

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

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**SCHOOL TRANSPORT AND THE ASSOCIATED SERVICES**

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**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/carer views can form part of any proposed changes.