

OPEN

## **Children and Families Committee**

**12 February 2024**

### **Consultation on changes to the school transport policies for children and young people**

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#### **Report of: Deborah Woodcock, Executive Director of Children and Families**

**Report Reference No: CF/47/23-24**

**Ward(s) Affected: All wards.**

#### **Purpose of Report**

1. This report provides a brief overview of progress to date against the plans to transform travel support for children and young people. It also provides a review of existing areas of discretionary transport and seeks approval from the committee on proposed changes to the school transport policies.

#### **Executive Summary**

2. Significant progress has been made in relation to the transformation of travel support for children and young people since March 2023.
3. Following approval at the children and families committee in September 2023, a consultation exercise proposing amendments to the school transport policies was undertaken between 15 November 2023 and 22 December 2023. The purpose of the consultation was to understand how parents/carers may be affected by the policy changes and seek views on how the service could make improvements. Following analysis of the results, this paper sets out a number of recommendations.

### **RECOMMENDATIONS**

The children and families committee is recommended to:

1. Scrutinise the progress to date in relation to the transformation of travel support for children and young people.
2. Consider and approve the proposed changes to the school transport policies and procedures set out below at paragraphs 9 to 32, including:

- a) the move to a consistent online approach to the application and review of school transport eligibility for all children and young people;
- b) the policy changes for post-16 students to make the offer of a personal travel budget (PTB) the default method of travel support;
- c) changes to the spare seats, charging and collecting payments for school transport, including the increase in charges for both post-16 parental contribution (where PTB cannot be offered) and spare seat provision to £900 per annum from September 2024 to be collected mainly by direct debit.
- d) amendments to the policy to reflect updated statutory guidance from the Department for Education.

## Background

4. In November 2022, the children and families committee considered a report setting out the findings and recommendations from an independent review of travel support for children and young people. The committee agreed a number of recommendations to progress the transformation of travel support over the next three years.
5. A subsequent report, presented in March 2023, provided more detail and the children and families committee resolved to:
  - a) Note the progress to date on implementation of the transformation programme, including the imminent appointment of specialist professional capacity, funded from the school transport budget.
  - b) Consider and approve the proposed arrangements in relation to the post-16 home-to-school transport policy statement for 2023-24.
  - c) Approve the proposals to go out to consultation and the results of the consultation will be brought back to committee, including:
    - i. the revised payments in relation to cash grants/personal budgets for the 2023-24 academic year.
    - ii. the proposed changes to the existing school transport policies in line with the Edge review recommendations, including the review of transport charges (the post-16, spare seat and Poynton High School scheme).
  - d) Delegate authority to the Executive Director of Children and Families, in consultation with the Executive Director of Place, to make decisions in relation to progressing the milestones and activity listed in the report, with any specific actions requiring a decision by committee to be subject of a further report.
6. In July 2023, the committee approved an increase of the current mileage rate for personal travel budgets (PTBs) from 25p per mile to 45p per mile, effective from September 2023, along with changes to the school transport policies and

procedures in relation to the process for claiming PTBs, including removing the requirement for parents / carers to provide proof of attendance, arrange regular monthly payments and provide flexibility within the scheme for exceptional cases.

7. In September 2023, the committee:
  - a) Approved the redesignation of the Willaston to Brine Leas Academy and Prestbury to Fallibroome Academy routes as 'Available Walking Routes'.
  - b) Approved the pupil eligibility changes that will be necessary as a result of the redesignation in line with the council's 'Compulsory School Age Education Travel Policy' to remove school transport from 75 pupils, following a 12 week notice period.
  - c) Approved the review of other sites across the borough which are currently designated as 'unavailable walking routes' for any financially viable improvement schemes which could make those routes 'available walking routes' to be brought back to committee for future approval.
  - d) Approved the proposal to go out to consultation on the current school transport policies, including the review of charging for post-16, spare seats and the Poynton High School scheme and for the results of the consultation to be brought back to committee.
  
