



accidents don't have to happen

# Home to school travel and transport: statutory guidance

RoSPA's Response to the Department for Education's Consultation

Date: October 2019



Response to Department for Education's Consultation, Home to School Transport and Travel: Statutory Guidance

## Introduction

This is the response of The Royal Society for the Prevention of Accidents (RoSPA) to the Department for Education's consultation on home to school travel and transport statutory guidance. It has been produced following consultation with RoSPA's National Road Safety Committee.

The Department for Education is consulting on revised statutory guidance for local authorities on home to school travel and transport for children of compulsory school age (5-16). The guidance was last updated in 2014. There have been no changes to the law. The revised guidance seeks to clarify local authorities' statutory duties in relation to home to school travel and transport policy, in response to feedback from local authorities and other interested parties.

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### Question 1a

#### Do you agree that the new guidance is clear and easy to understand?

#### RoSPA Response

RoSPA agrees that overall, the guidance is clear and easy to understand. The guidance makes clear that local authorities must provide free home to school travel arrangements they consider necessary to facilitate the attendance at school of eligible children resident in their area both to and from school free of charge. The guidance also clearly sets out four eligibility criteria based on statutory walking distances, children with special educational needs, unsafe walking routes and extended rights. A child is eligible if they are of compulsory school age and fit at least one of the criteria.

The guidance also clearly states that local authorities must publish their policy on home to school travel for children of compulsory school age, explains what should be included in this policy and the procedure that should be followed should the local authority wish to make any changes to the policy and appeals process.

Although, overall, the guidance is clear, RoSPA would suggest some slight text amends in paragraphs 41, 49 and 50. RoSPA's suggestions to improve and clarify these areas of guidance are included in our response to question 1b.

### Question 1b

#### Are there any areas of the revised guidance you believe could be further improved? If yes, please provide further feedback.

#### RoSPA Response

There are several areas in which RoSPA believes that the guidance could be improved.

We would suggest a minor text change in paragraph 41 of the guidance. The current text states "The route may also include footpaths, bridleways, other pathways and alternative entrances to the school" However, to make the paragraph applicable to all routes, RoSPA would suggest that the text is amended as follows "The route may also include, but is not limited to; footpaths, common land, bridleways, other pathways and alternative entrances to the school."

RoSPA also believes that paragraphs 49 and 50 of the guidance on accompaniment could be made clearer. It must be made clear that the decision whether or not a child of eligible school age needs to be accompanied is the responsibility of the parent. The accompaniment of children, who are not entitled to free home to school transport, remains with the parents. Transport will not be provided if a parent is not able to accompany their child on the journey to school.

RoSPA's main area of concern regarding the new guidance is the transportation of children and the use of seatbelts. Buses and coaches used to take children to and from school are public service vehicles. This means they



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are subject to specific legislation on safety standards. Local authorities should satisfy themselves that the vehicles used are appropriate for the types of journeys planned.

Since 1<sup>st</sup> October 2001, seat belts have been required to be installed in each forward and rearward facing seat in all new buses. The use of an approved and properly fitted restraint system can help prevent death or serious injury, not only by restraining the occupant from forward motion but also by preventing their ejection from the vehicle, particularly in accidents where the vehicle rolls over<sup>1</sup>.

The only exemption from this requirement is for buses that are designed for urban use with standing passengers. An exemption is permitted for these vehicles because they are typically used for short journeys, in both time and distance, undertaken at moderate speeds on urban routes. The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2001 says: "Urban bus" means a bus designed for urban use with standing passengers. The regulation however, does not say 'designed for urban use and solely used in urban areas'.

RoSPA is regularly contacted by parents who express concern that their child is taken to school on a local authority contracted school bus which does not have seatbelts fitted, with standing capacity. In many cases, the bus is operating outside of the urban area, such as on rural A roads. Whilst there is the understanding that these types of buses are limited in their speed, they operate in an environment where other vehicles are travelling at much greater speeds (60mph) and this poses a much higher risk of severity of injury and death should an accident occur on such a road. Some children may also be standing when the bus is travelling on high speed roads.

Whilst some local authorities already specify on their contract documents that the vehicles used must have seat belts for all children there are many that do not. We believe that this guidance should make it clear that 'urban buses' with standing capacity and no seatbelts should not be used to transport school children on rural routes with roads that exceed 30mph.

