

# Public Document Pack



**Helen Barrington**

Director of Legal and Democratic Services

County Hall

Matlock

Derbyshire

DE4 3AG

[democratic.services@derbyshire.gov.uk](mailto:democratic.services@derbyshire.gov.uk)

Direct Dial 01629 539035

Ask for Democratic Services

PUBLIC

To: Members of Cabinet

Wednesday, 10 May 2023

Dear Councillor,

Please attend a meeting of the **Cabinet** to be held at **2.00 pm** on **Thursday, 18 May 2023** in Committee Room 1, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully

A handwritten signature in black ink that reads 'Helen E. Barrington'.

**Helen Barrington**

**Director of Legal and Democratic Services**

## **A G E N D A**

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To consider Minority Group Leader questions (if any)

Minority Group Leaders in attendance at the meeting are able to ask a question on a report on the agenda. Any questions should be provided in writing by 12 noon at least 2 working days before the meeting.

4. To approve, as a correct record, the non-exempt minutes of the meeting held on 6 April 2023 (Pages 1 - 6)

5. Amendments to the Home to School Transport Policy for Children of Compulsory School Age (Pages 7 - 48)
6. Expiry of the Derbyshire Schools 1 PFI Contract (Pages 49 - 56)
7. Children's Services Capital Budget - Further Allocations (Pages 57 - 72)
8. Forward Plan (Pages 73 - 88)
9. Exclusion of the Public

To move "That under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them."

## **PART II - EXEMPT ITEMS**

10. To approve, as a correct record, the exempt minutes of the meeting held on 6 April 2023 (Pages 89 - 90)
11. Contract Variations in Local Bus Services (Pages 91 - 98)

PUBLIC

**MINUTES** of a meeting of **CABINET** held on Thursday, 6 April 2023 in Committee Room 1, County Hall, Matlock.

## **PRESENT**

Councillor B Lewis (in the Chair)

Councillors S Spencer, A Dale, C Hart, N Hoy, T King, J Patten, K S Athwal and C Renwick.

Officers present: Emma Alexander (Managing Director), Helen Barrington (Director of Legal and Democratic Services), Carol Cammiss (Executive Director - Children's Services), Alec Dubberley (Head of Democratic and Registration Services), Joe O'Sullivan (Executive Director - Corporate Services and Transformation), Helen Coombes (Executive Director - Adult Social Care and Health), Mark Kenyon (Director of Finance and ICT), Chris Henning (Executive Director - Place) and Thom Dunn (Assistant Director - Adult Social Care and Health).

### **56/23     TO RECEIVE DECLARATIONS OF INTEREST (IF ANY)**

Councillor C Hart declared a prejudicial interest in minute reference 61/23 as a member of Active Partners Trust and Active Derbyshire and left the room during the report's consideration.

### **57/23     TO CONSIDER MINORITY GROUP LEADER QUESTIONS (IF ANY)**

None received.

### **58/23     TO APPROVE, AS A CORRECT RECORD, THE NON-EXEMPT MINUTES OF THE MEETING HELD ON 16 MARCH 2023**

#### **RESOLVED:**

To approve, as a correct record, the minutes of the meeting held on 16 March 2023.

### **59/23     CIVIL PARKING ENFORCEMENT – WRITE-OFF POLICY**

Councillor K S Athwal introduced a report, which had been circulated in advance of the meeting, that sought approval of the Civil Parking Enforcement Penalty Charge notice Write-Off Policy.

#### **RESOLVED:**

To approve the Civil Parking Enforcement Penalty Charge Notice Write-Off Policy, to put in place a Policy for unpaid parking charges to be written off.

**60/23      REGENERATION PIPELINE PROGRAMME**

Councillor C Renwick introduced a report, which had been circulated in advance of the meeting, that:-

- gave an update on progress and next steps for the preparation of the Chesterfield-Staveley Regeneration Route (CSRR);
- sought approval to the carrying out of consultation;
- requested that Cabinet note the provision of further financial resources to enable work to continue; and
- sought approval in principle to the acceptance of grant funding.

**RESOLVED: to**

- 1) Note the progress being made on the preparation of the Chesterfield-Staveley Regeneration Route;
- 2) Approve in principle the carrying out of further consultation and delegate authority to the Executive Director for Place, in consultation with the Cabinet Portfolio Holder for Infrastructure and Environment to agree the format and timing of this;
- 3) Note the need for the allocation of up to £1.8million from the Regeneration Kick Start Fund to cover essential work before Cabinet next receives a report on the project, expected to be in September 2023; and
- 4) Approve in principle the acceptance of grant funding towards project preparation and delegate authority to the Director of Finance and ICT to review terms and conditions and to accept grant funding of up to £7.3 million.

**61/23      INVESTMENT IN ACTIVE PARTNERS TRUST**

Councillor C Hart had declared a prejudicial interest in this item and therefore left the room during its consideration.

Councillor B Lewis introduced a report, which had been circulated in advance of the meeting, that sought approval to extend the current grant

agreement with Active Derbyshire (Active Partners Trust) to provide strategic leadership for physical activity, including additional capacity to lead the development of the Physical Activity Partnership Agreement, to the sum of £0.144m from 1st April 2023 to 31<sup>st</sup> March 2024, and gave an update on the progress of the Physical Activity Partnership Agreement.

**RESOLVED: to**

- 1) Approve the extension of the current grant with Active Derbyshire (Active Partners Trust) to provide strategic leadership for physical activity, including additional capacity to lead the development of the Physical Activity Partnership Agreement, to the sum of £0.144m from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024; and
- 2) Note the update on the progress of the Physical Activity Partnership Agreement.

**62/23      CHILDRENS SERVICES CAPITAL ALLOCATIONS - S106**

Councillor A Dale introduced a report, which had been circulated in advance of the meeting, that informed Cabinet of the receipt of recent developer contributions received pursuant to agreements made under Section 106 of the Town and Country Planning Act 1990 (as amended) and sought approval for the allocation of those contributions to projects in line with the individual Section 106 agreements.

**RESOLVED: to**

- 1) Note the receipt of recent developer contributions received pursuant to agreements made under Section 106 of the Town and Country Planning Act 1190 (as amended); and
- 2) Approve the allocation of those contributions to projects in line with the individual Section 106 agreements as outlined in Appendix two of the report.

**63/23      CARE HOME FEE PROPOSALS 2023 -24**

Councillor N Hoy introduced a report, which had been circulated in advance of the meeting, that sought approval to:-

- increase the rate paid to independent sector residential care homes for the financial year 2023-24 by 9.53% per week;
- increase the rate paid to independent sector nursing homes for the financial year 2023-24 by 9.53 % per week;

- make an inflationary payment of up to 9% for specialist care home placements where evidence is provided of inflationary pressures;
- set a rate of £49.70 per day (from £45.38 per day) for a day care placement in a care home;
- increase the rates for in-house day care and residential care by 9.53%;
- increase the dementia fee rate by 9.53% per week (from £50.75); and
- make an inflationary payment of up to 6% for well-performing block contracts in specific circumstances.

**RESOLVED** to agree to:

- 1) Increase the rate paid to independent sector residential care homes for the financial year 2023-24 by 9.53% per week;
- 2) Increase the rate paid to the independent sector nursing homes for the financial year 2023-24 by 9.53% per week;
- 3) Make an inflationary payment of up to 9% for specialist care home placements where evidence is provided of inflationary pressures;
- 4) An updated fee rate of £49.70 per day (from £45.38 per day) for a day care placement in a care home;
- 5) Increase the rates for in-house day care and residential care by 9.53%;
- 6) Increase the dementia rate by 9.53% per week; and
- 7) Make an inflationary payment of up to 6% for well-performing block contracts in specific circumstances.

**64/23     HOME CARE AND DAY CARE FEE PROPOSALS FOR 2023-24**

Councillor N Hoy introduced a report, which had been circulated in advance of the meeting, that sought approval to:-

- make an inflationary increase of 9.2% for independent sector home care provision from 1st April 2023;

- increase travel/visit rates by an average of 9% from 1<sup>st</sup> April 2023;
- increase the fee rate for in-house home care and extra care provision from 1<sup>st</sup> April 2023 by 9.2%;
- make an inflationary increase of up to 9.2% for specialist home care placements where evidence is provided of inflationary pressures; and
- make a standard inflationary increase of 9% for day care provision for individual commissioned placements from 1<sup>st</sup> April 2023.

**RESOLVED** to agree to:

- 1) Make an inflationary increase of 9.2% for independent sector home care provision from 1 April 2023;
- 2) Increase travel/visit rates by an average of 9% from 1 April 2023;
- 3) Increase the fee rate for in house home care and extra care provision from 1<sup>st</sup> April 2023 by 9.2%;
- 4) Make an inflationary increase of up to 9.2% for specialist home care placements where evidence is provided of inflationary pressures; and
- 5) Make a standard inflationary increase of 9% for day care provision for individual commissioned placements made with providers on the Council's Day Care Framework from 1 April 2023.

**65/23      EXCLUSION OF THE PUBLIC**

**RESOLVED:**

That under Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public are excluded from the meeting for the remaining business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraphs 4 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed to them.

**66/23      TO APPROVE, AS A CORRECT RECORD, THE EXEMPT MINUTES**

**OF THE MEETING HELD ON 16 MARCH 2023**

**RESOLVED:**

To approve, as a correct record, the exempt minutes of the meeting held on 16 March 2023.

**67/23**

**SUPPLEMENTAL SUBSTANCE MISUSE TREATMENT AND RECOVERY GRANT**

Councillor C Hart introduced a not for publication report, which had been circulated in advance of the meeting relating to the Supplemental Substance Misuse Treatment and Recovery Grant.

**RESOLVED:**

To approve the recommendations as detailed in the not for publication report.

The meeting finished at 2.16 pm





**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**18 MAY 2023**

**Report of the Executive Director - Children's Services and Monitoring Officer**

**Amendments to the Home to School Transport Policy for Children of Compulsory School Age**

**1. Divisions Affected**

1.1 County-wide.

**2. Key Decision**

2.1 This is not a Key Decision.

**3. Purpose**

3.1 For Cabinet to:

- a) Note the key points from the Local Government and Social Care Ombudsman (LGSCO) decision, dated 8 November 2022.
- b) Approve the proposed amendments to the Council's Home to School Transport Policy for Children of Compulsory School Age in the light of the LGSCO decision, and to ensure compliance with statutory responsibilities.

**4. Information and Analysis**

4.1 Under sections 508A and 508B of the Education Act 1996, local authorities are required to arrange free, suitable, Home to School Transport for children of compulsory school age who are assessed as

“eligible”, to their nearest suitable qualifying school. Eligible children fall within four categories, as set out in Schedule 35 of the Education Act 1996:

- Children with SEN, a disability or a mobility difficulty
- Children whose route to school is unsafe
- Children who live beyond the statutory walking distance
- Children from low-income families

4.2 Statutory guidance issued by the Department for Education ‘Home to school travel and transport guidance for Local Authorities’ dated July 2014 also requires local authorities to publish policies setting out how each authority proposes to meet the obligations and requirements set out in paragraph 4.1 above. The guidance requires that a local authority’s Home to School Transport Policy should:

- Be clear and easy to understand
- Give full information on travel and transport arrangements
- Explain both statutory transport provision and that provided on a discretionary basis
- Set out the appeal process.

4.3 In November 2022 the Local Government and Social Care Ombudsman (LGSCO) determined that two key aspects of Derbyshire County Home to School Transport Policy for Children of Compulsory School Age (‘the Policy’) that received Cabinet approval fell short of statutory requirements; The two key points the LGSCO determined unlawful are:

- i. Reference to the use of wheelchairs and mobility aids in the Policy when considering the ways in which a person could walk to school (used in the definition of walking distance in paragraph 2.2 of the Policy)
- ii. Reference to statutory walking distance when determining eligibility for children of compulsory school age with SEN, disability or mobility issues which would result in it being unreasonable to expect those children to walk to school.

Findings 35 and 36 in the Ombudsman’s review set out further details around the issues with the Policy:

*35) The Council’s policy is contradictory and therefore it is not clear, which is fault. It is also not in line with the Education Act and statutory guidance as the general criteria such as the ‘statutory walking distance’ should not be considered when assessing transport needs of children*

*who are eligible due to special educational needs and/or disability. This is also fault.*

*36) In addition, the Council's policy states the statutory walking distance also applies to children who use a wheelchair and other mobility aids to assist them with being mobile. However, the Education Act makes no reference to the use of mobility aids. It defines an eligible child as one with special educational needs, a disability or mobility problems who 'cannot reasonably be expected to walk to school'. This is fault.*

- 4.4 The Council agreed with the LGSCO to undertake a review of its Home to School Transport Policy for Children of Compulsory School Age in relation to children with SEND mobility problems so that it was in line with the Education Act 1996. As part of this process the Council sought independent legal advice.
- 4.5 The proposed amendments to the Derbyshire Home to School Transport Policy take into account the findings of the LGSCO and legal advice. Officers have incorporated the proposed amendments into an updated version of the Policy, which is attached as Appendix 2 and is recommended for Cabinet approval.

