

## PLACE SCRUTINY PANEL

<b>Date:</b> Tuesday 11th March, 2025
<b>Time:</b> 4.30 pm
<b>Venue:</b> Mandela Room

## AGENDA

1. Welcome and Fire Evacuation Procedure

In the event the fire alarm sounds attendees will be advised to evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

2. Apologies for Absence

3. Declarations of Interest

To receive any declarations of interest.

4. Minutes - Place Scrutiny Panel - 27 January 2025 5 - 8

5. Home to School Transport - Draft Final Report 9 - 28

Recommendation: That the Panel considers the content of the draft Final Report and agrees recommendations for inclusion in the report.

6. Barriers to Regeneration - Scrutiny Review

The Director of Regeneration will be in attendance to provide an overview of Barriers to Regeneration as an introduction to the Panel's review of this topic.

Recommendation: that the Panel determines what further information will be required for this scrutiny investigation.

7. Empty Properties Scrutiny Review - Update from Task and Finish Group

The Chair will provide a verbal update from actions arising from the Task and Finish Group meeting held on 20 January 2025.

Recommendation: that Panel Members note the update from the Task and Finish Group.

8. Crustacean Deaths Collaborative Working Group - Update

The Chair will provide a verbal update in relation to the work of the Crustacean Deaths Collaborative Working Group.

9. Overview and Scrutiny Board Update

The Chair will provide a verbal update on matters considered at the meeting of the Overview and Scrutiny Board held on 12 February 2025.

10. Date and Time of Next Meeting

Monday 31 March 2025 at 4.30 pm.

11. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Monday 3 March 2025

MEMBERSHIP

Councillors D Branson (Chair), T Livingstone (Vice-Chair), J Cooke, C Cooper, J Ewan, N Hussain, D Jackson, J Kabuye, L Mason, D McCabe, A Romaine and L Young

**Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Joanne McNally 01642 728329 / Susan Lightwing 01642 729712,**

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**PLACE SCRUTINY PANEL**

A meeting of the Place Scrutiny Panel was held on Monday 27 January 2025.

**PRESENT:** Councillors D Branson (Chair), J Cooke, C Cooper, J Ewan, D Jackson, T Livingstone (Vice-Chair) and A Romaine

**PRESENT BY INVITATION:** P Gavigan (Executive Member for Environment and Sustainability)

**OFFICERS:** S Lightwing, A Johnstone and S Muir-Williams

**APOLOGIES FOR ABSENCE:** were submitted on behalf of Councillors J Kabuye and L Young

24/64 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair welcomed all present to the meeting and read out the Building Evacuation Procedure.

24/65 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

24/66 **MINUTES - PLACE SCRUTINY PANEL - 6 JANUARY 2025**

The minutes of the Place Scrutiny Panel held on 6 January 2025 were submitted and approved as a correct record.

24/67 **FLOOD RISK MANAGEMENT ANNUAL UPDATE**

The Public Rights of Way Officer provided the annual update on flood risk management. Flood risk was a combination of the probability (likelihood or chance), of an event happening and the consequences (impact), if it occurred.

Flood risk was dependent on there being a source of flooding, such as a river, a route for the flood water to take (pathway), and something that was affected by the flood (receptor), such as a housing estate.

Without a pathway linking the source to the receptor, a flood might be a hazard, but not a risk. This concept was known as the source-pathway-receptor model.

Return periods were often used to describe how often a flooding event might occur. So for example, a 1 in 50-year flood had a two percent probability of occurring in any one year.

Flooding sources included: coastal and erosion, river (fluvial), surface water (pluvial) flooding and groundwater. There was also potential risk of flooding from failure of infrastructure, including reservoirs and sewer systems.

Over the last two years, Middlesbrough Council had moved from a reactive to a planned response to flood risk. The Council had been receiving an increased number of requests about blocked drains and spent a great deal of time reacting to freeing those blockages.

Key tree-lined routes had been identified and were swept more often to try and prevent fallen leaves blocking gullies. In advance of any predicted storms or bad weather, grills and outfalls in becks were checked and cleared. A new programme of regular road gully cleaning had also been implemented.

The Council was working with Northumbrian Water Limited (NWL) on Stage 1 and Stage 2 studies to identify areas that were at high risk of flooding.

In addition a programme of highway drainage and culvert surveys was also being undertaken.

The Council also worked with the Environment Agency (EA) to identify properties at risk of flooding, the source of flooding and how this could be mitigated. Flood alleviation schemes had been completed at Saltersgill/Beechwood fields and Cornwall Close. An outline business case for an alleviation scheme had been submitted in respect of Ormesby Hall and a study was being undertaken at Shevington Grove.

Members were shown photographs of the schemes at Saltersgill/Beechwood and Cornwall Close where bunds had been installed to hold back excess water and allow it to drain away naturally to avoid the area flooding.

There were approximately 27,000 gullies in Middlesbrough which required ongoing maintenance. Surveys had been undertaken to measure the silt levels in the gullies and how quickly the gullies filled up with silt again after cleaning. A cyclical programme of drainage cleansing had been devised according to need, ensuring that those gullies that filled up with silt the quickest were cleaned more regularly to prevent any blockages.

The gulley network had been divided into different areas – main roads, rural, town centre and estates. It was a 3-year cycle and time was built in to the regular programme to enable the Council to react promptly to any reports of blocked drains. Members were shown a breakdown of the programme by Ward area.

It was clarified that older housing estates were more likely to have a combined system for surface water and sewage whereas new developments had separate system. Northumbrian Water were usually responsible for the main drains under the roads.

The Officer invited Councillors to report any flooding issues in their Wards to him. In relation to climate change, and the more regular occurrence of storms, the probability calculations had been updated. Housing Developers had to attenuate for a 1 in 100-year storm plus 40% for climate change. The Environment Agency updated their calculations constantly.

The Council had a responsibility to ensure that new developments mimicked green field run-off – so that there was no change when a new development was built. Housing Developers had to provide their calculations to the Council for checking.

