

Final report from the ADCS and ADEPT working group on home to school travel

November 2023

The Association of Directors of Children's Services (ADCS) and the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) share a number of concerns about the current state of home to school travel legislation for children with special educational needs and disabilities (SEND), and have come together to develop shared proposals to make the system more sustainable.

Context

Local authorities (LAs) hold the statutory responsibility for providing home to school transport for eligible students of statutory school age, including children with SEND. In 2019 the LGA, ISOS and CCN reported that between 2014/15 and 2017/18, the total national spend on home-to-school transport increased by 6.5% from £1.02 billion to £1.08 billion. The percentage of LAs that were overspending their home to school transport budgets rose from 71% to 83%, and the total national deficit on home to school travel stood at £111 million ([LGA, ISOS, CCN, 2019](#)).

The increase was largely driven by transport for children with SEND. The total national spend has not been calculated since, but CCN reported in 2022 that the costs of delivering home to school travel for children with SEND for the 28 county authorities who responded to their survey, had risen by 33% from 2016/17 to 2020/21, and accounted for 11% of the total spend on children's services ([CCN, 2022](#)). LAs continue to provide this service as efficiently as possible, yet with both need, cost and funding pressures increasing, members report that forecasts for home to school travel costs have significantly increased for 2024/25.

Cost drivers

Much has changed since the home to school transport legislation was first introduced in 1944 and the legislative framework has not been updated to reflect the realities of the 21st century. The specific challenges that LAs face vary depending on context, e.g. size and location, however all are reporting mounting unsustainable pressures in their attempts to meet their statutory responsibilities.

Implementation of the 2014 SEND reforms has resulted in an overemphasis on securing an education, health and care plan (EHCP) in order to access support. Since then, the total number of EHCPs (and statements up to 2019) has increased by 215% from 2015 to 2022. Need has risen sharply in recent years; the number of initial requests for EHCPs has increased by 23% between 2021 and 2022, and the total number of plans has increased by 9% over the same time period. The number of children eligible for home to school travel has therefore increased significantly.

The implementation of the SEND reforms has also contributed to a drift away from inclusion in mainstream education. Mainstream schools can often feel unable to support pupils with EHCPs, citing a lack of funding, resources and/or training. In many areas there is also a lack of specialist local provision which means that some pupils need to travel significant distances to access educational provision. Significant travel times can also be a result of parental preference for a named school and even when the LA disagrees with this

preference, it can often go to Tribunal where the vast majority of decisions are in favour of parental preference.

At the same time as demand for home to school travel is increasing, inflation and market pressures are also driving costs up further. Inflation, wage increases and high fuel costs have made the operating context for transport providers extremely challenging, with some choosing to cease providing such services. Where contracts have ended, re-tendered contracts are costing upwards of 20% more.

ADCS and ADEPT members report that the needs of children being transported to school are becoming increasingly complex with drivers and passenger assistants requiring specific medical and behavioural training prior to some children accessing transport. The level of responsibility to safely transfer children with significant needs is not in keeping with the generally low paid nature of such roles and members report seeing a reluctance to take on additional training in this regard, without appropriate clinical governance in place.

Parental expectations have also changed in recent years. There has been an increase in the number of requests for individual transport, usually via taxi, transporting the child from home to their education setting. This shift in expectations of a personal service is both expensive, environmentally unsustainable and is often not aligned to the needs of the child.

LAs have conducted in-depth analyses into their home to school travel services and trialed a number of initiatives, including route planning optimisation, independent travel training, adjusting eligibility criteria, introducing an LA fleet of vehicles, and personal travel budgets, all of which can be seen in the [SEND Transport Toolkit](#) published by ADEPT. However, none of these mitigations, used either alone or in conjunction, have proved successful to meet demand and deliver a financially sustainable service.

Proposals

Below are three key asks which ADCS and ADEPT are calling on government to do to improve the sustainability of the home to school travel system.

1. New legislation that reflects the varied modern context

- **New legislation:** The current legislation is outdated and is not fit for purpose for the 21st century and the SEND system as it currently stands. A review of the legislative framework underpinning home to school travel is urgently required along with the introduction of new legislation which is which reflects the current system. There should be an onus on parental responsibility to ensure that children are attending their education setting, and messaging should realign the system's expectations in line with children's needs and available resources.
- **Devolution of responsibility:** Home to school travel is not one size fits all. Each LA experiences its own specific challenges with home to school travel, dependent on size, community, whether urban, rural or coastal, and the local education environment. Ultimately, responsibilities should be delegated to local government to develop appropriate policies and processes which use resources efficiently to meet the needs of their local children and communities.

- **Supporting children with complex health needs:** Home to school travel teams are providing transport for children with increasingly complex health needs. This is a small, but significant and increasing cohort, and a high degree of risk is held by passenger assistants. This risk must be managed correctly, with clinical oversight of training provided by health partners. A clearer definition of health's role and statutory responsibilities for these children is needed.

2. Appropriate funding and a functioning market

- **Sustainable local government funding:** LA funding has faced significant reductions since 2010 and this has resulted in significant deficits across many services. With the DSG statutory override only guaranteed to remain in place until March 2026, it is not clear how many LAs will deliver a balanced budget without the override; this would have significant consequences for local government.
- **Sufficient funding to meet SEND home to school travel statutory duties:** Additional funding is needed in the short to medium term to provide home to school travel that meets the demand in the existing market, until new legislation allows for systemic changes to be made.
- **A less adversarial system:** The system needs to become less adversarial. However, it is not yet clear whether proposals in the SEND and AP improvement plan to strengthen early redress approaches and make the SEND tribunal an option of last resort will be effective.
- **Streamlining of support:** In some cases, children and families receive both the higher rate of disability living rate allowance to aid their day-to-day mobility, as well as receiving home to school transport from the LA. If a child is eligible for the motability scheme and their parents choose to hire a motability car, then that vehicle should be used for transporting the child to school to avoid unnecessary double funding.
- **Provider market:** Support is needed to make the market more attractive and easier to access for new providers, with the aim to increase competition and encourage a healthier market.
- **Remove unintended consequences of the Public Service Vehicle Accessibility Regulations (PSVAR) legislation (2000):** This legislation has meant that home to school travel services are no longer able to sell empty seats on their vehicles to children who would otherwise travel to school using alternative means. Charging for extra seats is both more sustainable and brings in additional income, so this should be reversed. It should also be easier to get long term PSVAR exemptions.

3. A system built on the needs of children

- **Travel solutions based on children's needs:** LAs should be able to use professional judgement to assess and provide the travel solution which best matches the child or young person's individual needs and the context of their journey, as well ensuring the efficient use of public funds. This may not always result in door-to-door transport, such things as pick up points, independent travel training should be in scope.

- **HTST to be considered in SEND reforms:** Home to school travel requirements should be considered as part of the SEND & AP Change Programme. For example, cost of transport should be considered when drawing up the tailored list of schools.

We believe that these proposals offer both short-term wins and more long-term strategic approaches to make the home to school travel system more sustainable for all LAs. ADCS and ADEPT would welcome the opportunity to discuss these proposals further. Please contact sarah.wilson@adcs.org.uk and ann.carruthers@leics.gov.uk in the first instance.

ADEPT and ADCS are both membership organisations. ADCS is the national leadership organisation in England for directors of children's services (DCSs). Under the provisions of the *Children Act (2004)*, the DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADEPT represents executive directors of environment, economy, planning and transport across England. The Association represents its members' interests by proactively engaging central government on emerging issues and promoting initiatives aimed at influencing government policy.