8. Since the last paper considered by the committee in September 2023, the following progress has been made:
  - A dynamic purchasing system (DPS) has been established with the framework live on the council's procurement portal, ProContract. Following an exercise to review and optimise routes in the south of borough during October 2023, routes were tendered on a 'best priced bid' to commence in January 2024. We are currently reviewing how/if to run eAuctions for future tender exercises.
  - The offer for personal travel budgets (PTBs) was amended and the new arrangements were launched in September 2023, including an increased rate for existing parents.
  - Affected parents were made aware of changes to eligibility of the two routes that were assessed as safe to walk by the committee in September and free transport was withdrawn in January.
  - Work is underway to review other available walking routes to identify what remedial work is needed to re-classify routes currently deemed as unsafe to make them safe to walk and a paper will be presented to committee in April 2024.
  - Review and route optimisation exercise has commenced for routes in the north of the borough. These routes will be tendered in February 2024 to commence after the Easter holidays.

## Proposed changes to school transport policies

9. Following approval from the September committee, a consultation exercise took place between 15 November 2023 and 22 December 2023 and focused on the following policy proposals:
- The application and review process
  - Travel support for post-16 students
  - Spare seats, charging and collecting payments
  - Travel support for children under 5 years old
  - Updating Cheshire East's policy following guidance from the Department for Education
10. In addition, the consultation also sought suggestions for general improvements to the service, to be taken into consideration for future initiatives.
11. The current and proposed arrangements in relation to the policy changes are set out below.

### a) **The application and review process**

12. The application and review process for travel support is not currently consistent for all parents/carers. It is also not robust in ensuring that the right children and young people continue to get travel support in line with their needs. It is proposed to amend the process to provide consistency and clarity, including how applications are made, the eligibility for assessment, the provision of travel support and the process for appeals.

Current arrangements	Proposed arrangements
Applications are received through various routes. Parents/carers apply for mainstream education and post-16 through an online portal, whereas applications for SEND or social care transport are made via the relevant internal teams.	We are proposing that all applications, reapplications and reviews of entitlement are made by parents/carers online, with support provided for those who are unable to complete applications online.
Once a child/young person is approved for travel support, it is assumed that this will continue unless any changes are notified to the team.	Parents/carers will be asked to reapply for travel support whenever there is a change in the phase of education e.g. when moving from primary to secondary education.

### b) **Travel support for post-16 students**

13. Each council is required to publish its arrangements for transport provision for young people of sixth form age and adults aged 19 and over in education and training in an annual transport policy statement. This includes those with an Education, Health and Care plan (EHCP). This is a discretionary service, which means that councils can make arrangements which suit their own specific local needs and so this transport provision varies across local areas.

14. The Department for Education (DfE) has published statutory guidance that local authorities must consider when making their transport policy statements.
15. Currently, parents/carers of post-16 students in Cheshire East who are continuing in education or training beyond compulsory school age can apply for travel support. Most eligible students are provided with school transport and only a small number access a PTB.
16. Increasingly councils are looking at how they can deliver discretionary services at a lower cost. Several councils have reviewed how they deliver travel support for post-16 students. In Cheshire East, the following options have been considered:
  - (i) Continue with the current parental contribution and increase the charge
  - (ii) Only offer a personal travel budget, based on individual home to school/college mileage, for all eligible students to enable parent/carers to make their own travel arrangements for all but exceptional cases.
  - (iii) End all travel support for 16-19 year old students.
17. It is proposed that Cheshire East adopts option (ii) to move to an offer of personal travel budgets for all but exceptional cases. A number of councils have already moved to this approach, Some examples of these are below:
  - For one council it took several years to implement their policy change due to a judicial review, which found in their favour and a subsequent appeal, which they also won, as their policy was simplified and they were able to demonstrate that it considered school transport provision for exceptions. This council has seen an increase in the number of appeals and administration needed to process PTBs.
  - The second council only applied the policy for new post-16 students and their PTB is based on pence per mile. They have not been as flexible with appeals and are stricter at applying the policy; subsequently they have very few post-16 students on transport (mainly children in care).
  - A third local authority, a London borough, consulted on changes to its post-16 policy and now also offers PTB as its default method of travel support. It will consider exceptional circumstances and will also place pupils on existing transport if this is considered the cheapest option.
18. Whether applying an increased parental contribution or having the default option of a PTB it is important to look at any potential exceptions to policy and how parents / carers could show exceptional circumstances. It is expected that this is likely to be through medical need, distance to college, family circumstances, need for a specialist vehicle or low income.
19. Cheshire East's policy for PTBs was recently amended following consultation and a committee decision. Findings from this consultation suggested that the main barriers to taking up a PTB was the distance and time taken to get to school which as well as being potentially an exceptional circumstance, could be taken into consideration when placing children. The second highest barrier was that the PTB payment rate at the time did not cover costs – this has since been increased from 25p per mile to 45p per mile.

