; especially if it involves a safety/safeguarding concern. The transport team will then try and resolve your complaint/concern as quickly as possible. We may need to ask you to follow up your complaint in writing. Once investigated, you will be advised of the outcome and any subsequent action taken. Information pertaining to a member of staff will not be shared if disciplinary action is taken. The postal address, email address and telephone numbers for the section can be found on the Introduction page of this document.

If you are not satisfied with the outcome, then you may wish to contact the Authority's Information Governance Team who deal with complaints, compliments or comments they can be contacted on 01325 388043 or by completing a form at www.darlington.gov.uk/Generic/Complaints/complaints

School Transport Appeal

Stage One

If you believe that you qualify for assistance with transport; as set out in this policy and you wish to appeal against the refusal to provide free Home to School Transport you should write asking for a review of the decision within 20 working days from receipt of the decision to the School Admissions & Transport Manager. You will need to set out clearly the reason for your appeal and enclose any relevant evidence/information to support your appeal, i.e. letter from a specialist if medical. Within 20 working days of receipt of the parents written request the School Admissions & Transport Manager will review the original decision and inform parent/carers of the outcome in writing.

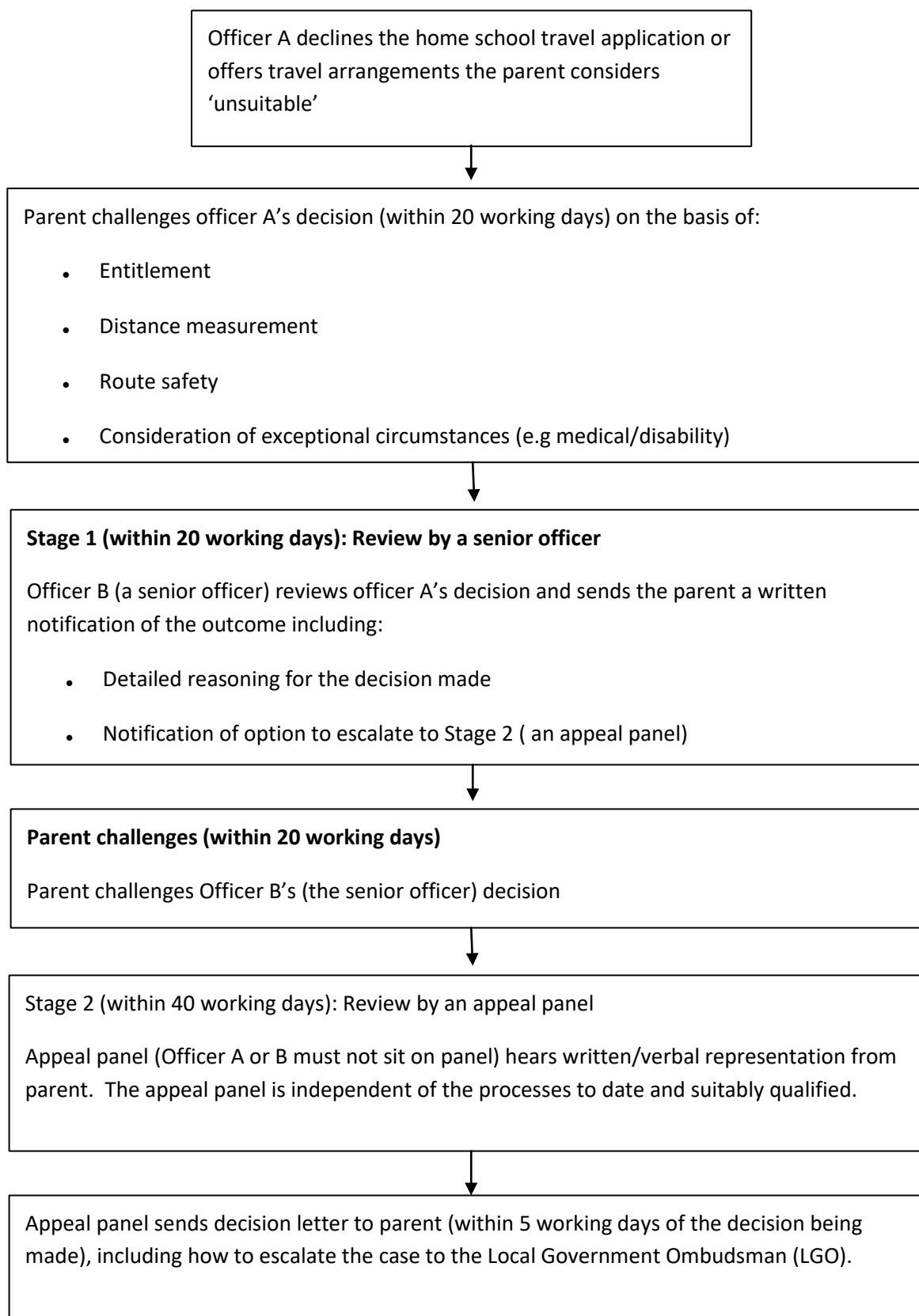
Stage Two

If parents are not satisfied with the decision made at stage1, they then have 20 working days from receipt of the local authority's stage 1 decision to make a written request to escalate the matter to stage 2.

Within 40 working days of receipt of the request your appeal will be considered by an appeal panel. You will be invited to attend the appeal either in person or virtually when the panel will take into account the written information presented by the officers involved in the case and the written and verbal representations of yourself. If you do not wish to attend the meeting it will proceed based on the written information provided. You will be informed in writing of the outcome of your appeal and the reasons for it within 5 working days of the decision being made. The letter will also explain what to do if you are still not happy with the decision.

Home to School Travel and Transport

Flowchart of the review/appeals process





Department
for Education

Travel to school for children of compulsory school age

Statutory guidance for local authorities

June 2023

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Summary

About this guidance

This is statutory guidance from the Department for Education. It is issued under the duties placed on the Secretary of State by sections 508A (7) and 508D (1) of the Education Act 1996. It replaces the previous *Home to School Travel and Transport Guidance* from 2014.

Local authorities are under a duty to have regard to this guidance when carrying out their duties in relation to:

- arrangements for travel to school for children of **compulsory school age**;
- 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**).

There is [separate guidance on travel to post-16 education and training](#).

Review date

This guidance will be kept under review and updated when necessary.

What legislation does this guidance refer to?

This guidance refers to the legislation governing travel to school for children of **compulsory school age**, in particular:

- section 508A of the Education Act 1996: sustainable travel to school;
- section 508B of and Schedule 35B to the Education Act 1996: travel arrangements for eligible children;
- section 508C of the Education Act 1996: travel arrangements for other children;
- the School Information (England) Regulations 2008: publication of information about travel arrangements.

Links to some of the legislation that relates to travel to school can be found in annex 3: additional resources.

Who is this guidance for?

This guidance is for local authorities, in particular their school travel teams and **special educational needs** casework teams.

It may also be of interest to schools, academy trusts, **parents**, organisations that advise **parents** and travel operators.

Main points

- **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. Local authorities must make arrangements, free-of-charge, for eligible children to travel to school (see part 1 of this guidance).
- Local authority school travel and **special educational needs** teams should work together to ensure travel arrangements are considered when deciding what school to name in a child's **Education, Health and Care plan** (part 1).
- Local authorities have a discretionary power to arrange travel to school for other children (part 2).
- Local authorities are responsible for deciding what travel arrangements to make, provided they are suitable for the needs of the children for which they are made (part 3).
- Schools should support local authorities to deliver their home to school travel functions, for example, by promoting good behaviour on transport, and sharing information to ensure children's needs are met, and taking travel arrangements into account when making changes to their **school day**.
- Local authorities' school travel policies should be easy for **parents** to find and understand (part 4).
- Local authorities should have a fair and transparent process so that **parents** can appeal a decision about travel to school for their child (part 5).
- Local authorities have a duty to promote sustainable and active travel to school (part 6).

In updating this guidance, we have had regard to:

- a [School Transport Inquiry](#) conducted by the charity [Contact](#);
- a [School Transport Report](#) by the charity [Cerebra](#);
- the [coroner's regulation 28 report to prevent further deaths](#) issued in 2016, following the death of a child on a **dedicated** school bus;
- responses to our [2019 public consultation](#);
- stakeholder comments provided in late 2022 and early 2023.

Words used in this guidance

Where the words ‘**must**’ and ‘**must not**’ are used, they represent a statutory requirement. Where the word ‘should’ is used, it represents something authorities ought to do or something that is considered good practice but is not a mandatory requirement.

The word ‘**reasonable**’ is used throughout this guidance. Local authorities are expected to act reasonably in the performance of their functions. Whether an action is reasonable may vary according to the circumstances in which it is being considered and local authorities will need to use their judgement. In general, they should seek to act in a way that is fair and rational and takes into account relevant factors.

An explanation of words in ***bold italics*** can be found in annex 1: explanation of terms used in this guidance.

Context

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 by a lack of transport or the cost of transport.

The cost of delivering free home to school travel has increased significantly in recent years. 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 to ensure financial sustainability.

The [SEND and Alternative Provision Improvement Plan: Right Support, Right Place, Right Time](#) sets out the Government’s plans for a national ***special educational needs, disability*** and alternative provision system that fulfils children’s potential, builds ***parents’*** trust and provides financial sustainability. The new system will improve early identification of needs and set clear expectations for the types of support that should be ordinarily available in mainstream settings, meaning fewer children will need to access support through an ***EHC plan***. Taken together with [£2.6 billion of Government investment](#) in new places and improvements to existing provision for children with ***special educational needs*** and ***disabilities*** or who require alternative provision, this will mean fewer children will need to travel long distances to a school that is able to meet their needs.

The Improvement Plan also sets out plans for local SEND and alternative provision partnerships which will bring together partners in education, health and care to plan and commission support for children and young people with ***special educational needs*** and ***disabilities*** and in alternative provision. The partnerships will create local inclusion plans that will set out how the needs of children and young people in the local area will be met. Home to school travel is important in enabling children to access the support available to them and partnerships will factor it into their plans.

We know that local authorities need schools to support them to deliver their home to school travel functions by:

- promoting good behaviour on transport;
- sharing information to ensure the needs of children with **special educational needs, disabilities** or **medical needs** are met;
- considering any implications for travel arranged by the local authority when arranging for children to be educated off-site or proposing changes to their **school day** or week; and
- promoting sustainable travel to school.

Fairness and getting things right

Free travel to school is a valuable service for many families, but budget pressures mean local authorities often have to make difficult decisions about how to make best use of the limited resources available to them. They must comply with their duty to arrange free travel for eligible children but have some discretion in how they do this. This means they need to make a range of decisions, many of which can be challenging. For example, they need to decide what travel arrangements to make for eligible children, whether a child with **special educational needs** can reasonably be expected to **walk** to school, and whether to exercise their discretion to provide travel for children that are not eligible.

School travel can sometimes become the subject of disputes between **parents** and their local authority and of complaints to the Local Government and Social Care Ombudsman (LGSCO). It is not always possible to make a decision that **parents** are happy with, but it is important they are treated fairly and understand how the decision has been reached.

It is important to have policies to guide decision making but genuine consideration should be given to each case, rather than rigidly adhering to a policy, particularly when considering whether to exercise discretion.

Annex 4 sets out some questions that local authorities may find helpful when reviewing their policies and procedures. LGSCO has published [guidance on good administrative practice and the effective handling of complaints](#).

The public sector equality duty

The Equality Act 2010 requires local authorities to comply with the public sector equality duty. This means they must consider how their school travel decisions and policies affect people with protected characteristics, and must have due regard to the need to:

- eliminate discrimination against people with protected characteristics;

- promote equality of opportunity between people who have a protected characteristic and those who do not; and
- foster good relations between people who have a protected characteristic and those who do not.

The public sector equality duty is likely to be particularly relevant when local authorities are revising their school travel policies (see part 4), deciding whether to exercise their discretionary power (see part 2) and deciding whether it would be reasonable to expect a **parent** to accompany their child on their journey to and from school (see paragraphs 47 to 52).

Duty to have regard to religion or belief

Section 509AD of the Education Act 1996 requires local authorities to have regard to any wish of a **parent** to have their child educated at a school based on their **religion** or **belief** when exercising their school travel duties. This does not mean local authorities must arrange travel to a school with a **designated religious character** for a child whose **parents** have chosen it on the grounds of their **religion** or **belief** (unless the child would be eligible for free travel to that school), but they should not have a blanket policy that they never provide travel assistance to schools with a **designated religious character** and may need to make decisions on a case-by-case basis if asked to exercise their discretionary power in relation to such a school.

Part 1: local authorities' statutory duty in relation to eligible children

1. Subject to paragraph 64 below, local authorities must make free-of-charge travel arrangements to facilitate the attendance at school of eligible children resident in their area¹.

2. A child is eligible² if they are of **compulsory school age**, attend their nearest suitable school and:

- live more than the statutory **walking** distance from that school (see paragraphs 9 to 12), or
- could not reasonably be expected to **walk** to that school because of their **special educational needs, disability or mobility problem**, even if they were accompanied by their **parent** (see paragraphs 13 to 26), or
- would not be able to **walk** to that school in reasonable safety, even if they were accompanied by their **parent** (see paragraphs 27 to 30).

3. There are 'extended rights' to free travel to school for children from low-income households (see paragraphs 31 to 35).

Suitable school

4. A suitable school for school travel purposes is a qualifying school (see paragraphs 7 to 8 for the definition of a qualifying school) that is suitable for the child's age, ability, aptitude and any **special educational needs** they may have³. It should also be suitable for the child's sex, for example a girls' school could not be considered the nearest suitable school for a boy.

5. 'Suitable school' does not mean the most suitable school for a child. Schools are able to meet a wide range of needs. The nearest secondary school to the **home** of a child of secondary school age, for example, will almost always be their nearest suitable school (provided it would be able to admit them).

6. Where a child has an **EHC plan**, the school named in the plan will normally be considered to be their nearest suitable school. (See paragraphs 20 to 26 for more

¹ [Section 508B of the Education Act 1996](#)

² The categories of eligible children are set out in [schedule 35B of the Education Act 1996](#)

³ [Section 7 of the Education Act 1996](#) (Duty of parents to secure education of children of compulsory school age) defines suitable education.

information about children with **EHC plans** and paragraphs 36 to 46 for more information about suitable schools and qualifying schools.)

Child A is thirteen years old. Their nearest school is a co-educational secondary school that is 3.4 miles from their **home**. Their **parents** choose to send them to a single sex secondary school that is 5.3 miles from their **home**. Child A is not eligible for free travel to the single sex school because the co-educational secondary school is their nearest suitable school.

Child B is twelve years old. They attend School 1, a secondary school 3 miles from their **home**. Their **parents** chose this school because it offers a choice of several modern foreign languages at GSCE. School 2 is 1 mile from Child B's **home** and would have been able to admit them, but it only offers one modern foreign language. Child B is not attending their nearest suitable school because School 2 would have been able to provide them with an education that was suitable for their age, ability and aptitude.

Qualifying schools

7. Qualifying schools⁴ are:

- community schools, foundation schools, voluntary aided and voluntary controlled schools;
- academies (including those which are free schools, university technical colleges, studio schools and special schools);
- alternative provision academies;
- community or foundation special schools;
- non-maintained special schools;
- pupil referral units;
- maintained nursery schools (where attended by a child of **compulsory school age**); and
- city technology colleges and city colleges for the technology of the arts.

8. For children with **special educational needs**, an independent school is a qualifying school if it is the only school named in their **EHC plan**, or the nearest of two or more schools named in the **EHC plan**. (See paragraph 20 to 26 for more information about children with **EHC plans** and paragraphs 36 to 46 for more information about suitable schools and qualifying schools.)

⁴ Qualifying schools are defined by paragraph 15 of [schedule 35B to the Education Act 1996](#).

Statutory walking distances⁵

9. The statutory **walking** distances are used to determine whether a child is eligible for free travel to school. They are the distance beyond which a child who is attending their nearest suitable school is eligible for free travel arranged by their local authority. Where a child lives within the statutory **walking** distance (and is not eligible for free travel on any of the other grounds set out in this guidance) the **parent** is responsible for arranging their child's travel to school. There is no expectation that the child will **walk**. It is for the **parent** to determine what arrangements would be suitable for their child.

10. A child under the age of 8 is eligible for free travel to their nearest suitable school if it is more than 2 miles from their **home**.

11. A child aged 8 years or over is eligible for free travel to their nearest suitable school if it is more than 3 miles from their **home**.

12. When a local authority assesses whether the distance between a child's **home** and their school is further than the statutory **walking** distance, the route they measure must be the shortest route along which a child, accompanied as necessary, may **walk** in reasonable safety. This is not necessarily the shortest distance by road. The route may also include footpaths, bridleways, other pathways and alternative entrances to the school (see paragraph 47 to 52 for guidance about accompaniment).

Child C is six years old and attends their nearest suitable school. It is 2.3 miles from their **home**. Child C is eligible for free travel to school.

Child D is seven years old and attends a primary school that is 2.6 miles from their **home**. There is another suitable primary school 1.2 miles from their **home** which has places available. Child D is not eligible for free travel to school, as they are not attending their nearest suitable school.

Child D is eleven years old and attends their nearest suitable school. It is 2.6 miles from their **home**. Child D is not eligible for free travel to school.

Special educational needs, disability or mobility problems

13. A child is eligible for free travel to school if:

- they attend their nearest suitable school, and
- it is **within** the statutory **walking** distance of their **home**, and

⁵ The statutory walking distances are prescribed by [section 444\(5\) of the Education Act 1996](#).

- they could not reasonably be expected to **walk** there because of their **special educational needs, disability or mobility problem**, even if they were accompanied by their **parent** (see paragraph 47 to 52 for guidance about accompaniment).

14. To be eligible on these grounds, a child **does not** need to:

- have an **Education Health and Care plan (EHC plan)**; or
- have travel to school specified in their **EHC plan** if they have one; or
- attend a special school; or
- live beyond the statutory **walking** distance.

