

Cabinet

Date of Meeting: 08 May 2018

Report Title: Post 16 Travel Policy Statement for 2018/19

Portfolio Holder: Cllr Jos Saunders – Children and Families

Senior Officer: Mark Palethorpe, Acting Executive Director of People

1. Report Summary

- 1.1. On 10 October 2017 Cabinet approved a period of public consultation regarding a new suite of travel policies planned for implementation from September 2018. This included the Post 16 Travel Policy Statement for 2018/19.
- 1.2. This report presents the outcome of that consultation together with the Council's response to the issues raised and proposals for policy variations as a result of this feedback. It also proposes a number of mitigation measures that could be implemented in order to help ameliorate the impact on some stakeholders.
- 1.3. The aim of the revised policy has been to ensure that we provide transport in accordance with the statutory duties of the Local Authority. Discretionary travel will only be included where there is a strong business case to support this. This will result in savings which will contribute to the proposals approved within the medium term financial plan.
- 1.4. The post 16 travel statement has been updated to provide greatly improved information on how all post 16 pupils can travel to school or college, with information from schools and colleges and details of the financial support that may be available to them.
- 1.5. There are 696 children and young people with SEND who are currently receiving travel support with 323 (46%) children or young people with SEND attending schools outside of the borough.
 - 1.5.1. 163 out of the 696 are Post 16 young people with 63 educated within the borough and 100 (61%) outside of the borough.
 - 1.5.2. 34 of the 163 are adult learners (19-25 years) with an EHCP who will not be affected by the proposed changes

1.5.3. 81 of the 163 share transport with children under 16 who receive home to school travel assistance

1.5.4. The cost of transporting the 163 young people in 2017/18 is estimated at £1.1m

1.6 The policy review is part of the wider strategic review of transport which is based on the three priorities:

1.6.1 Ensure an appropriate suite of transport policies

1.6.2 Ensure travel arrangements are provided efficiently.

1.6.3 Ensure organisational management overview, structure and processes operate efficiently

2. Recommendations

It is recommended that Cabinet:

2.1. Note the outcomes of the consultation in respect of the updated Post 16 travel policy statement for 2018/19.

2.2. Agree that the revised travel policy statement be published by 31 May 2018. It is a statutory duty to publish the annual statement by the 31 May each year.

2.3. Agree that the revised travel policy statement be implemented with effect from 1 September 2018

3. Reasons for Recommendations

3.1. It is a statutory duty to publish the annual Post 16 travel policy statement by 31 May each year. The provision of free or subsidised travel for Post 16 students is not a statutory duty. The DfE issued new guidance, which provided greater clarity, in October 2017. Nevertheless this council will continue to provide discretionary travel for pupils with an EHC plan who meet the eligibility criteria.

3.2. The principles adopted in the revised policies include those to:

- Promote use of sustainable modes of travel arrangements to school
- Promote and sign post learners to travel options and assistance that are available to them either via public transport or via their chosen Post 16 education provider
- Meet our statutory duty and remove discretionary assistance.

- Meet the assessed needs of young people and adult learners with an Education and Health Care Plan.
 - Provide travel assistance which meets assessed need through the lowest cost option.
 - Better utilise the offer of direct payments, where acceptable to parents/carers, if this is a lower cost option.
 - Change the onus from the Council providing fully funded travel support.
- 3.3. All Post 16 education providers in the borough have been involved in the refreshing of the policy statement. This was done via a workshop on 8 November 2017 and subsequent incorporation of position statements from each provider in respect of their transport offering. Of particular note was the highlighting of exemplar sections from the statements of neighbouring authorities for inclusion in the revised statement.
- 3.4. All post 16 education providers in the borough were contacted about the travel support they can offer to post 16 learners and this information was also included in the draft policy statement prepared for consultation.
- 3.5. The recognition of public responses as expressed during the consultation is important to demonstrate transparency in the decision making process and a genuine commitment to ensure full engagement leading to more effective implementation.
- 3.6. The amendments made to the travel policy statement, and the mitigation/implementation measures proposed, demonstrate that the Council has listened and responded to the concerns raised, where it is practicable to do so within the budgetary constraints facing the authority.
- 3.7. The following section of this report provides a summary of the changes proposed and any mitigation/implementation measures.

4. Post 16 Travel Policy Statement 2018/19

4.1 Proposal 1

To align eligibility to be the same as that applied to Pre 16 learners with an Education and Health Care Plan (EHCP). Cabinet approved the change in the eligibility definition for Pre 16 learners on 13 March 2018. To be eligible, the student “cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability”.

Mitigation

There will be phased implementation with all new applications assessed on this basis. Ultimately any existing arrangements will be reviewed through the annual review of the Education and Health Care Plan (EHCP) or when circumstances change

4.2 Proposal 2

Independent Travel Training for pupils with special educational needs may be made available where the LA deems this appropriate in consultation with parents.

4.3 Proposal 3

Applications for Post 16 travel assistance are made bi-annually, or when circumstances change, and be supported by appropriate evidence. Parents have the duty to inform the council of any change in circumstances – positive or negative.

Mitigation

All applications will be considered case by case based on pupil needs.

