

Children and Families Committee

Date of Meeting:	8 November 2021
Report Title:	School Transport Update
Report of:	Jacky Forster, Director of Education and Skills
Report Reference No:	CF/17/21-22
Ward(s) Affected:	All

1. Executive Summary

- 1.1. This report provides an update to Committee on school transport, including the arrangements in relation to the additional transport provided as a result of COVID-19, implementation of the new COVID guidance from September 2021 and progress in relation to the transfer of Transport Service Solutions (TSS) functions to Cheshire East Council.
- 1.2. The provision of school transport meets the strategic aims and objectives in the Council's Corporate Plan 2021-25 as it contributes to 'A council which empowers and cares about people' and the priority to 'Ensure all children have a high quality, enjoyable education that enables them to achieve their full potential'.

2. Recommendations

- 2.1. The Children and Families Committee is recommended to consider and note the contents of the paper, including the progress made in relation to the transfer of TSS functions to Cheshire East Council.

3. Reasons for Recommendations

- 3.1. Cheshire East Council has a statutory duty to make arrangements to provide free home to school transport for some children of compulsory school age. It is important that the Children and Families Committee has an overview of the arrangements in place and provides effective scrutiny of these.

4. Other Options Considered

- 4.1. The Children and Families Committee may wish to receive less frequent updates around school transport. However, as there are major changes underway around the delivery of these services, it is important that the Committee is aware of these and any implications for the Council.

5. Background

Additional Transport provided from September 2020

- 5.1. The Covid-19 pandemic had a significant impact on school transport arrangements over 2020-21. The DfE guidance for full school opening from September 2020, published on 2nd July, set out a new framework for supporting transport to and from schools from the autumn term last year.
- 5.2. On 3rd July 2020, the Minister for Roads, Buses and Places wrote to all local authority Chief Executives setting out the government's expectations around school transport from September 2020 and the support in place for local authorities. This set out a number of measures to mitigate against the transmission of COVID-19 in home to school travel, including:
 - Promoting active travel strongly, in particular, for journeys to school of two miles or less (and which were undertaken by public bus).
 - Contracting additional coaches (where they are available at a local level and necessary) to provide dedicated school transport services.
 - Engaging with local businesses and employers to reduce other demand for public transport during peak school travel hours.
 - Staggering school start and finish times.
 - Accepting the increased use of cars for longer journeys that could not be accommodated on public transport or realistically switch to active travel.
- 5.3. On 9th August 2020 the Education Secretary announced that local transport authorities would receive more than £40 million funding for the autumn term. This funding was intended to help create extra capacity and allow more students to use alternatives to public transport, while social distancing measures remained in place.
- 5.4. On 11th August, the government published more detailed guidance on Transport to school and other places of education: autumn term 2020. This guidance set out a number of requirements for local authorities and schools to ensure that arrangements for children's travel to school in September are safe as possible.
- 5.5. To deliver additional capacity in Cheshire East we carried out a review of existing provision, assessing the capacity and take up of all existing school transport arrangements. We also engaged with key stakeholders, including surveys for parents/carers and education settings. As a result, the following priorities (in priority order) were agreed:

- **Priority 1** – Pupils who are **eligible** for home to school travel assistance who currently travel to school on public transport operating at more than 50% seating capacity.
- **Priority 2** – Pupils who are **eligible** for home to school travel assistance who currently travel to school on public transport operating at less than 50% seating capacity.
- **Priority 3** – Other pupils (**ineligibles**) who travel to school on public transport operating at more than 50% seating capacity
- **Priority 4** - Other pupils (**ineligibles**) who travel to school on public transport operating at less than 50% seating capacity.

5.6. The following measures were put in place from September 2020:

- Extra bus services were put in place on a number of routes to follow the regular public bus services. These 'shadow' buses were clearly marked 'School Bus'.
- Rail replacement buses were put in place from Styal and Handforth railway stations for children eligible for statutory home to school transport.
- Pupils were told that they must only travel with fellow students in their year group or 'transport bubble' on the dedicated school bus.
- Signs were in place at bus stops along the route to school to alert students to the new arrangements.
- Additional signs were put in place advising of COVID safe behaviour at all bus stops.
- Pupils aged 11 and over were advised that they must wear a face covering on public buses unless [exempt](#).
- Pupils aged 11 and over on dedicated school buses were advised to wear a face covering unless [exempt](#).
- Students travelling by train were advised to wear face coverings, observe social distancing and remain aware of others at all times.
- Students were asked to pay their usual bus fare.
- Protocols and risk assessments were put in place for operators to ensure enhanced cleaning, hygiene and ventilation measures were in place on all vehicles.