15. Not every child with an **EHC plan** or who attends a special school will be eligible for free travel to school.

16. Local authorities will need to assess eligibility on the grounds of **special educational needs, disability or mobility problems** on a case-by-case basis. The assessment should take account of the child's physical ability to **walk** to school and any health and safety issues related to their **special educational needs, disability or mobility problems**. It may take account of whether they would be able to **walk** to school if they were accompanied (see paragraphs 47 to 52 for guidance about accompaniment).

17. Information that local authorities may take into account when assessing a child's eligibility may include (but need not be restricted to) the following, where it illustrates why the child may not be able to **walk** to school:

- information provided by the **parent**;
- information provided by any professionals involved in the child's care, for example, an educational psychologist or hospital consultant;
- information provided by the child's school;
- any relevant information in the child's **EHC plan** if they have one;
- any relevant information in their **individual healthcare plan** if they have one.

18. It is likely local authorities will need to ask **parents** to provide some or all the information they will need to make their decision. Wherever possible, they should avoid asking **parents** for any information which is not already in their (the **parent's**) possession or is not easy for them to obtain.

Child F is fourteen years old and has a **disability** that requires them to use crutches to walk. They need to take their time to ensure they are balanced. They attend their nearest suitable school. It is 1 mile from their **home**. The local authority decides that they could not reasonably be expected to **walk** to school. Child F is eligible for free travel to school.

Child G is eleven years old and has been diagnosed with a long-term medical condition which causes them to take a long time to recover after strenuous physical activity. They attend their nearest suitable school which is a short **walk** from their **home**. The **parent** applies for free travel to school on the basis that the child needs to recover for a long time after any strenuous activity. Based on the information available to them, the local authority decides that Child G would not need to recover for a long time after the short **walk** to their school. Child G is not eligible for free travel to school.

19. A child may be eligible because of temporary **mobility problems** but, due to the short-term nature of some **mobility problems**, it may not always be practicable for the local authority to make travel arrangements before the child has recovered.

Children with EHC plans

Key points

- Subject to the exception set out in paragraphs 23 to 26 below, the school named in a child's **EHC plan** will be their nearest suitable school for school travel purposes.
- Local authorities should take the cost of travel into account when deciding whether it would be incompatible with the efficient use of resources to name the **parent's** preferred school in the **EHC plan**.
- It is important for local authority school travel and **special educational needs** teams to work closely together and to engage with one another early in the process for drawing up an initial **EHC plan** and when changing the school named in an existing plan following review.

20. The naming of a school in a child's **EHC plan** is governed by section 39 of the Children and Families Act 2014. **Parents** have the right to ask for a particular school to be named in their child's **EHC plan** (when the plan is first drawn up and when the local authority amends the existing plan). The local authority must name that school in the plan unless it would be unsuitable for the child's age, ability, aptitude or **special educational needs**, or incompatible with the efficient education of others or the efficient use of

resources⁶. Where the child will be eligible for free travel, they should take the cost of travel into account as part of this decision. Travel arrangements may also be relevant to the decision about the school that should be named in the plan in other ways, for example, the effect the journey may have on the child and their ability to learn when they arrive at school.

21. Where naming the **parent's** preferred school would be unsuitable for the child's age, ability, aptitude or **special educational needs**, or incompatible with the efficient education of others or the efficient use of resources, the local authority must name a different school that they think would be appropriate for the child.

22. This means that, where a **parent** would prefer their child to attend a school that is further away from their **home** than the nearest school that would be able to meet their needs, the local authority should consider whether arranging travel to the preferred school would be incompatible with the efficient use of resources.

23. The local authority should determine the cost of providing the child with free travel to each of the two schools. If travel to the preferred school would cost more than travel to the nearer school, they should decide whether the additional cost of providing travel to the **parent's** preferred school is incompatible with the efficient use of resources. This will include deciding whether the educational benefits and other advantages the school will provide for the child outweigh the additional cost.

24. If the local authority determines that providing travel to the **parent's** preferred school would be incompatible with the efficient use of resources, the local authority may:

- name a different school that would be appropriate for the child's needs (this may be the nearer school), or
- name the **parent's** preferred school on the condition that the **parent** arranges the travel or provides some or all of the cost of the travel.

25. When the local authority names the **parent's** preferred school on the condition that the **parent** arranges or pays for the travel, but the **parent's** circumstances subsequently change and they are no longer able to arrange or pay for the transport, the authority may conduct a review of the **EHC plan** to reconsider whether naming the parent's preferred school is incompatible with efficient use of resources. If they determine that providing travel to the parent's preferred school would be incompatible with the efficient use of resources, they may amend the plan to name a different school that would be appropriate for the child's needs.

26. The local authority should clearly record their decision to name the **parent's** preferred school on the condition that the **parent** arranges or pays for the travel, and

⁶ See paragraphs 9.78 and 9.79 of the [Special educational needs and disability code of practice: 0 to 25 Years](#)

should make it clear that they may review the school named in the **EHC plan** if the **parent** is then unable or unwilling to arrange or pay for the travel. Transport should not normally be recorded in a child's **EHC plan**⁷. We therefore recommend that the local authority records this information in a formal letter to the **parent**.

Unsafe walking route

27. A child is eligible for free travel to school if:

- They attend their nearest suitable school, and
- it is **within** the statutory **walking** distance of their **home**, and
- the nature of the route means they could not be expected to **walk** there in reasonable safety even if accompanied by their **parent**, and
- there is no alternative route within the statutory **walking** distance that they would be able to **walk** in reasonable safety, even if accompanied by their **parent**.

28. When assessing whether a route can be **walked** in reasonable safety, local authorities should consider the whole of the route. This will include, for example, any sections that use footpaths or bridleways, as well as sections that use roads. They should consider a range of risks such as canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian and motorist.

29. Some local authorities use the '*Assessment of Walked Routes to Schools Guidelines*', published by Road Safety GB⁸, which provide advice to local authorities on assessing the risk posed to pedestrians by traffic. These guidelines can form the basis from which to develop a route safety assessment but are not a complete assessment and should be used in conjunction with local context and knowledge.

30. Modern technology is valuable in identifying, measuring and assessing routes but it may sometimes be appropriate for a route to be assessed by **walking** it at the times of day and on the days of the week that the child would travel, particularly if the safety of a route is challenged.

⁷ The [Special Educational Needs and Disability Code of Practice: 0-25 Years](#) says that transport should be recorded in the EHC plan only in exceptional cases where the child has particular transport needs.

⁸ [Road Safety GB](#) is a national road safety organisation made up of representatives from groups across the UK, including local authority road safety teams.

Child H is twelve years old. They attend their nearest suitable school. It is 2 miles from their **home**. The only **walking** route to this school is along a busy road with no footpaths or stepping off points. The local authority carries out an assessment of the route and decides it would not be possible for a child to **walk** it in reasonable safety, even if they were accompanied by their **parent**. Child H is eligible for free travel to school.

Extended rights

31. Extended rights are designed to support low-income families to exercise school choice. A child is eligible for free travel to school if they are eligible for free school meals **or a parent** with whom they live receives maximum Working Tax Credit **and** they are:

- aged 8 or over but under 11, attend their nearest suitable school and it is more than 2 miles from their **home**; or
- aged 11 to 16 years, and attend one of their three nearest suitable schools provided it is more than 2 miles but not more than 6 miles from their **home**; or
- aged 11 to 16 years, attend a school that is more than 2 but not more than 15 miles from their **home** that their **parents** have chosen on the grounds of their **religion** or **belief** if, having regard to that **religion** or **belief**, there is no suitable school nearer to their **home**.

Child I is eleven years old and eligible for free school meals. Their nearest suitable school is 2.5 miles from their **home**. Their second nearest suitable school is 3 miles away. Their third nearest is 5 miles away. Child I would be eligible for free travel to any of these schools.

Child J is eleven years old and eligible for free school meals. Their three nearest schools are School X, School Y and School Z. School X is 1.5 miles from their **home**, School Y is 2.2 miles from their home, and School Z is 5.5 miles from their **home**. Child J would be eligible for free travel to School Y or School Z, but not to School X.

Child K is thirteen years old and is eligible for free school meals. Their **parents** are Sikh and wish them to be educated in a school with a **religious character**. They attend a **designated** Sikh school that is 8 miles from their **home**. There are other schools which are nearer to their **home**, but none of these is a Sikh school. Child K is eligible for free travel to the Sikh school.

32. When a local authority assesses, for the purposes of extended rights, whether a child lives more than 2 miles from a school, the route should be measured in the way

described in paragraph 12. When assessing whether a child lives within the 6- or 15-mile upper limits, the local authority should measure **road routes** only. There is no expectation that a child would **walk** these distances and so **walking** routes should not be used for assessing eligibility.

33. Where, during the course of an **academic year**, a child ceases to be eligible for free school meals, or their **parent** ceases to receive maximum Working Tax Credit, the local authority should continue to provide free travel to school for the remainder of that **academic year**.

34. Working Tax Credit is being phased out as claimants are transferred onto Universal Credit. This **does not** change the way eligibility for extended rights to free travel to school is determined. It remains the case that children will be eligible for free home to school travel if they are eligible for free school meals **or** live with a **parent** who receives maximum Working Tax Credit (and meet the criteria set out above). Once the roll out is complete, no further children will come forward who are eligible because their **parents** claim maximum Working Tax Credit.

35. No child will cease to be eligible for extended rights because of the roll out of Universal Credit. **Parents** who claim maximum Working Tax Credit will have an earned income of no more than £7,400. This means their children will become eligible for free school meals (if they are not already) when they (the **parent**) are transferred to Universal Credit. More information about eligibility for free school meals is available in [Free School Meals: guidance for local authorities, maintained schools, academies and free schools](#).

More information about suitable schools and qualifying schools

36. Children may sometimes live a very similar distance from more than one school. Where the schools are within the **walking** distance, local authorities should determine which is the nearest by measuring the shortest route along which a child, accompanied as necessary, may **walk** in reasonable safety.

37. Where the schools are beyond **walking** distance, local authorities may consider it more appropriate to measure the shortest **road route** or the straight-line distance. It should be made clear in the local authority's school travel policy how the route will be measured.

38. Where a child's nearest school is oversubscribed and unable to offer them a place, the nearest school with places available is their nearest suitable school for school travel purposes. A child's nearest school may be in a neighbouring local authority area.

39. In most cases, a child's eligibility for free school travel will be assessed following the **normal school admissions round** once **parents** have been offered a place for their child to begin primary school or transfer to secondary school. In some cases, eligibility

will need to be assessed at other times, for example due to a family moving into the area in-year.

40. When an application for travel is considered following the **normal admissions round**, it can be difficult for a local authority to know whether a child could have been admitted to their nearest school if their **parent** did not list that school as a preference when they applied for a school place. It is, therefore, reasonable for a local authority to expect **parents** to list their nearest school on their application form if they intend to apply for free travel to school. Some local authorities have alternative ways of determining whether a child's nearest school could have offered them a place.

41. Where a local authority expects **parents** who intend to apply for free travel to list their nearest school on their application form, this information should be clearly available to all **parents** at the time they are deciding which schools to apply for. It should also be clear to parents how they can find out which is their nearest school for admissions purposes and whether this is also their nearest school for school travel purposes. Some authorities have a postcode checker on their website that parents can use for this purpose.

42. Local authorities may expect **parents** to list their nearest school as their first preference. However, in the Department's view, this should not normally be necessary. School admission authorities must provide ranked lists of all applicants to the local authority. If a parent lists their nearest school as their second or lower preference, it should be possible for the local authority to tell whether their child could have been offered a place at that school. This can be done by comparing the child in question with the last child to be offered a place at the school and determining which of them would have higher priority. This will often be a straightforward matter of determining which child lives closest to the school.

43. Local authorities may find it helpful to have a set date that they use for the purposes of determining whether a child could have been offered a place at their nearest school, for example, would they have been offered a place on National Offer Day⁹.

44. Where a child has begun attending a school that is not their nearest because their nearest school was unable to offer them a place, a place may subsequently become available at the nearer school. In these circumstances, some **parents** may choose to move their child to the nearer school. Where they do not, local authorities should not withdraw the child's home to school travel, because moving to the nearer school would be likely to cause significant disruption to their education.

⁹ National Offer Day is the day each year on which local authorities send an offer of a school place to parents in their area. Secondary National Offer Day is 1 March. Primary National Offer Day is 16 April. Where 1 March or 16 April falls on a day that is not a working day, National Offer Day is the next working day.

Child L is eleven years old and attends School 1 which is 4.2 miles away from their **home**. Their **parents** applied for this school as their first preference. The nearest secondary school is School 2 which is 3.7 miles from their **home**. They chose not to apply for this school, despite information on the eligibility for free travel to school being readily available at the time they submitted their preferences. School 2 is undersubscribed, and Child L would have been offered a place there had their **parents** applied. Child L is not eligible for free travel to School 1 because School 2 is their nearest suitable school and has available places.

Child M is eleven years old and attends the second nearest secondary school to their **home**. It is 4.2 miles away. Their nearest secondary school is 3.7 miles from their **home**. Their **parents** applied for this school, but it was oversubscribed and they were not offered a place. Child M is eligible for free travel to school as they are attending their nearest suitable school with available places.

45. A child may be eligible for free travel to a place that isn't a qualifying school:

- where they receive education at a place other than a school by virtue of arrangements made under section 19 (1) of the Education Act 1996 (which requires local authorities to make arrangements for the provision of suitable education for children of **compulsory school age** who would otherwise not receive suitable education for reasons such as illness or exclusion)¹⁰
- where they are suspended (temporarily excluded) from a school (but remain a registered pupil of that school) and attend an educational establishment that is not a qualifying school and is not within the statutory **walking** distance of their **home**, then that educational establishment must be treated as if it were a qualifying school for the purposes of eligibility for free travel¹¹

46. We expect schools to collaborate with the local authority when arranging educational provision for a child during a suspension where the pupil might be eligible for free travel to the place where they will be receiving education. More information is available in the [School suspensions and permanent exclusions](#) guidance.

Accompaniment

47. A child will not normally be eligible for free travel to school on the grounds of their **special educational needs, disability or mobility problem**, or on the grounds that the route is unsafe, if they would be able to **walk** to school if they were accompanied. Where

¹⁰ This is set out in paragraphs 3, 5, 7 and 10 of [schedule 35B of the Education Act 1996](#).

¹¹ This is set out in paragraph 8 of schedule [35B of the Education Act 1996](#).

the local authority determines that a child would be able to walk if they were accompanied, the general expectation is that the **parent** will accompany them or make other suitable arrangements for their journey to and from school. A child will not normally be eligible solely because their **parent's** work commitments or caring responsibilities mean they are unable to accompany their child themselves, but local authorities must act reasonably in the performance of their functions.

48. In most cases, local authorities will not need to consider whether a **parent** would be able to accompany their child, but they should not have a blanket policy that they will never arrange free travel for a child who would be able to walk to school if accompanied. They must consider cases where the **parent** says there are good reasons why they are unable to accompany their child, or make other suitable arrangements for their journey, and make a decision on the basis of the circumstances of each case.

49. The circumstances that a local authority should take into account may include, but are not limited to, whether the **parent** has a **disability** or **mobility problem** that would make it difficult for them to accompany their child, and the **parent's** reasons for not being able to accompany their child or make other suitable arrangements.

50. Reasons such as the **parent's** working pattern or the fact they have children attending more than one school, on their own, will not normally be considered good reasons for a parent being unable to accompany their child. These apply to many **parents** and, in most circumstances, it is reasonable to expect the **parent** to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a **parent**.)

51. Where a local authority determines that a child could not reasonably be expected to walk even if they were accompanied, they are eligible for free home to school travel regardless of whether their **parent** would be able to accompany them or make other arrangements for their journey.

52. We know it can be difficult for local authorities to make decisions in relation to children of secondary school age whose **special educational needs, disability** or **mobility problem** mean they could not reasonably be expected to **walk** to school unaccompanied. Other children of this age may normally be expected to **walk** to school unaccompanied which might, for example, enable **parents** to increase their working hours. When deciding whether it is reasonable to expect the **parent** of a child with **special educational needs, disability** or **mobility problem** to accompany their child to school, local authorities should be sensitive to the particular challenges **parents** of such children may face.

Child N is nine years old and has autism. They attend their nearest suitable school which is 2.5 miles from their **home**. They are unaware of danger and need to be accompanied even on very short journeys. They also become distressed and can act unpredictably in noisy environments. Their **walk** to school would be along busy roads. The local authority determines that the **parent** would not be able to keep them safe on this journey. Child N is eligible for free travel to school.

Child O is seven years old and attends their nearest suitable school which is 1.5 miles from their **home**. They do not have **special educational needs**, a **disability** or **mobility problem**. The local authority determines that they would be able to **walk** to school in reasonable safety if they were accompanied. There is no good reason why the **parent** could not reasonably be expected to accompany them or make other arrangements for their journey to and from school. Child O is not eligible for free travel to school.

Child P is fifteen years old and is blind. They attend their nearest suitable school which is a short **walk** from their **home**. The local authority determines that they could reasonably be expected to **walk** to school if accompanied. Child P's **parent** is a single **parent** with a **disability** which means they would not be able to accompany Child P to school. The local authority considers the individual circumstances of Child P and decides it would not be reasonable to expect their **parent** to make arrangements for their journey to and from school. It decides to arrange free travel to school for Child P.

Child Q is fourteen years old and is also blind. They attend their nearest suitable school which is a short **walk** from their **home**. The local authority determines that they could reasonably be expected to **walk** to school if accompanied. There is no good reason why Child Q's **parent** could not reasonably be expected to accompany them or make other arrangements for their journey to and from school. Child Q is not eligible for free travel to school.

