

## **CABINET**

**24 AUGUST 2021**

### **OUTCOMES OF CONSULTATION FOR THE PROPOSAL TO AMEND THE MEDWAY COUNCIL EDUCATION TRAVEL ASSISTANCE POLICY**

Portfolio Holders: Councillor Mrs Josie Iles, Portfolio Holder for Children's Services  
(Lead Member)

Councillor Martin Potter, Portfolio Holder for Education and  
Schools

Report from: Lee-Anne Farach, Director of People - Children and Adults  
Services

Author: Paul Clarke, Head of School Services

#### **Summary**

This report outlines the outcomes of the consultation period on the Council's proposal to amend the Medway Council Education Travel Assistance Policy (ETAP) following a recommendation from the School Transport and Curriculum Appeals Committee's (STCAC).

#### **1. Budget and policy framework**

1.1. The proposal to amend the Medway Council Travel Assistance Policy is consistent with the Council Strategy outcome of 'All children achieving their potential in schools' and is within budget. Amending the ETAP and related budgetary decisions is a matter for the Cabinet.

#### **2. Background**

2.1. All local authorities have a statutory duty to have in place arrangements for the provision of education travel assistance for children and young people (mainstream and SEND) who meet the published eligibility criteria.

2.2. The Education Travel Assistance Policy is developed within a national legal framework that sets out what local authorities must do to facilitate travel to school and sets out eligibility criteria for granting that support.

- 2.3. 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 education travel assistance are covered in other sections of the Act and its amendments. The provision of travel assistance incorporates consideration for children from low-income families.
- 2.4. Sections 508B and 508C of the Education Act 1996 (as amended) sets 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. This applies to home to school travel arrangements and vice versa. They do not relate to travel between educational institutions during the school day.
- 2.5. As a result of a number of transport appeals to the School Transport and Curriculum Appeals Committee from parents whose children had acquired a place at a grammar school on an independent admission appeal, but who didn't pass the Medway Test, the Committee recommended that the Cabinet is asked to consider whether an amendment be made to the policy where pupils who secure a place at a Medway Grammar School on appeal should also be classed as grammar ability under the Education Travel Assistance Policy and therefore entitled to travel assistance under the same criteria. Under the current policy, only those pupils who passed the Medway Test would be eligible.
- 2.6. A report was presented to the Cabinet in March 2021 and under decision 43/2021, the Cabinet noted the recommendation from the School Transport Committee and the advice from officers and authorised officers to undertake public consultation on the proposed change and report the outcome back to the Cabinet for determination.

### 3. The Proposal

- 3.1. The proposal is to add in a sentence to section 1.4c of the policy (Shown in bold below):

For secondary age pupils, Medway Council also take into account whether a child is of grammar ability (under the Medway Test assessment procedures **or admitted to a Medway grammar school following an independent admission appeal**) or non-grammar ability. For grammar assessed pupils a Medway grammar school will be considered as the nearest suitable qualifying school.

- 3.2. A period of consultation was held, and this report outlines the outcomes of that period.

### 4. Results of the Consultation

- 4.1. The period of public consultation ran for six weeks from 19 April to 30 May 2021. The process included:

- public consultation documents circulated electronically to stakeholders and organisations including all schools and academies; transport providers;
- publication of the consultation document on Medway Council's website.

4.2. There were no responses to the consultation, which indicates that there is no public objection to the proposals.

## 5. Advice and analysis

5.1. Amending the Travel Assistance Policy will mean that pupils attending a Medway grammar school will be treated the same when they apply for travel assistance whether they gained a place under the Medway Test assessment or following an independent admission appeal.

5.2. The amendment will be effective for future transport applications and assessments only and will be implemented from 1 September 2021.

## 6. Diversity Impact Assessment

6.1. A Diversity Impact Assessment (DIA) is attached as Appendix 2. The DIA looks at how the proposed changes could impact upon various groups. The report shows that there could potentially be some impact upon certain groups; however, it shows that any impacts are expected to be positive ones.

## 7. Climate Change implications

7.1. Should the recommendation be approved by Cabinet, the outcome could result in less car journeys across Medway, as pupils now entitled to a bus pass, will utilise public transport where they may have been transported by car previously.

7.2. Wherever possible pupils are encouraged to walk or cycle to school

## 8. Impact of the proposal on arrangements for looked after children

8.1. The amendment would not have a direct impact on looked after children, but it would extend the option to apply for transport assistance to those, including Looked After Children, who have gained a grammar school place through an admission appeal.

## 9. Risk management

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
Additional financial pressures on the home to school transport budget	There could be financial pressure placed on the Council from additional requests for reviews for previously deemed non-eligible children	Additional resources need to be allocated to fund the decision and associated additional administration and transport costs	C2

## 10. Financial and Legal implications

10.1. Local authorities have a statutory duty to have in place arrangements for the provision of education travel assistance for children and young people (mainstream and SEND) who meet the published eligibility criteria, as set out in the Education Act 1996. Sections 508B and 508C of the Act (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.

10.2. This is a discretionary change, and so the amendment will be effective for future transport applications and assessments only, which are implemented from 1 September 2021.

10.3. Financial analysis indicates that at present, there would 44 pupils who would become eligible for travel assistance under the proposed changes to the policy. This would equate to £29,000 per year additional cost to the transport budget. This number will fluctuate annually as pupil numbers change and families move into the area.

## 11. Recommendation

11.1. The Cabinet is recommended to approve the proposed amendment to the Medway Council Education Travel Assistance Policy as set out in section 3.1 of this report.

## 12. Suggested reason for decision

12.1. Amending the Travel Assistance Policy will mean that pupils attending a Medway grammar school will be treated the same when they apply for travel assistance whether they gained a place under the Medway Test assessment or following an independent admission appeal.

## Lead officer contact

Paul Clarke, Head of School Services  
Tel 01634 331031  
Email [paul.clarke@medway.gov.uk](mailto:paul.clarke@medway.gov.uk)

## Appendices

Appendix 1 - Education Travel Assistance Policy (with amendment in track changes)

Appendix 2 - Diversity Impact Assessment

Appendix 3 - Consultation document

## Background papers

None.