5.7. In addition to the above, parents, carers, staff, children and young people were encouraged to walk, cycle or scoot to school or college where they could. The Council also delivered a number of bikeability training courses to support young people who wanted to cycle to school or college.

- 5.8. Cheshire East received the full allocation of requested funding to deliver the additional transport requirements. The grant allocation and actual spend for additional transport from September 2020 to July 2021 is set out below. This shows a small underspend of £4,442 against the grant allocation:

Time period	Tranche	Grant allocation	Cumulative Grant	Actual spend
Autumn 2020 1st half term	1	£294,536	£294,536	£175,884
Autumn 2020 2nd half term	2	£0	£294,536	£175,629
Spring 2021 1st half term	3	£330,970	£625,506	£150,208
Spring 2021 2nd half term	4	£257,881	£883,387	£172,341
Summer 2021 1st half term	5	£26,153	£909,540	£188,016
Summer 2021 2nd half term	6	£28,963	£938,503	£71,982
Total		£938,502		£ 934,060

- 5.9. Each term we continued to review shadow contracts and the number of passengers using each service. Pupils were moved back onto rail services where there were no issues with capacity. Some services were also terminated early where pupils could use the existing bus service if there were no capacity issues.

COVID Guidance from September 2021

- 5.10. On 17th August 2021, the government published the revised guidance, [*Dedicated transport to schools and colleges COVID-19 operational guidance*](#). This guidance explains the actions those responsible for the provision of dedicated transport should now take to reduce the risk of COVID-19 transmission.
- 5.11. As a result of the lifting of COVID-19 restrictions, the requirements for social distancing have been removed, along with the additional funding to enable us to reduce the number of pupils on school transport vehicles from September 2021. However, the government guidance recommends that children and young people aged 11 and over continue to wear a face covering when travelling to secondary school or college. Other measures such as ventilation, cleaning and hygiene are also encouraged on school vehicles.
- 5.12. Schools and colleges no longer need to:
- keep children and young people in consistent groups or bubbles
 - be responsible for tracing close contacts of those who test positive for COVID-19 - close contacts will be identified via NHS Test and Trace.

- 5.13. Wearing face coverings is no longer a legal requirement on public transport but the government expects and recommends that they are worn in enclosed and crowded spaces where individuals may come into contact with people they don't normally meet.
- 5.14. In the event of an outbreak at a school or college, additional measures may be introduced to identify positive cases, reduce the risk transmission within the group and between other groups and to protect vulnerable staff and pupils.
- 5.15. Guidance documents for parents/carers, young people and transport operators were updated prior to the start of the autumn term, along with the Council's [webpage relating to school transport and home to school travel](#).
- 5.16. The table below compares provides a breakdown of eligible children from September 2020 and September 2021.

Measure	September 2020	September 2021
Children 'eligible' for travel assistance from the Council (those that the local authority has a statutory duty to provide for)	3,370	3378
Number of mainstream children	2613	2509
Number of SEND children	727	842
Number of cared for children	30	27

Transfer of Transport Service Solutions (TSS) functions to Cheshire East Council

- 5.17. In May 2021, Cheshire East Cabinet approved the proposed commissioning model for the delivery of transport services from April 2022. This model results in the strategic, planning, commissioning and procurement of services being delivered directly by the Council and transfers the existing functions from TSS between the Council's People Directorate, Place Directorate and ANSA (the ASDV transport operating company).
- 5.18. Alongside a number of other transport functions, TSS currently procures home to school transport contracts, including Special Educational Needs transport to fulfil statutory Home to School transport obligations and the transport for cared for children as a corporate parent.
- 5.19. Whilst it is recognised that TSS has delivered customer improvements around school transport over the past few years, e.g. around safeguarding, the new model is expected to improve the customer's experience and move closer towards an integrated service for parents and carers, reducing the interfaces necessary to commission home-to-school and SEND transport. These changes are expected to create a process that is more child-focussed, more timely and less costly per pupil for the Council.

- 5.20. To ensure the effective transition to the new model, a Project Team of Officers drawn from the Place and People Directorates alongside enablers from Legal, Finance, HR, Estates, Communications and Project and Change Management has been established. The team work to deliver the project plan, to ensure the effective implementation of the new model to the approved timescales. Progress is monitored via a Project Board, with Director representation. Overall implementation is overseen by the ASDV Review Programme Board which receives monthly updates on progress and manages escalations.
- 5.21. Progress to date includes:
- Development of an initial project implementation plan.
 - Set up of governance arrangements to provide delivery and oversight of the project plan
 - Engagement with the Parent Carer Forum on key messages.
 - Communication with all key stakeholders, including parent/carers, on the proposed new model
 - Consultation with staff, including one to one sessions, on proposed Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements
 - Assessment of contracting options during change implementation stage
 - Identification of key processes that can be improved ahead of implementation.
- 5.22. Progress against the project plan is currently on track. A full day's workshop is planned for 1st October 2021 with key officers from the People and Place Directorates, along with TSS staff, to further plan and map longer term improvements that can be made to existing processes.