20. Amendments to the policy for post-16 students could potentially have a significant impact on parents/carers, but could also improve the experiences of young people and also provide significant savings. A focus on changing how we deliver travel support options for this cohort is critical and the decision to amend the policy should be made explicit in the next post-16 travel support statement to be published before the end of May 2024.
21. For those students who remain on transport as a result of exceptional circumstances or cheaper options available, such as colleges own transport being available, it is expected that the proposed increased parental contribution will apply (see section below on charging).

Current arrangements	Proposed arrangements
<p>Where the offer of a PTB is declined by a parent/carer, the local authority will arrange suitable transport to the nearest suitable establishment</p>	<p>The parent/carer will be expected to accept a PTB, except where:</p> <ul style="list-style-type: none"> <li>• It is more cost-effective for the young person to travel in a vehicle carrying compulsory age children where there is a spare seat</li> <li>• It is more cost-effective for the child to travel in vehicle carrying post-16 children who have met the exceptions criteria and where there is a spare seat</li> <li>• There are exceptional circumstances in relation to medical need, distance to college, need for a specialist vehicle or low income.</li> <li>• Parent/carers can prove that they are unable to accept a PTB.</li> </ul>
<p>The parent/carer makes a financial contribution to transport for 16-19 year olds.</p> <p>Where it is decided that it is necessary to provide transport for adult learners (aged 19 and over), this must be provided free of charge, although the local authority has the flexibility to contribute to, fund or charge for other transport solutions,</p>	<p>The parent/carer makes a financial contribution to post-16 transport where they are unable to accept a PTB due to exceptional circumstances or a more cost-effective solution is in place.</p> <p>The following applies when the young person is attending a course which they started after their 19<sup>th</sup> birthday (adult learners):</p> <ul style="list-style-type: none"> <li>- Where the local authority makes such arrangements, any transport provided must be free of charge. Where the local authority decides not to provide transport arrangements in a particular case, they still have discretion to pay all or part of the reasonable travelling expenses for the student.</li> </ul>

c) **Spare Seats, charging and collecting payments**

22. The provision of a spare seat is a discretionary service that not all local authorities provide. However, as spare seats are only offered where there is existing transport in place, any income from these charges are generally used to offset the cost of the transport for eligible children. Although the current charge for a spare seat is £460, it was previously £930. This was reduced some years ago to encourage further take up, however the number of pupils accessing the spare seat scheme have not increased significantly.
23. Eligible post-16 pupils may have to make a financial contribution towards any transport provision. This is currently set at £450 per year, which equates to approximately £2.50 per day. Current charges have not been reviewed or been subject to an inflationary increase since 2018 and represent a small proportion of the average cost to the council, which is currently £9,840 per annum for a post-16 student.
24. Information from other local areas suggests that Cheshire East’s current charges are low. In a recent survey undertaken by another local authority of those areas who seek a parental contribution for post-16 travel, 83% of the 42 councils responding had higher charges than Cheshire East with the highest being £1550 per annum and the average £640 per annum. A neighbouring authority currently charge £880 per annum for spare seat transport.
25. It is also important to consider the charges to other children who access post-16 transport. Cheshire East colleges offer subsidised transport for their students and this ranges from free to £570 based on this year’s charges. The main commercial bus operator in Cheshire East provides an annual student ticket for £490 per year.