Promoting independence for eligible children with special educational needs and disabilities

53. The *Special educational needs and disability code of practice: 0 to 25*¹² sets the expectation that professionals working with children with **special educational needs** or **disabilities** will support them to prepare for adult life and help them to achieve the best outcomes in employment, independent living, health and community participation. Planning should start early. Where a child has an **EHC plan**, local authorities must

¹² Further information on the local authority role in supporting children and young people to prepare for adulthood is available in the [Special Educational Needs and Disability Code of Practice: 0-25 Years](#).

ensure that the annual review of the **EHF plan** from at least year 9 onwards includes a focus on preparing for adulthood, including independent living.

54. For many children, learning to travel independently is an important part of preparing for adulthood and will help them lead fulfilling adult lives. When making travel arrangements for eligible children with **special educational needs** or **disabilities**, local authorities may take account of how best to support them to develop independence. For example, they might consider whether a child who would otherwise travel in a taxi, might be able to travel on a public service bus if provided with support to do so, or whether a child who uses a wheelchair might be able to **wheel** to school rather than travel in a minibus, if provided with support to do so.

55. **Parents** may be anxious about their child's ability to travel independently. The child may also be worried about this. It will be important to work sensitively with them to help them understand the benefits of independent travel and to build their confidence.

56. Wherever possible, local authorities should offer independent travel training to children with **special educational needs** or **disabilities** who are eligible for free travel to school and who they think will be able to complete the programme.

57. Independent travel training is a tailored programme to help children with **special educational needs** or **disabilities** travel independently, for example by public transport or **walking**. Some children may need to participate in travel training again if their circumstances change, for example if they move school.

58. Once an eligible child can travel independently, their travel arrangements may need to be reviewed. For example, they may now be able to **walk** or catch a bus to school rather than travel in a taxi. Local authorities must not withdraw free home to school travel from an eligible child who does not successfully complete the travel training programme.

Parental consent and independent travel

59. Section 508B (4) (b) of the Education Act 1996 requires local authorities to obtain parental consent in order to meet their school travel duty in respect of an eligible child by:

- providing someone to escort the child, or
- paying their travelling expenses.

60. This means, for example, that the **parent's** consent is required for a local authority to meet their school travel duty by providing independent travel training, or providing someone to accompany a child so they can **wheel** to school in their wheelchair. Where the **parent** does not provide consent, the local authority must make alternative arrangements for the child's travel to school.

Child R has **special educational needs**. They live in a village 4 miles from their nearest suitable secondary school and are eligible for free travel to school. Other children living in the village attend the school. The local authority meets its school travel duty in respect of these children by providing them with a pass for free travel on the public service bus. When Child R joined the school in Year 7, the local authority determined their **special educational needs** meant they would not be able to travel on the bus with their peers. The local authority arranged a taxi to take Child R to school.

When Child R moved to Year 9, the local authority reassessed their needs. They determined Child R was ready for independent travel training. Child R's **parent** was hesitant at first, but the local authority explained the benefits and the **parent** agreed, knowing Child R would need the skill in adulthood.

The travel trainer helps Child R with understanding things such as where to wait for the bus, which bus to get on and what to do if they miss the bus or it is late. Once Child R has completed the travel training programme, the local authority reassesses their needs and determines they are now able to travel independently on the bus. They withdraw the taxi and provide Child R with a bus pass.

More information about travel to school for eligible children

61. Local authorities must make arrangements to enable a child to travel to school for the beginning of the **school day**, and to return **home** at the end of the **school day**. They are not required to make arrangements:

- for children to travel between institutions during the **school day**;
- to enable children to attend extra-curricular activities and other commitments outside school hours; or
- to enable children to get to and from before and after school childcare, whether formal (for example, a childminder) or informal (for example, a grandparent)¹³.

62. Where particular classes, year groups or pupils have a start or finish time that is different from most pupils at the school, it will not normally be possible for the local authority to make separate travel arrangements. Schools may need to make arrangements to accommodate these pupils. There may be a small number of circumstances in which local authorities consider it appropriate to arrange transport at an

¹³ To note, a local authority may have a separate duty under [section 2 of the Chronically Sick and Disabled Person's Act 1970](#) to provide transport enable a child in need to access any services provided for them by the authority in accordance with [section 17 of the Children Act 1989](#). This guidance does not seek to provide advice on that duty.

alternative time of day, for example if a child has a medical condition which means they are not well enough to attend school for the whole day.

63. Where a local authority names a residential school in the **EHC plan** of an eligible child, the local authority must provide reasonable free travel to enable the child to attend that school, for example, on a Monday and Friday for children who are weekly boarders, or before and after school holidays for children who board full-time.

64. A local authority is not required to arrange travel for an eligible child where:

- suitable free travel is provided by someone else, for example, their school or the local transport authority (for example, Transport for London); or
- a **parent** chooses to make their own arrangements for the child's travel to and from school (this does not prevent the **parent** from later requesting free travel to school).

Ways in which free travel may be provided

65. It is for local authorities to decide how they will arrange free travel for an eligible child. For example, they might provide a pass for travel on a service bus or arrange a **dedicated** school bus or a taxi. The arrangements must be free of charge to the **parent**.

66. The legislation¹⁴ permits local authorities to meet their duty in respect of an eligible child in a range of alternative ways, provided they have the consent of the **parent**. For example, with the agreement of a **parent**, the local authority might:

- provide expenses¹⁵ to enable the **parent** to make their own travel arrangements for their child;
- pay a cycling allowance to enable a child to cycle to school;
- provide independent travel training to a child where it is appropriate to do so (see paragraphs 53 to 58 for more information about independent travel training);
- provide someone to escort the child, for example when they are **walking** or **wheeling** to and from school.

67. Where a **parent** has agreed to receive travelling expenses, it is for the local authority to determine how to administer this. They may require **parents** to provide copies of receipts and other supporting documentation.

¹⁴ This is set out in section [508B \(4\)\(b\) of the Education Act 1996](#).

¹⁵ Some local authorities call this a personal travel budget or a mileage allowance.

68. To ensure the arrangements are free of charge to the **parent** of an eligible child, the travelling expenses may need to be sufficient to cover the **parent's** journey **home** having taken their child to school in the morning, and their journey back to school to collect their child in the afternoon (in other words, all four legs of their journey to school and back). There will be exceptions to this, for example if a **parent** works close to their child's school and does not travel **home** after taking their child to school. (See paragraphs 70 to 72 below for information about the interaction between the payment of travelling expenses and other benefits and allowances.)

69. The examples below provide further suggestions of alternative ways in which local authorities might meet the duty if they have parental consent.

Local authority 1 has introduced a scheme it believes will promote consistency and routine for children at a local special school. Rather than contracting a travel operator, they have leased a minibus. The local authority funds the special school for the cost of a driver and fuel. The school can use the minibus during the **school day** provided they also use it to provide travel to and from school. The school knows the children well and is better able to make travel arrangements that meet their needs.

Local authority 2 has received an application for free travel to school for a child with **special educational needs**. The child is an eligible child. The **parent** would prefer to take the child to school themselves, because they get distressed when travelling with anyone else, but are unable to do so because they need to take their other child to school. The other child is not an eligible child. Local authority 2 suggests to the **parent** that the authority should make travel arrangements for the non-eligible child, enabling the **parent** to take the eligible child to school. The **parent** is happy with this arrangement, and it does not cost them any more to take the eligible child to school than it would to take their other child.

Interaction with other benefits and allowances

70. A child's eligibility is not affected by any further benefits or allowances they or their **parents** may receive. Disability Living Allowance (DLA) for children is a contribution towards the extra cost associated with being disabled. It has two components – a care component payable at three rates, and a mobility component payable at two rates. **Parents** who receive the higher rate mobility component for their child may choose to use it to lease a Motability vehicle, but there is no requirement for them to do so. Being eligible for DLA or having access to a Motability vehicle is not relevant to a disabled child's eligibility for free travel to school (except as evidence of their **disability**).

71. Foster carers receive an allowance to cover the cost of caring for a child. Being in receipt of foster care allowance does not affect a child's eligibility for free travel to school, but a local authority may meet their duty in respect of an eligible child by including

additional funding in the foster care allowance, provided this is agreed with the foster carer.

72. Regular payments made by the local authority to reimburse the cost incurred by a **parent** in providing a child's travel to school:

- will not be taken into account in a Universal Credit assessment. (Should a local authority need to pay a **parent** any additional amounts, for example to cover unexpected expenses relating to a child's travel to school, these would be treated as capital in the Universal Credit assessment and the **parent** would need to declare them)¹⁶
- should not give rise to income tax liability, but individuals should satisfy themselves that they meet HMRC's requirements¹⁷.

¹⁶ When a person's Universal Credit is calculated, any capital they have is taken into account. Capital includes savings, investments and property (other than the home they live in). Claimants should declare any lump sum payment that would form part of their capital. Regular payments from the local authority which the claimant then spends on their child's travel will, therefore, not be taken into account. However, local authorities should be aware that, if they need to pay a parent any additional amounts and if, for example, they chose to pay 12-months' worth of additional amounts in one lump sum, this may be taken account in the Universal Credit assessment. This is because it would be considered to form part of their capital until such point as they need to spend it. More information is available about [Universal Credit](#).

¹⁷ Further information is available about [income tax](#).

Part 2: local authorities' discretionary power

73. Local authorities have a discretionary power to provide travel to school for children resident in their area who are not eligible children¹⁸, referred to in this part as 'discretionary travel'.

74. Discretionary travel may be provided in either direction between the child's **home** and their school, or both. It may be provided free, or a charge may be made. Any charges should be reasonable. Local authorities may wish to consider waiving or reducing charges for children from low-income families but are not required to do so.

75. With **parents'** consent, local authorities may pay all or part of a child's reasonable travel expenses, provide them with a travel allowance, or arrange for them to be accompanied by a passenger assistant. Discretionary travel need not be limited to children of **compulsory school age**.

76. It is for each local authority to decide whether and how to exercise their discretionary power. Most use it to provide free travel to school for 4-year-olds attending reception classes if they will be eligible for free travel when they reach **compulsory school age**. Some use it to enable children who are not eligible for free travel to take spare seats on vehicles providing free travel for eligible children. Local authorities will usually charge for this service.

77. They may also offer discretionary travel to support school choice, for example, by having a policy of providing travel to enable children to attend a school with a **designated religious character** or a **selective school**. The Department for Education supports this wherever it is possible but acknowledges that budget pressures often mean authorities have to make difficult decisions to balance the benefits of discretionary travel with their other priorities. Where local authorities routinely offer discretionary travel in this way, they should make this clear in their home to school travel policy. Part 4 provides guidance on local school travel policies.

78. There is an expectation that local authorities will act reasonably in the performance of their functions. They should not have a blanket policy of never providing discretionary travel and should be prepared to consider cases where the **parent** says there are reasons why their child needs free travel to school and make decisions on a case-by-case basis. The Department acknowledges that local authorities will not usually be able to consider matters such as the **parent's** working pattern, the cost to the **parent** of public transport, or the fact the **parent** has children attending more than one school, **on their own**, to be exceptional circumstances in which they will arrange travel on a discretionary basis.

¹⁸ This is set out in [section 508C of the Education Act 1996](#).

Part 3: suitability of travel arrangements

Taking account of children's needs

79. Local authorities must ensure that the travel arrangements they make take account of the needs of the child concerned. For example, it would not be appropriate to provide a pass for free travel on a service bus to a child whose **special educational needs** meant they would be unable to travel on a service bus.

80. The arrangements should enable the child to travel in reasonable safety and comfort, and without undue stress, strain or difficulty, so that wherever possible they arrive at school ready to learn.

81. It may not always be necessary to provide children with 'door to door' transport in order to meet their needs. Many will be able to **walk** to a suitable pick-up point to be collected, provided they would be able to do so in reasonable safety, accompanied by their **parent** if necessary. Some children's needs will mean they need to be collected from their **home**. Local authorities should not have a policy that they never provide door to door transport and should make decisions on a case-by-case basis.

82. Some children may need particular arrangements to be made to meet their needs. For example, some children might require the support of a passenger assistant on their journey, or a child may use a wheelchair or walking frame that needs to travel with them.

83. A child's needs may need to be reassessed from time to time, for example if their level of need changes or if they move to a new school. Some children with **special educational needs** can find change distressing. Local authorities should provide **parents** with as much notice as possible of any changes to a child's travel arrangements.

Risk assessment

84. Health and safety law requires local authorities to put in place reasonably practicable control measures to protect their employees and others (including the children for whom they arrange travel) from harm. Under the Management of Health and Safety at Work Regulations 1999, they must:

- identify hazards – things that could cause injury or illness;
- assess the risk – how likely it is that someone could be harmed and how seriously;
- put in place proportionate measures to eliminate the hazard or control the risk;
- record their findings; and
- regularly review and update their risk assessments.

85. The Health and Safety Executive provides advice on managing risk, including a template and example risk assessments. Further information is available in [Managing risks and risk assessment at work](#).

86. It is for local authorities to decide what is reasonably practicable in each circumstance. They may consider that an individual risk assessment is required for some children, for example those with complex **medical needs**, but it is unlikely that all children will require an individual risk assessment.

87. Matters local authorities may need to consider could include, but are not limited to:

- the **medical needs** of the children and the likelihood of them requiring emergency medical assistance while travelling to and from school;
- their behaviour – including where this is related to their **special educational needs or disability** – and the likelihood of this causing harm to them or others while travelling;
- the safety of children while travelling on the vehicle and while boarding and alighting;
- the safe loading and tethering of wheelchairs.

Children with medical needs

88. When a local authority makes travel arrangements for a child with **medical needs**, they should consider whether and how those needs might affect the child during their journey to and from school and, where necessary, put in place proportionate arrangements to manage those needs.

89. Not every child with the same condition will need the same arrangements, so assessments should be undertaken on a case-by-case basis. The matters that should be considered are likely to include:

- the medical condition, its triggers and symptoms;
- the likelihood and consequences of the condition affecting the child on the journey to and from school; and
- the action that may need to be taken to manage the condition, for example whether the child may require medication and, if so, what dose is required, how it should be administered, and by whom.

90. Local education, health and social care services should work together to ensure children get the right support. Local authority school travel teams may need to work with local partners to make suitable travel arrangements for children with **medical needs**. They should be able to expect the support of their local authority's **special educational needs** team, local health partners, and the schools to which they arrange travel.

91. In the first instance, local authorities should consult **parents** about their child's **medical needs**. It is likely that the child's school will have arrangements in place to manage their **medical needs** during the day. They may be able to help the local authority identify whether those needs will affect them on the journey to and from school and decide what arrangements to put in place.

92. If the child has an **EHC plan** or **individual healthcare plan**, these may contain information that is relevant to the local authority's assessment. The school should share information from the **individual healthcare plan** with the local authority where it is relevant to the journey to and from school.

93. Local authorities may sometimes need to seek specialist advice about a child and their condition. A range of different health professionals may be involved in a child's care, for example a community nurse, specialist nurse or doctor. The **parent** should be able to help the local authority identify the appropriate health professional in relation to their child. The child's school and the local authority's **special educational needs** team may also be able to help with this.

94. The local authority should ensure the driver of a vehicle providing **dedicated** school transport, and any passenger assistant involved in providing the child's travel, are aware of their needs and how to respond to them and have received any training necessary to enable them to do so. See also paragraphs 100 to 105 on training.

Administering medication and performing medical procedures

95. There is no expectation that a child's routine medication will be administered on the journey to and from school, or that routine medical procedures will be carried out. It may sometimes be necessary to administer a child's emergency medication. Emergency medication should be administered in accordance with instructions from a health care professional. The driver or passenger assistant responsible for administering the medication should receive training from a health care professional.

Journey times

96. As a **general guide**, the maximum journey time for a child of primary school age should be 45 minutes each way, and 75 minutes each way for a child of secondary school age, including any time taken to **walk** to a pick-up point, but there will be circumstances in which this is not possible, for example in rural areas where children live in remote locations, where a child needs to travel a long way to the school named in their **EHC plan**, or when journey times are extended by traffic delays. Wherever possible, a child should not be expected to make several changes on public transport.

97. Travel arrangements for children with **special educational needs, disability** or **mobility problems** can be particularly complex to make. Shorter journeys may be

particularly desirable, perhaps because a child's **special educational needs or disability** mean they become distressed while travelling, but a child may need to travel a long way to the school that is able to meet their needs and one vehicle may need to collect several children. Travel arrangements may be relevant to the decision about the school that should be named in the plan.

98. Where long journeys are unavoidable, local authorities should consider whether there are measures they can take to minimise negative impacts for the child, for example if the child becomes distressed on long journeys the **parent** or school may be able to offer advice on effective ways of keeping them calm.

Child S is seven years old and has an **EHC plan** which names their nearest suitable school. This school is 20 miles from their **home**. The route is often very busy meaning the journey from Child S's home typically takes 45 minutes. The taxi collects one other child on the way, which adds 10 minutes to Child S's journey, meaning a total journey time of 55 minutes. Given the additional expense that would be involved in providing Child S and the other child with separate vehicles, the local authority decides it is reasonable to exceed the recommended journey time in Child S's case.

Child T is fourteen years old and has an **EHC plan** which names a school that is 10 miles from their **home**. Previously they travelled in a taxi with one other child and the journey took 30 minutes. The local authority then combined several routes into one. Child T now travels in a minibus with 11 other children. Due to the extra stops, the journey time is now 90 minutes. Child's T's school makes the local authority aware that, due to their **special educational needs**, they often become very distressed at being in the minibus for that length of time. On arrival at school, it takes them a long time to calm down. As a result, they miss some of the activities other children participate in. The local authority decides it is not reasonable to exceed the recommended journey time in Child T's case and reinstates their original travel arrangements.

Safeguarding

99. The **safeguarding** of children is of paramount importance. Local authorities should ensure that:

- an enhanced Disclosure and Barring Service (DBS) check, with a check of the children's barred list, has been carried out for drivers and passenger assistants involved in providing **dedicated** school transport;
- drivers and passenger assistants have received any training they need to perform their role in relation to **safeguarding**;
- drivers and passenger assistants know how to report any concerns they have about the children in their care;

- they share any concerns they have about the driver of a **taxi** or **private hire vehicle** with the authority that licenses them¹⁹ – the Local Government Association and Institute of Licensing have produced a [short guidance note](#) to assist with this;
- they consider whether concerns they have about a driver should be referred to the DBS – further information is available at [Making barring referrals to the DBS](#).