6. Consultation and Engagement

- 6.1. The Education Recovery Group, made up of representatives from all education sectors, have been key in shaping the COVID response in relation to schools, including school transport. Other key stakeholders, including parent/carers and transport operators were also consulted on the delivery of additional transport.
- 6.2. The Council has complied with the TUPE regulations concerning consultation on changes to terms and conditions (measures) to be conducted in good time before the transfer of TSS staff.

7. Implications

7.1. Legal

- 7.1.1. The local authority is required by both the Education Act 1996 and the Education and Inspections Act 2006 to make suitable travel arrangements for certain children to attend school. This includes the duty to promote

sustainable modes of travel for children and young people of compulsory school age. When a child is eligible for travel support, the local authority will provide that support using the most cost-effective option available.

- 7.1.2. The government has also issued statutory guidance called Home-to-school travel and transport 2014. The local authority must have regard to this when carrying out their duties on home to school travel and transport and sustainable travel.
 - 7.1.3. Following the COVID-19 pandemic, the government has issued a number of guidance documents. The latest of these in relation to school transport is the 'Dedicated transport to schools and colleges COVID-19 operational guidance'.
 - 7.1.4. In relation to the transfer of TSS functions to the Council, a due diligence exercise will be undertaken in respect of each implementation step required, and the outcome of the same factors into the implementation process as appropriate. This includes taking legal advice in relation to staffing issues and the impact of TUPE.
 - 7.1.5. Ongoing legal advice in relation to matters including contracts, shareholder agreements, articles of association, company matters, and decision-making is being provided.
- 7.2. **Finance**
- 7.2.1. The 2020-21 transport outturn position for the People's directorate, reported an overspend position of £0.5m, against an original budget of £8.6m. This was mainly attributable to demand pressures due to an increase in children with special educational needs and operators inflating contract prices to include costs of cleaning/ COVID measures.
 - 7.2.2. The 2021-22 People transport budget is set at £9.6m. A number of factors are indicating that costs will increase for 2021-22. Whilst the number of children eligible for school transport as of September 2021 is broadly the same as last year, there has been a significant increase of 115 SEND children requiring transport to school. This is almost 16% more than at the same time last year. Forecasts suggest that this figure could increase to 156 additional SEND pupils requiring transport over this school year – and in each subsequent year of the MTFS. This impacts on the school transport budget as the transport costs for SEND are usually higher due to the nature of where the children are travelling to, i.e. children travelling out of borough or longer distances to specialist provision. Some of these children will also need a passenger assistant or specific vehicle type which can also increase costs.
 - 7.2.3. In addition, TSS are experiencing an unusually high level of contract surrenders and contract changes and have had some recent cases where operators have asked for a much higher price to deliver the same contract

or they have had very few bidders particularly for children with complex needs.

- 7.2.4. As the capacity of driver and vehicle availability within the local service has currently been reached, TSS are increasingly having to seek quotes from providers outside of the area at short notice, which increases costs further. These contracts are currently being commissioned on a short term basis to enable a more competitive re-tender towards the end of the year. The current shortage of fuel may also impact on contract prices over the remainder of the year.
 - 7.2.5. The approved Children and Families budget for 2021-22 included growth of £1m which, when combined with growth in 2020-21 of £0.3m, was intended to resolve the historic pressures.
 - 7.2.6. Estimates for the Council's mid-year review reflect a budget pressure of £297,000 on the TSS contract being forecast for 2021-22. This is over and above the £1m growth referred to above.
 - 7.2.7. The Council has held the £0.3m growth separately from the management fee and has applied it (along with the extended rights to free transport grant) to offset the TSS pressure and reflect an underspend of £0.2m on transport as a whole.
 - 7.2.8. The approved Medium Term Financial Strategy (MTFS) includes savings of £0.7m from 2022-23 to 2024-25.
 - 7.2.9. These are unlikely to be delivered in the first year as there is a focus on the transfer of the ASDV back in house. When that is achieved the Council can better plan for savings. The key aim is to reduce average costs; however, increased demand may mean the overall budget needs to increase. The budget will be reviewed as part of the forthcoming MTFS process.
 - 7.2.10. The commissioning budget for transport has seen overspending in each of the last four years, with payments for service provision having to increase to reflect actual costs incurred. The new approach this year has been to provide a commissioning specification to improve budgetary control and accountability.
 - 7.2.11. The proposed changes will provide a closer alignment between 'commissioner' and 'provider' roles and clarify and strengthen budget accountability and responsibility for savings plans, along with providing a clearer set of controls over service delivery.
- 7.3. **Policy**
- 7.3.1. Educational outcomes are dependent on children and young people being able to access learning opportunities in schools and colleges. The new operating model for school transport will improve the level of service

provided to parents and carers when planning and procuring home-to-school transport as this will be integrated within one team.