## **5. Consultation**

- 5.1 The Council is not making any substantive changes to the Policy. The changes are to clarify the existing legal grounds for a child to access home to school transport and ensure full compliance with the legal requirements set out in the Education Act 1996. In these circumstances consultation is not considered necessary as there is no change to eligibility criteria and the Council are legally required to ensure the Policy complies with statutory requirements.

## **6. Alternative Options Considered**

- 6.1 To not undertake the changes indicated as required by the LGSCO and recommended following legal advice. This option is not recommended as it would generate significant risk of further complaints to the LGSCO, adverse LGSCO determinations, including the possibility of a Public Report against the Council and possible legal challenge.
- 6.2 To update the Home to School Transport Policy for Children of Statutory School Age as part of a broader, wider refresh and update of the Policy which would be submitted to Cabinet at a later date. This approach is not recommended as immediate action should be taken to amend the Policy to ensure the Council meets statutory requirements.

## **7. Implications**

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of this report.

## **8. Background Papers**

- 8.1 LGSCO Final Decision.

## **9. Appendices**

- 9.1 Appendix 1 – Implications  
9.2 Appendix 2 – Amended Home to School Transport Policy for Children of Compulsory School Age.  
9.3 Appendix 3 – LGSCO Final Decision

## **10. Recommendation(s)**

- 10.1 That Cabinet:

- a) Note the key points from the Local Government and Social Care Ombudsman (LGSCO) decision, dated 8 November 2022..
- b) Approve the proposed amendments to the Council's Home to School Transport Policy for Children of Compulsory School Age in the light of the LGSCO decision, and to ensure compliance with statutory responsibilities.

## **11. Reasons for Recommendation(s)**

- 11.1 To ensure compliance with statutory requirements under the Education Act 1996.

## **12. Is it necessary to waive the call-in period?**

No

### **Report Author:**

Dan Careless  
Strategic Lead for Schools & Learning

Email: [dan.careless@derbyshire.gov.uk](mailto:dan.careless@derbyshire.gov.uk)

**Implications**

**1 Financial**

- 1.1 There are no financial implications arising directly from this report. Should the updated Home to School Transport Policy be approved, this will be used as the policy framework within which decisions to award Home to School Transport on a case-by-case basis will be taken. Costs associated with those decisions will be tracked and monitored by the appropriate services involved in transport delivery.

**2 Legal**

- 2.1 The Council is required to publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. Section 508B of the Education Act 1996 places a duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.
- 2.2 A child is eligible for free home to school transport under section 508B of the Education Act 1996 on mobility grounds if they meet the criteria set out in paragraph 2 of Schedule 35B Education Act 1996. When considering mobility grounds there is no requirement to consider the statutory walking distance.
- 2.3 Paragraph 2 provides that a child will be eligible for free home to school transport if:
- a) he is of compulsory school age and is any of the following:
    - a child with special educational needs;
    - a disabled child;
    - a child with mobility problems.
  - b) he is a registered pupil at a qualifying school which is within walking distance of his home;
  - c) no suitable arrangements have been made by the local authority for enabling him to become a registered pupil at a qualifying school nearer to his home, and
  - d) having regard to whichever of the following are relevant:

- his special educational needs;
  - his disability;
  - his mobility problems;
  - he cannot reasonably be expected to walk to the school.
- 2.4 Under the legislation a wheelchair cannot be considered walking, however, the use of a mobility aid could be taken into account when considering whether a child cannot reasonably be expected to walk to school. The proposed amendments have been made to the Policy to make it compliant with the Education Act 1996. They are not substantive changes to the Policy but clarification of the existing legal grounds for a child to access home to school transport.
- 2.5 The Local Government and Social Care Ombudsman's powers are defined by the Local Government Act 1974 as amended by the Local Government and Public Involvement in Health Act 2007. The LGSCO may investigate complaints of maladministration causing injustice. The LGSCO cannot question whether a Council's decisions are right or wrong simply because the complainant disagrees with them. He must consider whether there was fault in the way the decision was reached. (Local Government Act 1974, section 34(3)).
- 2.6 Section 5A of the Local Government and Housing Act 1989 imposes a duty upon the Monitoring Officer to prepare a report to the Executive if at any time it appears to her that any proposal, decision or omission would give rise to a contravention of any enactment or rule of law or statutory guidance in the exercise of its functions. This report seeks approval for a revised Policy to ensure it complies with the Education Act 1996.

### **3 Human Resources**

- 3.1 There are no Human Resources implications arising directly from this report.

### **4 Information Technology**

- 4.1 There are no Information Technology implications arising directly from this report.

### **5 Equalities Impact**

- 5.1 The Council has a duty under the Equality Act 2010 to ensure that assessments of impact on groups with protected characteristics are

taken into account as part of and prior to formal decision-making. In terms of the recommendations within this report, the proposed updates to the Home to School Transport Policy for Children of Statutory School Age will help to ensure the needs of children with disabilities are met appropriately insofar as it comes to transport arrangements from their home to their place of learning. The recommendations in this report intend to have a positive differential impact on a group with protected characteristics under the Equality Act 2010.

## **6 Corporate objectives and priorities for change**

6.1 None arising directly from this report.

## **7 Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None arising directly from this report.

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## APPENDIX 2



**Home to School Transport**

**Policy for Children of**

**Compulsory School Age**

**Derbyshire County Council**

**January 2023**

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**If you would like this document in another language or reading format e.g. large text, please contact the Authority on telephone number 01629 536771.**

## 1. **Introduction**

This policy explains the entitlement to transport assistance for Derbyshire-resident children, including children with special educational needs and/or disabilities. It sets out the criteria for eligibility for transport assistance, how parents and carers may apply, how decisions are made and the type of assistance that may be available and how parents and carers may have decisions they are unhappy with reviewed.

In developing and implementing this policy, the following principles have been applied:

- The policy should be applied fairly, and consistently.
- Wherever possible, children's independence should be promoted.
- Value for money should be secured.

The policy is intended to provide clarity for parents and carers in a wide range of circumstances and to ensure that children with special educational needs and/or disabilities are appropriately supported. However, it is the legal responsibility of parents to ensure that their child of compulsory school age receives a suitable full-time education, either by regular attendance at school or otherwise (*Education Act 1996, Section 7*).

Extensive consultation with parents, carers and children has informed this policy and in support of the policy an Equality Impact Assessment has been undertaken to ensure that it does not unfairly disadvantage any group or individual.

The scope of this policy includes all travel assistance provided to eligible children by Derbyshire County Council ("the Authority") for the purpose of facilitating the child's attendance at the school or other place of learning at which they are a registered pupil.

The Authority has a duty to ensure that all arrangements make the best use of its resources.

This policy applies to all children of compulsory school age who are resident within the county of Derbyshire, excluding those living within the area of Derby City Council.

## **2. Home to school transport assistance for children of compulsory school age**

Home to school transport arrangements will be made for Derbyshire-resident children of compulsory school age\* who meet any of the Authority's home to school transport eligibility criteria, as explained below in sections 2.2 (walking distance), 2.3 (low income families), 2.6 (unsafe routes) and 3.1 (SEND or mobility issues). In law, there is no requirement for local authorities to make home to school transport arrangements for children who are below compulsory school age.

(\*Compulsory school age is defined as beginning from the start of the first school term commencing after the child's fifth birthday (or on their fifth birthday). A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen).

### **2.1 Choice of school**

The offer of a school place does not give a guarantee of home to school transport assistance from the Authority. Parents have a right in law to express a preference for the school at which they wish education to be provided for their child (*School Standards and Framework Act 1998, Section 86*); however, this does not automatically carry with it a right to assistance with transport to get the child to and from the school concerned in the event they are successful with their preference.

### **2.2 General eligibility criteria – walking distance**

In Derbyshire, home to school transport arrangements will be made for children of compulsory school age who met any of the following eligibility criteria until they complete their studies at the end of year 11.

Children of compulsory school age attending a maintained school, or an academy will be eligible for assistance with transport from the Authority if they meet the following criteria:

- The child attends the normal area school, or a school closer than the normal area school, or the nearest suitable school as determined by the Authority; and
- The child lives beyond the statutory walking distance from that school.

The statutory walking distance\* is 2 miles for children under the age of eight and three miles for children aged eight and above (*Education Act 1996, Section 444(5)*). A school's normal area is determined by the Authority, or in the case of faith schools, by the relevant diocesan body in partnership with the Authority, or in the case of an academy school by the academy trust.

(\**Walking distance* includes the distance travelled by mobility aids where it is reasonable to expect the individual to use such aids given the SEND or mobility issues).

In the exceptional circumstances of a child being educated outside their normal chronological age group, any transport application will be assessed according to the age of the majority of children with whom they are educated. For example, a child who is repeating Year 11 due to sickness or other unavoidable cause will not cease to be eligible for transport assistance simply because they are no longer of compulsory school age. In these circumstances, any transport assistance for which they were eligible will continue to be provided until the child completes Year 11.

Whilst not exhaustive, the list below indicates cases where there will not usually be an entitlement to transport assistance from the Authority, with the exception of children in the care of the Authority:

- To access breakfast or after school clubs including out of school activities.
- To work experience, taster or open days.
- To part-time provision off the school site organised by the school.
- For transfers between educational establishments during the school day.
- To and from temporary addresses including friends and child minders where these arrangements are made by the family.
- To and from medical appointments.
- Following detention.
- At times to suit the convenience of family arrangements.
- For late arrival or early departure, for example due to illness or medical appointments.
- For shorter than normal days e.g., during the exam season.

- For a child whose level of attendance is a cause of concern, but for whom no eligibility criteria are met.
- For students on exchange visits.
- Where the behaviour of a young person is not acceptable to the driver of the vehicle and places other passengers at risk. In these circumstances, parents will be required to make alternative arrangements (See Appendix C).

### **2.3 Home to school transport assistance for families on low incomes**

The Education and Inspections Act 2006 introduced additional right to transport assistance for families with low incomes under the term '*Extended Rights*'.

Children aged 8 – 10 years or aged 11 years and at Key Stage 2 who are entitled to free school meals or whose families get the maximum level of working tax credit are entitled to transport assistance to the nearest suitable school where the distance from home is more than two miles. This distance is measured by the shortest available route (see section 2.5, '*Distance measurement*', below).

Children aged 11-16 years who are entitled to free school meals or whose families get the maximum level of working tax credit are entitled to transport assistance to any one of the three nearest suitable schools where the distance from home is between two and six miles. Where the school is preferred on grounds of religion or belief, the distance is between two and fifteen miles if the school is the nearest appropriate school. Parents will be required to submit evidence to support religious or philosophical belief. Such evidence may include a letter or reference from a priest / minister / other religious leader of a place of worship attended by the parent and/or child.

Distances of up to three miles will be measured by the shortest available route (see section 2.5, '*Distance measurement*', below). Distances of over three miles linked to low income entitlement will be measured along road routes which are suitable for motorised vehicles.

Eligibility for transport assistance may be checked annually. If a child is no longer eligible for transport assistance, their parent(s) will be required to meet the child's transport costs. Should a family's circumstances change, parents will need to inform the Authority's School Admissions and Transport team at the earliest opportunity in order for the child's eligibility for assistance to be re-assessed.

## **2.4 Transport assistance to faith schools**

Following consultation with relevant stakeholders, from September 2015, the Authority no longer provides a transport subsidy to faith schools. Protection was given for pupils in Years 6 and 11 for the academic year 2015/2016 but the Authority has not contracted any buses to provide transport to faith schools since July 2016.

However, the Authority still has a duty to provide transport assistance for those pupils who are entitled to such assistance on distance or low-income grounds (see sections 2.2 and 2.3, above).

The Authority gives a grant to a hardship fund which is to be administered by the relevant Diocesan authorities. These grants are intended to be used in support of families and pupils particularly disadvantaged by the changes. In particular those identified as particularly vulnerable, which include pupils living some distance from others travelling to the school and without an alternative means of transport, and families with an income just above the threshold for entitlement to free transport on the grounds of low income for whom the costs may be prohibitive. Applications will be dealt with by the relevant Diocesan authority directly.

## **2.5 Distance measurement**

Home to school distance is measured from the child's residential address, from the established pedestrian access point for the property nearest to the school - for example, the front gate - to the nearest approved entry point to the school site.

Distances will normally be measured by the 'shortest available walking route', which is defined as the shortest route along which a child, accompanied as necessary, may walk safely. As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads.

Distances of over three miles linked to low income entitlement will be measured along road routes which are suitable for motorised vehicles.

Measurements are made from a single permanent address at which the child resides, deemed to be the residence at which the child resides during the normal school week. Where the child subsequently moves address, their eligibility for transport assistance will be re-assessed. Where the child shares equal time between different parental addresses, eligibility will normally be assessed from the property nearest to the school attended.