Training

100. Local authorities should ensure that drivers and passenger assistants working on **dedicated** school transport have undertaken appropriate training and that this is kept up to date. It is for the local authority to decide what training is required, how it will be delivered and how often it should be refreshed. These decisions should be informed by their risk assessments. The training that a driver or passenger assistant requires may be dependent on the needs of the children who are travelling. Not all drivers and passenger assistants will need the same training.

101. It is for the local authority to decide how training should be delivered, for example by the local authority, the travel operator, or an external provider. It need not always be delivered through a formal course, for example the **parents** of a child with **special educational needs** may be experts in strategies to calm the child when they become distressed while travelling.

102. School staff will receive training to enable them to manage a child's **medical needs** in school. Arrangements for delivering this training are made locally. Wherever possible, we would expect the transport staff that will be working with the child to be able to participate in this training.

103. As a minimum, training should include:

- **safeguarding**;
- the handling of emergency situations, for example what to do in a medical emergency or if there is a road accident;
- equality, for example recognising, supporting and communicating with children with disabilities;
- any training required to meet the specific needs of the children travelling – for example, administering their emergency medication or managing their behaviour.

¹⁹ Local authorities will also need to consider their duties under the [Data Protection Act 2018](#) and the [General Data Protection Regulations](#). In doing so, they may find the advice on page 21 of [Working Together to Safeguard Children](#) helpful.

104. It is recommended that training in the handling of emergency situations includes training in basic life support skills. Some bus and coach drivers may have undertaken such training as part of the ongoing training they are required to do to retain their [Driver Certificate of Professional Competence](#).

105. Local authorities should also consider the training that their officers responsible for making travel arrangements need in order to do their job effectively. It is recommended that this includes equality training.

Behaviour on school travel

106. Local authorities should collaborate with schools to promote good behaviour on school travel. Schools have the power to sanction pupils for misbehaviour outside the school premises to such an extent as is reasonable, including for misbehaviour which takes place on school travel (see the guidance on [Behaviour in Schools](#)).

107. Unacceptable behaviour may include, but is not limited to, being rude, pushing and kicking, bullying, distracting the driver, refusing to wear a seatbelt, or refusing to remain seated. It may endanger the safety and wellbeing of other people.

108. Schools' behaviour policies should set out what the school will do in response to poor behaviour and bullying which occurs off the school premises and is witnessed by a staff member or reported to the school, including the sanctions that will be imposed on pupils.

109. Local authorities and schools should work together to:

- set high expectations for children's behaviour on school travel and ensure they are communicated clearly to **parents** and children;
- ensure arrangements are in place to report and manage incidents of unacceptable behaviour;
- work with operators to put in place measures to manage unacceptable behaviour where it occurs. Some local authorities have reported that interventions that have been successful include seating plans and 'bus prefects'.

110. Local authorities should ensure drivers and passenger assistants have received any training they need to manage children's behaviour while travelling.

111. An eligible child's travel arrangements should only be withdrawn as a last resort and, in these circumstances, the local authority should meet their duty in respect of the eligible child in an alternative way.

Managing behaviour that is part of a child's special educational needs or disability

112. A child's challenging behaviour may be part of their **special educational needs** or **disability** and they may use it as a way to communicate their needs, for example a child who exhibits challenging behaviour may be trying to communicate discomfort or distress. Local authorities should work with travel operators, schools and **parents** to find positive ways to manage this behaviour wherever possible.

113. **Parents** and schools may be able to help local authorities and travel operators understand the reasons for a child's challenging behaviour and the strategies that might be helpful in managing it. For example, a **parent** may be able to let the operator know that their child may shout and pull their hair because they find being stuck in traffic distressing, but that having a familiar toy can help to calm them. The Association of Transport Co-ordinating Officers (ATCO) is working with the Department for Education and the Department for Transport on some guidance which shares good practice in managing behaviour that is linked to child's **special educational needs** or **disability**.

Child U is twelve years old, has **special educational needs** and is eligible for free travel. They have recently moved to a new school. Having travelled quite happily in a taxi to their original school, they become distressed when travelling in a minibus to their new school. Their **special educational needs** mean they are unable to explain why they are distressed. The driver works with Child U's **parent** to resolve the issue. They identify that Child U's distress is caused by having the radio on during journeys. The driver agrees to keep the radio switched off whilst Child U is travelling.

114. Some children may find change distressing and benefit from having consistency in their travel arrangements wherever possible. Where a change to travel arrangements is planned, time to get used to the idea of a new route or vehicle, or an opportunity to meet a new driver or passenger assistant, may be helpful.

Child V is 4 years old and has ***special educational needs***. They are about to begin school for the first time and will be eligible for free travel. They can become very distressed in unfamiliar situations. The local authority arranges for their driver and passenger assistant to visit Child V's ***home*** to meet them before the start of term. This gives Child V the opportunity to familiarise themselves with the vehicle and sit in the seat they will use on the journey to school.

It also gives the driver the opportunity to let the ***parent*** know that two children will already be on the vehicle when it comes to collect Child V and that it will collect one further child after Child V. This enables the ***parent*** to talk to Child V to prepare them for what will happen on the journey to school. The ***parent*** is also able to let the passenger assistant know about some strategies they have found useful when Child V has become distressed when travelling.

Part 4: local school travel policies

115. Local authorities must:

- publish their school travel policy for children of **compulsory school age**²⁰ on their website;
- make paper copies available on request;
- include information about their school travel policy in their composite prospectus for school admissions (which must be published by **12 September** each year);
- include information about travel to school for children with **special educational needs** and **disabilities** in their **SEND Local Offer**.

116. Local authorities should keep their school travel policy under regular review to ensure it continues to meet local needs and comply with statutory requirements. An up-to-date policy must be available by **19 September** each year so that **parents** may take it into account when deciding which schools to apply for during the **normal admissions round**.

117. An effective school travel policy will:

- be easy for **parents** to find on the local authority's website;
- be clearly written so that **parents** may easily understand it – local authorities should pay careful attention to the wording, layout and length of their school travel policies;
- enable **parents** to understand the circumstances in which a child is eligible for free travel to school, or any help the local authority provides using its discretionary power;
- tell **parents** how and when they should apply for free travel to school (or apply for help the local authority provides using its discretionary power);
- tell **parents** how they may appeal against the local authority's decision in relation to travel to school for their child.

118. A checklist of the necessary components of a school travel policy can be found in annex 5. Local authorities may find this helpful in ensuring their policies are lawful.

²⁰ This is required by regulation 8 and 9 of the [School Information \(England\) Regulations 2008](#), and paragraphs 10 and 11 of schedule 3 to those regulations. In addition, regulation 5 and paragraphs 5 and 6 of schedule 2 to these regulations require local authorities to include information about their school travel policy in their composite prospectus for school admissions.

119. Local authorities may, if they wish, set their school travel policy out in more than one document but they should ensure that a reader of any of the documents is able to easily understand the basic provisions of the whole policy.

120. School travel policies may signpost **parents** of children who are not eligible for home to school travel to other sources of information about travel to school – for example, the websites of local travel providers.

School travel and school admissions

121. **Parents** should consider how their children will get to school at the time they are choosing which schools to apply for. For some, the availability of free travel to school may be an important factor in their decision making. Information about travel to school should, therefore, be easily available to **parents** during the **normal admissions round**.

122. **Parents** will need to easily understand:

- how they can find out which school is their nearest suitable school for school travel purposes, including where this may not be the same as the nearest school for admissions purposes; and
- whether the local authority expects **parents** to include their nearest suitable school in their application for a school place if they intend to apply for free travel (see paragraphs 40 to 44 for more information on this).

Policy changes

123. 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;
- **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**.

124. Consultation should last for at least 28 working days during term time. Local authorities may not consider it necessary to consult on minor amendments or corrections.

125. 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 – see annex 2 for further information about protected characteristics and the public sector equality duty.

126. 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.

Part 5: appeals

127. All local authorities have a procedure for handling complaints about the services they provide. **Parents** should be able to complain about the service they have received in relation to travel to school. They should also be able to appeal a decision taken by the local authority about their child's travel to school.

128. It is for local authorities to determine which matters should be handled as complaints and which should be handled as appeals. Typically, matters such as whether a child is eligible for free travel, or whether the travel the local authority has arranged is suitable for the child's needs will be handled as appeals. Matters such as the punctuality of a school bus, or a delay in replying to correspondence from a **parent** will be handled as complaints. The guidance in this part relates to appeals.

129. An effective appeals policy will:

- be easy for **parents** to find on the local authority's website;
- be clearly written so that **parents** may easily understand it;
- tell **parents** the circumstances in which they may appeal the local authority's decision;
- tell **parents** how and when they may appeal.

130. It is for local authorities to determine how their appeals process will operate. We recommend they adopt the two-stage process set out below. It will be similar to many local authority complaints procedures. The timings are recommended, not mandatory. Some appeals may be dealt with more quickly. Some complex cases may take longer but should still be completed as soon as possible. A flow chart setting out the suggested appeals process is included in annex 6.

Stage one: review by a senior officer

131. Stage one provides an opportunity for the local authority's school travel team to review their decision. The process should allow a **parent** 20 working days from the day they received the local authority's school travel decision to submit a written appeal. This should explain why the **parent** believes the local authority should review its decision and include any information they would like to be considered as part of the review.

132. A senior officer in the local authority's school travel team (or in the team's line management chain), should review the decision in light of the information provided by the **parent**. Some local authorities arrange for the review to be conducted by a panel of senior officers, rather than an individual, but this is not mandatory.

133. Within 20 working days of receiving a **parent's** appeal, the senior officer(s) should notify the **parent** in writing of the outcome of the appeal. They should clearly explain:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted;
- the factors considered in reaching their decision;
- any other agencies or departments that were consulted as part of the review.

134. Where they have upheld the original decision, they should also explain how the **parent** may escalate their appeal to stage two of the process.

Stage two: review by an independent appeal panel

135. Stage two provides for impartial re-consideration of the case. The process should allow a **parent** 20 working days from the day they received the outcome of stage one to notify the local authority in writing that they wish to escalate the matter to stage two, and to provide any additional information that they wish to be considered in light of the stage one decision.

136. The local authority should make arrangements for an independent panel to review the case. The panel members should be independent of the original decision-making process but need not be independent of the local authority. They should have the knowledge, skills and experience to ensure that the local authority complies with its statutory duties, that a balance is achieved between meeting the needs of **parents** and of the local authority, and that children are not placed at unnecessary risk.

137. The local authority should enable any **parent** that wishes to, to attend an appeal hearing, virtually or in person, to present their case. Where a **parent** does not wish or is unable to attend a hearing, the panel should make its decision based on the **parent's** written representations.

138. The review should take place within 40 working days of the **parent** notifying the local authority that they wish to escalate their appeal to stage 2. The panel should consider information provided at stage one of the appeal as well as any additional information provided and any oral representations made at stage two.

139. Within 5 working days of completing its considerations, the appeal panel should notify the **parent** in writing of the outcome of their review. They should clearly explain:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted;
- the factors considered in reaching their decision;
- which other agencies or departments were consulted as part of the review, if any.

140. The local authority should make the **parent** aware that they may complain to the [Local Government and Social Care Ombudsman](#) if they believe the local authority has made a mistake in the way it has handled their case. If a **parent** considers the decision of the independent appeals panel to be flawed on public law grounds, they may apply for a judicial review.

Part 6: sustainable school travel

Local authorities have a duty to promote the use of sustainable travel on journeys to and from places of education in their area²¹. Sustainable travel in this context is that which may improve:

- the physical wellbeing of users, and/or
- the environmental wellbeing of all or part of the local authority's area.²²

Sustainable travel benefits children and everyone around them by helping people keep healthy, improving mental wellbeing, easing congestion and reducing toxins in the air.

In this guidance, 'sustainable travel' includes:

- public transport and shared transport'
- active travel – **walking**, **wheeling**, cycling and scooting.

Support is available to local authorities through organisations and initiatives such as:

- Modeshift STARS;
- Bikeability;
- Living Streets; and
- School Streets.

These are supported by the Department for Transport and Active Travel England. Further information can be found in annex 2.

141. The duty to promote the use of sustainable travel applies in relation to travel to and from:

- schools;
- further education institutions;
- 16 to 19 Academies;

²¹ This duty is set out in section [508A \(1\) \(c\) of the Education Act 1996](#).

²² This definition is set out in section [508A \(3\) of the Education Act 1996](#).

- any place where children and young people receive education by virtue of arrangements made in accordance with [section 19 \(1\) of the Education Act 1996](#)²³.

142. This duty applies to young people of sixth form age as well as children of **compulsory school age** and is also covered in the [statutory guidance for local authorities on travel for post-16 students](#).

143. Local authorities must:

- **assess** the school travel needs of children of **compulsory school age** and persons of sixth form age resident in their areas (paragraphs 144 to 145);
- **assess** the facilities and services for sustainable modes of travel to, from and within their area (paragraphs 146 to 148);
- **promote** the use of sustainable travel to places of education in their area; and
- **publish** a document which sets out their strategy to promote the use of sustainable travel to places of education in their area (paragraphs 149 to 153).

Assessing school travel needs

144. The school travel needs of a local authority's area relate to journeys to and from places of education undertaken by children and young people who are:

- resident in the local authority's area, or
- live outside the local authority's area but travel to a place of education in the area.

145. Local authorities should consider any information provided by schools and colleges when assessing school travel needs. Where schools have travel plans, these will include information that will be useful to the local authority.

²³ Section 19 (1) of the Education Act 1996 requires local authorities to make arrangements for the provision of suitable education for children of **compulsory school age** who would otherwise not receive suitable education for reasons such as illness or exclusion.

The Modeshift STARS Education system gathers much of the data that local authorities need to fulfil the sustainable school travel duty. Each participating school:

- provides data on how their pupils travel to school;
- conducts an audit of their sustainable travel and travel infrastructure; and
- provides details on the number and type of sustainable travel initiatives that they deliver.

School A is a Modeshift STARS Primary School of the Year. This recognises their excellence in growing the amount of sustainable travel to their school. The school is situated in an area of high deprivation; they knew some of their pupils may not have access to cycles and chose to concentrate on promoting the benefits of **walking** through **walking** programmes and Park and Stride points. The school also worked with other local schools to purchase a fleet of cycles to share amongst pupils and secured funding to run a community cycling hub.

Assessing facilities and services to support sustainable school travel

146. The assessment should show how places of education are served by:

- bus and other public transport routes;
- school travel arranged by the local authority, and any that may be provided by education settings;
- safe and accessible **walking** and cycling routes including footways, footpaths, off-road cycle tracks and bridleways;
- road safety and accessibility features such as crossing points and patrols, dropped kerbs, traffic calming measures and speed limits;
- arrangements such as:
 - cycle training;
 - road safety training;
 - independent travel training;
 - **walking** promotion schemes;
 - car sharing schemes;
 - park and stride/ride schemes;
 - cycle and scooter parking.

147. It should also take account of other factors that may influence travel choices, such as:

- the quality of the facilities and services and their suitability for the age and ability of the children they serve;
- perceptions of personal safety which may be influenced by factors such as:
 - volume of traffic, speed limits and parking around school gates;
 - behaviour on school travel, public transport and the **walked** route to school;
- the travel needs of children with **special educational needs, disabilities or mobility problems** and whether they would benefit from independent travel training (see paragraphs 54 to 58 for more information about independent travel training).

148. Where schools have travel plans, they may help local authorities understand any specific local issues, the views of schools and the perceptions of pupils and **parents**.

Local authorities may wonder what they can do to promote active travel for children who live a long way from their school. Schemes such as 'Park and Stride' support all children to take part in active travel. Families park away from the school gates and **walk, wheel, cycle** or scoot the rest of the way. Advice on Park and Stride and other active travel initiatives for schools is available from Living Streets. Further information on Living Streets can be found in annex 3.

Sustainable modes of travel strategy

149. Local authorities must publish a sustainable modes of travel strategy for each **academic year**. The strategy should:

- set out the local authority's vision, objectives and work programme for:
 - improving the infrastructure for sustainable travel;
 - promoting sustainable travel to places of education;
- aim to provide:
 - health benefits for children and their families through active journeys, and
 - environmental improvements through reduced congestion and improved air quality.

150. Local authorities must:

- publish their strategy on their website;
- make paper copies available on request;
- include information about their strategy in their composite prospectus for school admissions.

151. Local authorities are not required to annually conduct a formal review of their sustainable modes of travel strategy, but they should keep it under regular review to

ensure it continues to meet local needs and comply with statutory requirements. The most up to date policy must be published by the **19 September** each year.

152. Local authorities may find it helpful to make links between their strategy and other local strategies such as the Local Transport Plan, and the Local Cycling and Walking Infrastructure Plan.

153. Modeshift can provide guidance and support to help local authorities produce their strategy. Further information on Modeshift and links to other sources of information can be found in annex 3.

Annex 1: explanation of terms used in this guidance

<i>academic year</i>	Defined in the School Information (England) Regulations 2008 as a period commencing with 1st August and ending with the next 31st July.
<i>belief</i>	Defined by section 509AD (3) of the Education Act 1996 as any religious or philosophical belief. A reference to belief includes a reference to lack of belief.
<i>compulsory school age</i>	<p>Set out in section 8 of the Education Act 1996 and The Education (Start of Compulsory School Age) Order 1998.</p> <p>A child reaches compulsory school age on the prescribed day following their fifth birthday, or on their fifth birthday if it falls on a prescribed day. The prescribed days are 31 December, 31 March and 31 August.</p> <p>A child ceases to be of compulsory school age on the last Friday in June in the academic year in which they reach age 16.</p>
<i>dedicated</i> transport	Transport which exclusively carries children and young people to and from their place of education and cannot be boarded by members of the public.
<i>designated religious character</i>	Schools with a designated religious character are schools which are designated as such under section 69(3) of the School Standards and Framework Act 1998 . They may deliver religious education and collective worship in accordance with the tenets of their faith. They may also prioritise admissions for pupils of their faith and recruit staff on the basis of their faith.
<i>disability</i>	Defined in section 6 of the Equality Act 2010 . A person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial and long-term effect on their ability to carry out normal day-to-day activities. A chronic physical or mental health condition may constitute a disability. Not all disabilities are visible.