- 7.3.2. Government policy, guidance and best practice regarding home to school travel will be closely monitored and implemented, in particular in relation to changes due to COVID-19. Cheshire East will continue to support only those pupils who are eligible for statutory school transport in line with the agreed policy.

7.4. Equality

- 7.4.1. An Equality Impact Assessment has been conducted in relation to the new operating model and identified no negative equality implications. The proposed model expects to see positive implications for children, young people and families and particularly for children and young people with special education needs and their families as outlined within this report.

7.5. Human Resources

- 7.5.1. The new commissioning model for school transport will result in a transfer of staff from TSS into the Council and ANSA. The TUPE transfer arrangements of those staff who are employed by TSS to the Council has commenced. Formal consultations with representative organisations commenced at the same time. HR are active participants of the Project and are providing ongoing advice, in line with the Council's policies.

7.6. Risk Management

- 7.6.1. There are risks to the current delivery of home to school provision due to the capacity for driver and vehicle availability locally being reached. There is a risk that the increased demand from children with SEND and families in financial hardship could continue to put pressure on existing budgets and lead to an end of year overspend. The Council's DSG Management Plan on the same agenda is forecasting sustained growth in the number of SEND pupils. Further forecasting and mitigation measures are planned.
- 7.6.2. There is a risk that if the progress towards implementation of the new model for transport commissioning is not prioritised and communicated well to key stakeholders, then benefits will fail to be realised. There are also potential risks in ensuring that the staff with the right skills transfer and that Cheshire East's systems and processes enable this smooth transition. An action plan and communication and engagement plan is in place and being monitored on a weekly basis.

7.7. Rural Communities

- 7.7.1. Home to school transport provision has a significant impact in reducing the effects of rural isolation and access to learning. Therefore, any proposals to improve the delivery and customer experience for these

services supports our rural communities. The existing policy on eligibility for home to school transport will continue to apply.

- 7.7.2. It is to be noted that the statutory provision of free home-to-school transport is based on minimum thresholds of distance-to-school at 2 miles for primary and 3 miles for secondary pupils. These criteria mean that the pupils eligible for free home-to-school transport are disproportionately resident in rural areas of the borough.

7.8. Children and Young People/Cared for Children

- 7.8.1. The current measures in place to reduce the transmission of COVID-19 on school transport are intended to safeguard children and young people on their journey to school.
- 7.8.2. It is expected that the new operating model will offer a more streamlined and joined up service for children and young people as transport staff within Cheshire East Council would have access to full information about the child. This is the preferred option of parents who have raised concerns about a lack of clarity whether to contact the Council or TSS about transport. It also supports a child centred approach rather than separate teams making decisions about the child's education and transport.

7.9. Public Health

- 7.9.1. Cheshire East's Public Health Team have been fully involved in the development of new guidance for schools and colleges for the management of COVID-19 in relation to school transport. They are also involved in the ongoing advice and guidance to schools who have positive cases or outbreaks. Generally, this means that children and young people do not using school transport when they are a close contact of a positive case.

7.10. Climate Change

- 7.10.1. The changes as a result of COVID-19 has provided more scope to link home to school transport with Active Travel schemes and sustainable modes of travel to school strategy. A campaign ahead of September 2020 encouraged all parent carers and their children to walk, cycle or scoot to school, wherever possible. This included a number of bikeability courses to build the confidence of young people in cycling to school.
- 7.10.2. The current operating model means that TSS hold the data and the details of individual journeys to school. Within Cheshire East policies there is provision for parents to access direct payments to support eligible pupils to cycle to school however uptake within the cohort is limited at present. These two processes can be better aligned in the future model.

Access to Information	
Contact Officer:	Jacky Forster Director of Education and Skills Jacky.Forster@cheshireeast.gov.uk
Appendices:	None
Background Papers:	Cheshire East's webpages including local advice on school transport The current government guidance on school transport and COVID The Cabinet decision on TSS

Appendix 1: Transport Provision – Proposed Operating Model

Common management system = Mobisoft