### Question 2a

**Do you think the examples will help local authorities meet their statutory duties?**

### RoSPA Response

RoSPA believe that the examples will help local authorities to meet their statutory duties and identify which children are eligible for free home to school travel. They may also be helpful to other individuals, such as parents, who are trying to understand the guidance and how it applies to their child.

### Question 2b

**Please provide additional comments on any of the examples, ensuring you refer to the example to which your comment relates.**

### RoSPA Response

RoSPA has no further comment.



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### Question 2c

**Are there any other areas in which you believe an example may be useful, or where you could possibly provide a further example? If so, please provide further information.**

#### RoSPA Response

RoSPA has no further comment.

### Question 3

**Are paragraphs 15-19 clear about the interaction between Universal Credit and extended rights? If not, please explain why.**

#### RoSPA Response

RoSPA is not in a position to comment.

### Question 4

**Do you agree this is an effective and proportionate approach to the management of children's medical needs on school transport?**

#### RoSPA Response

RoSPA is not in a position to comment on the guidance in relation to the medical needs of children.

### Question 5

**Do you agree that Part 4 and the checklist in annex 1 will help local authorities make sure their transport policies are lawful?**

#### RoSPA Response

RoSPA agree that part 4 of the guidance and the checklist in annex 1 will be helpful to local authorities to ensure that their transport policies are lawful. It will also help them to make sure that the document they produce is clear and easily understandable for parents and practitioners, with a clear introduction, information about the groups of children that are entitled to free home to school transport, eligibility, how parents can apply for home to school travel support and how their child's eligibility will be assessed. The document must also include information about the appeals process.

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RoSPA also agree that local authorities should pay careful attention to the wording, layout and length of their home to school travel policies, so that they are as easy as possible for parents to understand. They should ensure that they are easy for parents to find on their website.

### Question 6

**Please provide any additional comments you wish to make on the draft guidance. In particular, we would be grateful for any comments on:**

- **paragraphs 22-26 on personal transport budgets;**
- **paragraphs 69 and 70 on independent travel training; and**
- **paragraphs 77 and 78 on behaviour.**

**We are also keen to hear about any positive strategies that local authorities have employed to manage behaviour on home to school transport, and may reflect these in the guidance.**

### RoSPA Response

RoSPA agree that independent travel training can provide long term benefits to individuals in terms of a skill for life that may lead to greater social inclusion and improved employment prospects. Local authorities should offer independent travel training for all pupils with special educational needs that they believe will be able to complete the programme. However, the child's needs and behaviour must be carefully assessed to ensure that independent travel training is appropriate for them. For those who the training may be suitable, the local authority should discuss the benefits of travel training with parents. It is vital that the child does not lose any transport entitlements until they are confidently able to travel independently.

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### Question 7

**The Public Sector Equality Duty places a legal obligation on the department to consider how its policy or service decisions impact differently on different people.**

**The relevant "protected characteristics" for the purposes of the Public Sector Equality Duty are:**

- sex
- race
- disability
- religion or belief
- sexual orientation
- pregnancy and maternity
- gender reassignment
- age

We do not believe the proposed changes will have a negative impact on any children with one or more of the relevant protected characteristics outlined in the Equality Act.

We believe that the changes proposed to the guidance will have a positive impact on children with disabilities, as many of the changes focus on making local authorities' duties clearer, strengthening safety measures and supporting local authorities to have accessible transport policies. This should mean that all children who are eligible for free home to school transport on the grounds of the disability are able to access it.

**Do you agree with the public sector equality duty assessment as stated above? If not, please explain why.**

### RoSPA Response

RoSPA agree with the public sector equality duty statement as stated above.

### Question 8

**Do you believe the revised guidance will result in any new costs or savings for local authorities? If yes, please explain why.**

### RoSPA Response

RoSPA is not in a position to comment.



## Response to Department for Education's Consultation, Home to School Transport and Travel: Statutory Guidance

RoSPA has no further comments to make on the consultation process, other than to thank the Department for Education for the opportunity to comment. We have no objection to our response being reproduced or attributed.

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<sup>1</sup> Department for Transport Information Sheet – Seatbelts on Urban Buses May 2010