Current arrangements	Proposed arrangements
<p><b>Spare seat</b> - parents/carers can purchase a spare seat for students that are not eligible for free home-to-school travel assistance on existing contracts if they are available. This provision is non-statutory. The price of a spare seat is currently set at £460 per year and has not increased since 2018.</p>	<p>The council would continue to offer spare seats to ineligible pupils where there is space available on existing contracts. The charge for a spare seat would increase to £900 per annum from September 2024.</p>
<p><b>Post 16</b> – parent/carers can apply for post-16 transport. There is an annual parental contribution of £450 levied for eligible 16-19 year olds. A parental contribution cannot be levied for adult learners in receipt of home-to-school/college transport. The provision of free or subsidised travel assistance</p>	<p>The charge for post-16 transport would be £900 per annum from September 2024 for those parents who were not able to take a PTB due to exceptional circumstances.</p> <p>Families on low income are encouraged to apply for the 16-19</p>

<p>will not normally be provided for mainstream students.</p> <p>Families on low income are encouraged to apply for the 16-19 bursary which is available from the post-16 educational provider.</p>	<p>bursary which is available from the post-16 educational provider.</p>
<p><b>Poynton High School scheme</b> - The council operates a bespoke scheme for Poynton High School. Transport Service Solutions (TSS) previously provided the high school with a school transport service. For students who are not eligible for free school transport they may purchase an annual bus ticket priced at £700 per year. When TSS ended in March 2022, its services transferred to the council, who have continued with the same transport providers and comparable arrangements. Eligible and ineligible pupils are transported to the school on the same vehicles.</p>	<p>Poynton High School are responsible for the price to be levied for this service.</p>
<p><b>Payment methods</b> - Parents/carers currently have the choice to pay online for school transport, in advance, either annually, termly or half-termly.</p>	<p>Payment will be made through direct debit to limit the administrative burden. Payments will be made monthly, in advance, and will therefore commence in August through to June inclusive.</p>

d) **Travel support for children under 5 years old**

26. The statutory duty for councils to provide travel support commences the term after a child reaches 5 years old up to age 16. Cheshire East currently provides support to 70 children under 5 on a discretionary basis, usually travelling with older pupils on contracted transport. The council could consider removing travel support for this cohort of children or make a spare seat charge.
27. Removal of travel support for under-fives would result in either savings through potentially being able to procure smaller vehicles or additional income by applying a charge.
28. As at some stage during a school year it is expected that the child would become eligible for free transport, it is feasible that the service may have to reprocurse these routes more often. This would potentially have a negative effect on price and less efficient operationally.

29. There is a risk that some parents may choose to delay their child starting school to avoid the cost of transport. This would also disadvantage those children who live in rural areas and do not have a local school nearby.

Current arrangements	Proposed arrangements
To be eligible for travel support children must be of compulsory school age which commences at the term following the child's 5 <sup>th</sup> birthday. However, the policy states that as children may start in reception class in September following their 4 <sup>th</sup> birthday, they should also be considered eligible.	No change proposed

e) **Updating policy following guidance from Department for Education**

30. In June 2023, the Department for Education (DfE) updated the statutory guidance to help local authorities perform their functions in relation to home to school travel for children of compulsory school age. This has been analysed to understand whether there are elements of the current policy that does not reflect the latest guidance.
31. The areas where Cheshire East propose to amend its policy are set out below.

Policy area	Proposed arrangements
Parental preference schools	<p>Local authorities should take into account the cost of travel when deciding whether it would be incompatible with the efficient use of resources to name the parent's preferred school in the EHCP.</p> <p>The local authority should clearly record their decision to name the parent's preferred school on the condition that, with agreement from the parent, the parent arranges or pays for the travel. It should be made clear that they may review the school named in the EHC plan if the parent is then unable or unwilling to arrange or pay for the travel. Transport should not normally be recorded in a child's EHCP. We therefore recommend that the local authority records this information in a formal letter to the parent.</p>
Foster carers	Foster carers receive an allowance to cover the cost of caring for a child. Being in receipt of foster care allowance does not affect a child's eligibility for free travel to school, but a local authority may meet their duty in respect of an eligible child by including