<i>Education Health and Care (EHC) plan</i>	<p>An Education, Health and Care (EHC) plan details the education, health and social care support that is to be provided to a child or young person who has special educational needs or a disability. It is drawn up by the local authority after an EHC needs assessment of the child or young person has determined that an EHC plan is necessary, and after consultation with relevant partner agencies.</p> <p>Home to school travel arrangements are not normally considered to be special educational provision. In exceptional cases travel arrangements may be deemed to constitute special educational provision because they fulfil an education or training function. In these circumstances the travel arrangements should be recorded in section F of the EHC plan.</p> <p>Travel costs can also be provided as part of a Personal Budget, where one is agreed and included in the EHC plan as part of the special educational provision. This should be recorded in section J of the plan.</p>
<i>home</i>	<p>The place where a child is habitually and normally resident. Local authorities should make clear in their school travel policies how they will determine a child's home address for the purposes of assessing their eligibility for travel, including in circumstances where their parents do not live together and the child spends part of the week with each parent. In these circumstances, there is no expectation that local authorities should provide travel to and from two separate addresses.</p>
<i>individual healthcare plans</i>	<p>Drawn up by schools in consultation with parents and relevant health professionals. They capture the key information and actions that are required to effectively support a child with medical needs in school. For more information about supporting children with medical needs in schools see Supporting pupils with medical conditions at school. This guidance suggests that schools may wish their policies on supporting pupils with medical conditions to refer to home to school travel.</p>
<i>licensing authority</i>	<p>Taxi and private hire operators and drivers must be licensed by a local licensing authority – usually a unitary authority or district council in a local area, but Transport for London is the licensing authority for all London boroughs.</p>

medical need	A health need that has the potential to put a child's safety or wellbeing at risk while travelling to and from school.
mobility problem	A physical impairment that impacts a child's ability to walk to school.
normal admissions round	The period during which parents apply for school places. The deadlines for applications are 31 October for secondary school places and 15 January for primary places. Places are offered to parents on National Offer Day. Secondary National Offer Day is 1 March, or the next working day. Primary National Offer Day is 16 April, or the next working day.
parent	References to parent in this document include birth parents, adoptive parents, foster parents, carers or legal guardians with parental responsibility.
parent carer forum	Voluntary organisations made up of parents and carers from a local area who have children with SEND. They work with local authorities, schools and other professionals to support the strategic participation of parents, carers and their families in local SEND policy service and delivery.
private hire vehicles (PHVs)	May carry up to 8 passengers and can only be pre-booked via a licensed private hire vehicle operator. See also the definition of taxi below.
religion	Section 509AD (3) of the Education Act 1996 defines religion as any religion. A reference to religion includes a reference to lack of religion. See also definition of belief above.
road route	A route passable by a motor vehicle.
safeguarding	Defined in Keeping Children Safe in Education as: <ul style="list-style-type: none"> • protecting children from maltreatment • preventing the impairment of their mental and physical health and development • ensuring they grow up in circumstances consistent with the provision of safe and effective care • taking action to enable all children to have the best outcomes.

<i>school day</i>	<p>Schools are responsible for deciding when their school day will start and end. The expectation is that local authorities will arrange travel for eligible children to enable them to attend for the ‘normal’ school day.</p> <p>Schools should organise the school day and school week in the best interest of their pupil cohort. They are expected to act reasonably when making changes to their school day or week. It is unacceptable for them to shorten their day or week unless it is a direct action to enhance pupils’ education.</p>
<i>selective school</i>	A school that can select all or some of the children it admits by testing for aptitude or ability, for example a grammar school.
<i>SEND Local Offer</i>	Sets out, in one place, information about the provision local authorities expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have an EHC plan. Further information can be found in the Special education needs and disability code of practice: 0 – 25 Years .
<i>special educational needs (SEN)</i>	Defined in section 20 of the Children and Families Act 2014 . A child or young person has special educational needs if he or she has a learning difficulty or <i>disability</i> which calls for special educational provision to be made for him or her.
<i>taxis</i>	Also known as hackney carriages, black cabs and cabs. May carry up to 8 passengers. May be pre-booked or can be hired immediately by hailing on the street or at a rank. See also definition of <i>private hire vehicle</i> above.
<i>walk</i>	In this guidance walk has its literal meaning. A child could not be considered to be able to walk to school if they would need to travel in a wheelchair, but a local authority may decide, for example, that suitable travel arrangements for a child would be an assistant to push them in a wheelchair.
<i>wheel</i>	Refers to people who use wheelchairs and mobility scooters and may not identify with walking.

Annex 2: further information

Equalities legislation and home to school travel

Local authorities must comply with the [Equality Act 2010](#) and the [European Convention on Human Rights](#) (which is incorporated into UK law by the [Human Rights Act 1998](#)) when exercising their school travel functions.

The Equality Act 2010

The Equality Act (the Act) prohibits a local authority from discriminating against someone on the grounds of a 'protected characteristic'. The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Through an exemption in Part 2 of Schedule 3 of the Act, the discrimination provisions on age and **religion** or **belief** do not extend to a local authority's school travel arrangements. So, for example, a local authority would not be unlawfully discriminating on **religion** or **belief** grounds if it arranged a school bus to a school with a **designated religious character** but not to another school in the area.

The Act also places a legal obligation on local authorities to comply with the public sector equality duty. This means they must consider how their school travel decisions and policies affect people with protected characteristics, and must have due regard to the need to:

- eliminate discrimination against people with protected characteristics;
- promote equality of opportunity between people who have a protected characteristic and those who do not;
- foster good relations between people who have a protected characteristic and those who do not.

The European Convention on Human Rights (ECHR)

Article 2 of Protocol 1 of the ECHR gives **parents** the right to have their children educated in accordance with their religious and other views.

In addition, section 509AD of the Education Act 1996 requires local authorities to have regard to any wish of a **parent** to have their child educated at a school based on their **religion** or **belief** when exercising their school travel duties.

This does not mean that **parents** have a specific right to have their children educated at such a school, or to have travel arrangements made by their local authority to and from any such school.

Local authorities should, nonetheless, have regard to the provisions of the ECHR and section 509AD when considering any request made by a **parent** for travel assistance to a school they have selected on the grounds of their **religion** or **belief**.

They should not, for example, have a blanket policy that they never provide travel assistance to schools with a **designated religious character**. Should they receive a request from a **parent** for travel to such a school, they should consider whether it would be appropriate to exercise their discretionary power.

Parent's responsibility to ensure their child receives education

[Section 7 of the Education Act 1996](#) requires **parents** to ensure their children of **compulsory school age** receive a suitable full-time education. If a child of **compulsory school age** is registered at school but fails to attend school regularly, their **parents** may be guilty of an offence and can be prosecuted by the local authority. Under [section 444 \(3B\) of the same act](#), **parents** will have a defence in law against such prosecution if the child is eligible for free travel to school and the local authority has failed to make home to school travel arrangements for them.

Children registered at more than one qualifying school

Some children may be registered at more than one qualifying school, for example if they attend a hospital school or a special school on temporary basis. Children of no fixed abode may be registered at more than one qualifying school because their **parent's** trade or business requires them to travel from place to place. This is known as dual registration. Children with **EHC plans** may have a 'dual placement' and attend more than one school²⁴.

The School Travel (Pupils with Dual Registration) (England) Regulations 2007 clarify a child's eligibility for free travel to school in these circumstances. Where a child is registered at two qualifying schools which are not pupil referral units, the local authority's duty to provide free travel to school applies to whichever of the schools the child is attending on any **school day** on which travel is required.

²⁴ See paragraph 9.85 of the [Special Educational Needs and Disability Code of Practice: 0-25 Years](#).

Disclosure and Barring Service checks

A Disclosure and Barring Service (DBS) check is a check of a person's criminal record. There are 4 types of DBS check:

- a basic check which shows unspent convictions and unspent conditional cautions;
- a standard check which shows spent and unspent convictions, cautions, reprimands and final warnings;
- an enhanced check which shows the same as a standard check plus any information held by local police that is considered relevant;
- an enhanced check with a check of the relevant barred list, which shows the same as an enhanced check plus whether the applicant is on the barred list.

The DBS keeps two barred lists – one of people who have been barred from working in regulated activity with children, and one for people barred from working in regulated activity with adults.

People who carry out regulated activity are eligible for an enhanced check with a check of the relevant barred list. It is a criminal offence for a barred person to work in regulated activity and for an employer to knowingly employ a barred person to work in regulated activity.

'Driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children'²⁵ is regulated activity if:

- the driver is doing it as part of their job – paid or otherwise²⁶, and
- it is carried out by the same person once a week or more often, or on more than 3 days in a 30-day period.

Dedicated school transport will almost always be regulated activity.

Taxis, private hire vehicles and public service vehicles

Taxi and **private hire vehicle** drivers must be licensed. **Licensing authorities** must not issue a licence to an applicant unless they are satisfied that they are a fit and proper person to hold such a licence, and they should revoke a licence if they consider a driver is no longer a fit and proper person. Each **licensing authority** decides on the requirements that applicants must meet for them to issue a licence.

All **licensing authorities** require an enhanced DBS check and most include a check of the children's and adults' barred lists. They may also require a medical check, a knowledge test and a driving test. Vehicles used as **taxis** and **private hire vehicles** are

²⁵ [Paragraph 2\(1\)\(f\) of Schedule 4 of the Safeguarding Vulnerable Groups Act 2006.](#)

²⁶ [Regulation 3 of The Safeguarding Vulnerable Groups Act 2006 \(Miscellaneous Provisions\) Regulations 2009.](#)

usually required to pass an annual MOT test²⁷. They must also be inspected and licensed by a **licensing authority**. The **licensing authority** may set additional requirements, for example around roadworthiness, comfort and cleanliness, and safety and security.

Operators of buses and coaches must have a public service vehicles operator's licence issued by the [Traffic Commissioners](#). Vehicles must have an annual MOT test and operators are required to keep them in a roadworthy condition. They may be inspected by the Driver and Vehicle Standards Agency (DVSA). If local authorities have any concerns about a bus or coach operator, they can [report it directly to DVSA](#).

Professional bus and coach drivers are required to hold a Driver's Certificate of Professional Competence. This requires them to undertake 35 hours of approved training every five years. Training providers offer a range of courses from a set syllabus. No specific part of the syllabus is mandatory. The [syllabus](#) includes, amongst other things:

- ability to assess emergency situations;
- ability to anticipate, assess and adapt to risks in traffic;
- ability to ensure passenger comfort and safety.

Organisations that provide transport on a 'not-for-profit' basis can apply for permits under section 19 or section 22 of the Transport Act 1985. These permits allow the holder to operate transport services for hire or reward without the need for a full public service vehicle operator's (PSV 'O') licence. Further information is available from the [Department for Transport](#).

Seatbelts and standing passengers

All minibuses, coaches and buses – except for buses designed for urban use with standing passengers – must be fitted with seatbelts. This means that many vehicles used for travel to school will have seatbelts fitted.

Buses designed for urban use with standing passengers (the types of bus typically used as public service buses) do not have seatbelts fitted and may also be used for travel to school.

Local authorities may, if they wish, specify in their contracts with school travel providers that they will only accept vehicles fitted with seat belts. In deciding whether to do so, they will need to consider factors such as:

- the speed at which the vehicle will be travelling, and at which other vehicles on the same route may be travelling;

²⁷ Legislation that exempts new vehicles from the MOT test applies to PHVs but not taxis.

- the likelihood of an accident happening on the route the vehicle will be travelling (local authorities may find road accident statistics helpful);
- the cost and availability of suitable vehicles fitted with seat belts.

It is also important to note that:

- although primarily designed for use on urban routes, public service buses are also widely used to provide public bus services in rural areas;
- public service buses are generally a very safe mode of travel with a very low casualty rate.

[The Public Service Vehicles \(Carrying Capacity\) Regulations 1984](#) provide that three children under the age of 14 may count as two passengers when travelling on a service bus and occupying seats which do not have seatbelts fitted (for example, on a service bus they may occupy a bench seat designed for two adults). Few of this type of vehicle are now in service. Local authorities should only make use of this concession on an exceptional basis.

Public Service Vehicles Accessibility Regulations (PSVAR)

The Government's vision is for disabled people to have the same access to transport as everyone else²⁸. The [Public Service Vehicles Accessibility Regulations 2000](#) (PSVAR) require buses and coaches with more than 22 seats, used on local or scheduled services (including home to school journeys) that carry at least one fare-paying passenger to have features which enable disabled people to board, alight and travel in comfort and safety.

When commissioning home to school services that are in scope of PSVAR, local authorities should procure compliant vehicles where possible, but may procure non-compliant vehicles where necessary if they are covered by medium-term exemptions.

Medium-term exemptions are valid from 1 July 2022 until 31 July 2026. These are qualified exemptions that require operators to take specific steps to make their fleet progressively more compliant. Further information is available at [Apply for an exemption from PSVAR accessibility regulations for home to school or rail replacement services](#).

The Government has committed to review PSVAR by the end of 2023.

²⁸ More information is available in the [2018 Inclusive Transport Strategy](#).

Annex 3: additional resources

Assessment of Walked Routes to Schools Guidelines	Produced by Road Safety GB (a road safety organisation made up of representatives from groups across the UK, including local authority road safety teams) to provide advice to local authorities on assessing the risk posed to pedestrians by traffic.
DBS checks	DBS checks: detailed guidance
Behaviour in Schools	Behaviour in schools
Statutory taxi and private hire vehicle standards	Statutory taxi and private hire vehicle standards Taxi and private hire vehicle licensing: best practice
LGA safeguarding guidance	School transport guidance note Local Government Association Provides guidance on the role of local authorities and licensing authorities with regard to safeguarding and taxi and private hire vehicles used for travel to school.
Climate change: a strategy for education and children's services	Sustainability and climate change strategy Includes the Department for Education's commitment to support the Department for Transport in increasing active travel to school.
Active Travel England	Active Travel England The Government's executive agency responsible for making walking, wheeling and cycling the preferred choice for everyone to get around in England.
The second Cycling and Walking Investment Strategy	The second cycling and walking investment strategy Sets out the Government's ambition for walking and cycling until 2025. Includes an objective to increase the percentage of children aged 5 to 10 who usually walk to school from 49% to 55% in 2025.
Planning local cycling and walking networks	Planning local cycling and walking networks Guidance and tools to help local authorities plan cycling and walking infrastructure.

The Healthy Schools Rating Scheme	Healthy schools rating scheme A voluntary scheme for schools that recognises and encourages their contribution to supporting pupils' health and wellbeing. Includes active travel to school.
Bikeability	Cycle Training for Everyone - Deliver Safer Training Bikeability Department for Transport's flagship national cycle training programme aimed at children, young people and families in England.
British Cycling	Home - British Cycling National governing body for cycling. Can provide advice on cycling to school and cycle training.
Cycling UK	Cycling UK The UK's cycling charity Enabling and inspiring more people to cycle more often, including to school.
Modeshift	Modeshift – Sustainable Travel – UK's leading sustainable travel organisation Membership organisation that shares best practice in the delivery of sustainable travel. Over 100 local authorities are members. Modeshift STARS - Travel Plan in Education, Business & Communities The Modeshift STARS Education scheme supports schools and local authorities to develop and monitor school travel plans and provides a tool for local authorities to assess the sustainable travel and transport infrastructure in their areas and the school travel needs of pupils.
Sustrans	Home - Sustrans.org.uk Sustainable transport charity that provides a range of advice and support to enable children to walk, wheel and cycle to school safely.

Living Streets	Living Streets Charity for everyday walking. Runs the annual WOW Walk to School challenge and offers resources and support to schools and local authorities.
Armed Forces Covenant Duty	Armed Forces Covenant Duty Places a legal obligation on local authorities to have due regard to the Covenant principles when exercising certain functions, including their home to school travel functions.
Driving school minibuses	Driving school minibuses advice Advice on when a school employee with a car driving licence may drive a minibus.
Length of the school week: minimum expectation	Length of the school week: minimum expectation The Government has set the expectation that all state-funded mainstream schools will deliver a school week of at least 32.5 hours by September 2023:
REAL disability equality training	REAL training: bus and coach modules Training to improve confidence and skills in delivering inclusive journeys for disabled passengers.
Special Educational Needs and Disability Code of Practice: 0 to 25 years	SEND code of practice: 0 to 25 years
SEND and alternative provision improvement plan	SEND and alternative provision improvement plan
Travel to education and training for young people aged 16 and over	Transport to education and training for people aged 16 and over

Education Act 1996	
<u>Section 7</u>	Duty of parents to secure education of children of compulsory school age
<u>Section 19 (1)</u>	Provision of education in pupil referral units
<u>Section 444 (3)</u>	Offence: failure to secure regular attendance at school of registered pupil
<u>Section 508A</u>	Duty to promote sustainable modes of travel
<u>Section 508B</u>	Travel arrangements for eligible children
<u>Section 508C</u>	Travel arrangements for other children
<u>Section 508D</u>	Secretary of State's duty to issue guidance in relation to sections 508B and 508C
<u>Section 509AD</u>	Duty to have regard to religion or belief in exercise of travel functions
<u>Schedule 35B</u>	Meaning of eligible child
Other relevant legislation	
<u>The Public Service Vehicles Accessibility Regulations 2000</u>	
<u>The School Travel (Pupils with Dual Registration) (England) Regulations 2007</u>	
<u>School Information (England) Regulations 2008</u>	

Annex 4: questions local authorities may find helpful when reviewing their policies and procedures

Transparency

- Is the school travel policy easy for parents to find and understand?
- Is it available to parents at the point they are choosing which schools to apply for?
- Is it easy for parents to find out which is their nearest suitable school?
- Is it easy for parents to find out how and when to apply for travel, and when they can expect to receive a response?
- Is it easy for parents to find out how to appeal the local authority's decision, or complain about their service?
- If a parent's application is refused, or their appeal is unsuccessful, are the reasons communicated to them clearly?
- If the local authority is unable to comply with expected timescales, does it let parents know and explain why?