Water had to be dealt with at source and managed to ensure that after a storm the main networks did not flood. In respect of driveways – if they were extended by more than 5m<sup>3</sup>, planning permission would be required to ensure a soakaway was included. In respect of artificial grass it was unclear as to whether or not planning permission would be needed in the same way as for a concrete driveway.

The Chair thanked the Officer for his presentation.

**AGREED** that the information provided was received and noted.

24/68

## **RIPA (REGULATION OF INVESTIGATORY POWERS) ANNUAL UPDATE**

The Head of Policy, Governance and Information provided the Annual Update on the Regulation of Investigatory Powers (RIPA).

RIPA was the law governing the use of surveillance techniques by public authorities, including local authorities. RIPA required that when public authorities need to use covert techniques to obtain private information about someone, they only do so if surveillance was necessary, proportionate, and compatible with human rights. Typically, this related to suspected criminal activity that was likely to result in a custodial sentence of six months or more.

Middlesbrough Council would not undertake any activity defined with RIPA without prior authorisation in the legally prescribed form.

The Senior Responsible Officer (SRO) had overall responsibility for overt and covert surveillance, including:

- creation, communication and review of the policy;

- appointing the CCTV Single Point of Contact;
- appointing the Coordinating Officer (Auditor) for covert surveillance;
- ensuring the availability of appropriate authorisers for covert surveillance;
- raising corporate awareness of the policy and proper surveillance practices;
- assessing corporate compliance with the policy;
- providing professional guidance on all matters relating to surveillance;
- engagement with the Surveillance Camera Commissioner and the IPCO; and overseeing the implementation of any post-inspection action plans recommended or approved by the IPCO.

Directors and Heads of Service had a general responsibility to ensure compliance with operations as detailed in the Surveillance Policy. This included taking reasonable steps to protect health and safety including any necessary risk assessments.

There were a number of key roles in the process of approving and monitoring applications for both overt and covert surveillance. Depending on whether the surveillance was 'overt' or 'covert' would depend on the level of authorisation. Details of the surveillance key roles were included in the presentation and those roles included the CCTV Single Point of Contact (SPoC), Co-ordinating Officer (Auditor), Authorising Officers, Designated Person.

The Investigatory Powers Commissioner's Office (IPCO), overseen by the Investigatory Powers Commissioner (Sir Brian Leveson), was created under the IPA to provide independent oversight and authorisation of the use of investigatory powers by intelligence agencies, police forces and other public authorities.

Following the latest inspection by the IPCO in 2020 it was agreed that Middlesbrough Council would continue to maintain an overarching Surveillance Policy which covered CCTV, RIPA, non-RIPA covert surveillance and the surveillance of employees.

An annual Surveillance Report and Policy were produced to report on the surveillance activity of the Council to ensure that it complied with its strategic priorities and statutory obligations, that they were lawful, and that due regard was given to human rights and to data protection.

The Council always considered methods to gather information that did not require covert surveillance to be undertaken, in order to minimise the use of surveillance powers and therefore activity remained low.

Statistics with regard to the use of RIPA by the Council since 2015 were provided to the Scrutiny Panel. An annual review of activity was undertaken and signed off by the Mayor at a Single Member Decision meeting.

The Chair thanked the Officer for attending and providing the annual update.

**AGREED** that the information provided was received and noted.

24/69

### **HOME TO SCHOOL TRANSPORT SCRUTINY REVIEW - UPDATE FROM TASK AND FINISH GROUP**

The Chair informed the Panel that the Home to School Transport Task and Finish Group had met with the Head of the Integrated Transport Unit on 14 January 2025. A note of the information discussed at that meeting in relation to the current scrutiny investigation into home to school transport would be circulated to all Panel Members.

A Member of the Empty Properties Task and Finish Group also provided written information in relation to the scrutiny review into Empty Properties for incorporation into the draft Final Report.

24/70

### **OVERVIEW AND SCRUTINY BOARD UPDATE**

The Chair provided a verbal update on items considered at the meeting of the Overview and Scrutiny Board held on 22 January 2025. Items discussed included an update from the Executive Member for Children's Services on his portfolio, Levick Court and the Scrutiny Chairs' Updates.

24/71 **DATE AND TIME OF NEXT MEETING**

The next meeting of the Place Scrutiny Panel was scheduled for Monday 3 March 2025 at 4.30 pm.

24/72 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.



## MIDDLESBROUGH COUNCIL

### Final Report of the Place Scrutiny Panel

### HOME TO SCHOOL TRANSPORT

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## **THE AIM OF THE SCRUTINY REVIEW**

1. The aim of the review is to ensure that the Council is meeting its obligations to provide Home to School Transport whilst effectively controlling costs.
2. The review also aims to assist the Local Authority (LA) in achieving the following priority from the Council Plan 2024-2027:

**Delivering best value** - Changing how we operate, to deliver affordable and cost-effective outcomes for residents and businesses.

## **TERMS OF REFERENCE**

3. The terms of reference for the scrutiny panel's review, are as follows:
  - A) To establish the nature of the Home to School Transport Service currently provided by Middlesbrough Council's Integrated Transport Unit.
  - B) To examine the nature of the Home to School Transport policy in light of the relevant statutory guidance.
  - C) To establish whether the present system is providing adequate support for students travelling on school transport.
  - D) To identify the reasons for the increase in costs over time and the implications for the overall funding on the service.
  - E) To investigate how other similar local authorities provide this service and to identify ways in which the service could be improved and any costs minimized.