	additional funding in the foster care allowance, provided this is agreed with the foster carer.
Pick up points	It may not always be necessary to provide children with 'door to door' transport in order to meet their needs. Many will be able to walk to a suitable pick-up point to be collected, provided they would be able to do so in reasonable safety, accompanied by their parent, if necessary. Some children's needs will mean they need to be collected from their home. Local authorities should not have a policy that they never provide door to door transport and should make decisions on a case-by-case basis.
Temporary mobility problems	A child may be eligible because of temporary mobility problems but, due to the short-term nature of some mobility problems, it may not always be practicable for the local authority to make travel arrangements before the child has recovered.
Where a student is at risk of permanent suspension from a school, a managed move may be arranged with an alternative school for a trial period. Responsibility for transport to the alternative school is that of the school and/or parents.	Where they are suspended (temporarily excluded) from a school (but remain a registered pupil of that school) and attend an educational establishment that is not a qualifying school and is not within the statutory walking distance of their home, then that educational establishment must be treated as if it were a qualifying school for the purposes of eligibility for free travel.
New travel support options.	The legislation permits local authorities to meet their duty in respect of an eligible child in a range of alternative ways, provided they have the consent of the parent. For example, with the agreement of a parent, the local authority might: <ul style="list-style-type: none"> <li>• provide expenses to enable the parent to make their own travel arrangements for their child;</li> <li>• pay a cycling allowance to enable a child to cycle to school;</li> <li>• provide independent travel training to a child where it is appropriate to do so;</li> </ul>

	<ul style="list-style-type: none"> <li>• provide someone to escort the child, for example when they are walking or wheeling to and from school.</li> </ul>
Establishing students permanent home address.	<p>It is proposed that the wording in the compulsory school age policy mirrors the current wording in the post-16 statement.</p> <p>The student's permanent home address must be in the Cheshire East administrative boundary. The student's place of residence will be the address of the parent with whom the student is permanently resident. Supporting information may be requested to verify the place of residence. To ensure a fair process, administrative checks may be undertaken, which may include verifying addresses against Council Tax records. Where a student lives between two addresses, the permanent home address will be taken to be where the student wakes up for the majority of the week (Monday to Friday) and it is this address that will be used for transport purposes. If it is not possible to determine which is the permanent address by this test, then residence will be determined based on where the student is registered for purposes of child benefit (if applicable) or where the student is registered for GP purposes.</p>
For post-16 students offered travel support rather than a PTB, rules on school transport timings to be aligned with compulsory school age.	<p>For eligible children, the local authority will provide travel assistance for the start and end of the school day only. Travel assistance during the day between schools or to other specialist provision is the schools' responsibility. Travel outside the usual school start and finish times will be the parent's responsibility. The local authority will consider travel support for students on part-time timetables.</p>

## Consultation and Engagement

32. Between 15 November 2023 and 22 December 2023, a consultation exercise was undertaken on the above proposed changes to the existing policy. The purpose of the consultation was to understand the impact these proposals may have on those who are currently eligible for free home to school travel support or who purchase a spare seat.
33. The consultation was targeted at parents and carers who would be likely to be affected by these proposals. Links to the consultation were shared widely with parents / carers schools and Cheshire East staff. The service also engaged with the Parent Carer Forum prior to consultation to promote responses. In summary:

- **Responses** - the exercise generated 444 consultation responses; 439 completed the survey directly and a further 5 sent email responses. Nine out of 10 responses were from students, or parents / carers of children currently receiving school transport.
- **Application and review process** - the proposal to make the application process 'digital by default' was endorsed by the majority of responders – 63%, whereas 17% opposed this. 29% of respondents supported the proposal to make people reapply for travel support whenever there is a change in the phase of education, but 54% opposed this.
- **Post-16 travel support (PTBs)** – there was a mixed response to proposals to amend post-16 travel arrangements.
  - 49% preferred to see existing arrangements continue even with a higher contribution from parents.
  - 25% would like to see a PTB offered and a further 23% would like to see some other proposal offered.
  - Just 3% stated that travel support for post-16 students should end
  - The most positive responses from the survey were around creating exceptions to the policy for post-16 travel support, where certain criteria were met. A large number of respondents felt that all four exceptions should be considered. Results are shown in the following table:

Criteria	Percentage agreeing should consider exception
A specialist vehicle is required for accessibility	79%
Students' medical needs require provision of passenger assistant	78%
Most suitable college/school is a long distance from home	71%
Family income is low	71%

- **Post-16 charges** – In response to post-16 charges:
  - Most respondents (65%) felt that post-16 travel charges should be increased and reviewed every 2 years.
  - Only 9% felt that charges should be increased and adjusted by inflation each year and backdated to 2018.
- **Spare seat charges** – responses included:
  - The majority of respondents (66%) would like to see the spare seat scheme retained – 10% opposed it.
  - There were mixed responses to aligning payment with post-16 (42% in support, 30% opposed).
  - 62% felt that charges should be increased and reviewed every 2 years”.
  - Just 9% felt charges should be increased and adjusted by inflation each year and backdated to 2018.

- **Payments** - 75% of respondents supported the council's proposal to collect charges monthly by direct debit, 7% opposed this proposal.
- **Travel support for under-fives** - 31% of respondents supported the removal of travel support for under 5 year olds, whereas 48% opposed this proposal.
- **Improvements to home to school transport** - the consultation asked whether there was agreement with a list of suggested ways to improve home to school travel support. Most responses agreed with the initiatives as detailed below:

Suggested Improvement	Percentage agreed/ disagreed
Encourage transport operators to introduce more bus services where there is demand	83% / 8%
Work with schools / colleges to enable them to increase capacity within their own fleet of vehicles	72% / 13%
Develop a programme for independent travel training	51% / 22%

## Reasons for Recommendations

34. Free travel to school is a valuable service for many families, but budget pressures mean that the council often has to make difficult decisions about how to make best use of the limited resources available to them. The council must comply with their duty to arrange free travel for eligible children, but it has some discretion in how they do this.
35. Like many councils across the country, Cheshire East Council currently spends a significant amount of its budget on providing transport for children and young people. As these costs are expected to continue to rise, it will adversely affect the level of service we are able to provide to children and their families. Many school travel charges have not been reviewed or been subject to inflationary increases since 2018. Therefore, changes are required to enable the council to continue to deliver its statutory duties in a cost-effective manner.
36. There were some changes as a result of the publication of the updated statutory guidance in June 2023 that have been taken into consideration in the review of Cheshire East's policies.

## Other Options Considered

37. The option of not implementing any of these recommendations has been considered. Unfortunately, due to the financial pressures experienced by councils across the country, difficult decisions must be made particularly in relation to non-statutory services and the level of service provided.

38. The council could decide to remove free travel support for children aged under five. However as set out above, there are risks associated with this proposal and it would also be unfair to those children who live in rural areas of the borough.
39. The council could consider removing all post-16 transport. However, this would leave the local area open to challenge in how it is facilitating the attendance of all persons of sixth form age receiving education or training set out in the statutory guidance.
40. The council could decide to phase the introduction of the increase in charges, for example, by increasing the charge to £700 in September 2024 and then rising to £900 in September 2025. This would reduce the amount of income from charging on options B, C and D in the table at paragraph 50 by over 50%, for example, spare seat income would reduce from £11,550 to £5,250 in 2024/25 (7/12ths of the year) and from £19,800 to £9,000 for a full year.
41. The council could decide to introduce a higher increase to the charges for post-16 and spare seat transport. Given the cost of living crisis and that many young people will be in existing arrangements or have made plans for September, a significant increase is likely to have a negative impact on their plans.
42. The council could reduce the charge for post-16 and spare seat transport. Given the council's current financial position and that Cheshire East's charging rates are currently lower than most other areas, reducing charges would put further pressure on the school transport budget thus reducing the council's ability to deliver its statutory duty in respect of school transport.