Since September 2014, distance measurements for all new applicants are determined by means of a computerised GIS mapping system using Ordnance Survey information. Distance measurements for existing users

may include routes and distance measurements already held on file by the Authority.

## **2.6 Unsafe routes**

Transport assistance will be provided if the Authority considers that the route(s) which a child could reasonably be expected to walk to a school which would otherwise be within statutory walking distance is/are unsafe to walk. The assessment criteria are set out in Appendix A.

In determining whether a route is unsafe to walk, the Authority will consider whether the child could reasonably be expected to walk the route if accompanied. If so, the Authority would normally expect the child to be accompanied by an adult or other responsible person as necessary. Arranging this is the responsibility of the child's parents or carers. The Authority would also consider, if appropriate, alternative safe routes which are under statutory walking distances.

In exceptional cases (e.g., where the child's parent(s) has/have a disability which prevents them from being able to accompany the child), the Authority may agree that it would not be reasonable for the parent(s) to accompany the child, in which case transport assistance will be provided. Applications for school transport can be made online at [www.derbyshire.gov.uk/get2school](http://www.derbyshire.gov.uk/get2school)

## **2.7 Spare seats**

Where the Authority provides contract vehicles, spare places may be offered on request and on a temporary basis for children who are not entitled to transport assistance based on the criteria in sections 2.2 and 2.3. For 22/23 where a child takes up a spare seat a charge will be made of £438 per annum for a secondary age pupil and £394 per annum for a child of primary school age. This charge will increase by the rate of inflation in the September of each year.

The Authority reserves the right to determine the allocation of these spaces based on the demand and space available at the time and to determine charges.



The Authority cannot guarantee the spare seat place for the duration of the child's attendance at that school and will make every effort to give a minimum of one week's notice should a place have to be withdrawn at any time. There is no appeal against withdrawal of concessionary transport, as from the outset, this offer does not commit the Authority to future assistance.

The facility for children who are not entitled to transport assistance from the Authority to pay to use spare seats does not apply to buses which charge a daily fare for travel.

## **2.8 School re-organisation**

If a child has to move school after a school re-organisation or closure, and they lived in the normal area of their former school, they will only be offered transport to their new designated school if they meet the general eligibility criteria. Transport for those who do not meet the general eligibility criteria will only be provided if it has been agreed as appropriate under the school closure/ re-organisation plan.

## **2.9 Applying for transport assistance**

When a child is due to start full time school for the first time or transfer at the normal transfer time between schools, parents/carers will receive a letter or e-mail advising them of the school at which the child has been offered a place. This letter / e-mail will include information relating to home to school transport.

If a child is either offered a place at a secondary school or already attends a primary school in another Local Authority's area, a letter will be sent to the child's home address from the School Admissions and Transport Team advising about the process for applying for transport, and where to find more information.

**Primary age children:** families who believe their child may be entitled to transport assistance should apply online or submit a form X78.

**Secondary age children:** with the exception of children falling into the following category, families who believe their child may be entitled to transport assistance should apply online or submit a form X78

**Year 6 pupils transferring from junior/primary school to a secondary school:** where it is identified that a child in Year 6 is entitled to receive transport assistance, the Authority will notify parents by letter in April, prior to the child's transfer to secondary school in September. In this case, a separate application is not necessary, and parents/carers should only contact the Authority if the transport assistance is not required.

Parent/carers who do not receive a letter by 30 April should apply to the

Authority if they believe that their child may be entitled to assistance with travel. The application should be completed by the end of May, prior to the child's transfer to secondary school in September. Applications for school transport can be made online at [www.derbyshire.gov.uk/get2school](http://www.derbyshire.gov.uk/get2school) or by completing form X78 available from the School Admissions and Transport Team.

**Other circumstances:** applications for transport to support new admissions or changed circumstances at other times of the year should be made online on the Derbyshire County Council website or using the application Form X78 available from the School Admissions and Transport Team.

In normal circumstances, when the parent/carer of a child who is eligible for transport assistance submits an application to the Authority, it may take up to 15 working days before provision is in place and parents/carers will therefore be expected to make and fund their own travel arrangements during this time. If further information or investigation is required, additional time may be required before the provision can be put in place.

Transport applications are assessed on the basis of the information supplied, so if a child's circumstances change it will be necessary for the parent/carer to notify the Authority and re-apply if appropriate. The stored information is verified with schools by the School Admissions and Transport Team twice yearly.

In the event that the Authority has provided assistance with transport in error, the provision will be withdrawn following a six-week notice period. The Authority reserves the right to recover from parents the cost of any transport wrongly provided on the basis of false or inaccurate information given by the applicant, or failure by the applicant to notify the Authority of a change of circumstances.

## **2.10 What type of transport assistance will be offered**

Transport assistance will normally be provided through a place on a school bus, public bus or train, or by reimbursement of a parent's mileage expenses at a rate of 45 pence per mile, based on one return journey a day. A child's journey to school may include one or more changes of transport, where connection times and overall journey times, are reasonable. For complex journeys, the Authority will discuss provision with the family to determine the most suitable arrangements.

In the event that a child loses their bus/rail pass, parents/carers will be charged for a replacement by the Authority (N.B. a separate fee from the bus/rail company may also be incurred). Parents/carers must send a letter to the child's school confirming that the pass has been lost and payment for a replacement pass will need to be included. Children will not normally be issued with more than one replacement pass each school year.

Children will normally be expected to walk up to a mile, accompanied as necessary, to the designated pick-up point (e.g., a bus stop) for the service vehicle to school.

## **2.11 Acceptable journey time**

Where transport is provided, the recommended maximum journey time is 45 minutes each way for children of primary school age and 75 minutes each way for children of secondary school age. In practice, the Authority attempts to minimise these times as much as possible in the interests of the child. Acceptable journey times for children with special educational needs and/or disabilities may be adjusted according to individual need.

## **3. Transport assistance for children with special educational needs, disabilities or mobility problems and discretionary transport assistance**

### **3.1 Home to school transport assistance for children of compulsory school age with special educational needs and/or disabilities or mobility problems**

The majority of Derbyshire-resident children for whom an Education, Health and Care Plan (“EHCP”) is maintained do not receive or require specialised travel assistance from the Authority. Where a child lives within statutory walking distance (see section 2.2, above) of the school named within their EHCP, and is able to walk to school, accompanied as necessary, the Authority expects parent/carers to make arrangements for their child in the same way as parents of children without SEND.

Transport arrangements will be made for both children of compulsory school age with SEND and children with mobility problems (defined as children suffering from a temporary medical condition or injury which temporarily restricts their mobility) whose school is within statutory walking distance of their home address only if the Authority is satisfied that the child concerned cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs and/or disability. Eligibility for such children will be assessed on an individual basis to identify whether they have any particular transport requirements.

Where a parent/carer submits an application for temporary transport assistance on the basis of a child’s temporary mobility problems, they will be required to submit supporting evidence in the form of an independent opinion

from a registered medical practitioner which, in the view of the Authority, demonstrates that the child cannot reasonably be expected to walk to school because of their medical-/injury-related mobility problems.

The Authority's decision in this regard is final, subject to a parent/carer's right to request a review of the decision (see Section 4 below).

Where transport assistance is provided, the Authority will ensure that children are able to travel in safety and reasonable comfort and that journey times are kept to a minimum.

Where a child is eligible for transport assistance due to their SEND or mobility problems, transport assistance will be provided to and from the nearest suitable school.

If the child is attending a school of parental preference and the Authority considers that there is a suitable school with a place available in the child's year group which is nearer to the child's home, he/she will not be eligible for transport assistance to the more distant school unless:

- an EHCP is maintained for the child; **and**
  - the Authority is satisfied that, once the additional transport costs to the more distant school have been taken into account, the child's attendance at the school would not be incompatible with the efficient use of the Authority's resources, or the avoidance of unreasonable public expenditure (*Children and Families Act 2014, Section 39(4)(b)(ii); Education Act 1996, Section 9*).

Otherwise (i.e. if the Authority is satisfied that, once the additional transport costs to the more distant school have been taken into account, the child's attendance at the more distant school *would* be incompatible with both the efficient use of its resources and the avoidance of unreasonable public expenditure), the Authority may agree to name the preferred school in the child's EHCP on the condition that the parents/carers are responsible for all costs relating to travel from home to school.

The provision of transport to children with SEND or mobility problems will be reviewed annually.

Where a child with SEND or mobility problems is eligible for transport assistance and is unable to access the home to school transport arrangements generally available to children in their local area, then alternative transport arrangements will be made. The nature of any such arrangements is at the discretion of the Authority, having regard to the needs of the child concerned.

If the Authority agrees to provide transport assistance, it will be provided in a safe and cost-effective manner, taking account of the child's specific needs

and with regard to the best use of the Authority's resources from the range of options below:

- **Re-imbursement of mileage costs:** Parents may consent to support their child in travelling to school, either through accompanying their child in place of a passenger assistant or by driving their own car. In these cases, the Authority may remunerate the costs of travel by paying a mileage allowance, currently 45 pence a mile based on one return journey a day.
- **Escorted public transport:** It may be possible for a child to travel on public transport if they have some assistance. Where parents are unable to accompany their child, or do not consent to do so, the Authority may provide a passenger assistant.
- **Contract vehicles:** In exceptional circumstances, the Authority may provide a contracted vehicle to transport a child to and from school. Vehicles are provided by suitably qualified, registered providers working to contractual standards set by the Authority. Whenever possible, children will travel together in minibuses that are adapted to meet the needs of the children travelling on them. Each route will be planned on the basis of school start and finish times and the shortest possible route for all children travelling on a vehicle. Children will be picked up and dropped off at a convenient location, within a reasonable distance from their home, in many cases from recognised bus stops.
- **Home pick-up:** This will only be made where deemed essential due to the child's significant needs.
- **Taxis and private hire vehicles:** Under very exceptional circumstances, the Authority may transport pupils in separate taxis or private hire vehicles based on the assessed needs of the child.

Passenger assistants may be provided at the discretion of the Authority. The circumstances in which passenger assistant may be provided include where:

- The child is under 8 years of age.
- The child has a disability which makes it necessary to provide an escort for health and safety reasons, or
- The child has emotional or behavioural difficulties which would give rise to concerns for the well-being of either the child him/herself or for other occupants of the vehicle if there were no passenger assistant present.

### **3.2 Children below compulsory school age**

As children who are below compulsory school age do not fall within the statutory eligibility criteria for home to school transport assistance, the Authority will not normally provide such assistance for pre-school children. Where a pre-school child is the subject of an Education, Health and Care Plan, or is undergoing a statutory assessment of their educational, health and care needs, transport provision may be considered but is only likely to be agreed in exceptional cases.

The decision to make discretionary travel arrangements for children below compulsory school age rests with the Authority and decisions will be made on a case-by-case basis. Transport assistance, if agreed, will usually be in the form of parental reimbursement at a rate of 45 pence per mile, based on one return journey per day.

### **3.3 Discretionary transport assistance for ineligible children of compulsory school age**

The Authority has discretionary powers to go beyond its statutory duties and provide transport assistance for children who do not meet any of the eligibility criteria set out in Section 2 of this policy, above (*Education Act 1996, Section 508C*).

Requests for transport assistance submitted by the parent/carers of children who do not meet any of the eligibility criteria will be considered on a case-by-case basis. Parent/carers will be required to submit along with their application such evidence as the Authority might reasonably require in order to make a decision as to whether to exercise its discretionary powers to provide transport assistance. For example, where a parent/carer submits an application for discretionary transport assistance on the grounds of extreme financial hardship, documentary evidence of their monthly incomings/outgoings (e.g. bank / building society statements, utility bills, etc.) must be submitted for the Authority's consideration.

Where the Authority agrees to provide transport assistance on a discretionary basis, parent/carers may be required to make a financial contribution to the overall cost of any transport provided. Alternatively, the Authority may decide to pay all or part of the reasonable home to school travel expenses incurred by the parent/carer of the child concerned.

A decision by the Authority not to offer transport assistance on a discretionary basis is final, subject to the parent/carers right to request a review of the decision in accordance with Section 5 of this policy, below.

### **3.4 Independent travel training**

The Independent Travel Training scheme is aimed at children and young people who may face difficulty with using public transport to help them live more independently.

Travel Trainers work on a one-to-one basis with a child or young person to gain independence on a specific route to and from school or college.

For child or young person to be eligible for Independent Travel Training, they need to be:

- ☐ in Year 8 or above at school; and
- ☐ eligible for and in receipt of transport assistance from the Authority.

Please phone 07805745341 or email [lift-derbyshire@natstar.ac.uk](mailto:lift-derbyshire@natstar.ac.uk) for more details.

### **3.5 Transport to residential placements**

Where an eligible child attends a residential school, transport will be arranged by the Authority, or the parents will be reimbursed the cost of making their own arrangements as follows:

- Weekly basis – journeys at the beginning and end of each school week.
- Termly basis – journeys at the beginning and end of each term, up to a maximum of 12 journeys.
- 38- or 52-week placements – a maximum of 12 journeys per school year.