## **BACKGROUND INFORMATION**

4. The legal requirement for ensuring that a child attends education is that of the parent or carer. However, it is the LA's responsibility to provide travel assistance for all eligible children.
5. The ever-increasing need for the provision of home to school transport and travel assistance is a national issue. According to data obtained by the BBC and released in March 2024, costs of Special Educational Needs and Disability (SEND) school transport have increased nationally from £727m in 2019 to £1.4bn in 2024 and are predicted to rise further by 2027/28 to £2.2bn.
6. The County Councils Network (CCN) reported in November 2023 that growing costs were largely driven by an increase in pupils eligible for Education, Health and Care Plans (EHCPs), which has doubled from 240,000 in 2015 to 517,000 in 2023.<sup>1</sup> Other contributory factors to rises in demand and costs include: increasing complexity of children's needs, lack of sufficient special school places, availability of drivers with D1 entitlement, availability of suppliers with vehicles in the private sector, economic climate, and supply and maintenance of the Council's internal fleet.

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<sup>1</sup> <https://www.countycouncilsnetwork.org.uk/councils-call-for-reform-of-send-school-transport-services>.

7. National guidance issued by the Department for Education (DFE) sets out the expectations of Local Authorities regarding home to school travel and transport arrangements. In particular, the guidance sets out the circumstances in which the Local Authority has a duty to provide or arrange free school transport or travel support for children of compulsory school age.
8. Middlesbrough Council's Home to School Travel Assistance Policy is informed by the Education Act 1996 and additional duties required by the Education and Inspections Act 2006.
9. A Home to School Transport Task and Finish Group has been established by the Place Scrutiny Panel to assist with the scrutiny review and comprises the following membership:  
  
Councillor D Branson  
Councillor J Cooke  
Councillor D Jackson  
Councillor J Kabuye
10. The Task and Finish Group has met four times throughout the period of the review to gather further information in relation to this scrutiny investigation.
11. At the meeting held on 14 October 2024, the Task and Finish Group agreed the terms of reference for the scrutiny review for approval by the Place Scrutiny Panel. The Group noted that the review should consider how the Council can reduce costs and also ensure that a suitable Home to School Transport Service is provided. Sources of evidence were also discussed.

#### **SUMMARY OF EVIDENCE:**

#### **Term of Reference A - To establish the nature of the Home to School Transport Service currently provided by Middlesbrough Council's Integrated Transport Unit (ITU).**

12. During 2023-2024 Middlesbrough Council provided over 600,000 elements of travel assistance including journeys, payments to parents and provision of bus fares to eligible students. This is delivered through a combination of in-house and external suppliers and vehicles, including minibuses, wheelchair accessible vehicles, taxis and coaches.
13. The 2024/2025 budget is set at £6.7 million and the Council receives grant funding from the Department for Education (DfE) for Extended Free Right Transport. The grant for 2024/2025 is £57,700 for transporting children from low-income households and travel over the statutory walking distance of 2 miles from their eligible school. The DfE are recharged for all costs related to any non-statutory transport that Middlesbrough Council provide on their behalf for Outwood Academy Riverside whilst their students are educated at off-site at Normanby and Middlesbrough College. There are evolving pressures in the 2024/2025 budget and weekly management of expenditure to ensure that there are sufficient resources to meet the statutory duty of care.
14. The ITU workforce currently comprises approximately 29 Drivers, 85 Passenger Assistants, 13 Office Staff, 4 Medical Carers (Private Sector) and 137 Contractors.

15. Routine maintenance on all vehicles whether owned, leased or hired has to be carried out every ten weeks. All in-house vehicles operate on a Section 19 permit. All drivers and passenger assistants engaged on education transport contracts are subject to an enhanced DBS (Disclosure and Barring Service) check as part of their contract.
16. Middlesbrough Council has 31 buses covering 43 routes. This equates to 20% of students being transport by Local Authority provided vehicles. Contractors provide for the other 80%, including 70 taxis. The Council has minibuses adapted for wheelchair access which limits their use. In total the Council costs are £1.5m for its own buses and £3.6m is paid to contractors.
17. In 2023/2024 there were 1069 young people on record with SEND and 1067 young people receiving transport assistance. There were 388 mainstream pupils, 150 of whom attend Outwood Academy Riverside, and 238 low income, distance needs. 189 routes operated daily across 61 education settings. All these figures are approximate and change on a daily basis. The key issue to highlight is that the number of pupils with SEND who receive travel assistance from the LA is almost three times higher than pupils who are eligible due to low income, distance needs or who attend Outwood Academy Riverside.
18. Whilst there is no statutory duty to provide Adult Social Care Transport, the ITU also provides a service in line with requirements under the Care Act 2014.
19. Eligibility

For pupils in primary, secondary and special schools, funded home to school travel assistance is provided for the following eligible pupils who are of compulsory school age during the relevant academic year<sup>2</sup>:

- a) A primary school age pupil attends the nearest suitable school, and that school is over 2 miles from the home address where the distance is determined by the Council and uses the shortest walking distance along which a child, accompanied as necessary, may walk with reasonable safety;
  - b) A secondary school age pupil attends the nearest suitable school, and that school is over 3 miles from the home address, where the distance is determined by the Council and uses the shortest walking distance along which a child, accompanied as necessary, may walk with reasonable safety;
  - c) A secondary school age pupil from a low-income family and attends: any one of their three nearest suitable schools and the school is between 2 and 6 miles away from their home address; or the nearest school preferred by their parents on the grounds of religion or belief and the school is between 2 and 15 miles away from their home address.
20. Parents have a right to express a preference for a school that is not their catchment area school/nearest school. Where the pupil attends a school that is not the catchment/nearest school and places are available at a nearer school which could meet their needs, the parents will not be assisted with travel assistance, whether the actual catchment area school is over the statutory distance, unless they meet the low-income criteria.