## **Implications and Comments**

### *Monitoring Officer/Legal*

43. The local authority is required by the Education Act 1996 as amended by the Education and Inspections Act 2006 to make suitable travel arrangements for eligible children to attend school. This includes the duty to promote sustainable modes of travel for children and young people of compulsory school age. The government issued statutory guidance around home-to-school travel and transport in 2014. This was updated in June 2023.
44. This means that a local authority is under a duty to have regard to it when performing their duties in relation to home to school travel and transport and sustainable travel.
45. The local authority's transport duties apply in respect of arrangements for young people aged 16-18 years and those continuing learners up to 19 years. Under Section 509(AA) Education Act 1996 the local authority has a duty to set its own transport policy, details of transport arrangements and financial assistance in respect of reasonable travelling expenses that the local authority considers it necessary to ensure access to education or training for learners of sixth form age. The local authority must publish the statement before the 31 May and publishing by that date would demonstrate adherence with the law.

46. Section 509 (AB) (1) Education Act 1996 requires local authorities to set out how their transport statement facilitates the attendance of young people with SEND.
47. Local authorities must publish their transport policies on their “local offer” as required under s30 of the Children and Families Act 2014.
48. The local authority has a legal duty to ensure that any decision it makes is transparent and has been made applying the Wednesbury principles and has a rationale for the decision made. When carrying out a consultation certain guiding principles (‘The Gunning principles’) must be followed. The Gunning Principles are a set of rules for public consultation that were proposed in 1985 by Stephen Sedley QC and accepted by the Judge in the Gunning v LB of Brent case, which was a case that centred on a school closure consultation. Prior to this very little consideration had been given to the laws of consultation. In delivering his judgment, Sedley defined that a consultation is only legitimate when these four principles are met:
  - Consultation must take place when the proposal is still at a formative stage
  - Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response
  - Adequate time must be given for consideration and response
  - The product of consultation must be conscientiously taken into account

#### *Section 151 Officer/Finance*

49. The current arrangements for providing travel support for children and young people are unsustainable. The transport budget accounts for almost 20% of the budget for children’s services. Any savings made against this budget will be reinvested into children’s services and used to target those children and young people most in need.
50. Budget proposals relating to the transformation of travel support form part of the council’s medium term financial strategy 2023-27 (MTFS 24). This included funding a net increase for home to school transport costs of £5.4m over the next four years, but changing eligibility criteria to maintain a sustainable service. These proposals are a key part of this change and would help realise a proportion of savings that are included in the £2.1m proposed savings, which are included within the net +£5.4m MTFS, over the next four years.
51. The 2024-25 MTFS includes a proposed additional savings target of £0.4m relating to post-16 travel support. This discretionary transport is being reviewed to consider alternative arrangements, as outlined in this paper, in order to deliver the MTFS saving.
52. A breakdown of the school transport budget for 2023/24 is set out below:

Budget Area	£'000
Direct Transport - Home to School Contracts	15,237
Commissioning Budget - School Crossing Patrol & Flexi link	395
Staffing	525
Spare Seat and Post 16 Income	-57
Further Mitigation - Challenge process SEND	-500
Estimated savings put forward by Edge	-545
<b>Total Budget</b>	<b>15,055</b>

### Financial implication of amending policy for post-16 students

53. The annual spend for post-16 students was £1.342m in 2022/23 with current spend forecast to be £1.355m for 2023/24; this figure does not include any post-19 students. Most of the 130 16-19 year old students receive transport, although some do share with post-19 / compulsory school age children, and a number already take the PTB option. Parental contributions for 110 students result in income of £49,500 per annum.
54. If all 16 to 19 year old students were offered and took up a standard PTB the spend would reduce to approximately £596k per annum. Considering the loss of income from the parental contribution being removed, the council could achieve a net saving of approximately £709.5k.
55. If the council continued providing existing services but decided to increase the parental contribution from £450 to £900 per annum from September 2024, the additional income would be £28,875 in 2024/25 and £49,500 in 2025/26, based on the current cohort.
56. If only half of the current cohort converted to PTB with the rest remaining on transport, savings could still be achieved in the region of £355k, plus any additional parental contribution charges if an increase were applied.