Parents/carers are expected to make independent transport arrangements when returning their child to school following illness, for medical appointments and for exclusions where these journeys are additional to normal transport arrangements.

### **3.6 Children moving school for reasons other than changing home address**

If a child moves to another school or place of learning for any reason other than a house move, transport assistance will not normally be offered unless the general eligibility criteria (see sections 2.2. and 2.3) are met.

In these circumstances, parent/carers will be required to explain why it is considered necessary for the child to move to another school and to submit evidence in support of their application. Such evidence may include a letter from the head teacher of the child's previous school which confirms his/her understanding of the reason why the child has been withdrawn from the school.

### **3.7 Children moving to different place of learning due to behavior issues**

Where, following exclusion from school, a child has been placed in an alternative establishment for provision of their education (e.g. a support centre maintained by the Authority, or other alternative provision), their eligibility for transport assistance to the relevant educational establishment will be determined in accordance with sections 2.2 and 2.3, above.

## **4 Post-16 transport**

Statutory eligibility to free home to school transport ends when a child ceases to be of compulsory school age (see section 2, above).

There is no automatic entitlement for Post-16 transport provision for learners of sixth form age and the Authority must decide what arrangements it considers necessary, as a local response to transport needs, which complies with legal requirements.

In accordance with the statutory requirement to do so, the Authority publishes a separate annual Post-16 Transport Policy Statement which defines our transport policy for learners over age 16. This can be viewed at <https://www.derbyshire.gov.uk/education/schools/your-child-at-school/travel/post-16-college-travel/post-16-travel-to-school.aspx>

## **5 Request for review/appeal**

Where transport assistance is refused, or if parents/carers wish to challenge a decision about the transport assistance offered by the Authority, a two-stage review / appeals process will be followed.

### **5.1 Stage One: Review by a senior officer**

A parent/carer has 20 working days from receipt of the Authority's transport decision to make a written request asking for a review of the decision by completing a review form (Appendix D), which can be obtained from the School Admissions and Transport Team (see Appendix C for details).

The written request should detail why the parent/care believes that the decision should be reviewed and give any details of any personal and/or family circumstances the parent/carer believes should be considered when



the decision is reviewed. The parent/carers request should be accompanied by any necessary supporting evidence. In the matters of route distance, correction of administrative errors and withdrawal of a temporary seat, the final decision rests with the Authority (subject the parent/carers right of appeal under Stage two of the review/appeals process).

Within 20 working days of receipt of the review form, a senior officer of the Authority will review the original decision and send the parent/carer a detailed written notification of the outcome of their review, setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed, e.g. Road Safety GB);
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about how the parent can escalate their case to stage two of the review / appeals process (if appropriate).

## **5.2 Stage Two: Review by an independent appeal panel**

If they are dissatisfied with the outcome of the review of their case, a parent/carer has 20 working days from receipt of the Authority's stage one written decision notification to make a written request to the School Admissions and Transport Team (see Appendix C) to escalate the matter to stage two.

Within 40 working days of receipt of the parent/carers request, an independent appeal panel will meet to consider written and (if the parent/carer wishes to attend the panel meeting) verbal representations from both the parent/carer and officers involved in their case.

Whist employed by the Authority in a capacity unrelated to School Admissions and Transport, the independent appeal panel members will be independent of both the original decision-making process and the stage one review by a senior officer. This will ensure that a balance is achieved between meeting the needs of the child and his/her parents/carers and the Authority, and that road safety requirements are complied with and no child is placed at unnecessary risk.

Within five working days of the independent appeal panel meeting, the panel will send both the parent/carers and the School Admissions and Transport Team a detailed written notification of the outcome of the appeal, setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed, e.g. Road Safety GB);
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent/carers right of complaint to the Local Government and Social Care Ombudsman (N.B. the Ombudsman can only investigate a complaint if there has been a failure to comply with procedural rules or if there are any other irregularities in the way the appeal has been handled; he/she will not investigate the merits of the panel's decision).

**APPENDIX A****Walking Route Assessment Criteria**

- A. In assessing the safety of a route, consideration will be given only to danger relevant to traffic/highway conditions.
- B. It is essential that each case be considered objectively on its merits.
- C. It is assumed that the child will be accompanied as necessary by a caring parent or other responsible person and will be suitably clothed and wearing suitable footwear.
- D. Where a footway or roadside strip, public footpath or bridleway exists of reasonable width and condition, this will normally be assumed to provide a safe route for that part of the journey.
- E. Where, on a lightly trafficked or narrow road, a verge exists which is not easy to walk on, but which can be stepped onto by the child and accompanying person when vehicles are passing, it will normally be assumed to provide a safe route for that part of the journey.
- F. Many routes may lie along roads having neither footway nor verge. On such roads, consideration should be given to the width of the carriageway, traffic speed and composition (such as frequent heavy goods vehicles) and to visibility.
- G. The absence of street lighting is not in itself a measure of the availability of a safe route, although where children are unable to step off the road surface it could become a significant factor.
- H. Consideration should be given to the relevant accident record of the route, with regard to the effect on pedestrian movement; and;
- I. Where road crossings are necessary, the availability of facilities to assist such crossings (e.g. pedestrian/'Zebra' crossings) should be taken into consideration, as should the extent of visibility.

**Please note:** any routes found to be unsafe for a child to walk, accompanied as necessary, will be referred to the County Highways Authority to look at cost effective adjustments.

**Assessment:**

Officers of the Authority will use the above factors to assess whether a route is safe to walk. There will normally need to be a combination of factors present for the route to be unavailable for an accompanied child to walk. A route will not normally be considered unsafe just because a short length of it is difficult. It is reasonable to expect special care to be taken by the child and, where necessary, parent places.

## APPENDIX B

### **Behaviour code of conduct for provided transport**

Derbyshire County Council is committed to providing safe and reliable transport to and from educational establishments and places of learning in the County.

A number of bus services now have CCTV fitted and partnerships have been established with some schools and bus operators to help deal with problems. The County Council also works in partnership with Derbyshire Community Safety Partnerships and/or Safer Neighbourhoods teams and will, where necessary, utilise the range of legislative enforcement powers available to help stop anti-social behaviour. Parents are responsible for ensuring their own child understands the consequences of misbehaving on provided transport.

#### **Step 1**

Where a child misbehaves, drivers will normally speak to the child about their behaviour. If problems remain the details will be reported to the school or place of learning and to the County Council. Once a pupil has been reported, a verbal warning will normally be given by the school or place of learning. Schools and places of learning should include within their School Behaviour Policy conduct which takes place on the journey to/ from their establishment as well as behaviour within the school or place of learning, and may also impose additional sanctions under the terms of the Behaviour Policy where this is appropriate.

In cases of more serious misconduct, Step 2 will immediately apply.

#### **Step 2**

Where a pupil is a persistent offender, or commits a serious offence, a written warning will be issued as follows. Either:

- A letter will be sent home informing parents/guardians of their child's behaviour along with a warning that further misbehaviour will result in the child being banned from the transport provided for a temporary period, or
- A letter will be sent home informing parents/guardians that an immediate ban from the transport provided has been imposed for a specific period. Pupils may also be asked to sign an acceptable behaviour contract before they are allowed to return to the transport provided.

In very serious cases the right to travel on transport arranged by the Authority may be withdrawn completely.

Warning letters may be issued by the School or place of learning or the County Council.

A serious offence includes any type of behaviour which endangers the safety of other passengers, drivers and members of the public. It also includes criminal damage or vandalism to the transport vehicle provided.

Serious cases may also be reported to the police, to be dealt with by way of criminal proceedings.

Parents/carers should be aware that where bans are imposed the travelling arrangements and costs will be the parent's responsibility and the County Council will not offer alternative transport or assistance.

Parents and carers of pupils who cause damage to transport vehicles will be liable for any costs incurred by the company. The County Council will support the transport company and will encourage police involvement if necessary.

## **APPENDIX C**

### **Contact details for specialist staff dealing with transport**

School Admissions and Transport Team - Tel: 01629 537479 or email [admissions.transport@derbyshire.gov.uk](mailto:admissions.transport@derbyshire.gov.uk) for assessment/eligibility queries.

### **Family Information Service**

Tel: 01629 535793

### **School Transport Team (school bus provision)**

Tel: 01629 536739

### **Special Needs Transport Team**

Tel: 01629 536727

Online applications for transport assistance can be made at <http://www.derbyshire.gov.uk/get2school>

## **TRANSPORT REVIEW FORM**

Please complete fully using block letters on this page and complete in black ink or type.

### **Child and Parent Details:**

<b>Name of Child:</b>	
<b>Child's Date of Birth:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Full Name of Parent or Carer:</b>	
<b>Parent Carer Telephone Number (Day):</b>	
<b>Parent Carer Telephone Number (Evening):</b>	
<b>Parent Carer Telephone Number (Mobile):</b>	
<b>Parent Carer Email Address:</b>	
<b>Does your child have an Education, Health, and Care Plan (EHCP)?</b>	
<b>School to which transport is requested?</b>	
<b>Date started or due to start at the above school?</b>	
<b>Please list other schools attended (if any):</b>	

### **Details of other child family members (e.g., Brothers and Sisters):**

Name:	Date of Birth:	School / College Attended:



**Other Adults That Live In The Household:**

<b>Name of Adult (1):</b>	
<b>Relationship to Child:</b>	

<b>Name of Adult (2):</b>	
<b>Relationship to Child:</b>	

<b>Name of Adult (3):</b>	
<b>Relationship to Child:</b>	

<b>Name of Adult (4):</b>	
<b>Relationship to Child:</b>	

<b>Please explain how your child currently travels to school:</b>

<b>Is the transport assistance required due to a medical condition?</b>  <b>If YES – Evidence must be provided from a medical professional to confirm any medical issues and how these impact you or your child and their ability to get to school.</b> A letter from a GP detailing only what has been reported to them by the patient would not usually be considered sufficient.  <b>Please note:</b> Support for medical assistance is assessed on an annual basis.	<div>Yes</div> <div>No</div>
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<b>OFFICE USE ONLY:</b> <b>Medical Evidence Received?</b>	Yes	No
<b>OFFICE USE ONLY:</b> <b>Date Requested:</b>		

**Other Agencies Involved Supporting Child/Family:**

<b>Organisation:</b>	<b>Contact Name:</b>	<b>Telephone Number:</b>

**Please note:**

- Financial circumstances or normal parental working arrangements will not usually, by themselves, be regarded as exceptional family circumstances.
- Where the parent / carer is unable to accompany the child, then the Authority will consider the availability of immediate family members, friends and neighbours, and the provision of any other assistance or benefit to the family.
- Ensure you have included details of any other agency involvement e.g., social care, housing, etc.

**To enable consideration, you must supply relevant third-party documentation to support the information you provide.**

**Please give full details of why transport assistance is required (grounds for this review):**  
(Continue on a separate page and attach if required)

**I understand the authority may seek advice and information relating to my request from other departments or agencies, including schools, prior to any review.**

<b>Applicant Name:</b>	<b>Applicant Signature:</b>	<b>Date:</b>

Privacy Notice: The information you release to us will be used for transport related purposes and may be shared, [as the law allows](#), with partner organisations. Further details on the Authority's Data Privacy policies and those of partner organisations can be found on the Derbyshire County Council Website [www.derbyshire.gov.uk/privacynotices](http://www.derbyshire.gov.uk/privacynotices), or a hard copy can be provided on request.

**Please return this completed 'Transport Review Form', including supporting evidence:**

**BY EMAIL:**

[admissions.transport@derbyshire.gov.uk](mailto:admissions.transport@derbyshire.gov.uk)

**BY POST:**

Derbyshire County Council, School Admissions and Transport Team, School Road, Off Sheffield Road,  
Chesterfield, Derbyshire. S418LJ

### **The Ombudsman's final decision**

Summary: Mrs X complained about the Council's decision to not provide her child, Y, with school transport assistance. The Council was at fault as it did not properly consider Y's needs and individual circumstances. We also found fault with the Council's policy as it is not in line with legislation. The Council has agreed it will provide transport assistance to Y, apologise to Mrs X, Y and their family for the time and trouble and distress the matter caused them and will make a symbolic payment to recognise this. The Council will review its policy and provide relevant training to staff. As part of this investigation, the Council identified another applicant where it incorrectly refused school transport. The Council has contacted the applicant and offered a suitable remedy for the injustice caused to them. It has agreed it will provide evidence to the Ombudsman it has done this.

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### **The complaint**

1. Mrs X complained about the Council's decision to not provide her child, Y, with school transport assistance. Mrs X said Y has a physical disability which means they need to use a wheelchair. Mrs X said as a result, the Council expects her to take Y to school by pushing them in their wheelchair. Mrs X said this has affected Y's mental health as they cannot independently go to their school. It has also caused distress to Mrs X and the family. Mrs X wants the Council to reconsider its decision.