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<sup>2</sup> Middlesbrough Council – Home to School Travel Assistance Policy Academic Year 2024/2025

21. Travel assistance is not normally provided during the normal school day.
22. For school age pupils with SEND, transport requirements are considered as part of a full assessment. If a student is assessed as unable to walk the statutory distance to their nearest appropriate school because of their special educational needs or disability, even if accompanied by a responsible adult; the Council will provide travel assistance which is subject to a statutory assessment or subsequent annual review.
23. Pupils who meet the legal threshold for an EHCP will be issued one by the SEND Team on the advice of the local authority's multi-agency panel. Once a pupil has an EHCP, they may then be eligible for travel support. Staff from the ITU have access to the necessary assessment information and copies of the EHCPs to help inform decision making regarding eligibility and ensure that individual needs are planned for.
24. Eligibility is assessed at the earliest opportunity and in all instances, assessments are carried out to ensure that the eligibility criteria is followed. SEND student applications are initially raised during a SEND resource panel which links with a student's EHCP, with a more detailed assessment carried out once a referral has been received by the ITU.
25. A number of children with an EHCP attend their local mainstream school and therefore do not require any additional travel assistance. However, when a child does need a placement in a school that is further away from their home but is more suitable to meet their needs, these decisions are taken to the local authority's multi-agency panel for review. Staff from the transport team attend these panels, and consideration is given to the provision of transport before any placement is agreed. This means that transport needs, requirements and costs can be identified as early as possible to inform decision-making.
26. Eligibility criteria, application forms, FAQs and parent/carer information is provided on Middlesbrough Council's Home to School web page.
27. When considering a placement for a pupil, the assessor is mindful of the principle that it is the family's responsibility to take their own child to school. However, there are exceptional circumstances as to why a pupil who is not eligible may need travel support and these pupils are assessed on an individual basis. Examples can include: a pupil with a mobility issue caused by a temporary medical condition, no safe walking route or for parents/carers with disabilities who would need to accompany their child along a walking route for it to be considered safe.
28. When a student is assessed as being eligible for support - a hierarchy of travel assistance is made and the parent/carer may be asked "How do you intend to get your child to school?"  
Types of travel assistance that might be offered include:
  - Travel training, walking bus, use of existing resources where available.
  - 45p per mile as Parental Travel Allowance (PTA).
  - Transport for a limited period to give parents time to arrange their own transport with a refund of fuel or other costs to be made.
  - Full time transport up to Year 8 Assessment when the offer may be amended to meet the relevant needs of the student (if available).
  - Refund of bus fares or seat on a designated bus.
  - Multiple modes of transport, for example, use of a bicycle in Spring/Summer terms and refund of bus fares to use on public bus services in the Winter months.

29. Independent Travel Training

Independent Travel Training (ITT) is provided for both walking and the use of public transport services. Payments are made to parents and carers and assistance is provided with journey planning and other support in the form of assistance and direct delivery in partnership with schools.

30. ITT enables students to gain the confidence to use public transport, demonstrate road safety awareness and be able to travel by themselves without confusion or anxiety. ITT involves young people being taken on practical journeys by a travel trainer, who highlights important aspects of travel, the rules of road safety, personal safety, and what to do if they became lost or anxious. Travel training is a gradual process which culminates in a young person being able to complete unaccompanied journeys. ITT is a bespoke service that builds on a young person's existing skills, as well as teaching them new ones, with the goal of being confident and safe to travel on their own.

31. ITT also aims to demonstrate to parents that their child is capable of travelling independently. Students are empowered to feel more confident and independent and this helps with preparation for adulthood, as well as being able to go out with friends and have more freedom. Once trained, students no longer need to rely on specialist transport or parents or carers. In turn, this provides parents or carers with some respite and confidence that their child can be more independent. By gaining new skills, including who to ask for help and what to do if things go wrong, students can feel safer in the community and have a better chance of finding and maintaining employment.

32. In June 2024, there were 34 students on Middlesbrough Council's waiting list for travel training. Two have since moved out of area, 4 students' parents had declined the offer, 6 had been deemed not ready yet but would be reviewed annually, 9 were reassessed after more information was provided and 13 had been successfully travel Trained.

33. Outside of school term time, the Council's Passenger Assistants sometimes provide additional support as "Bus Buddies" to accompany students on their journey. Increased use of "Bus Buddies" could enable a greater number of students to be trained more quickly as it frees up more of the Travel Trainers' time to work with other students.

34. Whilst Travel Training does achieve some monetary savings, in terms of students no longer needing Council provided transport, the main purpose is to prepare students for adulthood and support those with SEND to become independent. Travel Trainers work with students aged from 11 up to 25 years old who have a Middlesbrough address and attend an education establishment within Middlesbrough's boundaries as per Council policy.

35. Permanently Excluded Pupils (PEX)

Should a student be permanently excluded from a school or other education provider, the Council is required to secure alternative provision for them. This may entitle the student to free transport or travel assistance to an approved alternative provider. Applications for travel assistance are assessed in accordance with the Home to School Travel and Transport Policy for mainstream and special schools if the student has an EHCP. It is expected that assistance will be on a temporary basis until such time as the student is re-integrated into mainstream or special school and will be subject to review. Until a full transport assessment can be carried out the student is also supported temporarily with travel assistance in the form of a bus ticket - usually a two-week pass.

36. Demand Planning

The number of children with complex educational and medical needs with an EHCP aged between 5-25 in both Middlesbrough and out of area continues to increase, with approximately 45 additional children becoming eligible for transport assistance each year. The ITU works closely with colleagues in Education and the SEND team to ensure sufficiency of localised placements and help to plan for the future and ensure that:

- Demand data from SEND/Education/Children's Services undergoes a comprehensive Quality Assurance (QA) process.
- Transformation across the service is co-ordinated.
- Policies and working practices are streamlined and robustly followed.
- Eligibility is assessed at the earliest opportunity to aid continuity of all relevant services including Education and Adult Social Care.
- Capital and Revenue Investments are made in a timely manner.
- Medium Term Financial Plan (MTFP) projections are based on validated information to ensure robust financial planning.