### Financial implication of raising spare seat charge

57. There are currently 45 students who are ineligible for free transport but purchase a spare seat at a cost of £460 per annum. An increase to £900 from September 2024 would generate additional income of approximately £11,550 in 2024/25 and £19,800 in 2025/26 based on the current cohort.

### Financial implication of amending policy for pupils under 5 years old

58. Changing policy to end travel support for under 5s would have little impact on the number of journeys undertaken as they are usually travelling on transport with older eligible pupils. If charging was introduced in line with the above up until the term after the child's 5<sup>th</sup> birthday additional income is estimated at £27,200 for 2024/25 and £40,500 for 2025/26.
59. Below is a summary of the various options detailed above. These estimates are based on current child numbers, as this is an activity based service these figs can only be estimates based on current information.

Option	Potential change	Estimated savings/income in 2024/25 financial year (7/12ths)	Estimated savings/income in 2025/26 financial year
<b>A</b>	<b>Post-16 all PTB</b>	£413,870 saving	£709,500 saving
<b>B</b>	<b>Post-16 increased charge for all</b>	+£28,875 income	+£49,500 income
<b>C</b>	<b>Post-16 – 50% PTBs and 50% increased charge</b>	£206,930 saving +£14,438 income	£354,750 saving +£24,750 income
<b>D</b>	<b>Spare seat increase</b>	+£11,550 income	+£19,800 income
<b>E</b>	<b>Charge for under 5s</b>	Up to £27,200 income	Up to £40,450 income

### *Policy*

60. If the recommendations in this paper approved, it would require a change in the school transport policies.
61. This proposal support's the following council's priorities and aims.

<p><b>An open and enabling organisation</b></p> <p>Ensure that there is transparency in all aspects of council decision making</p> <p>Listen, learn and respond to our residents, promoting opportunities for a two-way conversation</p> <p>Support a sustainable financial future for the council, through service development, improvement and transformation</p>	<p><b>A council which empowers and cares about people</b></p> <p>Ensure all children have a high quality, enjoyable education that enables them to achieve their full potential</p>	<p><b>A thriving and sustainable place</b></p> <p>A transport network that is safe and promotes active travel</p>
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### *Equality, Diversity and Inclusion*

62. An equality impact assessment has been completed in relation to the proposed changes.

### *Human Resources*

63. There are no HR implications as a result of these recommendations.

### *Risk Management*

64. A risk management framework has been established as part of the transformation programme for travel support.
65. There is a risk that initially moving to PTBs for 16-19 year olds will create additional administration work and increase the number of appeals. This can be mitigated by administration savings through the collection of charges through direct debit and the experience of other councils shows that appeals decrease over time and the process can be streamlined.
66. There is a risk that the service may not meet the PTB conversion rate immediately due to the number of journeys to establishments outside the borough. The service is looking at ways to mitigate this by improving local provision and therefore reducing the need for long journeys.

### *Rural Communities*

67. Children and young people across all areas of Cheshire East access travel support. However, as the statutory provision of free home-to-school transport is based on distance to school, residents in rural areas of the borough are more likely to be eligible for travel support and therefore affected by any changes. Children living in rural communities often rely on travel support to access their learning and any proposals to improve the delivery and customer experience for these services supports these rural communities.
68. If members chose to approval the proposal for the removal of free transport for children under 5 year olds, this could have a disproportionate effect on children in rural communities as they constitute the majority of pupils who currently receive transport in this cohort. Any decision to change policy should take this into consideration.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

69. Children, young people, and their parents are key stakeholders in the transformation programme. The transformation of travel support aims to improve travel options for eligible students.

### *Public Health*

70. The provision of walking and cycling routes to school and promoting active travel, including safer walking routes to school is in line with our Public Health priorities. Extending and improving the travel options available to eligible students could encourage more active and healthy methods of getting students to school.

## *Climate Change*

71. These recommendations will have a limited impact on the environment, and we are actively promoting healthier and greener journeys to school.

<b>Access to Information</b>	
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Appendices:	Not applicable
Background Papers:	The current school transport policies can be found at: <a href="#">School transport policies (cheshireeast.gov.uk)</a>