

## **LONDON BOROUGH OF WALTHAM FOREST**

Meeting / Date	<b>18/03/2021</b>	
Report Title	<b>Approval of the Home to school assistance with travel policy</b>	
Cabinet Portfolio	Councillor Williams, Portfolio Lead Member for Children, Families and Young People	
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Wards affected	All	
Public Access	Open	
Appendices	Appendix 1- Waltham Forest Home to school assistance with travel policy Appendix 2– Equalities screening Appendix 3 – Sustainability Matrix	

### **1. SUMMARY**

- 1.1 This report is to introduce a new Home to school assistance with travel Policy. This policy relates to all children and young people between the age of 5 to 19 years, and up to 25 years for young people with an Education, Health and Care Plan, who are residents of Waltham Forest. In some specific circumstances this policy may also be relevant for children under 5 with Special Educational Needs or Disability (SEND).
- 1.2 The Education Act 1996 places a duty on Local Authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. The duty is to make such travel arrangements as they consider necessary for eligible children.
- 1.3 The existing policies had not been reviewed since 2016 and there were concerns regarding their clarity, accessibility and compliance.
- 1.4 A full review was undertaken, and new single policy developed. This report sets out the process undertaken in its development and seeks Cabinet approval.

## **2. RECOMMENDATIONS**

- 2.1 Cabinet is recommended to:
  - 2.1.1 Approve the new Home to school assistance with travel Policy in Appendix 1.

## **3. PROPOSALS**

- 3.1 It is proposed that the Policy included in Appendix A is adopted as the Council's Home to school assistance with travel Policy following cabinet approval.
- 3.2 The Policies relating to home to school assistance with travel had not been reviewed since 2016 and there were concerns raised about the clarity and compliance of the contents. During this time there have been no legislative changes in this area, therefore the review solely focused on ensuring that the new Policy provides clarity in areas that were unclear or did not have sufficient information, and meets our statutory requirements as outlined in in the national guidance, that the:  
*"information should be clear, easy to understand and provide full information on the travel and transport arrangements. It should explain both statutory transport provision, and that provided on a discretionary basis. It should also set out clearly how parents can hold local authorities to account through their appeals processes."*
- 3.3 To make the information clearer and easier for parents and carers the *Home to school assistance with travel policy for 5-16 year-olds* and *Post 16 home to place of learning assistance with travel policy* have been combined into one single Home to school assistance with travel Policy. It has also been drafted in a way that makes clear which areas are statutory responsibilities and which areas are discretionary.
- 3.4 In addition to internal and external consultation outlined in section 6 of this report, legal colleagues have been engaged in this process to ensure the new Policy is compliant with national legislation and guidance and meets our statutory responsibilities.
- 3.5 National guidance was due to be updated in 2017 but has not yet happened. The Policy will need to be reviewed if any changes are made to national guidance in the future. It will be reviewed each year to assess whether any changes are needed.

## **4. OPTIONS & ALTERNATIVES CONSIDERED**

- 4.1 Do nothing: The existing policies have not been updated since 2016 and changes are needed to ensure the policy is compliant and up to date.

## **5. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)**

- 5.1 This Policy contributes to meeting the commitment outlined in the SEND Vision 2020-2023, approved at Cabinet in October 2020, to implement a new approach to travel assistance to maximise independence from young age.

## **6. CONSULTATION**

- 6.1 As per the statutory requirement, a public consultation was held for a minimum period of 28 days through November and December 2021. This included opportunities to feedback through virtual meetings, email, or survey and was widely publicised including; Have your say newsletter, Parent Forum, Council website, Schools newsletter, Transport Providers and existing contacts in this area.
- 6.2 In addition to public consultation this Policy has been reviewed by the SEND Improvement Board and SEND Strategic Board, Families Leadership Team and Management Board.
- 6.3 The review and renewal of this policy has focused on making our local policy clearer and simpler for families and for our staff to use, and ensuring that our policy is compliant with existing legislation. The key changes as a result of the review and consultation have included:
- Combining the Home to school assistance with travel policy for 5-16 year-olds and Post 16 home to place of learning assistance with travel policy into one single Policy.
  - Reviewed the wording to ensure our policy is robust and clear, particularly on application/renewal, forms of assistance, eligibility, what is statutory and what is discretionary, pick-up points and under 5s.
  - Simplified the layout, language and information provided to make easier to understand
  - Introduced new policy principles:
    - promote a safe, active and sustainable approach to travel assistance to and from school and other educational settings.
    - ensure children are able to travel to school in a way that keeps them safe, well, resilient and independent.
    - promote the most independent method of travel.
    - use of the most cost-effective travel options
  - Removed previous information on mobility vehicles
  - Information promoting use of independent travel training for suitable applicants including information; what it looks like, and how it works
- Re-imburements will only be used as a short-term option

- 6.4 The draft policy has also been reviewed by the Special Educational Needs Transport Advocacy Service.

## **7. IMPLICATIONS**

### **7.1 Finance, Value for Money and Risk**

- 7.2 There are no direct financial implications arising from the adoption of the new Home to school assistance with travel Policy.

### **7.3 Legal**

- 7.3.1 Local Authorities are under a statutory duty under the Education Act 1996 to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. Statutory Guidance 'The Home to school travel and transport guidance Statutory guidance for local authorities July 2014' as indicated in the report is the latest statutory guidance issued in relation to school transport up to 16. Under the guidance Local authorities should consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. Consultations should last for at least 28 working days during term time.

- 7.3.2 The statutory responsibility for transport for 16-19 year olds (who have started a course before their 19th birthday) rests with local authorities. Local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport, or otherwise that the authority considers necessary, to make to facilitate the attendance of all persons of sixth form age receiving education or training. The sixth form age duty applies to young people of sixth form age and young people with EHC plans up to age 25 where they are continuing on a course started before their 19th birthday. The Post-16 transport and travel support to education and training Statutory guidance for local authorities published in January 2019 states that a transport policy statement must be published by the local authority by 31st May each year and must be clearly dated showing the academic year to which it applies.

### **7.4 Equalities and Diversity**

- 7.4.1 The Council must take into account its wider Public Sector Equality Duty (PSED) under s.149 of the Equality Act 2010 when making its decision. Members are referred to the Equalities Screening in Appendix 2.
- 7.4.2 There is a positive impact for individuals with a disability as this Policy will enable children and young people with SEND to access the best option for them and aims to support them to be as independent as possible. There are no negative impacts identified.

## **7.5 Sustainability (including climate change, health, crime and disorder)**

- 7.5.1 The Council, with its partners, are committed to improving the health and wellbeing of children and young people to enable excellent outcomes for all people of Waltham Forest.
- 7.5.2 The Policy promotes the use of sustainable methods of transport, and particularly encourages independent travel training which enables children and young people to walk, cycle, or use public transport to travel to and from school.
- 7.5.3 Sustainability will continue to be considered as part of the SEND Transport procurement in 2021/22.

## **7.6 Council Infrastructure**

- 7.6.1 There are no specific implications relating to HR.

## **7.7 Brexit**

- 7.7.1 None

**BACKGROUND INFORMATION (as defined by Local Government  
(Access to Information) Act 1985)**

Appendix 1 – Home to school assistance with travel Policy

Appendix 2 – Equality Impact Assessment

Appendix 3 – Sustainability Matrix