37. Since 2019, there has been significant investment in the growth of special school places and Middlesbrough is above regional and national averages for the number of children placed in a special school. A local area sufficiency plan is in place to analyse the data and demand for specialist provision to ensure to help inform any plans for investment. As part of this plan, there is another new neurodiversity free school which is scheduled to open in 2026-27 in Middlesbrough, and this should add another 100 school places into the system locally. The focus for the renewed sufficiency plan which will take the local authority beyond 2026, aligns with the national agenda to support mainstream schools to build capacity for inclusion; allowing more children have their special educational needs met in their local mainstream school wherever possible.

38. Service Level Agreements (SLAs) are in place with education establishments and providers, including a Multi-Academy Trust, mainstream and SEND schools in order to help with resourcing delivery of the Home to School Transport Service. Those establishments that provide transport on the Council's behalf are funded via the SLA. Wider benefits include children arriving at school ready to learn and utilising the school's specialist training and their detailed knowledge of the children and familiarisation.

39. The ITU also offers transport support over the winter months (when walking or cycling routes might not be deemed safe or suitable) and use of a personal budget for the Spring/ Summer months, Parental Travel Assistance, Top Ups or Personal Budgets. Wider benefits of this support are improved health, greater independence, and opening-up opportunities to meet with peers outside of school times.

40. In terms of Health and Safety, travel routes are monitored and improvements made as necessary. This helps to minimise risks, improve relationships with staff, operators, parents/carers, schools and most of all, passengers.

**Term of Reference B – To examine the nature of the Home to School Transport policy in light of the relevant statutory guidance.**

41. Statutory guidance was issued by the Department for Education (DfE) in June 2024 under the duties placed on the Secretary of State by sections 508A (7) and 508D (1) of the Education Act 1996. The main points are highlighted below:

- *Parents are responsible for ensuring their child attends school. This means they must take all the action necessary to enable their child to attend school.*
- *For most parents, this includes making arrangements for their child to travel to and from school. Local authorities must make arrangements, free-of-charge, for eligible children to travel to school.*
- *Local authority school travel and special educational needs teams should work together to ensure travel arrangements are considered when deciding what school to name in a child's EHCP.*
- *Local authorities have a discretionary power to arrange travel to school for other children.*
- *Local authorities are responsible for deciding what travel arrangements to make, provided they are suitable for the needs of the children for which they are made.*
- *Schools should support local authorities to deliver their home-to-school travel functions, for example, by promoting good behaviour on transport, and sharing information to ensure children's needs are met, and taking travel arrangements into account when making changes to their school day.*
- *Local authorities' school travel policies should be easy for parents to find and understand.*
- *Local authorities should have a fair and transparent process so that parents can appeal a decision about travel to school for their child.*
- *Local authorities have a duty to promote sustainable and active travel to school.*<sup>3</sup>

42. Local authorities are under a duty to have regard to the DfE guidance when:

- carrying out their duties in relation to arrangements for travel to school for eligible children of compulsory school age;
- exercising their discretionary power to arrange travel for other children;
- carrying out their duties in relation to the promotion of sustainable travel to school (this duty applies in relation to young people of sixth form age as well as children of compulsory school age). There is separate guidance on travel for post-16 education and training.

43. The Council's updated Home to School Travel Assistance Policy<sup>4</sup> was last published prior to the start of the new academic year 2024/25. The policy aims to ensure the Council meets

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<sup>3</sup> Department for Education - Travel to school for children of compulsory school age - Statutory guidance for local authorities

<sup>4</sup> Middlesbrough Council – Home to School Travel Assistance Policy Academic Year 2024/25



its statutory obligations to provide travel assistance for eligible pupils, whilst ensuring that school/sixth form travel assistance arrangements support social mobility and independence. The Post-16 Transport Statement for the Academic Year 2024/25 was also reviewed.<sup>5</sup>

44. An Academy is an eligible school for free travel support where the pupil attending meets the eligibility criteria and this is funded by the Local Authority.

45. In line with the Council's policy and the national guidance, assessments are carried out and/or validated by the Independent Needs Assessor using the following criteria for mainstream students and those with special needs and/or disability:

46. Education – Statutory Mainstream:

- Distance from the home to school by the shortest walking route (as accompanied by a responsible person).
- Low Income reducing the distance from 3 miles to 2.
- Low Income and attending a school on faith or religious belief – reduces the distance from 3-15 miles to 2-15 miles from the home.
- Unsafe Walking Route – (as outlined in the policy).
- No other special needs.

Education – Special Needs and/or Disability:

- Child/Young Person has an EHCP issued by Middlesbrough Council with the setting named at Section I, that was stated by the Local Authority, and distance to the setting.
- Assess information from SEND, school or previous setting, parents/carers and other professionals such as Epilepsy, Asthma, Diabetic Teams at JCUH and CAMHS for areas including mobility, medical, behavioural, vulnerability, practicality and training.

47. Those SEND students who do not have an EHCP but attend their nearest qualifying setting, also have a needs assessment using a scoring matrix which covers the areas listed above.

48. Risk assessments are undertaken in line with the Council's Risk Management Strategy and there are 4 levels of risk which range from Level 1: passenger has no additional needs other than transport and does not require an individual risk assessment or protocol, up to Level 4: passenger may be too high risk for ITU to transport or further measures and mitigation needs to be a major factor in any transport provision: alternative transport provisions should be considered.

49. Children who meet the legal threshold for an EHCP will be issued one by the SEND Team on the advice of a multi-agency panel. Once a child has an EHCP, they may then be eligible for travel support. Staff from the ITU have access to the necessary assessment information and copies of the EHCPs to help inform decision making regarding eligibility and ensure that individual children's needs are planned for.

50. A number of children with an EHCP attend their local mainstream school and therefore do not require any additional travel assistance. However, when a child does need a placement in a school that is further away from their home but is more suitable to meet their needs, these decisions are taken to a local authority panel for review. Staff from the transport team attend these panels, and consideration is given to the provision of transport before any placement is agreed. This means that transport needs, requirements and costs can be identified as early as possible to inform decision making.