### **The Ombudsman's role and powers**

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)

- 
4. When considering complaints, if there is a conflict of evidence, we make findings based on the balance of probabilities. This means that we will weigh up the available relevant evidence and base our findings on what we think was more likely to have happened.
  5. We may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E, as amended*)
  6. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

## **How I considered this complaint**

7. I spoke with Mrs X's representative about her complaint.
8. I considered the information Mrs X and her representative provided.
9. I considered the information the Council provided.
10. Mrs X, her representative and the Council had the opportunity to comment on the draft version of this decision. I considered their comments before making a final decision.

## **What I found**

### **The Education Act 1996**

11. Councils have a duty to provide suitable home to school travel arrangements as they consider necessary for 'eligible children' of compulsory school age to attend their 'qualifying school'. The travel arrangements must be made and provided free of charge.
12. The relevant qualifying school is the nearest school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs the child may have.
13. 'Eligible children' include:
  - children living outside the 'statutory walking distance' from the school (two miles for children under eight, three miles for children aged eight and above).
  - children living within walking distance of the school but who cannot reasonably be expected to walk to school because of their special educational needs, disability or mobility problem.
14. The Act and statutory guidance state councils must make transport arrangements for all children who have special educational needs, a disability or mobility problems who cannot reasonably be expected to walk to school. Councils should assess children on their individual basis to identify their particular transport needs. Usual transport requirements such as walking distances, should not be considered when assessing transport needs of children who are eligible due to special educational needs and/or disability.

### **The Council's home to school transport policy**

15. The policy states children of compulsory school age attending a maintained school, or an academy will be eligible for assistance with transport from the Council if they meet the following general criteria:

- the child attends the normal area school or a school closer than the normal area school or the nearest suitable school as determined by the Council; and
  - the child lives beyond the statutory walking distance from the school they are attending.
16. The statutory walking distance is two miles for children under the age of eight and three miles for children aged eight and above. The Council's policy states walking distance includes the distance travelled by wheelchair or mobility aids.
  17. The Council's policy provides a further list of 'eligible children' who will qualify for transport assistance. It includes children with special educational needs and/or disabilities (SEND) or mobility problems. The Council will provide transport assistance to them if they meet the general criteria as stated above.
  18. Transport arrangements will be made for both children with SEND and children with mobility problems whose school is within statutory walking distance of their home address, only if the Council is satisfied that the child cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs and/or disability. Eligibility for such children will be assessed on an individual basis to identify whether they have any particular transport requirements.
  19. Where a child is eligible for transport assistance due to their SEND or mobility problems, transport assistance will be provided to and from the nearest suitable school. If they are not attending their nearest suitable school, the Council will not provide assistance.
  20. Where the Council has refused transport assistance, parents/carers can challenge the Council's decision via a two-stage appeals process. Stage one of the appeals process will be reviewed by a senior officer. Stage two of the appeals process will be reviewed by an independent appeal panel.

### **What happened**

21. Mrs X's child, Y, has a physical disability which affects their mobility. Y uses a wheelchair to travel long distances. Y does not have an Education, Health and Care Plan. Y receives a Disability Living Allowance.
22. In September 2020, Y started attending a secondary school, School B. School B is not the nearest school from Y's home address. The distance is 1.3 miles. The Council had initially given Y a place at School A which is under a mile from Y's home address. However, Mrs X successfully appealed the Council's decision as School A was not suitable to meet Y's needs. School A was too big for Y to manage, and it was not fully accessible for someone who uses a wheelchair.
23. When Y started at School B, the School provided them with transport assistance from home to school via their school bus. However later in 2021, the School had announced it would stop providing the transport service as it was no longer feasible. By December 2021, the School stopped providing its own transport provision. Since then, Mrs X and her husband have driven Y to and from school.

### **Application for school transport assistance**

24. When the School announced it would stop providing a transport service, Mrs X applied to the Council for school transport for Y. She said it was not possible for Y to walk to school due to their disability. On the application, she stated she was applying due to Y's severe medical needs.

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25. The Council responded to Mrs X and said it was unable to provide Y with transport assistance. This was because Y was not attending their normal area school.

### **Stage one review**

26. Mrs X requested the Council review its decision under stage one of its appeals process. She said:
- Y was attending their nearest suitable school after a successful appeal.
  - since the transport service had stopped, Y's physical and mental health had declined. Y had lost their independence as Mrs X and her husband were now taking Y to school.
  - she and her husband both worked different shifts and so it was difficult to tell Y who would be collecting them from school which caused Y further distress.
27. Mrs X also gave more information about Y's disability and how it had impacted their mobility to walk and go to school independently in their wheelchair. To support her request for a review, Mrs X provided the Council with medical evidence such as a letter from a consultant and a report from a physiotherapist.
28. A Senior Council Officer completed the stage one review. The outcome was:
- Y did not have any exceptional circumstances which would make it necessary for the Council to provide them with transport assistance.
  - Y's current school, School B, was not Y's normal area school and so the Council would not provide transport assistance.
  - if Y did attend their normal area school, School A, the Council would still not provide transport assistance as the distance from Y's home address to School A was less than three miles.
29. The Senior Officer explained children with special educational needs and/or mobility problems needed to meet the general criteria to be eligible for transport assistance. They added, as Y was in receipt of Disability Living Allowance, the Council would expect this to be used towards Y's transport needs including travelling to school.

### **Stage two review**

30. Mrs X was unhappy with the stage one decision. She therefore requested the Council reconsider the decision via stage two of its appeal process. An Independent Appeal Panel considered Mrs X's case. The Panel did not uphold Mrs X's appeal and some of the reasons included:
- the Council does not provide transport assistance to suit family arrangements.
  - Y's parents both worked and had access to a car which could be used to take Y to school.
  - Y was not eligible for transport assistance under the Education Act.
  - Y would be eligible for transport assistance if they were unable to walk or use a wheelchair, accompanied if necessary, to get to school and if they were attending their nearest suitable school.
31. However, the Panel then said there was sufficient evidence to conclude Y would not be able to access School A as the site was not appropriate for someone who used a wheelchair. It therefore recognised School B was Y's nearest suitable school but said there was no evidence which showed Y could not be pushed to

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and from school in their wheelchair. It was reasonable to expect Y to be accompanied to school and that the parents provided or arranged this.

32. Mrs X remained unhappy and complained to us.

## Findings

### The Council's home to school transport policy

33. The Council's policy says it will provide transport assistance to children with special educational needs and/or disabilities (SEND) or mobility problems if they meet the general criteria which is:
- they attend the nearest suitable school; and
  - they live beyond the statutory walking distance from the school they are attending.
34. The policy later says, the Council will provide transport assistance to children with SEND or mobility problems whose school is within the statutory walking distance of their home address only if the Council is satisfied that they cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs and/or disability.
35. The Council's policy is contradictory and therefore it is not clear, which is fault. It is also not in line with the Education Act and statutory guidance as the general criteria such as the 'statutory walking distance' should not be considered when assessing transport needs of children who are eligible due to special educational needs and/or disability. This is also fault.
36. In addition, the Council's policy states the statutory walking distance also applies to children who use a wheelchair and other mobility aids to assist them with being mobile. However, the Education Act makes no reference to the use of mobility aids. It defines an eligible child as one with special educational needs, a disability or mobility problems who 'cannot reasonably be expected to **walk** to school'. This is fault.

### Stage one review

37. The Council's Senior Officer did not award Y with transport assistance because Y did not meet the Council's general criteria to be eligible for transport. This was because Y was not attending their normal area school. However, the Senior Officer added, even if Y was attending their nearest suitable school, transport assistance would not be given to Y as the walking distance of the nearest suitable school was less than the statutory walking distance of three miles.
38. Although the stage one decision was centred around Y not attending their nearest school, it indicated the Council would apply the usual criteria such as the statutory walking distance to a child who clearly has disabilities. This was fault as it was not in line with the Education Act or statutory guidance.
39. Furthermore, the Senior Officer said as Y was in receipt of Disability Living Allowance, Mrs X should use this towards arranging school transport for Y. However, this is irrelevant as the Council's role is to consider whether Y is eligible to receive transport assistance under the Education Act. There is also no requirement for parents/carers to use Disability Living Allowance their child receives towards school transport. This was fault.

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### Stage two review

40. The Education Act states, “*councils must make transport arrangements for all children who have special educational needs, a disability or mobility problems who cannot reasonably be expected to walk to school*”. Y has a disability and because of this, Y cannot reasonably be expected to **walk** to school.
41. The Independent Appeal Panel said if Y was unable to walk to school or use a wheelchair, accompanied if necessary and they attended their nearest suitable school, Y would be eligible for transport assistance. The Panel then recognised Y was attending their nearest suitable school. However, the Panel said there was no evidence which concluded Y could not be pushed to school in their wheelchair.
42. It is clear the Panel accepted Y was attending their nearest suitable school as the original school, School A, was not suitable for their disability but the Panel refused to provide Y with transport assistance. As the Panel failed to take relevant information into account (Y’s disability and its judgment Y was attending the nearest suitable school), and then went on to take irrelevant information into account (that they could be pushed in a wheelchair), there was fault in the way it reached its decision. The Panel had already concluded Y was attending their nearest suitable school. Y has a disability affecting their mobility and the Panel was aware Y could not reasonably be expected to walk to school. This would make Y an ‘eligible child’ under the Education Act for free school transport.

### Summary of fault

- The Council’s policy is flawed regarding children with SEN/disability/mobility issues as it does not meet the Education Act or statutory guidance.
- The original decision was flawed and not in line with the Education Act or statutory guidance
- The stage one and stage two of the appeal process were both flawed and were not in line with the Education Act or statutory guidance.

### Injustice

43. I have gone on to consider, on the balance of probabilities, what would have happened if it was not for the faults I have identified above. The evidence points to the Council accepting Y was attending their nearest suitable school, School B, as School A could not meet Y’s needs as they use a wheelchair. The Council would have accepted Y could not walk the distance due to their disability and mobility problems, as it concluded Y would need to be pushed in their wheelchair. These are two clear factors for making Y an ‘eligible child’ for transport assistance.
44. Mrs X applied for transport assistance towards the end of 2021 which the Council refused. Mrs X has had to appeal the Council’s decision through its appeals process. Since the transport service stopped, Mrs X and her husband have driven Y to and from school causing them unnecessary time, trouble, and expense when Y should have received free school transport. This has also caused Mrs X and her family time and trouble appealing the Council’s decision when the evidence was already available. Furthermore, it has caused them distress and frustration, considering Y should have been given transport assistance when Mrs X applied for it.

### Others affected

45. As a result of my investigation, I found the Council refused another application in the last 12 months for home to school transport, by applying the wrong criteria.



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## Agreed action

46. Within **one month of the final decision**, the Council has agreed it will arrange transport assistance for Y, to and from their school, School B, as an 'eligible child'.
47. Within **one month of the final decision**, the Council has also agreed it will:
- a. apologise to Mrs X for the time and trouble she has gone through by unnecessarily appealing and complaining about the Council's decision.
  - b. apologise to Mrs X, Y and their family for the distress and frustration the matter caused them.
  - c. make a symbolic payment to Mrs X for the time and trouble and distress the matter has caused her. This payment will be £10 a day for each school day Y attended school but was not given transport assistance from the date Mrs X applied for it in December 2021.
48. Within **three months of the final decision**, the Council has agreed it will review its 'home to school transport policy' in relation to children with SEND mobility problems so it is in line with the Education Act 1996. The policy should not apply:
- the general criteria such as the 'statutory walking distance' to children who are eligible under this category.
  - the 'statutory walking distance' to children who use a wheelchair and other mobility aids to assist them with being mobile.
49. While the Council is amending its policy to comply with the law and statutory guidance, it will provide training and guidance to its school transport staff and appeal panel, so they carefully consider any new transport applications for children with SEN/disability/mobility issues, to apply the correct criteria.
50. The Council will provide evidence to the Ombudsman it has carried out the agreed actions I have made.
51. In relation to the other applicant which the Council refused home to school transport by applying the wrong criteria, the Council has contacted them and offered a suitable remedy for the injustice it caused. The Council has agreed **within one month of the final decision**, it will provide evidence to the Ombudsman it has carried out this action.

## Final decision

52. I have completed my investigation. There was evidence of fault which caused an injustice. The Council has agreed to remedy the injustice it caused.

## Investigator's decision on behalf of the Ombudsman

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**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**4 May 2023**

**Report of the Executive Director - Children's Services**

**Expiry of the Derbyshire Schools 1 Private Finance Initiative Contract**  
(Cabinet Member for Education)

**1. Divisions Affected**

1.1 Chapel and Hope Valley and Clay Cross North

**2. Key Decision**

2.1 This is a key decision because it affects two or more divisions.

**3. Purpose**

3.1 To inform Cabinet of the impending expiry of the Derbyshire Schools 1 (DS1) Private Finance Initiative (PFI) contract.