4.4 Proposal 4

Learners/parents/carers are expected to contribute to the costs of travel incurred by the Council and this contribution will be comparable to the costs incurred by other post 16 learners who are not eligible for assistance and therefore will not disadvantage any group. For the year 2018/19 this contribution will be set at £450 per annum with flexible payment options available. Adult learners (19-25) are an exception – see proposal 6.

Mitigation

The contribution will be implemented from 1 September 2018. It will be a contribution towards the cost of providing travel assistance and will be payable by all 16-19 learners in receipt of home to school travel excluding those in receipt of a Personal Travel Budget agreed through the Education Travel Direct Payments Policy. Flexible payment terms are expected to include termly payments as with the purchase of spare seats on school buses.

4.5 Proposal 5

A parent/carer/learner can apply for a Personal Travel Budget where the overall cost is less than any alternative means of travel to the nearest suitable publicly funded sixth form school/ college. This applies to

learners with an EHCP aged 16-18 or those aged 19 who are continuing education started before their 19th birthday.

4.6 Proposal 6

Continue to provide free transport to adult learners (aged 19-25) with an EHCP who prove that they need travel support. We cannot offer a financial contribution for these cases and must arrange and pay for travel, as per legislation.

4.7 Implementation

The new arrangements will apply for all new applicants attending school/college from 1 September 2018

5. Other Options Considered

5.1. There are no other options since it is a statutory duty to publish the annual Post 16 travel policy statement by 31 May each year.

6. Background

6.1. Local authorities have a statutory duty under the Education Act 1996 to prepare and publish an annual transport policy statement specifying the transport arrangements it considers are necessary to ensure learners of sixth form age are able to access the education or training of their choice and to provide support where this is assessed as necessary

7. Implications of the Recommendations

7.1. Legal Implications

7.1.1. Local authorities have a statutory duty under the Education Act 1996 to prepare and publish an annual transport policy statement specifying the transport arrangements it considers are necessary to ensure learners of sixth form age are able to access the education or training of their choice and to provide support where this is assessed as necessary

7.1.2. The legislation gives local authorities the discretion to determine what transport and financial support is necessary.

7.1.3. Local authorities also have a statutory duty under the Education and Skills Act 2008 to assist young people with SEND up to the age of 25 in education and training. Information about what transport arrangements are available for these young people is also included in the transport statement.

7.1.4. The Council has taken account of the DfE statutory guidance “Post 16 transport to education and training”, October 2017, in formulating its post 16 transport policy statement.

7.2. Finance Implications

7.2.1. In 2014/15 the Council’s transport functions were transferred to a wholly owned company (Transport Service Solutions Ltd). The management fee paid to the company, of £8.9m annually, covers home to school transport for mainstream and SEND pupils.

7.2.2. The Council’s Medium Term Financial Strategy includes a target saving of £570,000 for 2018/19 and 2019/20 through a number of changes including these proposed changes to education travel policies, the Available Walking Routes programme and more cost effective provision of travel arrangements.

7.2.3. The financial implications of the proposed policy changes have been assessed based on November 2017 data provided by TSS Ltd. The combined cost savings and income generated are estimated to be £84k/annum by 2020 due to the proposed transitional arrangements.

7.2.4. The Council’s three year medium term financial strategy assumes that the savings from school transport will be delivered to enable the Council to maintain a balanced budget.

7.3. Equality Implications

7.3.1. The high level equality impact assessment was published alongside the consultation documents and will now be updated to reflect the final policy statement.

7.4. Human Resources Implications

7.4.1. Appropriate training is planned for all staff, especially front line, who will be required to implement the revised policy.

7.5. Risk Management Implications

7.5.1. The increasing pressures upon Council funding and the increasing demands on transport requires the Council to consider all transport processes.

7.6. Rural Communities Implications

7.6.1. The implications for rural communities do not change. The price of a spare seat for learners is the same irrespective of route or distance to school/college.

7.7. Implications for Children & Young People

7.7.1. The policy statement will apply to all young people aged 16 plus in education.

7.8. Public Health Implications

7.8.1. The public health implications will be considered as part of the corporate sustainable mode of travel strategy update which will examine and promote the healthiest way of travelling to school.

8. Ward Members Affected

8.1. The implications of this report are borough-wide.

9. Consultation & Engagement

9.1. The public consultation that has been undertaken ran from 14 February to 6 April 2018. A total of 20 completed responses were received from individuals. A detailed consultation report is included as Appendix A.

9.2. Appendix B lists the Council's responses to the concerns and issues raised; separated into a number of key themes which emerged from the feedback. This appendix also highlights where changes to the draft policy statement have been made as a result of this feedback.

9.3. The changes that will be made as a direct result of the consultation comments include:

- Greater emphasis on cycling as a mode of transport with signposting to both Sustrans.org.uk and Cyclinguk.org.uk.
- The requirement to apply for travel support on an annual basis will be changed to a bi-annual frequency or when circumstances change with an obligation on parents to advise CEC of such changes.
- The incorporation of the Direct Payments policy for post-16 learners to give greater choice and flexibility to parents
- Confirmation that the council will continue to make travel arrangements for 16-19 year old learners with SEND and an EHCP who are eligible for travel assistance
- Continue to provide free transport to adult learners (aged 19-25) with an EHCP who prove that they need travel support

10. Access to Information

10.1. Appendices A & B give details of the consultation that was undertaken and the council's response to that feedback respectively.

11. Contact Information

11.1. Any questions relating to this report should be directed to the following officer:

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