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<sup>5</sup> Middlesbrough Council – Post-16 Education Transport Statement Academic Year 2024/25

51. The legislation regarding travel assistance for Post-16 students is covered under Section 509 of the Education Act 1996, amended by Schedule 19 of the Education Act 2002. Middlesbrough Council assesses and provides travel assistance for students aged 16 to 18 (over compulsory school age) and for those continuing learners who commenced their learning programme before the age of 19. Particular consideration is given to Post-16 students with disabilities and/or learning difficulties.<sup>6</sup> Eligible students aged between 5-25 may be offered travel support which can be travel training or journey planning as opposed to transport or other types of travel assistance.
52. Appeals against a decision not to provide transport can be submitted in accordance with the Home to School and Post 16 Transport Appeals Policy. The Council is responsible for home to school transport if the student is eligible. However, if the Council identifies a suitable school and the parent wants their child to attend a different school, the pupil would be deemed not eligible for travel support. For the academic year 2023/2024, 115 mainstream students were declined for travel support over the whole year and 505 appeals (50%) were not upheld. In the current academic year, 59 students have been declined and 7 parents have appealed. Five appeals have been won by the Council. It should be noted that the cost and resources required defending decisions, in line with the Home to School Travel Assistance Appeals Policy, is significant to the Council.
53. The ITU's working practices in relation to policy implementation have recently been reviewed with a view to improving communications, earlier assessment for future years' offer with parents, carers and other stakeholders. The ITU works closely with SEND, school specific and health colleagues to gain a better understanding of the needs of students based on their diagnosis or EHCP needs.

**Term of Reference C – To establish whether the present system is providing adequate support for students travelling on school transport.**

54. During their investigations, the Task and Finish Group Members visited several Middlesbrough Schools whose pupils use the Council's Home to School Transport service. Panel Members Headteachers and staff responsible for SEND. Some of the issues raised by the schools visited included:
- Number of students eligible for home to school transport has increased sharply due greater awareness of mental issues and possibly the effect of COVID.
  - Lack of Passenger Assistants on school buses.
  - Reliability of school buses.
  - Not all seats are taken on some buses.
  - Insufficient provision of vehicles with wheelchair accessibility.
  - Driver recruitment.
  - Schools running their own transport service do not always have clarity on which students are entitled to free transport and unable to recoup costs from parents/carers.
  - Evidence that some parents were receiving financial help with travel but not using it for that purpose
55. At the meeting held on 21 November 2024, discussion took place as to whether the Council provide transport to students whose parents have their own transport. The Group also

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<sup>6</sup> Middlesbrough Council Post-16 Education Transport Statement – Academic Year 2024/2025

discussed whether the Council could recoup the cost of home to school transport from academies.

56. At the meeting held on 13 December 2024, Members reported back on visits to two schools that provided some of their own transport. The Group considered whether schools should be given more responsibility for arranging home to school transport for their students.
57. On 14 January 2025, the Task and Finish Group met with the Integrated Transport Unit Manager, and gathered further information in relation to passenger data, funding, commissioning costs, academies' responsibilities in relation to home to school transport and decision-making.

**Term of Reference D – To identify the reasons for the increase in costs over time and the implications for the overall funding on the service.**

58. Home to School Transport Budget

Over the last six years, the Home to School Transport Budget has increased from £2,474,000 to £6,644,770. The projected outturn @ 24.9.24 is £5.9 m. A table showing the annual budget increases is attached at Appendix A to this report.

59. The 2024/2025 budget includes approximately £147,600 transport costs for Adult Social Care, mainly for procured taxis and minibuses. The remainder of the transport is provided by the Council's internal fleet and the costs are included within the management code as an overall budget figure for home to school, adult social care fleet and salaries.
60. Since 2021, costs have been impacted by the following:
  - Higher levels of price index increases: was 2.3% then rose to 9.9% for contracted routes over and above any inflation costs – alters each year.
  - New Schools opening: Discovery, Discovery at Brambles, more recently Beverley Park, and Discovery Phase 2 with increases in demand. Beverley Park was an increase of 44 students.
  - Increase in out of area placements.
  - Increase of EHCP provision - extending the age range to from 5 to 25.
  - Implementation of statutory guidance which permits greater accessibility to travel support.
  - COVID, Economic Supplier Relief and price inflation across the whole service and for both internal and external provision.
  - Increased supplier costs and decrease in suppliers – demand and supply.
  - Salary increases due to pay awards, increasing demand for drivers and passenger assistants, increase in training costs.
  - Increased complexity of passengers, distance travelled, for example, if they live out of the area or are educated out of the area.

- Cost to the Council of lost appeals.

61. Details of the numbers of students in receipt of travel assistance from Middlesbrough Council on 19 September 2024 are shown at Appendix B to this report. It should be noted that the numbers are subject to change on a daily basis.
62. The number of SEND students requiring transport has increased sharply in recent years from 658 in 2013/14 to 1092 in 2024/2025 and there was a marked increase from 855 in 2020/21 to 1079 in 2021/22. A table showing the annual increases is attached at Appendix C to this report
63. The number of mainstream students who receive transport for distance or low income is 299 and this includes 30 students who are permanently excluded from school (PEX) and who travel over the statutory walking distance to the education establishment they now attend.
64. The year end forecast for externally procured statutory transport during financial year 2024-2025 is £3.6m - this does not include any demand increase between December 2024 and 31st March 2025 or other costs such as internally operated routes or staffing costs.
65. Breakdown of costs incurred and income received from Government:

	<b>COST</b>	<b>INCOME</b>
Transport for SEND students with EHCP	£4.5m	
Transport for other special needs or students entitled on grounds of income or distance	£1.6m	£57,700
Total costs	£6.1m	£57,700

66. Whilst the £57,700 income from DfE for eligible pupils from low-income households offsets the expenditure, it does not cover the whole cost.
67. Some schools provide some transport themselves and the Council funds the cost of the driver and assistants. The current cost is £165,000 per annum.
68. Due to the many factors involved in providing school transport in terms of pupil numbers, providers, different modes of transport, requirement for passenger assistants, routes - it is not possible to provide cost comparisons with other local authorities.