**4. Information and Analysis**

4.1 The Council operates 3 PFI contracts for schools each covering 2 schools. The first – DS1 commenced in 2003 and the contract is due to expire on 28 April 2029. The contract covers the following schools:

- Tupton Hall School – an academy with Redhill Academy Trust
- Chapel en le Frith High School – currently a maintained school

It is recommended practice that preparation for the expiry of the contract commences 7 years before the expiry date.

- 4.2 The Infrastructure and Projects Authority (IPA) is the government's centre of expertise for infrastructure and major project delivery. The PFI Centre of Excellence is run by the IPA and provides support and advice to departments and contracting authorities in respect of PFI projects, to drive value for money across the government private finance portfolio.

The IPA carries out health checks on the Council's progress at 7, 5 and 3 years and produces a rag rated chart of actions. Any actions listed as red or red/amber are followed up after 6 months. The IPA made its initial contact with DCC in the Summer of 2022 and the first engagement meeting took place in November 2022.

The IPA also offers training and the Head of Development, PFI Contract Manager and project officer have all attended the 3-phase course. Additional training is offered by CIPFA and finance members of the working party are planning to attend.

The IPA identifies the following as key requirements:

- Recognised as a complex process.
- Planned as a long-term project.
- Subject to good governance and senior leadership.
- Structured and resourced appropriately.
- Understood as a journey over time.
- Dealing with PFI contract expiry demands that the authority makes some fundamental decisions. As a result, it is important that its leadership has a strong sense of its objectives and a clear strategic vision of future service delivery.
- Significant risks will need to be managed, diverse expertise and resources will need to be applied, and additional budgets will likely need to be made available.
- The whole process will require more and different contract management support than is currently being provided to the PFI project.

#### 4.3 The generic timeline is explained below:

##### **7+ years** - Building a good base for expiry:

- Know and manage your contract.
- Understand your asset base, its condition and forward maintenance plans.
- Understand the exit provisions and requirements.

##### **7-5 years** - Expiry initiation:

- Establish and resource your expiry workstream activities.
- Engage with the PFI Co to initiate joint expiry planning.
- Develop your future services strategy.
- Initiate an early asset condition survey.

##### **5-3 years** - Expiry planning and decision-making:

- Develop and implement detailed plans and strategies.
- Agree processes and contract interpretations with the PFI Co.
- Ensure full integration with future procurement plans.

##### **3-0 years** - Delivering:

- Deliver final asset survey, final remediation and handback.
- Review and transfer data, TUPE and systems.
- Run future service procurement.
- Conduct transition planning and mobilisation.

##### **0+ years** - Post-transition and close:

- Complete all hand back certification.
- Finalise accounts and close out residual PFI contract issues.
- Bed in new services.

4.4 A working party has been formed with representatives from Finance, Legal, Property and Development. It has also been established that support from HR and Procurement will be required as well as external specialists in legal, estates and PFI management. The IPA expects there to be a project board and that a Senior Responsible Officer (SRO) be appointed. The current working party will become the project board and it has been agreed that the SRO will be the Executive Director of CST initially at least.

4.5 At the start of the process, it is essential that DCC understands the terms of the contract in respect of the expiry. A specialist firm of lawyers have been engaged to provide a summary of those terms. As this is an early PFI contract, it will be necessary to identify areas which

are not covered by the contract and need further clarification with the PFI provider.

- 4.6 The PFI provider or Special Purpose Vehicle (SPV), is Amber Infrastructure whilst the facilities management has recently been transferred to MITIE. There is a very good relationship with Amber Infrastructure and 3 members of its team joined the initial meeting to engage with the Council. The Council has experience of working with MITIE on its BSF contract but the relationship with them in respect of DS1 is in its early days. The Development Officers will maintain contact with the SPV and involve them in the process where appropriate.
- 4.7 At the end of the contract, the sites will be returned to DCC. It is imperative that the sites and buildings are returned in a fit condition in line with the contract, to avoid any additional expenditure post-return. In collating the initial documentation, condition surveys carried out by the SPV/FM contractor have been provided. They have raised some concerns, but Development is currently requesting confirmation that all necessary actions have been carried out to rectify the identified shortcomings. These will provide Property with an overview of the current position and allow for planning to take place as to what surveys will be required, when and by whom.
- Tupton Hall School – is an academy and the lease has been agreed for the period beyond the end of the current lease to the PFI provider. This is the only PFI school where the site was leased to the provider, which is why the 125-year lease has been designed to take over immediately after handover i.e., it will pass from Amber Infrastructure via the Council to Redhill Academy Trust.
  - Chapel en le Frith Secondary School – is currently a maintained school however, if it were to convert to an academy ahead of the expiry of the PFI contract it would be transferred to a Trust. In the current situation though, the site and buildings would be returned to the Council to be managed in line with other maintained schools.
- 4.8 The two sites covered by the contract are secondary schools. It is anticipated that the provision of pupil places will be required beyond the end of the PFI contract, but Development will be able to carry out a pupil places planning exercise in due course to confirm that, ahead of any strategic decisions on the sites.

- 4.9 The PFI contract is managed by Finance and their input will be required to report on the current financial position, the position at the end of the contract and any financial risks associated with the expiry. This will be carried out once the terms of the expiry in the contract are fully understood.
- 4.10 The IPA makes it clear that experience has shown that councils are unlikely to have sufficient staff or possibly expertise to undertake the full project and therefore it is likely that a business case will have to be written to seek additional revenue funding. Whilst this represents additional cost to the council, it offsets the financial risks of failing to secure the exit in accordance with the contract. Recent examples where technical advisors have assisted with benchmarking (comparison of soft services), their cost has been far outweighed by the savings achieved.

## **5. Consultation**

- 5.1 Not applicable

## **6. Alternative Options Considered**

This is a contractual liability for the Council and therefore there are no options other than to prepare for the expiry.

## **7. Implications**

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8. Background Papers**

- 8.1 These are held on file in the Children's Services Development Section and Finance.

## **9. Appendices**

- 9.1 Appendix 1 – Implications

## **10. Recommendation(s)**

That Cabinet:

- a) Notes the process for the expiry of the DS1 PFI contract and acknowledges the need for additional resource to ensure that the process is successful.

## **11. Reasons for Recommendation(s)**

- 11.1 To inform Cabinet of the impending expiry of the DS1 PFI contract.
- 11.2 To identify the need for additional resources to support the expiry to protect the Council's financial interest.

## **12. Is it necessary to waive the call in period?**

- 12.1 No

Report Author: Jenny Webster

Contact details: [jenny.webster@derbyshire.gov.uk](mailto:jenny.webster@derbyshire.gov.uk)



**Implications**

**Financial**

- 1.1 There are no direct financial implications at this stage however funding will have to be found to employ specialist support. The main financial implication would be if the schools were not returned in a fit condition, however this 7 year process is designed to alleviate that situation.

**Legal**

- 2.1 The Director of Legal and Democratic Services will provide advice , with support as necessary from external legal advisers in relation to the expiry of the contract and procurement of the replacement contract.

**Human Resources**

- 3.1 None at this stage

**Information Technology**

- 4.1 None at this stage

**Equalities Impact**

- 5.1 No impact

**Corporate objectives and priorities for change**

- 6.1 Not applicable

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

- 7.1 To maintain the schools in a good condition after the expiry of the contract and avoid unnecessary expenditure.

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**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**4 May 2023**

**Report of the Executive Director - Children's Services**

**Children's Services Capital Budget - Further Allocations**  
(Cabinet Member for Education)

**1. Divisions Affected**

1.1 County wide

**2. Key Decision**

2.1 This is key decision because it will result in the Council incurring expenditure totalling £3.816m and affects communities living or working in an area comprising two or more divisions/county electoral areas.

**3. Purpose**

3.1 To approve further allocations from the Children's Services Capital budget and to seek approval to extend the use of previously approved Capital Investment Programme funds.

**4. Information and Analysis**

4.1 As reported to the Cabinet Member for Education on 14 February 2023 there is an unallocated balance of £25.836m in the Children's Services Capital budget made up of Basic Need (BN) and School Condition (SCA).

- 4.2 Approvals made under delegated powers by the Executive Director for Children's Services and the Children's Services Head of Development from the Children's Services Capital budget are set out in Appendix 2.
- 4.3 Funds returned to the Children's Services Capital budget as set out in Appendix 3.
- 4.4 Further allocations for consideration are set out in Appendix 4.
- 4.5 On 10 February 2016, Cabinet approved a sum of £1.700m for a School Capital Investment Programme. This related to situations where the Authority might need to negotiate a contribution to a school scheme being managed by an external body. The specific intention was to assist with urgent schemes to facilitate academy conversions.
- 4.6 The report referred to funding being required during the year. However, with the ongoing conversions of schools to academy status the use of the funding is required beyond the original timescale to support the academisation process. To date, the sum of £0.852m has been committed leaving a balance of £0.848m for future schemes.

## **5. Consultation**

- 5.1 Not applicable

## **6. Alternative Options Considered**

- 6.1 The School Condition is an annual allocation of school condition capital from the DfE. This capital grant is to improve and maintain the condition of the school estate (buildings and grounds). The grant allocation is determined by the DfE and takes into account the information collected through the Property Data Survey programme. Basic need is an allocation from the DfE for providing new school places by either expanding existing schools or by establishing or new schools in Derbyshire. The allocation is determined by the DfE based on the data collected in the School Capacity Survey (SCAP).

The list of allocations has been drawn up to address the most pressing condition related issues at schools and to provide places where pupil projections indicate there will be pressure on places in a school place planning area. The funding is to ensure there is sufficient capacity at all the schools involved and that the accommodation is suitable to support the delivery of education.

The School Condition Allocation must be spent in accordance with the terms of the grant to improve and maintain the condition of the school estate and cannot be used for any alternative purposes. Similarly, the Basic Need Allocation must be spent in accordance with the terms of the grant to provide new school places.

## **7. Implications**

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8. Background Papers**

- 8.1 These are held in the Children's Services Development Section.

## **9. Appendices**

- 9.1 Appendix 1 – Implications
- 9.2 Appendix 2 – Approvals made under delegated powers
- 9.3 Appendix 3 – Funds returned
- 9.4 Appendix 4 – Allocations

## **10. Recommendation(s)**

That Cabinet:

- a) Notes the allocations made under delegated powers by the Executive Director for Children's Services and the Children's Services Head of Development as detailed in Appendix 2.
- b) Notes the receipt of the funds received/returned to the Children's Services Capital budget as detailed in Appendix 3.
- c) Approves the allocations to the projects as detailed in Appendix 3.
- d) Approves the extension of the use of previously approved Capital Investment Programme funds.

## **11. Reasons for Recommendation(s)**

- 11.1 To inform Cabinet of approvals made under delegated powers and the return/receipt of funds to the Capital budget.
- 11.2 To address the most pressing maintenance issues in schools to ensure the school estate is maintained to a high level.
- 11.3 To ensure there is sufficient capacity at schools in the County.
- 11.4 To enable the Council to carry out its obligations to relation to the academisation process.

## **12. Is it necessary to waive the call in period?**

- 12.1 No

Report Author: Jill Beacham

Contact details: Jill.Beacham@derbyshire.gov.uk

## Implications

### Financial

- 1.1 The financial considerations are as explained in section 2 of the report with detailed breakdowns included in Appendices 2,3 & 4.
- 1.2 If the allocations set out in Appendix 4 are approved, with the delegated approvals set out in Appendix 2 and the returned funds in Appendix 3, the unallocated balance of the Children's Services Capital budget will be as detailed below:

Year	Type of Funding	Opening Balance £	Delegated Approvals	Funding Received/ Returned	Allocations in this Report	Balance £
2015-16	Basic Need & School Condition	303,027	0	189,406	0	492,433
2016-17	Basic Need & School Condition	341,970	0	331,188	0	673,158
2017-18	Basic Need & School Condition	266,101	0	114,697	0	380,798
2018-19	Basic Need & School Condition	295,211	0	264,590 1,605,840	0	2,165,641
2019-20	Basic Need & School Condition	336,025	0	30,988	0	367,013
2020-21	School Condition	45,038	0	4,470 70,553	0	120,061
2021-22	School Condition	0	0	101,923	0	101,923
2022-23	School Condition	2,544,045	(780,190)	99,633	(862,500)	1,000,988
2023-24 (for schemes to be delivered by Sept 2024)	Basic Need	17,255,972	0	0	(2,953,705)	14,302,267
2024-25 (for schemes	Basic Need	4,448,963	0	0	0	4,448,963

to be delivered by Sept 2025)						
Total		<b>25,836,352</b>	<b>(780,190)</b>	<b>2,813,288</b>	<b>(3,816,205)</b>	<b>24,053,245</b>

1.3 All goods, works and services required to undertake the identified projects in the report will be procured and awarded in accordance with the Council's Financial Regulations.