Fairness

- Does the local authority always follow its published procedures when handling applications, appeals and complaints?
- Does the authority consider all relevant information when making decisions in response to applications, appeals and complaints? Are irrelevant considerations ignored and assumptions avoided?
- Does the authority keep an open mind when considering applications, appeals and complaints?
- At appeal, are parents given sufficient opportunity to make their case? Are they able to attend an appeal hearing, virtually or in person, at stage 2 if they wish to?
- Does the local authority keep a clear and accurate record of the information it considered during an appeal, the decision that it reached and the reasons for that decision?

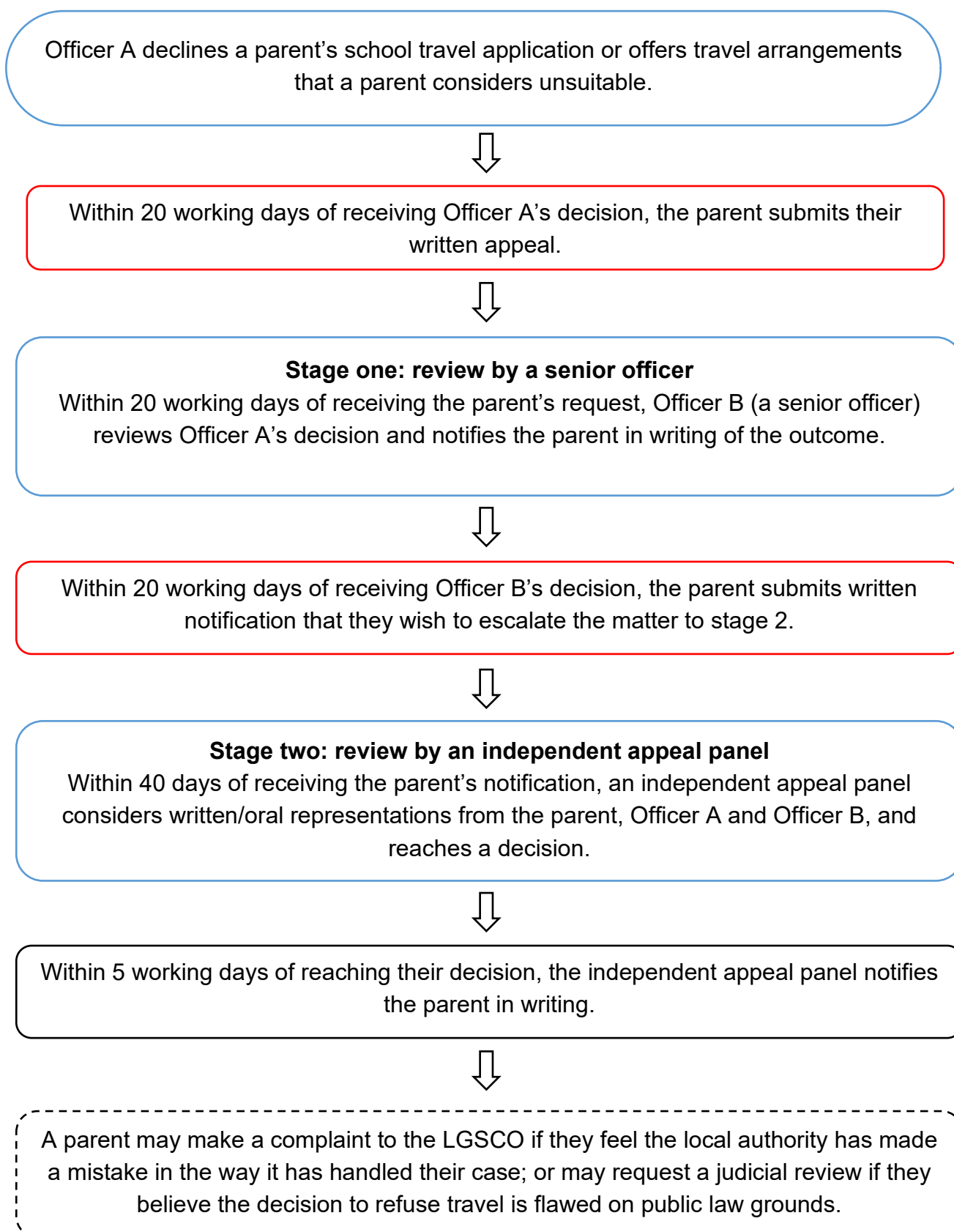
Annex 5: home to school travel policy checklist

A local authority school travel policy needs to contain a number of elements to be considered lawful. There are other elements a school travel policy should include to ensure it is clear and easy for parents to understand. The main elements are listed below, but this is not an exhaustive list. Authorities may add elements they consider necessary, provided they are lawful.

- ☐ The policy includes a clear introduction explaining what the reader can expect to learn from the document.
- ☐ The policy clearly explains all four categories of eligible children (statutory walking distances; special educational needs, disability and mobility problems; unsafe walking routes; and extended rights).
- ☐ Where a local authority has a separate policy document for a category of eligibility (for example, special educational needs) they should refer to this in the main policy so parents reading one document may easily understand all the categories of eligibility.
- ☐ The policy includes information on how a parent can apply for travel to school.
- ☐ The policy clearly explains terms such as 'home address' and 'nearest suitable school'. It explains how, in instances of dual living arrangements such as equal shared custody for separated parents, the local authority determines the child's home.
- ☐ Where appropriate, the policy explains that a child's nearest school for school travel purposes may not be their nearest suitable school for admissions purposes.
- ☐ The policy clearly explains how a child's eligibility will be assessed. This includes how distances will be measured and how route safety is assessed.
- ☐ The policy clearly explains that the eligibility of children with special educational needs, a disability or mobility problems will be assessed on an individual basis.
- ☐ The policy clearly explains the ways in which travel is provided, for example, passes for public service buses, dedicated school buses, taxis.
- ☐ The policy clearly explains any other arrangements that are in place for children who are not eligible for free home to school travel, such as spare seat schemes, and any charges that may be made for these.

☐ The policy clearly explains how a parent may appeal the local authority's decision in response to their application for travel to school.

Annex 6: flowchart of the suggested appeals process





Department
for Education

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CHILDREN AND YOUNG PEOPLE'S SCRUTINY COMMITTEE
19 FEBRUARY 2024

CHILDCARE SUFFICIENCY REVIEW, 2023-24

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to inform Members of the findings of the 2023-24 Childcare Sufficiency Review.

Summary

2. The Department for Education's Early Education and Childcare Statutory Guidance for Local Authorities, January 2024 requires local authorities to 'secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 or up to 18 for disabled children'. In carrying out this requirement local authorities should 'report annually to elected council members on how they are meeting their duty to secure sufficient childcare and to make this report available and accessible to parents'.
3. The childcare market in Darlington is made up of private day nurseries, pre-schools, childminders, out of school clubs, nursery schools and nursery units. Before March 2020, Darlington's childcare market was fairly stable and the parental take-up rate of the various entitlements was predictable. However, since the pandemic the picture has become more complex and less predictable. Cases of unmet demand are gathered using various methods: from providers through the monthly attendance returns, by analysing parental enquiries via the Families' Information Service, via the unmet demand list and from any parental complaints to the local authority. There is no overall lack of childcare sufficiency in the borough.
4. Typically, childcare providers draw funding from two sources: Early Years Entitlement places for 2 to 4 year olds which are funded by the local authority (from funding provided by the Department for Education) and places across the whole age range which are paid for by parents. By the Summer 2021 term take-up of Early Years Entitlement places was back to pre-pandemic levels, however, this take-up has since declined. In the Autumn 2023 term, 1,432 children were accessing an Early Years Entitlement place: this figure compares with 1,696 in Autumn 2021.
5. Anecdotal feedback from the childcare sector is that registered holiday provision (not run by schools) is experiencing a decline in take-up. It is unclear yet whether hybrid working is affecting take-up. The number of registered childminders has declined by 20% since Autumn 2022; the previous year the number had declined by 19%. One school has opened a nursery unit offering the Universal Entitlement and 30 Hours Childcare to 3 and 4 year olds.

6. By the Autumn 2023, regarding the supply side, there have been no reports of substantial rent rises but some providers are reporting that as the cost of food, consumables and staffing costs continue to rise they have increased their fees marginally. On the demand side, there have been no reports from parents of substantial increases in childcare charges. The sector is still facing recruitment and retention issues, nationally and locally. Of the 12 day nurseries and pre-schools in the borough that have received a funding audit from Spring 2023, 2 providers have reported having to limit numbers of children attending their setting due to staff shortages. Providers are encouraged to sign-post parents to the Families' Information Service so that alternative provision can be sourced although parents/carers can, if they wish, remain on the provider waiting list until a vacancy is available. Providers report that staff are leaving to go to better paid jobs with less responsibility in sectors such as retail. The Early Years Team attended the Darlington Jobs Fairs in February and June 2023 to promote childcare as a career and promote Early Years Entitlements and will be attending in February 2024. Links have been made with the secondary schools' Careers Leads and Teesside University.
7. In the Spring 2023 Budget, the Government announced the National Childcare Expansion Programme. These are significant reforms to childcare which aim to remove barriers to work for nearly half a million parents with a child under 3 in England who are not working due to their caring responsibilities. The phased changes announced were as follows:
 - From April 2024, the introduction of 15 hours of funded childcare for working parents of 2 year olds.
 - From September 2024, the introduction of 15 hours of funded childcare for working parents of babies from 9 months up to 2 years old.
 - From September 2025, the introduction of 30 hours of funded childcare for working parents of babies from 9 months up to 3 years old (where eligibility will match the existing 3 and 4 year old 30 Hours offer).
 - The funding rates paid to nurseries for the existing free hours offers to be increased by £204 million from September 2023, rising to £288 million in April 2024.
 - An ambition is that by 2026, all parents and carers of primary school-aged children who need it will be able to access term time childcare in their local area from 8am-6pm, so that parents can access employment and improve labour market participation.
8. In October 2023 the DfE released a capital allocation for local areas to use to support the programme. In addition, local authorities have been allocated pump-priming place revenue over three years to aid with the creation and development of wraparound places.
9. In September 2023, Darlington Local Authority established a Childcare Expansion Task and Finish Group which meets monthly and consists of officers from Education Partnerships, Contracts and Commissioning, the Families' Information Service and the Transformation Team. This group feeds into the Childcare Expansion Project Board which is chaired by the Assistant Director of Education and Inclusion and includes the Head of Education Partnerships, the Children's Finance Manager, the Children's Commissioning Manager and the Head of SEND and Inclusion. The task and finish group also cross references with the Childcare Sufficiency Group which has membership consisting of representatives from

Learning and Skills, Jobcentre Plus and Economic Growth, as well as other external, interested stakeholders and the Early Years Education Strategy Group which includes representatives from the private and voluntary childcare sector, schools and childminders.

10. During the Autumn 2023 term, the Education Partnerships Team has undertaken various data gathering exercises regarding demand and supply in order to assess need and target the expansion resources. For example, the private and voluntary sector, childminders and primary schools were surveyed to gather their thoughts about the childcare expansion i.e. what their engagement will consist of and what might be the barriers to engagement. An evening expansion consultation event was held with providers in November 2023. A survey for parents with children aged 2 years and under with SEND was released via health visitors, SENDIASS, the FIS, the Parent Carer Forum and Darlington Association on Disability. In early Spring 2023, surveys collecting information about wraparound supply are due to be released to providers and primary schools and a wraparound parental survey will also be issued.
11. The local authority has continued to work with the sector through the Early Years Education Strategy Group. Support has continued to be provided to the childcare sector via: regular guidance up-dates, virtual and face to face network meetings, public health team and Darlington Safeguarding Partnership attendance at these provider briefings, a group for early years leads in schools, virtual inclusion panels and individualised support around transitions, setting link officers and an Early Years newsletter.
12. The continued uncertainties created by the pandemic and current market forces make childcare demand and business sustainability more difficult to predict. It is also difficult to predict how parental behaviour when accessing childcare may change, as a result of the national expansion, although initial indications are that there will be a sufficiency of places in phase 1. Work is on-going to promote assistance with the cost of childcare, such as Tax Free Childcare, Universal Credits and the Early Years Entitlements to assist with provider sustainability.
13. Indicators show that there has been sufficient overall capacity to meet demand throughout the period of this review, nevertheless, any unmet demand will need to be continually monitored to ensure that parents are able to access training and work in the coming months and years. As the funded market expands, particular attention needs to be paid with regard to access to places for children with Special Educational Needs and Disabilities and children who are eligible for a place for 'disadvantaged' 2 year olds.

Recommendation

14. It is recommended that members note for information the findings of the 2023-24 Childcare Sufficiency Review.

Tony Murphy
Assistant Director - Education and Inclusion

Background Papers

The following papers were used in this report:

(i) 2023-24 Childcare Sufficiency Review

Nicola Davies : Extension 6010

S17 Crime and Disorder	The report is about the 2023-24 Childcare Sufficiency Review and will not impinge on the duty on the authority to prevent crime and disorder in the Borough.
Health and Wellbeing	Good quality early education and childcare for children from birth to 14 years old and 18 years old for those young people with a disability, will assist in improving the health and wellbeing of Darlington's 0 to 14/18 population and assists working families.
Carbon Impact and Climate Change	There are no carbon impact or climate change implications in this report.
Diversity	There are no specific proposals within the report that impact on diversity issues. All providers must meet their duties under the Equality Act 2010 when delivering education and childcare.
Wards Affected	All wards are affected.
Groups Affected	All children aged 0 to 14 years/18 years for those young people with a disability will benefit from being able to access high quality, education and childcare in the Borough.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	This is a key decision as it affects all wards in the Borough.
Urgent Decision	A delay in the information being reported to elected Council Members will delay the report becoming available to parents as required by the Department for Education's Early Education and Childcare Statutory Guidance for Local Authorities, January 2024.
Council Plan	Access to high quality, affordable and reliable education and childcare will improve the quality of life and the health and wellbeing of children and young people in the Borough and will also enable their parents to access or maintain training or work opportunities.
Efficiency	There are no specific proposals within the report that impact on efficiency.
Impact on Looked After Children and Care Leavers	Access to good quality early education and childcare places in the borough improves the life chances of pre-school children who are Looked After Children or who have left care and also, provides support to families.

MAIN REPORT

Information and Analysis

Post-pandemic

15. By the Summer 2021 term 2 to 4 year olds take-up of Early Years Entitlements places was back to pre-pandemic levels. The overall number of pre-school children in provision had risen from 263 at the end of the Summer 2020 term to 1,117 by the end of December 2021.
16. Anecdotal feedback from the childcare sector is that post-pandemic, registered holiday provision (not run by schools) is experiencing a decline in take-up to the extent that six clubs have closed in the last year. It is unclear yet whether hybrid working is affecting take-up. The number of school registered out of school and breakfast clubs has remained stable. The number of registered childminders has declined by 20% since Autumn 2022. One school has opened a nursery unit for 3 and 4 year olds offering the Universal Entitlement and 30 Hours Funded Childcare.
17. Some providers are reporting that as the cost of food, consumables and staffing costs continue to increase they have increased their fees marginally. On the demand side, there have been no reports from parents of substantial increases in childcare charges. The sector is facing recruitment and retention issues, nationally and locally. A small number of providers have reported having to limit numbers of children attending their setting due to staff shortages and one provider would like to extend the business to meet demand but is restrained by the possibility of not attracting sufficient staff. Providers report that staff are leaving to go to better paid jobs with less responsibility in sectors, such as retail and office work.

National Expansion of the Early Years Entitlements

18. In the Spring 2023 Budget, the Government announced the national Funded Childcare Expansion Programme. These are significant reforms to childcare which aim to remove barriers to work for nearly half a million parents with a child under 3 in England who are not working due to their caring responsibilities. The changes also aim to reduce discrimination against women and benefit the wider economy. The current funded entitlement consists of 15 hours a week for 2 year olds from low income households, 15 hours a week for all 3 and 4 year olds and an additional 15 hours a week for 3 and 4 year olds from working families.
19. The phased changes announced were as follows:
 - From April 2024, the introduction of 15 hours of funded childcare for working parents of 2 year olds.
 - From September 2024, the introduction of 15 hours of funded childcare for working parents of babies from 9 months up to 2 years old.
 - From September 2025, the introduction of 30 hours of funded childcare for working parents of babies from 9 months up to 3 years old (where eligibility will match the existing 3 and 4 year old 30 Hours offer).