**Term of Reference E – To investigate how other similar local authorities provide this service and to identify ways in which the service could be improved and any costs minimised.**

69. A review of the Home to School Transport Policies (including Post-16) published by the other Tees Valley Local Authorities : Darlington, Hartlepool, Stockton and Redcar and Cleveland, identified that they operate in a broadly similar manner to Middlesbrough and in accordance with government legislation and guidance.
70. Hartlepool Borough Council, along with several other LAs, including West Northants, a statistical neighbour of Middlesbrough, offer discretionary transport assistance through spare seat schemes on existing transport for students not eligible for free school transport.

Their vehicles are compliant with Public Service Vehicle Accessibility Regulations 2000 (PSVAR).

Spare seats are usually offered after the start of the academic year, once those students who are eligible for free school transport have been accommodated. West Northants Council currently offer this scheme and the annual cost for the academic year 2024-2025 is £1,000<sup>7</sup>. There is an opportunity to pay in full or in instalments.

71. Newcastle City Council have recently undertaken a strategic review of its home-to-school transport policy for post-16 learners who have SEND. The Council had determined that maintaining current arrangements was no longer affordable. The outcome of the review is a proposal that from September 2025 there will be no home-to-school transport commissioned by the Council for any new post-16 students with SEND. The provision of commissioned SEND transport support to those Post-16 students currently in receipt will continue until their educational studies end. However, at the time of writing this report no decision on the policy change has been approved.
72. In relation to discretionary travel, other authorities, including Darlington Borough Council, do charge parents/carers for all or part of their children's travel arrangements. Included in Middlesbrough Council's 2025/26 Revenue Budget recommendations, is a proposal that where the Council provides discretionary, as opposed to statutory home to school transport services, these costs will be recharged to the relevant schools and/ or health services.

### **ADDITIONAL INFORMATION**

73. The following 2025/2026 budget savings proposals were approved by Council on 19 February 2025:

<b>Budget Savings Proposal</b>	<b>25/26 (£m)</b>	<b>26/27 (£m)</b>	<b>27/28 (£m)</b>	<b>28/29 (£m)</b>	<b>Total (£m)</b>
<b>Deliver passenger assistance training internally</b> ( <i>Efficiency</i> ) Passenger assistants who support children on home to school transport would be trained by Council staff.	(0.037)	0.000	0.000	0.000	(0.037)
<b>Increase transport capacity</b> ( <i>Efficiency</i> ) Increasing the number of vehicles the Council can lease or buy, along with extra staff, would reduce the amount spent on external businesses for home to school transport.	(0.084)	0.000	0.000	0.000	(0.084)
<b>Management review</b> ( <i>Efficiency</i> ) Up to one management post would be removed from Education and Partnerships following a review of the operational practices.	(0.044)	0.000	0.000	0.000	(0.044)
<b>Increase management fee income</b>	(0.015)	0.000	0.000	0.000	(0.015)

<sup>7</sup> - West Northamptonshire Council – Home to School Transport Spare Seat Scheme Academic Year 2024-2025

<i>(Income)</i> The Council will receive more income for services provided on behalf of the Department for Education in relation to home to school transport.					
<b>Travel training</b> <i>(Efficiency)</i> Providing training and support to enable more students to travel to school independently, reducing the reliance upon Council provision of home to school transport.	(0.102)	0.000	0.000	0.000	(0.102)
	(0.281)	0.000	0.000	0.000	(0.281)

#### 74. **CONCLUSIONS**

Based on the evidence provided throughout the investigation, the Place Scrutiny Panel concluded that:

- Recent years have seen a sharp increase in the cost of Home to School Transport provided by LAs by up to 50% in some cases. Middlesbrough Council's 2024-2025 budget for providing the Home to School Transport Service is £6.7m.
- Free school transport is provided for students of compulsory school age based on distance from a suitable school, ability to get there safely, or on low family income. However, the largest amount is spent on transporting students who have SEND or who have an EHCP.
- Last year Middlesbrough Council provided free transport for 1069 SEND students and 238 other students. The key issue is SEND students under the age of 11 since they are provided with free transport in almost all cases. Middlesbrough also has higher numbers of SEND students than other LAs in the north east region and nationally according to the Local Authority Interactive Tool (LAIT).
- The number of SEND students has increased rapidly due to the rise of self-diagnosis and the unwillingness of councils to challenge SEND attribution. Parents are appealing more SEND decisions, with an increase in the number appealed nationally, from 6,000 in 2018 to 15,600 in 2023. Of these, 98% of decisions found in favour of parents.<sup>8</sup>
- According to research commissioned by the Local Government Association (LGA) in 2019, there is a mismatch between the responsibilities of parents in getting their children to school versus their expectations in the level and type of assistance that LAs can provide. There have been a number of high-profile judicial reviews which have been found in favour of parents where local authorities have tried to reduce transport entitlements.<sup>9</sup>

<sup>8</sup> Support for children and young people with special educational needs - Public Accounts Committee - First Report of Session 2024-25

<sup>9</sup> Understanding the drivers for rising demand and associated costs for home-to-school transport – Beth Swords, Natalie Parish and Karina Kulawik – May 2019

- Since 2020 the number of school exclusions in Middlesbrough has been increasing. However, the number of permanent exclusions has remained the same in the last two academic years. Whilst it cannot yet be concluded that the rate has stabilised, current in-year data suggests this may be the case. It should be noted however that any future significant increases could potentially further impact the home to school transport budget.
- In addition, there is a rise in the number of such students with more complex needs or more challenging behaviour, both of which often require personalised transport such as a taxi.
- Other factors contributing to rising costs include a shortage of special school places locally, the reduction public transport bus routes and greater movement of residents in rented accommodation.
- The cost of providing transport has increased sharply due to the lack of competition from service providers as well as the difficulty in arranging cost-effective routing as towns expand the area of housing into the new suburbs. The Council currently does not have sufficient in-house provision to transport all passengers and utilises a supply chain from the private sector across a range of different types of vehicles.
- Some of the schools contacted by the Task and Finish Working Group are unhappy at the service provided. The main concerns raised are the lack of passenger assistants on the buses provided and the failure to provide back-up services when drivers are unavailable.
- It is evident from the proposals included in Middlesbrough Council's 2025/26 Revenue Budget that efforts to effect efficiencies and increase income have already been considered. Whilst the predicted savings are welcome, there is still a need to deal with ongoing pressures on the home to school transport budget as a result of those issues outlined above.

