

**TO: EXECUTIVE MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING**  
**DATE: 9 AUGUST 2019**

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**HOME TO SCHOOL TRAVEL POLICY FOR BRACKNELL FOREST  
CHILDREN AGED 5 TO 16  
Executive Director: People**

**1 PURPOSE OF REPORT**

- 1.1 To propose changes to the current 'Home to School Travel Policy for Bracknell children aged 5 to 16', Version 3, February 2019

**2 RECOMMENDATION**

- 2.1 **For the Executive Member to AGREE the proposed changes to the above policy.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 Version 3 of the above policy was produced in February 2019, following concerns raised by the Local Government Ombudsman about the Council's previous home to school transport policy. Agreement to Version 3 was obtained from DMT prior to its publication in February.
- 3.2 The LGO advised that the Council's previous policy was not underpinned by the correct legislation and may have led to wrong decisions being made about eligibility for SEN children. On this basis, the Council considered that a revised policy should be prepared as a matter of urgency and it was, therefore, not possible to seek the views of key LA officers, whose role was to implement the revised policy.
- 3.3 This has now taken place and whilst the key elements of the February policy remain unchanged, some additional elements have been added.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Not applicable since it is essential that the policy adheres closely to the statutory framework

**5 SUPPORTING INFORMATION**

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- 5.2 The LGO advised that the Council's previous policy was not underpinned by the correct legislation and may have led to wrong decisions being made about eligibility for SEN children. On this basis, the Council considered that a revised policy should be prepared as a matter of urgency and it was, therefore, not possible to seek the views of key LA officers, whose role was to implement the revised policy.

- 5.3 This has now taken place and whilst the key elements of the February policy remain unchanged, some additional elements have been added. Most notably:
- section 6 sets out examples of ‘exceptional circumstances/change of circumstances/other arrangements’, which supports the discretionary element of Council decision-making and which ensures that each case is considered on its own merits;
  - section 7 provides details about how applications for travel assistance can be made, and
  - section 8 provides more detail about the complaints’ and appeals’ process.
- 5.4 Version 3 of the travel policy adhered closely to the statutory guidance ‘Home to school travel and transport guidance’, issued by the DfE in July 2014 and the proposed changes take further account of the LGO Focus Report of March 2017, ‘Navigating school transport issues’.
- 5.5 These proposed changes provide clarity to stakeholders and to Council staff, whose responsibility is to make decisions about children’s eligibility and should provide a consistency of approach towards all requests from parents/carers/guardians, who approach the Council for assistance with home to school travel.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Director of Finance

- 6.1 Whilst no significant financial implications are anticipated from the new, legally compliant policy, costs will need to be kept under review to confirm sufficient funding is in place. The People Directorate is responsible for the cost impact from policy or legislative changes.

### Borough Solicitor

- 6.2 The relevant Legal issues are addressed within the report. The process by which the policy was amended without going through all the normal Council stages first, is explained by the LGO directive to the Chief Executive, to revise the policy within a very tight time frame set by the LGO , which was not open to negotiation.

## **7 CONSULTATION**

Not applicable

### Background Paper

None

### Contact for further information

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