- The funding rates paid to nurseries for the existing free hours offers to be increased by £204 million from September 2023, rising to £288 million in April 2024.
 - Schools and local authorities being funded to increase the supply of wraparound care, so that parents of school age children can drop their children off between 8am and 6pm, thus tackling the barriers to working caused by limited availability of wraparound care.
 - Parents moving into work or increasing their hours will receive Universal Credit paid upfront rather than in arrears, with the maximum claim boosted to £951 for one child and £1,630 for two children, an increase of around 50%.
 - The government proceeding with changing staff-to-child ratios from 1:4 to 1:5 for 2 year-olds from September 2023, subject to parliamentary approval although providers have been advised that this would not be mandatory.
 - In recognition of both the importance and short supply of childminders, incentive payments of £600 being piloted from Autumn 2023 for those who sign up to the profession (rising to £1,200 for those who join through a Childminding Agency).
20. The government also launched a consultation between May and July 2023, on further measures to support reform of the childcare market including exploring further flexibilities for providers; allowing childminders more choice over how they operate, and introducing a new, streamlined childminder specific Early Years Foundation Stage (EYFS) framework. In October 2023, the government announced that it would proceed with implementing two versions of the EYFS framework: one for childminders and one for group and school-based providers. The aim of this change is to make the EYFS easier to navigate and implement. The government will also proceed with there no longer being a requirement for level 3 practitioners to hold a level 2 maths qualification. The government has decided not to proceed with changes to the percentage of level 2 qualified staff required per ratio and changing the qualification requirements outside of peak hours.
21. Also announced in October 2023 was a capital allocation for local areas to use to make sure childcare settings in their areas have enough physical space. Local authorities have also been allocated pump-priming place revenue over three years to aid with the creation and development of wraparound places.
22. In September 2023, Darlington Local Authority established a Childcare Expansion Task and Finish Group which meets monthly and consists of officers from Education Partnerships, Contracts and Commissioning, the Families' Information Service and the Transformation Team. This group feeds into the Childcare Expansion Project Board which is chaired by the Assistant Director of Education and Inclusion and includes the Head of Education Partnerships, the Children's Finance Manager, the Children's Commissioning Manager and the Head of SEND and Inclusion. The task and finish group also cross references with the Childcare Sufficiency Group which has membership consisting of representatives from Learning and Skills, Jobcentre Plus and Economic Growth, as well as other external, interested stakeholders and the Early Years Education Strategy Group which includes representatives from the private and voluntary childcare sector, schools and childminders.
23. In September 2023, information about the expansion was placed on the local authority website for parents/carers and on the FIS Facebook page and information was also sent to the health visitors for them to distribute to parents via social media. During October 2023, surveys relating to the first phase of the Childcare Expansion in April 2024 were released

to the private and voluntary sector providers, schools and childminders were sent a shortened version of the questions. The expansion was also discussed at the Private and Voluntary Sector Providers' Briefing, the Childminders' Network and Primary Headteacher meeting. In November 2023, the Education Partnerships Team held a Private and Voluntary Providers' evening meeting about the expansion. Work has taken place to extend the age range on the provider portal to include 2 year olds in readiness for the issue of eligibility codes from HMRC from 2 January 2024.

24. The changes announced are likely to present challenges for the childcare sector in Darlington. Whilst overall sufficiency exists at present, the expansion of the childcare offer, particularly from September 2024 onwards, coupled with current recruitment and retention pressures means that there is a risk that sufficiency is not maintained. The national picture is likely to change as providers consider the implications of the new requirements, for example, increased entitlement checks and the relationship between existing and new entitlements. The proposed funding rates will be important in the success of this expansion. Many in the sector report that funding rates do not currently cover the cost of delivery. As providers are prohibited from charging 'top up' fees for the funded hours, some report that they cover their costs via income from parent paid places. As more and more childcare places are to be local authority funded, if the funding rates do not cover the delivery costs there may be a risk to sustainability.

Support for Providers

25. The Early Years Education Strategy Group meets twice termly and is consulted regarding local issues. Support for the sector has continued over the last year with termly Private and Voluntary Provider and Childminder Network briefings where Education Safeguarding is a standing item on the agenda. Darlington's Public Health Team also share up-dates at these networks. The Early Years Leads meeting for schools continues to meet termly. Providers also have a dedicated Early Years in box. Knowledgeable and experienced officers provide individual and bespoke support on a wide range of areas including quality improvement, funding and sustainability. A half termly Early Years newsletter is also produced. Officers meet with the regional DfE representative every 6 weeks and attend regional DfE events where issues regarding the local childcare sector are reported back to the DfE.
26. Targeted work to support transitions has continued to be undertaken by the Inclusion Team which has facilitated input by a range of professionals, including headteachers and health professionals. The Early Years Inclusion Panel meets termly, awarding funding for children with emerging and significant Special Education Needs and Disabilities (SEND).

Funding and Sustainability Support for Providers

27. In 2022, local authorities were informed by the Department for Education, that nationally, there are around 800,000 families who are eligible to receive Tax Free Childcare (TFC) but had not applied for it. Tax Free Childcare enables working families, including the self-employed, to claim up to 20% of their childcare costs from the government (up to £2,000 per child per year or up to £4,000 per child per year for a child with a disability). Childcare costs can be claimed for children aged 0-11 years or up to 16 years for young people with a disability where families are not in receipt of Tax Credits, Universal Credit or childcare

vouchers. Childcare must be accessed via Ofsted registered providers and childminders who have activated their Tax Free Childcare accounts.

28. Work was undertaken by the Education Partnerships Team to ensure that all private and voluntary sector providers are registered with HMRC to deliver TFC. Schools were also approached to let them know that if they run Ofsted registered out of school provision the school could sign on to the TFC register. A TFC leaflet and social media graphics were produced: information was shared with the Families' Information Service, Jobcentre Plus, the Children's Centres, the Health Visitors, the Business Growth Team, Social Care teams, on the Housing Facebook pages linked to the Council's money advice pages, with Darlington Association on Disability, Darlington Connect, the Citizen's Advice Bureau and Firststop. An advertisement was placed in the 'One Darlington' magazine and information was also shared at the SEN Network for practitioners, on the local authority website, in the staff briefing, with providers and via the schools' bulletin. A JobCentre Plus Job Coach team meeting has been attended, to discuss the early years funded entitlements and help that is available with the cost of childcare. Officers will also continue to share information about the funded entitlements, including a recording produced for professionals, with interested stakeholders.
29. During October 2022, a childcare costs survey was released for parents/carers who access childcare in Darlington. The survey link was distributed via childcare providers and schools, Families' Information Service social media sites, Children's Centres, the health visitors, the library, Children's Centres, the Council staff briefing, the Parent/Carer Forum and Darlington Association on Disability, representatives from Learning and Skills, SENDIASS, Jobcentre Plus and the Council's Economic Growth Team. The purpose of the survey was to gather feedback about childcare costs and Tax Free Childcare from parents/carers who are using childcare in the borough. This information was shared with the childcare sector to encourage those providers who had not already registered to deliver Tax Free Childcare, to do so.
30. In Summer 2022 the Early Years Team attended two half day training sessions delivered by the childcare consultancy Hemsalls. The training set out a business map which supports officers to speak with providers during setting audits, about business sustainability and to consider ideas and options to support business direction, develop plans to balance service delivery with safety and sustainability and to embed a regular process of review.
31. As part of the work being undertaken on the expansion of the Early Years Entitlements, the childcare marketing strategy is being refreshed to include the on-going promotion of Tax Free Childcare and Universal Credits to families and other interested stakeholders. HMRC data shows that take-up is increasing: in 2020-21 the number of families with used Tax Free Childcare accounts in Darlington was 630. This figure rose to 895 in 2021-22 and 1,135 in 2022-23. An increase of 80% or 505 accounts in three years.
32. From Autumn 2022, as part of the early years funding audits, providers are being asked whether the rising cost of living is affecting their business, and also whether their charges will need to increase significantly to cover the increased costs of running a business in the current climate. During the Autumn 2023 term, regarding the supply side, there have been no reports of substantial rent rises but some providers are reporting that as the cost of food, consumables and staffing costs rise they have increased their fees marginally. On

the demand side, there have been no reports from parents of substantial increases in childcare charges.

Provider Training

33. Settings have been supported by the Early Years Team through regular virtual and in person briefings for all group settings and evening sessions for childminders. Darlington's Public Health Team and Darlington's Safeguarding Partnership have also shared up-dates at these briefings with the option of sending a question via the Early Years Team if providers are unable to attend.
34. Good practice meetings have continued to run which provide an opportunity for private settings and schools to come together and share good practice both virtually and face to face. These take place within a school or setting and practitioners value the opportunity to visit different nurseries. A network has also been established specifically for practitioners who work with 2 year olds, which again gives the opportunity for practitioners to meet and share good practice. Good practice is also shared via the Special Educational Needs Co-ordinators' Network. Information regarding external training opportunities is sent to the sector twice termly via the Early Years newsletter. Each setting and childminder have been assigned a member of the Early Years Team as a Link Officer. Link Officers arrange termly visits/contacts with their settings.
35. The government is providing a package of workforce training and qualifications for the early years sector to address the impact of the pandemic on the youngest and most disadvantaged children called the Early Years Education Recovery Programme. The local authority has accessed part of this package called 'Experts and Mentors'. Members of the Early Years team have supported settings as either an 'Expert' or 'Area Lead'. To date, nine private nurseries and one school nursery have taken part in the programme and one nursery is currently involved. The team have also supported nurseries outside of Darlington as part of this programme.
36. The local authority was also part of the Early Years Professional Development Programme (EYPDP) funded by the Department for Education. The local authority was selected to be part of phase 2 of this support, whereby practitioners were able to access an online course with a focus on Communication and Language, Personal, Social and Emotional Development and early maths. 10 practitioners from six settings took part in phase 2 of EYPDP and the programme is now entering the third phase which will see a national rollout. The local authority supports with promoting the programme and liaising about recruitment with the delivery partner.
37. Providers are also able to choose from a training offer which includes Oral Health, Physical Development training from Tees Valley Sport, Child Development for babies and 2 to 3 year olds, training on the 0 to 5 Education, Health and Care Plan process and starting out in Early Years Foundation Stage. Training for practitioners regarding English as an Additional Language has been developed and settings are made aware of Early Education training. Details of the Level 3 Early Years Special Educational Needs Co-ordinator qualification has been shared with the sector and practitioners are also able to benefit from the Early Bird and Early Bird Plus Programmes for families who have a child with an Autism Spectrum Condition. Settings also have the opportunity to take part in the Basket of Opportunities (BOO) programme which is an early intervention programme whereby

settings invite parents to participate, with a focus on raising awareness of supporting children's development at home.

38. Through joint commissioning with the NHS, every Darlington setting and school with a nursery can take part in training on 'Early Talk Boost' which is a language intervention for 3 and 4 years olds delivered by Speech and Language UK. The setting or school with a nursery will also receive a pack of training resources. This training is being cascaded through Autumn 2023 and Spring 2024. In addition, two members of the Early Years team will be trained to become licensed tutors in both Early Talk Boost and Tots Talking (the aim of Tots Talking is to improve the talking and understanding of words in 2 year olds).

Early Years Entitlements take-up

39. In Autumn 2020 the DfE re-started the collection of national data for the funded 2 year olds termly take-up score cards. In the Autumn 2020 term 55% of Darlington's eligible 2 year olds were accessing an Early Years Entitlements 2 year old place. By Autumn 2021 this take-up figure had increased to 80% and by the Spring 2022 was back to pre-pandemic take-up levels at 86%. In Summer 2023 the take-up rate was at 90%, the joint fourth highest rate amongst the North East local authorities. The availability of Early Years Entitlement places is advertised via health visitors, Children's Centres, Jobcentre Plus, Learning and Skills, in the 'One Darlington' magazine and on local authority, Housing and Health Facebook pages. In addition, an Early Years Entitlements webinar has been produced by the team for professionals and officers have attended social care team meetings, to present and answer questions about the funded entitlements. Finally, an Early Years Entitlements webinar for parents/carers has been produced.
40. Looking at actual take up, the number of children accessing Early Years Entitlement places in the Autumn 2023 term was: 328 funded 2 year olds; 520 3 and 4 year olds accessing Universal Entitlement; and 584 3 and 4 year olds accessing the Extended Entitlement; a total of 1,432 funded children. Please see **Table 1**.
41. Table 1 shows that the difference between the number of 2 to 4 year olds accessing an Early Years Entitlements place between Autumn 2022 and Autumn 2023 was 23 additional children. However, when Autumn 2023 data is compared with Autumn 2021 data, there are 264 less children accessing an Early Years Entitlements place in Autumn 2023. When comparing Autumn 2021 with Autumn 2023, looking at the private and voluntary sector providers, there was a decrease of 94 funded children. There has been a decrease of 34 children in private day nurseries, 39 in pre-schools, 11 in out of school clubs and 10 with childminders. When comparing Autumn 2021 data to that of Autumn 2023, with regard to nursery schools and units, there has been a decrease of 170 children. There has been a decrease of 212 funded 3 and 4 year olds accessing the Universal Entitlement. However, there has been an additional 24 children accessing a funded 2 year olds' place and an additional 18 children accessing the 30 Hours Extended Entitlement. The total number of funded children in the private and voluntary sector is at 89% of the take-up in Autumn 2021 and the number of funded children in the school sector is at 79% of the take-up in Autumn 2021.

Table 1 – Autumn 2021, Autumn 2022 and Autumn 2023 Early Years Entitlements take-up

	Autumn 2021				Autumn 2022				Autumn 2023			
	Funded Places for 2-Year-Olds	Universal Entitlement for 3- & 4-Year-Olds	30 Hours Childcare for 3- & 4-Year-Olds	Termly Totals	Funded Places for 2-Year-Olds	Universal Entitlement for 3- & 4-Year-Olds	30 Hours Childcare for 3- & 4-Year-Olds	Termly Totals	Funded Places for 2-Year-Olds	Universal Entitlement for 3- & 4-Year-Olds	30 Hours Childcare for 3- & 4-Year-Olds	Termly Totals
Private Day Nurseries	215	164	278	657	180	138	306	624	180	151	292	623
Pre-Schools	32	60	85	177	34	57	77	168	23	42	73	138
Out of School Clubs	-	-	11	11	-	-	-	-	-	-	-	-
Childminders	13	4	28	45	8	9	23	40	7	4	24	35
Private & Voluntary Sector Totals	260	228	402	890	222	204	406	832	210	197	389	796
Nursery Schools	46	94	44	184	50	60	38	148	51	70	29	150
Nursery Units	48	441	133	622	64	220	145	429	67	253	166	486
School Totals	94	535	177	806	114	280	183	577	118	323	195	636
Childcare Market Totals	354	763	579	1,696	336	484	589	1,409	328	520	584	1,432

Unmet Childcare Demand in 2023

42. Across Darlington, there is a mixed supply of holiday and out of school provision. As well as full day care services and childminders who offer this service, there are a small number of standalone organisations, including Darlington Association on Disability's holiday playschemes, DASH, which caters solely for children with special educational needs and disabilities. Cases of unmet demand are gathered using various methods: from providers through the monthly attendance returns, by analysing parental enquiries via the Families' Information Service, via the unmet demand list and from any parental complaints to the local authority. The Families' Information Service received 70 childcare related enquiries between January 2023 to December 2023. There have been no recorded cases of parental unmet demand.
43. Attendance during the Summer 2023 holidays was surveyed. Out of 26 registered childminders who are active during the holidays, 14 returned the survey and out of 10 group settings who offer holiday care, two returned. Across the sector, occupancy was

as follows: 55 4-8 year olds, 8 9-11 year olds, 0 12-14 year old and 0 15-18 year olds with a disability. In total, 63 children and young people accessed holiday childcare, compared with 205 in Summer 2022 and 229 in Summer 2021. No providers reported having requests for school holiday childcare which they could not meet.

44. Attendance during the Autumn 2023 half term was also surveyed. Of the providers who offer holiday childcare, 14 childminders and 2 group settings submitted returns. Across the sector, occupancy was as follows: 41 4-8 year olds, 6 9-11 year olds, 0 12-14 year olds and 0 15-18 year olds with a disability. In total, 47 children and young people accessed holiday childcare, compared with 80 in Autumn 2022. Again, there were no reports of unmet demand. Demand for holiday care needs to continue to be monitored, particularly as the government's Wraparound Expansion Programme is implemented, as children accessing wraparound care are more likely to need holiday care.
45. The Local Authority has established a Childcare Sufficiency Group which meets regularly and monitors childcare demand and supply, as well as the health of the local childcare sector. In addition to officers, the group includes representation from the Darlington Families' Information Service, SENDIASS (Special Educational Needs and Disabilities Information Advice and Support Service), Darlington Association on Disability, Jobcentre Plus, Children's Centres, Economic Growth and Learning & Skills. The group cross references with the Early Years Education Strategy Group.

Provider profile

Table 2 - The number of settings in Darlington pre-March 2020, November 2020, November 2021, November 2022 and November 2023.

	Pre-March 2020	November 2020	November 2021	November 2022	November 2023
Nursery schools	2	2	2	2	2
Nursery units	17	17	17	17	18
Private & Voluntary	34	31	31	32	31
Childminders	80	71	63	51	41

Table 2 shows that between March and November 2020 three nurseries in Darlington permanently closed. In each case all children were successfully accommodated in other childcare settings. Two of these nurseries were owned by providers who had more than one setting and had places available at their other sites located in Darlington. In late December 2022, one private day nursery closed as a result of the owner's health issues. The business consisted of two nurseries and most children were relocated to the other nursery. During the last year 10 childminders have de-registered. Of those who have provided a reason for leaving childcare, 7 childminders have retired and three have left to work in other sectors of the economy. These de-registrations are not concentrated in any particular geographical area of the borough. One prospective childminder is currently undergoing training. Holy Family R.C. Primary School has opened a nursery unit for 3 and 4 year olds.

The views of parents - Children with Special Educational Needs and Disabilities

46. In December 2023 a parental survey was released via the Families' Information Service, the health visitors, Darlington's Parent/Carer Forum, Darlington Association on Disability and SENDIASS. The survey was aimed at parents/carers of children aged 2 and under with Special Educational Needs and Disabilities and asked questions about the likelihood of these parents using the expanded childcare offer and what any barriers to use may be. Unfortunately, the return rate was low so the closing date has been extended. However, if the return rate does not improve, further consideration will need to be given to the best way to engage with these parents.