## **RECOMMENDATIONS**

75. The Place Scrutiny Panel recommends to the Executive:

*Recommendations to be added by Place Scrutiny Panel*

## **ACKNOWLEDGEMENTS**

76. The Place Scrutiny Panel would like to thank the following for their assistance with its work:

G Bergman, Independent Travel Trainer, Middlesbrough Council  
C Cowley, Head of Transport and Infrastructure, Middlesbrough Council

G Faint, Integrated Transport Unit Manager, Middlesbrough Council  
G Field, Director of Environment and Community Services, Middlesbrough Council  
Beverley Park, Holmwood School, The King's Academy, Pallister Park Primary School,  
Sunnyside Academy, Trinity Catholic College.

## **ACRONYMS**

77. A-Z listing of common acronyms used in the report:

CCN – County Council Network  
DBS – Disclosure and Barring Service  
DFE – Department for Education  
EHCP – Education, Health and Care Plan  
ITU – Integrated Transport Unit  
LA – Local Authority  
LAIT – Local Authority Interactive Tool  
LGA – Local Government Association  
LGO – Local Government Ombudsman  
PEX – Permanently Excluded Pupils  
PTA – Parental Travel Allowance  
RTMAT – River Tees Multi Academy Trust  
SEND – Special Educational Needs and Disability

## **BACKGROUND PAPERS**

78. The following sources were consulted or referred to in preparing this report:

- Darlington Borough Council – Travel and Transport Assistance Policy, SEND Travel Assistance Policy, Post-16 Policy Statement.
- Department for Education (DfE): Travel to school for children of compulsory school age - Statutory guidance for local authorities
- Hartlepool Borough Council – Home to School Transport Policy – updated June 2021.
- Local Authority Interactive Tool (LAIT).
- Middlesbrough Council - Home to School Travel Assistance Policy - Academic Year 2024/25.
- Middlesbrough Council - Post 16 Education Transport Statement - Academic Year 2024/25.
- News Article: County Councils Network:  
<https://www.countycouncilsnetwork.org.uk/councils-call-for-reform-of-send-school-transport-services>
- Notes of the Task and Finish Group meetings held on 14 October, 21 November, 13 December 2024 and 14 January 2025
- Reports/presentations to, and minutes of, the Place Scrutiny Panel meetings held on 2 September, 7 October and 4 November 2024.
- Redcar and Cleveland -
- Stockton on Tees Council – Home to School Transport Policy.
- Support for children and young people with special educational needs - Public Accounts Committee - First Report of Session 2024–25
- Understanding the drivers for rising demand and associated costs for home-to-school transport – Beth Swords, Natalie Parish and Karina Kulawik – May 2019
- West Northamptonshire Council – Home to School Transport Spare Seat Scheme Academic Year 2024-2025.



**COUNCILLOR DAVID BRANSON  
CHAIR OF THE PLACE SCRUTINY PANEL**

**Place Scrutiny Panel Membership:** Councillors D Branson (Chair), T Livingstone (Vice Chair), J Banks, J Cooke, C Cooper, J Ewan, N Hussain, D Jackson, J Kabuye, L Mason, D McCabe, A Romaine, L Young

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**APPENDIX A**

**INCREASE IN HOME TO SCHOOL TRANSPORT BUDGETS 2018 TO 2025**

<b>FINANCIAL YEAR</b>	<b>BUDGET</b>	<b>NOTES</b>
2018/19	£2,474,000	
2019/20	£2,477,000	
2020/21 (Covid-19 Pandemic)	£2,459,000	Covid and Supplier relief funded in part by Central Government economic supplier relief/inflation affected future outturns.
2021/22 (Covid-19 Pandemic)	£2,495,000	Covid and Supplier relief funded in part by Central Government economic supplier relief/ inflation affected future outturns.
2022/23 (Covid-19 Pandemic)	£2,769,000	Covid and Supplier relief NOT funded in part by Central Government economic supplier relief/inflation affected future outturns. Spend was £3,338,816.
2023/24	£3,778,800	Spend was £5,222,000 (Inflation, rising supplier costs, staffing increases to meet demand, salary and pay award increases not funded by Central Government).
2024/25	£6,644,770	Projected outturn set @ 24.9.24 - £5.9 m (the overall costs include transport for Adult Social Care).

## APPENDIX B

	<b>SEND</b>	<b>SEND Parental Travel Allowance (PTA) Payments</b>	<b>Mainstream</b>
Total number of students	1083	46	373
Number of students who receive travel support to be educated outside of Middlesbrough	100	12	8
Numbers of students carried by private sector rather than Council provided transport	755	46	262 with Pass 111 Refund of Bus Pass

Please note: all figures in the above table are correct as at 19 September 2024 but are subject to change on a daily basis.

## Home to School Transport - Passenger Data

Academic Year End	Total	SEND	Alternative Provision (AP)
2013/14	714	658	56
2014/15	860	747	113
2015/16	892	796	96
2016/17	959	905	54
2017/18	819	766	53
2018/19	901	720	181
2019/20	932	816	116
2020/21	969	855	114
2021/22	1224	1079	145
2022/23	1254	1089	165
2023/24	1119	1092	27
2024/25 @ 14.1.25	1165	1062	103 (Including 90 places for River Tees Multi Academy Trust)