

# Southend-on-Sea Borough Council

Report of Executive Director for Children and Public  
Health  
to

Cabinet

on

25<sup>th</sup> February 2020

Agenda  
Item No.

Report prepared by: Alan Smith, Transport Entitlement Officer

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## Proposed Revision of Southend-on-Sea Borough Council Education Transport Policy

People Scrutiny Committee  
Cabinet Member: Councillor Anne Jones  
Part 1 (Public Agenda Item)

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### 1. Purpose of Report

To provide information to members about proposed amendments to the existing policy to align it with both existing practise and Department for Education statutory guidance.

### 2. Recommendations

- 2.1 To agree the proposed Home to School Transport policy wording (Appendix 1) in order that the Local Authority are fulfilling their statutory duties to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.
- 2.2 To agree the proposed Home to School Transport Appeals Process Flowchart (Appendix 2) such that the Local Authority's process is aligned with the Department for Education recommended model

### 3. Background

The Local Authority operate a Home to School Transport policy, providing travel assistance to children assessed as eligible under the qualifying criteria of the policy, which is rooted in the relevant sections of the Education Act 1996 and the Education and Inspections Act 2006. The existing policy was produced in 2011, and though the practise of making travel arrangements for children who are in receipt of high rate Disability Living Allowance (DLA) for mobility (or enhanced rate Personal Independence Payment (PIP) for mobility) has been enacted since that time, it was not incorporated into policy. This practise is carried out in order to fulfil the Local Authority's statutory duty to have regard to a child of statutory school age who because of their special educational needs, disability or mobility problems cannot reasonably be expected to walk to school. The proposed Home to School Transport policy wording (**Appendix 1**) incorporates this practise in to policy. The Local Authority also operate a Home to School Transport Appeals Process, and in 2014 the Department for Education issued Statutory Guidance which included a recommended format for such appeals. The proposed Home to School Transport Appeals Process Flowchart in **Appendix 2** is based on that format.

#### **4. Other Options**

- 4.1 The Local Authority can continue the practise of regarding children receiving high rate DLA or enhanced rate PIP for mobility as being unable to walk to school without incorporating it in to policy. Alternatively, the Local Authority can use a different means of identifying such children – for example, by conducting (or commissioning the conducting of) individual assessments for each child at the time of application for travel assistance.
- 4.2 The Local Authority can continue with the current process of considering appeals for travel assistance, without adopting the format recommended by the Department for Education. Alternatively, a fresh process could be produced and implemented, again without adopting the recommended DfE format.

#### **5. Reasons for Recommendations**

- 5.1 By incorporating the practise of providing travel assistance to children into policy, the Local Authority are embedding the current practise in to policy. By not doing so, it leaves the Local Authority open to challenge as to the legality of their Education Transport Policy.
- 5.2 By adopting the proposed appeals process, the Local Authority will be compliant with Department for Education statutory guidance, specifically with regard to appellants having the option to appear in person at the Stage Two appeal.

#### **6. Corporate Implications**

- 6.1 Contribution to the Southend 2050 Road Map

Neutral

- 6.2 Financial Implications

Neutral to positive, in the reduction of the potential for legal challenges

- 6.3 Legal Implications

A more robust and compliant policy and appeals process will reduce the potential for legal challenge

- 6.4 People Implications

Neutral

- 6.5 Property Implications

Neutral

- 6.6 Consultation

There being no material change to entitlement, it is not felt that consultation is required

## 6.7 Equalities and Diversity Implications

The consideration of high rate DLA/PIP as a means of determining less mobile children and young people mean that the Local Authority are recognising their statutory duties in this area

## 6.8 Risk Assessment

Neutral

## 6.9 Value for Money

Neutral

## 6.10 Community Safety Implications

Neutral

## 6.11 Environmental Impact

Neutral

## 7. **Background Papers**

None

## 8. **Appendices**

8.1 Appendix 1 – proposed Home to School Transport Policy wording

8.2 Appendix 2 – proposed Home to School Transport Appeals Process flowchart