Provider feedback

47. In October 2023, a survey collecting feedback about the National Childcare Expansion was sent to all of the private day nurseries and pre-schools in the borough. 19 providers completed the survey, ranging from large settings which are part of national chains to small church hall based pre-schools. Providers were asked how many 2 year olds they currently care for whose parents pay for their childcare place: the average number of 2 year olds was 16. They were asked how many unfilled full-time places they currently have for 2 year olds: the average was 3 but the total number of unfilled places for 2 year olds within settings who had returned responses was 62. They were asked how many of their current 2 year olds whose parents pay for their childcare, they think will 'switch' to a local authority funded place: the average was 14; and how many of these parents, as they are no longer paying for the initial childcare, they think will want to pay for additional hours; the average was 9. Providers told us that, as a result of the new funding, they felt that an average of 6 new 2 year olds would want to attend their setting. When asked whether the introduction of the new 2 year old places will have any effect on the delivery of disadvantaged places for 2 year olds, 5 providers said yes, 2 said maybe and 12 said no.
48. Providers were asked whether the introduction of the new 2 year old places will have any effect on the delivery of places for children with Special Educational Needs and Disabilities, seven providers said yes and 12 said no.
49. Providers were asked whether they were planning to make any changes to their businesses to meet demand for the new entitlements, 4 said yes and 15 said no.
50. Providers were also asked whether they had any plans to change their fee structures, four said yes and 15 said no.
51. Providers were asked whether there are any barriers to their childcare businesses engaging fully with the new funded hours for 2 year olds, 14 said yes and 5 said no.
52. In mid November 2023 the Education Partnerships Team held an evening session for the private and voluntary sector providers to feedback the latest developments from the Department for Education regarding the expansion. There was also the opportunity for providers to share their thoughts and comments about the expansion programme, the positive elements and any barriers which may exist to a setting becoming involved. The sector would like to engage but there were concerns expressed about the imminent funding rates, staff recruitment and retention issues and for some settings, the lack of physical space to expand.

Recruitment and Retention

53. In October 2021 a Childcare Recruitment and Retention survey of local providers was undertaken and 59% of returning providers stated they were experiencing issues with recruitment and retention. As a result, a discussion about recruitment and retention is included within provider funding audits.
54. During 2023 early years funding audits have taken place with nine day nurseries and three pre-schools in the borough. When managers are asked whether they have any difficulties affecting their business, the overwhelming responses are that of funding, recruitment and retention and the cost of living. Of the nine audited day nurseries, five commented that they are still experiencing problems in recruiting appropriately qualified and experienced staff and some providers explained that many prospective candidates do not want full-time hours and that they are competing with office jobs and retailers for staff. Two settings have had to restrict numbers due to recruitment problems. Where children cannot be accommodated, providers are encouraged to sign-post parents to the Families' Information Service so that alternative provision can be sourced although parents/carers, can if they wish, remain on the provider waiting list until a vacancy is available. Methods which nurseries are successfully using to combat recruitment issues include paying more than the National Living/Minimum Wage, creating a bank of stand-by staff, taking apprentices, being more flexible with staff terms and conditions, paying towards the cost of staff training and managers working in the childcare rooms. Staff retention was less of an issue for the providers who have been audited. Of the audited pre-schools, one manager explained that recruitment had been difficult but none of the audited pre-schools were experiencing retention issues.
55. In February and June 2023, the Early Years Team attended the Darlington Jobs Fair to promote childcare as a career and also to ensure people are aware that if they need childcare to enable them to work, there is help available with childcare costs, such as Families' Tax Credit. The team was approached by a number of people, including older people looking for a change of career and people who have newly settled in Darlington from other countries. Information was also available about supported internships for students with Education, Health and Care Plans via the Project Choice Team at NHS Health Education England.
56. Links are being made with careers staff based in the borough's secondary schools. Links are also being formed with Teesside University who run a module enabling students to find out more about the world of work and future career paths. The team has also attended school Careers Fairs to promote childcare as a career. Recruitment and retention is a significant issue; it can have an effect on a provider's ability to operate at full capacity and may go on to affect childcare sufficiency in the borough.

Local Employer feedback

57. Previous employer surveys have investigated the use of family friendly employment practices and explored the extent to which childcare supply meets the needs of businesses. They have reported that the number of businesses frequently experiencing problems due to childcare issues is relatively low; however, many found childcare was an occasional problem.

Additional information

58. Table 3 shows that in recent years the number of birth registrations in Darlington has declined. This may have market implications for providers.

Table 3 - The number of births registered in Darlington

Year of Birth (Sep-Aug)	Number of Births
2009/10	1,359
2010/11	1,324
2011/12	1,336
2012/13	1,284
2013/14	1,220
2014/15	1,231
2015/16	1,187
2016/17	1,107
2017/18	1,138
2018/19	1,048
2019/20	1,026
2020/21	1,061
2021/22	1,038
2022/23	990

Source: 2009/10 – 2019/20 - Office for National Statistics (ONS), Birth Registrations

Source: 2020/21 onwards - NHS Primary Care Registration Data (data is more appropriate for use as it is available earlier than ONS data and is released as academic year rather than calendar year data).

Outcome of Consultation

59. The LA intends to continue to support, monitor and evaluate the local market position, as we move in to the first phase of the National Childcare Expansion, paying particular attention to funding rates, staff recruitment and retention issues and childcare business sustainability.

Conclusion

60. Indicators have shown that there continues to be sufficient capacity to meet current demand. However, the national expansion of the Early Years Entitlements begins in April 2024 for 2 year olds in 'working' families and ends in September 2025, with all pre-school children from 9 months old and upwards in 'working' families, being eligible for 30 Hours funded childcare a week. This represents a comparatively large expansion of the funded entitlements. Previous consultations with parents have demonstrated the need for local childcare to be affordable and flexible, to be available to meet existing or new working patterns and where required, the need for accessible, affordable, inclusive holiday childcare. It is not entirely clear yet, whether working patterns are permanently changing as a result of the pandemic and if so, how they will change. Feedback from the sector indicates that if funding rates are sufficiently high, where possible, there is an overall

desire to provide the expanded places. Demand is difficult to predict but feedback regarding the supply of places, suggests that there will be a sufficiency overall when the expansion begins in April 2024. However, this will need to be monitored over the course of the programme, paying particular regard to access to places for children with Special Educational Needs and Disabilities and children who are eligible for a 'disadvantaged 2 year olds' place. The Local Authority is engaging with providers to ensure sufficiency of places over the coming months and to assist with sustainability. The Local Authority intends to continue to monitor and evaluate the market position.

How will this work in Darlington?

61. 2023 Childcare Sufficiency findings and DfE National Expansion up-dates will continue to be presented to the childcare market and to schools in late Spring 2024, to enable them to develop services to meet changing childcare demand. Market flexibility to meet changing parental demand will be key to sector resilience and the success of the expansion.
62. The priorities for the Local Authority continue to be to:
 - (a) Provide parents with up-to-date information about financial assistance towards childcare costs, including any available tax credits,
 - (b) Work with settings and other interested stakeholders to continually improve the quality of care and make settings/activities more inclusive,
 - (c) Assist childcare providers by providing information on matters relating to funding and sustainability.

CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE
19 FEBRUARY 2024

WORK PROGRAMME 2023-2024

SUMMARY REPORT

Purpose of the Report

- 1. To consider the work programme items scheduled to be considered by this Scrutiny Committee during the 2023/24 Municipal Year and to consider any additional areas which Members would like to suggest should be included.

Summary

- 2. Members are requested to consider the attached draft work programme (**Appendix 1**) for the 2023/24 Municipal Year which has been prepared based on Officers recommendations and recommendations previously agreed by this Scrutiny Committee in the last Municipal Year.
- 3. Once the work programme has been approved by this Scrutiny Committee, any additional areas of work which Members wish to add to the agreed work programme will require the completion of a quad of aims in accordance with the previously approved procedure. (**Appendix 2**)

Recommendations

- 4. Members are requested to note the work programme and consider any additional items which they may wish to include.

Luke Swinhoe
Assistant Director Law and Governance

Background Papers

No background papers were used in the preparation of this report.
Author: Paul Dalton

S17 Crime and Disorder	This report has no implications for Crime and Disorder
Health and Well Being	This report has no direct implications to the Health and Well Being of residents of Darlington.
Carbon Impact and Climate Change	There are no issues which this report needs to address.
Diversity	There are no issues relating to diversity which this report needs to address

Wards Affected	The impact of the report on any individual Ward is considered to be minimal.
Groups Affected	The impact of the report on any individual Group is considered to be minimal.
Budget and Policy Framework	This report does not represent a change to the budget and policy framework.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
Council Plan	The report contributes to the Council Plan in a number of ways through the involvement of Members in contributing to the delivery of the Plan.
Efficiency	The Work Programmes are integral to scrutinising and monitoring services efficiently (and effectively), however this report does not identify specific efficiency savings.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

5. The format of the proposed work programme has been reviewed to enable Members of this Scrutiny Committee to provide a rigorous and informed challenge to the areas for discussion.
6. The Council Plan sets the vision and strategic direction for the Council, with its overarching focus being 'Delivering success for Darlington'.
7. In approving the Council Plan, Members have agreed to a vision for Darlington which is a place where people want to live and businesses want to locate, where the economy continues to grow, where people are happy and proud of the borough and where everyone has the opportunity to maximise their potential.

Forward Plan and Additional Items

8. Any Member seeking to add a new item to the work programme will need to complete a quad of aims. **Appendix 2**
9. A copy of the Forward Plan has been attached at **Appendix 3** for information.

CHILDREN AND YOUNG PEOPLE SCRUTINY WORK PROGRAMME

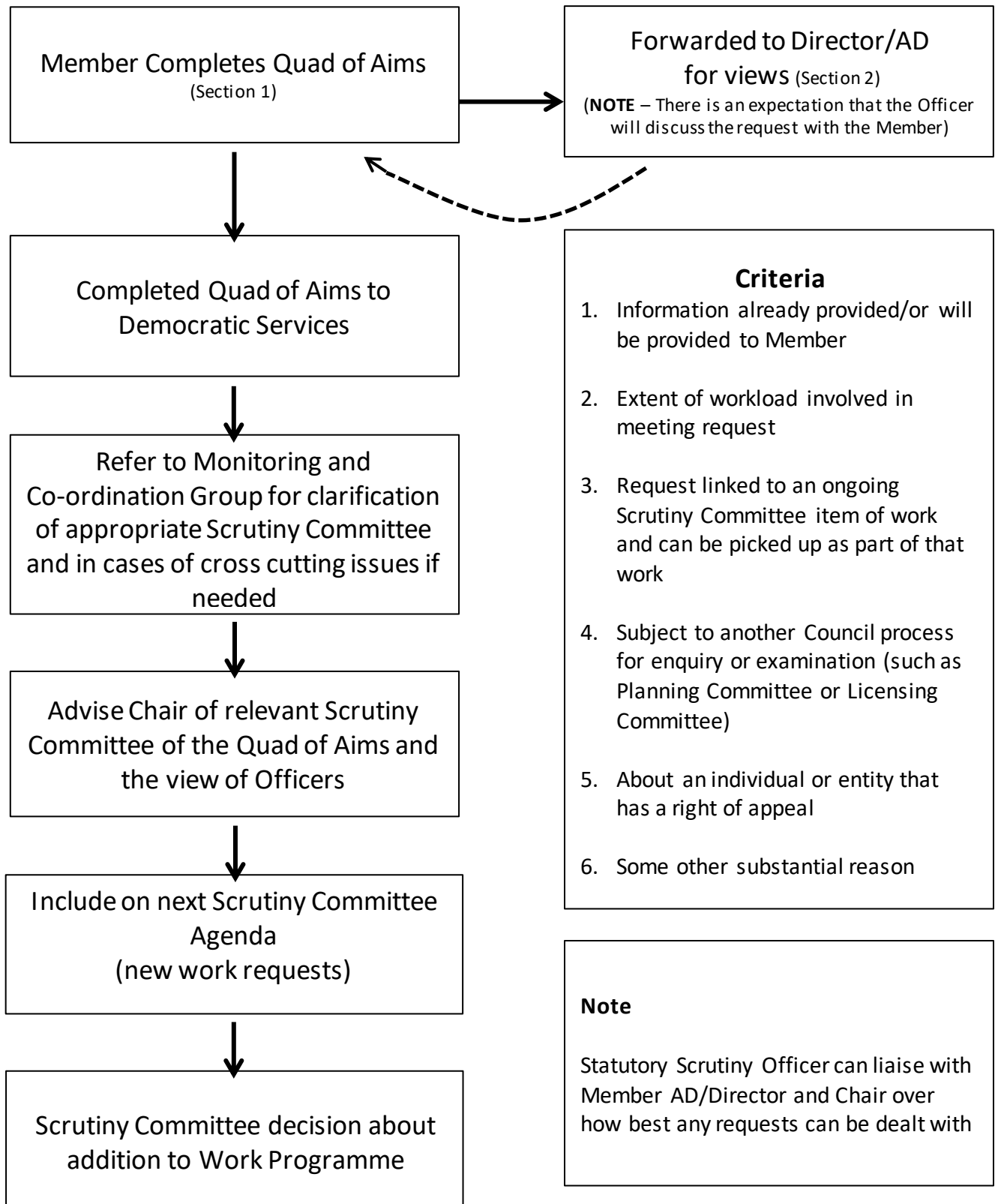
Topic	Timescale	Lead Officer	Link to PMF (metrics)	Scrutiny's Role
Performance Management and Regulation	Q3 19 June 2023 Q4 23 Oct <i>(Deferred to 23 Oct from 21 Aug)</i> Q1 23 Oct Q2 8 Jan 2024 Q3 15 Apr 2024	Sharon Raine	Agreed set of indicators	To receive quarterly monitoring reports and undertake any further detailed work into particular outcomes if necessary
Transitional Services (SEND) for 16 – 25 year olds	To be addressed in a Member Briefing on 6th February 2024	Tony Murphy / Joss Harbron		To provide Scrutiny with an opportunity to examine the Transitional Services for 16-25 year olds.
2023/24 Childcare Sufficiency Assessment	19 February 2024	Tony Murphy/Nicola Davies		Annual Report
School Transport and the Associated Services	19 February 2024	Tony Murphy		To provide Scrutiny with the opportunity to examine the School Transport provision, and associated services.
Relationships and Sex Education (RSE) and Health Education	15 April 2024	Tony Murphy		To provide Scrutiny with the opportunity to examine the delivery of Relationships and Sex Education (RSE) and Health Education within schools.
Council Plan	15 April 2024			To enable the Committee to be consulted on the Council Plan.
Refreshed Children and Young Peoples Plan	June 2024	Christine Shields		To update Members on the refreshed Children and Young Peoples Plan

Topic	Timescale	Lead Officer	Link to PMF (metrics)	Scrutiny's Role

JOINT WORKING

Cross Party Autism Working Group	Final Report of the Autism Provision Review Group to Health and Housing Scrutiny on 14 April 2021. Recommendation to establish a Joint Working Group - ongoing	Christine Shields	To progress the key themes of training and awareness, support, diagnosis and employment, as identified by the Joint Autism Review Group.
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PROCESS FOR ADDING AN ITEM TO SCRUTINY COMMITTEE'S PREVIOUSLY APPROVED WORK PROGRAMME



QUAD OF AIMS (MEMBERS' REQUEST FOR ITEM TO BE CONSIDERED BY SCRUTINY)

SECTION 1 TO BE COMPLETED BY MEMBERS

NOTE – This document should only be completed if there is a clearly defined and significant outcome from any potential further work. This document should **not** be completed as a request for or understanding of information.

REASON FOR REQUEST?	RESOURCE (WHAT OFFICER SUPPORT WOULD YOU REQUIRE?)
PROCESS (HOW CAN SCRUTINY ACHIEVE THE ANTICIPATED OUTCOME?)	HOW WILL THE OUTCOME MAKE A DIFFERENCE?

Signed Councillor

Date

SECTION 2 TO BE COMPLETED BY DIRECTORS/ASSISTANT DIRECTORS
(NOTE – There is an expectation that Officers will discuss the request with the Member)

<div>1. (a) Is the information available elsewhere? Yes No If yes, please indicate where the information can be found (attach if possible and return with this document to Democratic Services) (b) Have you already provided the information to the Member or will you shortly be doing so?</div> <div>2. If the request is included in the Scrutiny Committee work programme what are the likely workload implications for you/your staff?</div> <div>3. Can the request be included in an ongoing Scrutiny Committee item of work and picked up as part of that?</div> <div>4. Is there another Council process for enquiry or examination about the matter currently underway?</div> <div>5. Has the individual or entity some other right of appeal?</div> <div>6. Is there any substantial reason (other than the above) why you feel it should not be included on the work programme ?</div>	<div>Criteria</div> <div>1. Information already provided/or will be provided to Member</div> <div>2. Extent of workload involved in meeting request</div> <div>3. Request linked to an ongoing Scrutiny Committee item of work and can be picked up as part of that work</div> <div>4. Subject to another Council process for enquiry or examination (such as Planning Committee or Licensing Committee)</div> <div>5. About an individual or entity that has a right of appeal</div> <div>6. Some other substantial reason</div>
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Signed **Position** **Date**

**DARLINGTON BOROUGH COUNCIL
FORWARD PLAN**

APPENDIX 3

DARLINGTON
Borough Council

**FORWARD PLAN
FOR THE PERIOD: 7 FEBRUARY 2024 - 30 JUNE 2024**

Title	Decision Maker and Date
Changing Places Toilet (Darlington Hippodrome) - Release of Funding	Cabinet 5 Mar 2024
Council Plan	Council 21 Mar 2024 Cabinet 5 Mar 2024
Local Development Scheme (LDS)	Cabinet 5 Mar 2024
Local Transport Plan	Cabinet 5 Mar 2024
Regulatory Investigatory Powers Act (RIPA)	Cabinet 5 Mar 2024
Release of Capital Funds - Hurworth Schools Section S106 Funding	Cabinet 5 Mar 2024
Annual Procurement Plan	Cabinet 9 Apr 2024
Land at Faverdale - Burtree Garden Village - Proposed Infrastructure Development Agreement (IDA)	Cabinet 9 Apr 2024
Schedule of Transactions - April 2024	Cabinet 9 Apr 2024
Town Centre Site Development and Proposal to seek Development Partner through Framework and Acquisition of East Street Leasehold Interest	Cabinet 9 Apr 2024
Housing Services Asset Management Strategy	Cabinet 7 May 2024
Housing Services Vulnerability Policy	Cabinet 7 May 2024
Offset Strategy	Cabinet 8 Oct 2024

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