

NEW GENERAL DUTY TO PROMOTE SUSTAINABLE SCHOOL TRAVEL

1. The Act places a new general duty on local authorities to promote the use of sustainable travel and transport in respect of all aspects of education-related transport.
2. Unlike the specific duties in respect of transport for entitled pupils which are referred to in **Appendices 1 and 2**, this general duty applies not only to home-to-school travel for entitled pupils of compulsory school age, but also to:
 - Young people of sixth form age attending further education
 - Those resident in other authorities' areas but travelling within this county to receive education or training
 - Pupils attending independent schools
 - Travel to and from pre- and after-school activities, including extended schools activities
 - Travel between institutions during the day (for example in connection with the vocational elements of the 14-19 curriculum or schools with shared sites)

All aspects of the general duty apply to children and young people in general rather than to individual pupils and students.

3. There are four main elements of the general duty, as follows:
 - (i) **Assessment of the travel and transport needs** of children and young people within the authority's area – it is expected that this will be based largely on the work already being done in connection with School and College Travel Plans (although there is a question about how realistic this assumption is in practice), supplemented by sample surveys and data collected through the annual School Census (which since January 2007 has included a question on mode of travel to school).
 - (ii) **Audit of infrastructure** to support sustainable school travel – which should include mapping of public transport routes, footpaths, cycleways, roads and features such as speed limits, traffic calming measures, crossing patrols etc, and collating of information on other measures to support sustainable school transport such as cycle training, walking buses, car sharing schemes etc. It should also include information on other factors that might influence travel choices, such as bullying on the journey to school, poor behaviour on school buses and barriers to sustainable transport identified in local School Travel Plans (e.g. traffic speeds, lack of safe crossing points, availability and cost of public transport). The audit is expected to help authorities identify remedial measures, and also to provide a source of information for the 'Choice Advisors' who will support disadvantaged families in gaining access to schools that best meet their needs and aspirations.

- (iii) **Strategy to develop sustainable travel infrastructure** so that the needs of children and young people are better catered for – this should be a statement of the authority’s overall vision, objectives and work programme for improving accessibility to schools. It should link closely with the Community Strategy and the Local Transport Plan (LTP) (including the Accessibility Strategy and Bus Strategy). Authorities will be required to publish their strategy each year, at least six weeks before parents have to make a decision about the choice of school they wish their children to attend, as it is expected that the strategy will be an important source of information to them on the travel options that are available.
 - (iv) **Promoting sustainable travel and transport** to and from school – promotional activities are expected to link with School Travel Plans and the general approaches to promoting sustainable travel set out in the LTP.
4. The Government will make an additional £4 million available to authorities to carry out work involved in assessing needs, auditing provision and developing their strategy. It has not yet been decided how this funding will be allocated. However, there will not be any additional resources to implement the measures identified through this process – any improvements to travel and transport infrastructure or services will have to be funded through existing budgets and LTP funding allocations.
 5. The scope of the new general duty is clearly much wider than just passenger transport, building on the work on School Travel Planning undertaken by the Travelwise team and the general transport and accessibility strategies developed through the LTP. The wider implications of the new duty will not be considered here as the focus of this report is on the passenger transport implications of the Act. As far as passenger transport is concerned, the impact is expected to be as follows:
 - Collation of data about the availability, cost and quality of passenger transport services will be an important (though by no means the only) element of the assessment and audit stages, as well as the development of the strategy, and will require the bringing together of information and policies from a range of sources relating to all aspects of education travel.
 - The Council is already required to publish its general arrangements and policies for school transport, which it does through the publication ‘Education Transport – a guide to Policy and Law’. A decision will be needed whether to integrate the new sustainable school travel strategy into this policy statement and publish them together, as recommended by the guidance.
 - Although the other parts of the guidance make it clear that there is no requirement on local authorities to provide transport except for the home-to-school journey for eligible children attending qualifying establishments, there will be a requirement under the general duty to assess the needs of children and young people as a whole and to develop a strategy to improve access to education. There is a clear tension here between the expectation that the strategy will be able to identify improvements and the lack of any new resources to fund these. This is likely to be particularly the case in respect of passenger transport, where improved services at an affordable costs to the parents would be likely to be very costly to provide, but where parental expectations that the Council should be making transport available to promote and support choice and flexibility in education will be fuelled by the existence of the Act.

- The requirement for the Council to provide transport to parental choice schools for children from low income families under the 'extended rights' provisions will serve to further increase parental expectations that transport should also be available for other children choosing to attend the same schools. Under current policy the Council would allow such children to travel on any spare seats as 'privileged passengers' on payment of a termly charge and would also consider increasing the capacity of the vehicle to cater for larger numbers of non-eligible children as long as the income from charges covered the extra cost (i.e. as long as there was no extra cost to the Council Tax payer). Whilst such arrangements benefit at least some non-eligible children and represent an effective way of maximising the benefits from the use of resources, experience has shown that where circumstances change and the extra transport can no longer be provided at no additional cost, it can be very difficult and unpopular to withdraw the arrangements so as to stay within the policy of not incurring extra cost to the Council. This happens from time to time and is a source of considerable friction with parents and schools. Serious consideration would need to be given to whether to continue the current policy in a situation where the likelihood of such difficulties occurring was increased. However, neither of the alternatives would be easy to implement; ceasing to allow the use of spare seats would be difficult to explain to parents, particularly in view of Government expectations that the Council should be seeking to improve access to education; while continuing to provide transport after circumstances had changed would have a potentially significant cost implication and could set a precedent for the Council providing funding for transport for non-eligible children.

- o0o -