1.4 In-line with the Council's Financial Regulations this report also seeks approval from Cabinet to obtain permission to commence the procurement process. The projects will be considered as included within the Council's Forward Procurement Plan and any subsequent contract award will be in accordance with the Councils Departmental Scheme of Delegation. It should be noted that these procurement exercises will normally take the form of a competitive tender process, but should it be decided that using a Framework is the best option, a separate report will be submitted seeking approval for this.

## **Legal**

2.1 The funding allocations are made in accordance with the local authority's financial regulations.

2.2 The LA has a duty to secure efficient primary and secondary education and further education to meet the needs of the population of their area under sections 13 and 13A of the Education Act 1996.

## **Human Resources**

3.1 None

## **Information Technology**

4.1 None

## **Equalities Impact**

5.1 No impact

## **Corporate objectives and priorities for change**

6.1 Not applicable



**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

- 7.1 To maintain the safe condition of the school estate.
- 7.2 To support the Council's ability to meet its ambition of being a net zero carbon organisation.

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## Appendix 2

### Approvals Under Delegated Powers

Under the Children's Services Financial Scheme of Delegation, the Head of Development has delegated powers to authorise expenditure up to a value of £75,000 and the Executive Director for Children's Services up to a value of £250,000 on any individual project (funded from existing resources). Where there are multiple projects detailed in a report, this is for efficiency only and each project or group of projects for an individual school are separate new projects under the definition of the Scheme of Delegation.

### Approvals by the Executive Director for Children's Services

School	Scheme	Funding Yr/Type	Approved	Amount £
Hallam Fields Junior School	Modular classroom – additional funding	2022-23 SCA	02/03/23	221,642
Etwall Primary School	Classroom extension & internal remodelling – additional funding	2022-23 SCA	02/03/23	245,450
	<b>Total 2022-23 SCA</b>			<b>467,092</b>

### Approvals by the Children's Services Head of Development

School	Scheme	Funding Yr/Type	Approved	Amount £
Morton Primary School	Defective retaining boundary wall scheme – change of funding from Capital Investments Programme previously approved by the Executive Director for Children's Services on 21/12/22.	2022-23 SCA	08/02/23	171,750
William Rhodes Primary and Nursery School	Replacement cladding scheme - change of funding from Capital Investments Programme previously approved by the Children's Services Head of Development	2022-23 SCA	08/02/23	70,000

	on 12/9/22.			
Parkside Community School	Science lab refurbishment – additional funding	2022-23 SCA	23/02/23	45,076
Brockley Primary School	New fence & gates	2022-23 SCA		26,272
	<b>Total 2022-23 SCA</b>			<b>313,098</b>
Heage Primary School	On 3/10/18 £66,000 from the Healthy Pupil Capital Fund (HPCF) was approved for a new cooking kitchen. The budget was overspent and additional funding was required to close the scheme.	HPCF	23/02/23	4,209
	On 15/2/22 Cabinet approved £1,000,000 from the 2020-21 School Condition Allocation to enhance previously approved modernisation projects in support of the Council's carbon zero initiative. 8 schemes have been assessed as suitable for enhancement and additional funding from the Carbon Zero allocation.	2020-21 SCA Carbon Zero Funding	23/02/23	192,050

NB The allocations from the HPCF and Carbon Zero funding are not included in the in balance of the Children's Services Capital budget as detailed in Appendix 1 and will be included in a future report.

NB All initial funding approvals are based on budget costs and it may be necessary to seek further approvals where additional works are identified and/or costs increase during the course of the project

### Appendix 3:

#### Funds Received/Returned

Description	Funding Yr/Type	£
Savings from underspent closed schemes	2015-16 BN/SCA	189,406
Section 106 Developer contributions received to repay SCA	2016-17 BN/SCA	331,188
Savings from underspent closed schemes	2017-18 BN/SCA	114,697
Section 106 Developer contributions received to repay SCA/BN	2018-19 SCA	264,590
Savings from underspent closed schemes	2018-19 BN/SCA	1,605,840
Savings from underspent closed schemes	2019-2020 BN/SCA	30,988
Devolved Formula Capital (DFC) contributions from schools towards approved schemes	2020-21 SCA	4,470
Savings from underspent closed schemes	2020-21 SCA	70,553
Savings from underspent closed schemes	2021-2022 SCA	101,923
Devolved Formula Capital (DFC) contributions from schools towards approved schemes	2022-23 SCA	99,633
<b>Total</b>		<b>2,813,288</b>

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## Appendix 4

### Proposed Allocations for Approval

School	Scheme	Funding Yr/Type	Amount £
Alfreton Park Community Special School	On 27/1/15 and 24/5/16 Cabinet approved SCA funding totalling £1.45m for the refurbishment of Bingham House within the grounds of Alfreton Park Community Special School to provide a 6 <sup>th</sup> form block. Alfreton Park Community Special School was identified as having significant condition problems and fell short of national guidelines in terms of size and suitability for children with severe and complex learning difficulties. On 24/1/17 Cabinet approved £6,500,000 from borrowings for a replacement school with a further £5,400,000 approved on 25/1/18. The Bingham House scheme was not implemented with the building subsequently demolished and the funding transferred to the replacement school project. The project was due to be completed in October 2021 but delays meant this was pushed back to March 2022. Additional costs associated with the extension of time, unforeseen asbestos removal and drainage works have resulted in an overspend of £495,000 on the project.	2022-23 SCA	495,000
Unstone Junior School	On 11/2/21 the Executive Director for Children's Services approved £225,000 for a pitched roof coverings and insulation scheme. When in design it became clear that the cost had been significantly underestimated and when the work were tendered it came back 3 times above the approved budget. The option of completing a section of the roof with the funding available as part of a phased programme was considered but deemed not viable. The scheme is costed at £592,500 (including additional		367,500

	ecology fees of £22k) and a further £367,500 is required to progress the scheme.		
	<b>Total 2022-23 SCA</b>		<b>862,500</b>
New Boulton Moor School (Cloverleys Spencer Academy)	Boulton Moor is a major housing development to the south-east of Derby City. On 26/7/18 Cabinet approved a Section 106 contribution of £4,149,170 and £1,761,590 BN funding to a scheme to provide a new primary school to serve the community. It was intended to open the school in September 2020, with Spencer Academy Trust selected as the sponsor. There have been major difficulties with the project, in particular the transfer of the land and access to the site which is provided by the developer. The opening was delayed until September 2021 but in the event issues the land were still unresolved. Due to the demand for places in the area the Trust opened the School on time but with the children being transported over to its other new school at Chellaston Fields. The delay has resulted in a significant increase in the costs and an additional £3,456,905 SCA/BN was approved by Cabinet on 8/12/22. Continued delays with the land issue have put back the building of the new school and it is now anticipated to be completed by Summer 2024. In the interim it is proposed to provide a temporary school of modular construction located on the Chellaston Fields site. The cost of hiring the buildings is estimated at £2,072,598 against the cost of purchasing them at £2,203,705. It is therefore proposed to purchase the buildings and then to relocate them to other sites in need of additional accommodation upon completion of the new school.	2023-24 BN	2,203,705
Norbriggs Primary School	On 24/01/22 Cabinet approved £1,800,000 borrowings for an expansion scheme to provide additional places for	2023-24 BN	750,000



	a development of 650 houses at Mastin Moor. Funding of £400,000 provided by the housing developer, through Chesterfield Borough Council, in the form of Community Infrastructure Levy (CIL) has been agreed. There is, however, no timescale for receipt of the funding. The County is required to proceed with the project in order to meet its statutory duty. The CIL funding will reimburse Basic Need when it is received. The latest budget estimate for the scheme is £2,550,000 and an additional £750,000 is required to progress the scheme.		
	<b>Total 2023-24 BN</b>		<b>2,953,705</b>

NB All amounts are based on budget costs and it may be necessary to seek further approvals where additional works are identified and/or costs increase during the course of the project.

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**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**18 May 2023**

**Forward Plan**

**Report of the Managing Director**

(Corporate Services and Budget)

**1. Divisions Affected**

1.1 County-wide

**2. Key Decision**

2.1 This is not a Key Decision

**3. Purpose**

3.1 To present the Executive's Forward Plan for the period 1 May – 31 August 2023 and provide an opportunity for Cabinet to comment on future decisions for inclusion in the forthcoming Forward Plan.

**4. Information and Analysis**

4.1 In the interests of effective coordination and public transparency, the Forward Plan includes any item that is likely to require an Executive decision of Cabinet or a Cabinet Member whether a key decision or not. The Forward Plan covers the forthcoming 4 months and will be updated on a rolling monthly basis. All items have been discussed and approved by the Corporate Management Team.

4.2 The Forward Plan is ultimately the responsibility of the Leader and Cabinet as it contains executive business due for decision. A copy of the Forward Plan covering the period 1 May – 31 August 2023 is attached at Appendix 2.

## **5. Consultation**

- 5.1 There is no requirement to consult in relation to the preparation of the Forward Plan.

## **6. Alternative Options Considered**

- 6.1 Cabinet could decide not to agree with any of the items that are suggested for inclusion in the Plan. This would then be referred to the Corporate Management Team.
- 6.2 Cabinet could decide to move the date for consideration of any item provided the requirement to give at least 28 days' notice of a key decision is met.

## **7. Implications**

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

### **7.2 Background Papers**

None identified

## **8. Appendices**

- 8.1 Appendix 1 - Implications
- 8.2 Appendix 2 - Forward Plan for the period 1 May – 31 August 2023

## **9. Recommendation**

- 9.1 That Cabinet notes the contents of the Forward Plan attached at Appendix 2 and comments on future decisions for inclusion in the Forward Plan, where appropriate.

## **10. Reasons for Recommendation**

- 10.1 To promote the items that are due for decision by Derbyshire County Council's Executive during the forthcoming four-month period.
- 10.2 Whilst the Forward Plan cannot be an exhaustive list of all future decisions, to ensure as far as possible that the Forward Plan gives an indication of those decisions which it is known the executive will need to consider in the coming period and can therefore be used as a planning tool for managing the work programme of the executive and Improvement and Scrutiny Committees.

**11. Is it necessary to waive the call-in period?**

11.1 No

**Report Author:** Alec Dubberley

**Contact details:** [alec.dubberley@derbyshire.gov.uk](mailto:alec.dubberley@derbyshire.gov.uk)

**Implications**

**Financial**

- 1.1 None directly arising from this report.

**Legal**

- 2.1 The Council is required by law to give to give 28 days' notice of key decisions that are scheduled to be taken by the Executive. A key decision is one which is financially significant, in terms of spending or savings, for the service or function concerned (more than £500,000), or which will have a significant impact on communities, in two or more divisions in the County. This legal obligation is discharged by including the necessary information in the 'Forward Plan'.
- 2.2 There is no legal requirement to have a four-month rolling Forward Plan, however it is good practice to do so to support effective work programmes for the executive and scrutiny functions.

**Human Resources**

- 3.1 None directly arising from this report.

**Information Technology**

- 4.1 None directly arising from this report.

**Equalities Impact**

- 5.1 None directly arising from this report.

**Corporate objectives and priorities for change**

- 6.1 The Forward Plan will include future decisions which support the Council's corporate objectives and delivery of the Council Plan priorities and deliverables.

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

- 7.1 None directly arising from this report.

## **FORWARD PLAN FOR THE FOUR MONTH PERIOD 1 MAY 2023 TO 31 AUGUST 2023**

This Forward Plan sets out the details of the executive decisions (key and non-key) which the Cabinet, individual Cabinet Members or Officers expect to take during the next four-month period.

Please note that a key decision is a decision to be taken by the Executive which:

- (1) is likely to result in the local authority incurring expenditure or making savings of above £500,000 and/or
- (2) is significant in terms of its effects on communities living or working in an area comprising two or more divisions/ county electoral areas.

The current members of the Cabinet are:

Councillor Barry Lewis	Leader of the Council and Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change
Councillor Simon Spencer	Deputy Leader and Cabinet Member for Corporate Services and Budget
Councillor Kewal S Athwal	Cabinet Member for Highways Assets and Transport
Councillor Alex Dale	Cabinet Member for Education
Councillor Carol Hart	Cabinet Member for Health and Communities
Councillor Natalie Hoy	Cabinet Member for Adult Care
Councillor Tony King	Cabinet Member for Clean Growth and Regeneration
Councillor Julie Patten	Cabinet Member for Children's Services and Safeguarding
Councillor Carolyn Renwick	Cabinet Member for Infrastructure and Environment

The information provided for each key decision includes a list of the documents which will be submitted to the decision maker. Further documents relevant to the matter may also be submitted to the decision maker.

Subject to any restriction on their disclosure, copies of, or extracts from, any document listed will be available on the County Council's website or for inspection at County Hall, Matlock, Derbyshire DE4 3AG at least five clear days before the meeting.

If you wish to request details of documents listed or further documents as they become available please email Democratic Services on [democratic.services@derbyshire.gov.uk](mailto:democratic.services@derbyshire.gov.uk)

## May

### **Subject: Contract Variations in Local Bus Services**

To seek Cabinet approval to honour the contractual variations to 11 Local Bus contracts as agreed by the then Local Bus Manager, in September 2021, April 2022, and June 2022.

Is this a key decision?	Yes
Date decision to be made	11 May 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Highways, Assets and Transport
Document to be submitted to the decision maker	Report of the Executive Director - Place
Lead Officer	Joanna Jackson, Deborah Oddy Joanna.Jackson@derbyshire.gov.uk, Deborah.Oddy@derbyshire.gov.uk
Improvement and Scrutiny Committee	Places

### **Subject: East Midlands Freeport Amendments to Articles of Association and Members' Agreement**

Follow up report to previous approval (July 2022)

Is this a key decision?	Yes
Date decision to be made	11 May 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change
Document to be submitted to the decision maker	Report of the Director - Legal and Democratic Services
Lead Officer	Helen Barrington, Joe Battye helen.barrington@derbyshire.gov.uk, joe.battye@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

### **Subject: A Strategic Framework for Council Action to Secure Net Zero Energy in Derbyshire**

The purpose of this report is to seek the endorsement of Cabinet to a Strategic Framework for Council action to secure Net Zero energy in Derbyshire.



Is this a key decision?	No
Date decision to be made	15 June 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change
Document to be submitted to the decision maker	Report of the Executive Director - Place
Lead Officer	Joanna Jackson, Rupert Casey Joanna.Jackson@derbyshire.gov.uk, Rupert.Casey@derbyshire.gov.uk
Improvement and Scrutiny Committee	Climate Change, Biodiversity and Carbon Reduction

**Subject: OUTCOME OF CONSULTATION ON ELIGIBILITY CRITERIA FOR COMMUNITY ALARM ONLY CLIENTS**

- a) To inform Cabinet of the outcomes of the Consultation regarding the Proposals to implement new eligibility criteria for Derbyshire County Council's community alarm only legacy clients (those not impacted by previous eligibility criteria changes in November 2019)
- b) To inform Cabinet of the outcome of the Equality Impact Analysis.
- c) To make recommendations about the preferred course of action

Is this a key decision?	Yes
Date decision to be made	15 June 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Adult Care
Document to be submitted to the decision maker	Report of the Executive Director - Adult Social Care and Health
Lead Officer	Natalie Davidson Natalie.Davidson@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

**Subject: Expiry of the Derbyshire Schools 2 PFI Contract**

To raise awareness of the expiry of the DS2 PFI contract in 2029 and the stages of preparation leading up to the return of Tupton Hall School and Chapel High School to the Council

Is this a key decision?	Yes
Date decision to be made	11 May 2023

Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Education
Document to be submitted to the decision maker	Report of the Executive Director - Children's Services
Lead Officer	Philip Jepson Philip.Jepson@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

**Subject: Children's Services Capital Budget - Further Allocations**

To approve further allocations from the Children's Services Capital Budget and to seek approval to extend the use of previously approved Capital Investment Programme funds.

Is this a key decision?	Yes
Date decision to be made	11 May 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Education
Document to be submitted to the decision maker	Report of the Executive Director - Children's Services
Lead Officer	Jill Beacham Jill.Beacham@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

**Subject: Home to School Transport Policy**

To seek approval for amendments to the home to school transport policy.

Is this a key decision?	Yes
Date decision to be made	11 May 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Education
Document to be submitted to the decision maker	Report of the Director - Legal and Democratic Services, Executive Director - Children's Services
Lead Officer	Dawn Grindrod, Dan Careless Dawn.Grindrod@derbyshire.gov.uk, dan.careless@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

**Subject: Local Nature Recovery Strategy**

To seek cabinet member approval to formally accept the role of 'Responsible Authority' for the production of Derbyshire's Local Nature Recovery Strategy and to receive grant assistance from the Department of Environment, Food and Rural Affairs (DEFRA) towards the costs of the development and production of this strategy.

Is this a key decision?	Yes
Date decision to be made	30 May 2023
Decision to be taken by	Cabinet Member for Infrastructure and Environment
Relevant Cabinet portfolio	Cabinet Member for Infrastructure and Environment
Document to be submitted to the decision maker	Report of the Executive Director - Place
Lead Officer	Joanna Jackson, Adam Lathbury Joanna.Jackson@derbyshire.gov.uk, Adam.Lathbury@derbyshire.gov.uk
Improvement and Scrutiny Committee	

**Subject: Extending Community Partners Scheme Funding**

To seek Cab Member approval to award grants to VSC partners to deliver community champion work to deliver NHS long covid funding priorities

Is this a key decision?	No
Date decision to be made	
Decision to be taken by	
Relevant Cabinet portfolio	
Document to be submitted to the decision maker	Report of the
Lead Officer	
Improvement and Scrutiny Committee	

**June****Subject: 2022/2023 Derbyshire Warm Spaces Grants Programme: Evaluation report**

To provide an evaluation of the Warm Spaces Grants programme

Is this a key decision?	Yes
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Date decision to be made	1 June 2023
Decision to be taken by	Cabinet Member for Health and Communities
Relevant Cabinet portfolio	Cabinet Member for Health and Communities
Document to be submitted to the decision maker	Report of the Director - Public Health
Lead Officer	Samuel Bostock Samuel.Bostock@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

**Subject: Contain Outbreak Management Fund spend for 2023/24 and 2024/25**  
To seek cabinet member approval to allocate Contain Outbreak Management Fund as stated in the report

Is this a key decision?	Yes
Date decision to be made	1 June 2023
Decision to be taken by	Cabinet Member for Health and Communities
Relevant Cabinet portfolio	Cabinet Member for Health and Communities
Document to be submitted to the decision maker	Report of the Executive Director - Adult Social Care and Health
Lead Officer	Iain Little iain.little@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

**Subject: Approval to implement all Corporate Property Strategies and append to the Corporate Property Asset Management Strategy**

Is this a key decision?	Yes
Date decision to be made	27 July 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Corporate Services & Budget
Document to be submitted to the decision maker	Report of the Executive Director - Corporate Services and Transformation
Lead Officer	Helen Forster Helen.Forster@derbyshire.gov.uk

**Subject: South Derbyshire Growth Zone: Legal Processes for Land Assembly and Delivery**

To consider and approve the making of Compulsory Purchase and Side Road Orders for the South Derby Growth Zone within the Regeneration Pipeline Programme.

Is this a key decision?	Yes
Date decision to be made	15 June 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Infrastructure and Environment
Document to be submitted to the decision maker	Report of the Executive Director - Place
Lead Officer	Joanna Jackson, Jim Seymour Joanna.Jackson@derbyshire.gov.uk, Jim.Seymour@derbyshire.gov.uk
Improvement and Scrutiny Committee	Places

**Subject: Rationalisation of Property Assets in the Chesterfield Locality**

To seek approval for the rationalisation of the Council's Property assets in Chesterfield into one newly refurbished asset on Boythorpe Road, Chesterfield.

Is this a key decision?	Yes
Date decision to be made	15 June 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Corporate Services & Budget
Document to be submitted to the decision maker	Report of the Executive Director - Corporate Services and Transformation
Lead Officer	Shauni Edkins Shauni.Edkins@derbyshire.gov.uk
Improvement and Scrutiny Committee	Places

**Subject: Derbyshire Police - Vehicle Commissioning, Maintenance, Repair and Breakdown**

To seek Cabinet approval to undertake contractual fleet vehicle repairs for Derbyshire Police as defined in the Financial Regulations under Annex 5, External Arrangements, Work for Third Parties

Is this a key decision?	Yes
Date decision to be made	15 June 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Highways, Assets and Transport
Document to be submitted to the decision maker	Report of the Executive Director - Place
Lead Officer	Richard Bright, Joanna Jackson Richard.Bright@derbyshire.gov.uk, Joanna.Jackson@derbyshire.gov.uk
Improvement and Scrutiny Committee	Places

**Subject: Flood Risk Management Strategy Review**

To update Cabinet

Is this a key decision?	Yes
Date decision to be made	15 June 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Highways, Assets and Transport
Document to be submitted to the decision maker	Report of the Executive Director - Place
Lead Officer	Joanna Jackson, Chris Rogers Joanna.Jackson@derbyshire.gov.uk, Chris.Rogers@derbyshire.gov.uk
Improvement and Scrutiny Committee	Places

**Subject: Consultation and Estimated Cost of Construction of the A5004 Long Hill and A5012 Via Gellia Safer Roads Fund Works**

To report on the Consultation findings and Construction costs for the A5004 Long Hill and A5012 Via Gellia Safer Roads Fund Works.

Is this a key decision?	Yes
Date decision to be made	15 June 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Highways, Assets and Transport
Document to be submitted to the decision	Report of the Executive Director - Place

maker

Lead Officer

Joanna Jackson, Gary Thompson  
Joanna.Jackson@derbyshire.gov.uk,  
Gary.Thompson@derbyshire.gov.uk

Improvement and Scrutiny Committee

Places

**Subject: Cessation of Weight Restriction Enforcement**

To seek Cabinet's approval for cessation of enforcement of weight restriction legislation by the Council via its Trading Standards Service, due to a recent review of support for this work by Derbyshire Constabulary.

Is this a key decision?

Yes

Date decision to be made

15 June 2023

Decision to be taken by

Cabinet

Relevant Cabinet portfolio

Cabinet Member for Health and  
Communities

Document to be submitted to the decision  
maker

Report of the Executive Director - Place

Lead Officer

Joanna Jackson, Steve Allen  
Joanna.Jackson@derbyshire.gov.uk,  
steve.allen@derbyshire.gov.uk

Improvement and Scrutiny Committee

Health

**Subject: Co-Funding Policy**

Report concerning Adult Social Care's Co-Funding Policy

Is this a key decision?

Yes

Date decision to be made

15 June 2023

Decision to be taken by

Cabinet

Relevant Cabinet portfolio

Cabinet Member for Adult Care

Document to be submitted to the decision  
maker

Report of the Executive Director - Adult  
Social Care and Health

Lead Officer

James Winson, Linda Elba-Porter,  
Graham Spencer  
James.Winson@derbyshire.gov.uk,  
Linda.Elba-Porter@derbyshire.gov.uk,  
Graham.Spencer@derbyshire.gov.uk

Improvement and Scrutiny Committee

People

**Subject: Development Agreement Renewal – Shipley Lakeside**

Approval is sought to renew the Development Agreement held between Derbyshire County Council and Waystone Developments (Also referred to in this report as; "The Developer")

Is this a key decision?	No
Date decision to be made	15 June 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Corporate Services & Budget
Document to be submitted to the decision maker	Report of the Executive Director - Corporate Services and Transformation
Lead Officer	Matthew Mitchell Matthew.Mitchell@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

**July****Subject: Director of Public Health Annual Report**

To inform Cabinet of production of DPH Annual Report and seek agreement to publish.

Is this a key decision?	Yes
Date decision to be made	6 July 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Health and Communities
Document to be submitted to the decision maker	Report of the Director - Public Health
Lead Officer	Annette Appleton annette.appleton@derbyshire.gov.uk
Improvement and Scrutiny Committee	Health

**Subject: Redesign of Short Breaks**

Our emphasis is on future planning for people with a learning disability and / or who are autistic which increases independence; including helping people to gain valuable daily living skills and confidence so they can explore options for how they want to live and be supported.



Is this a key decision?	Yes
Date decision to be made	27 July 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Adult Care
Document to be submitted to the decision maker	Report of the Executive Director - Adult Social Care and Health
Lead Officer	Linda Elba-Porter, Millie Wightman Linda.Elba-Porter@derbyshire.gov.uk, Millie.Wightman@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

**Subject: Sole supplier direct award to Bolsover Woodlands Enterprise Ltd.**

To seek Cabinet approval to direct award a five year contract to BWE in accordance with Protocol 8 of the Council's Financial Regulations.

Is this a key decision?	Yes
Date decision to be made	27 July 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Adult Care
Document to be submitted to the decision maker	Report of the Executive Director - Adult Social Care and Health
Lead Officer	Steve Ball Steve.Ball@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

**Subject: Public Health Service Level Agreement with Early Help 2023-24**

Extending the £1m per annum contribution from PH to Children's Services to deliver Early Help services within Children's Centre's.

Is this a key decision?	Yes
Date decision to be made	27 July 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Health and Communities
Document to be submitted to the decision maker	Report of the Director - Public Health
Lead Officer	Jamie Dix, Ellen Langton Jamie.Dix@derbyshire.gov.uk, Ellen.Langton@derbyshire.gov.uk

**October****Subject: Redesign of Day Support for Older People**

Our current day support for older people does not promote enablement and within this we need to recognise that respite is an important offer for carers caring for their loved ones within the community.

Is this a key decision?	Yes
Date decision to be made	19 October 2023
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Adult Care
Document to be submitted to the decision maker	Report of the Executive Director - Adult Social Care and Health
Lead Officer	Linda Elba-Porter, Millie Wightman Linda.Elba-Porter@derbyshire.gov.uk, Millie.Wightman@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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of the Local Government Act 1972.

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