

**Decision maker:** Cabinet Member for Education

**Subject:** Home to school/college transport

**Date:** 10<sup>th</sup> July 2017

**Report from:** Alison Jeffery, Director of Children's Services

**Report by:** Julia Katherine, Head of Inclusion

**Wards affected:** All

**Key decision:** No

**Full Council decision:** No

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**1. Purpose of report**

- 1.1 The purpose of the report is to consider responses to the home to school/college transport consultation and identify areas for change to the Home to School Transport Policy and Post 16 Learners Statement in order to further address the continuing overspend of this budget. The proposed changes relate only to discretionary support and do not affect the council's delivery of its statutory responsibilities for home to school/college transport.

**2. Recommendations**

- 2.1 **It is recommended that the Cabinet Member for Education agree the following changes to the Home to School Transport Policy and Post 16 Learners Statement:**
- (i) **That the age range is lowered for eligible post 16 students (those with significant and exceptional needs) from 16-25 years to 16-19 years, in line with other Local Authorities, as from 1<sup>st</sup> September 2018. For those in Year 14 who meet the exceptional circumstances criteria and who start their college course in September 2017, the council will continue to provide transport assistance until July 2019.**
  - (ii) **That the council ceases to provide transport for new placements of nursery age students who attend specialist nursery schools as from 1<sup>st</sup> September 2018. All those children who currently receive transport assistance and who continue to meet the criteria will continue to be able to make an application for each year that they attend specialist nursery provision. Applications are made on an annual basis.**

- (iii) That the cost of privilege places on a minibus or taxi is increased from £495 per annum to £750 per annum as from 1<sup>st</sup> September 2018.
- (iv) That a two tier financial contribution of £495 per annum for low income families of post-16 students and £600 per annum for families of post-16 students who do not meet the criteria for low income, is introduced as from 1<sup>st</sup> September 2018.
- (v) That the points threshold for automatic entitlement to home to school/college transport is raised from 60 points to 70 points as from 1<sup>st</sup> September 2018. For those who are currently in receipt of this entitlement, this will continue until the end of their Key Stage or end of post-16 education, if they continue to meet criteria.

### 3. Background

- 3.1 Local Authorities have a statutory duty to provide transport to students as detailed in the Department for Education [Home to School Travel and Transport Guidance](#) and [Post 16 Transport to Education and Training](#). In addition, Portsmouth City Council has an agreed [Transport Policy](#) and Post 16 Learners Statement in respect of local transport arrangements for assisted travel to school or college.
- 3.2 In 2014 Portsmouth City Council undertook a consultation with stakeholders on all non-statutory travel assistance. The purpose of the consultation was to ensure effective use of funding and make savings to the transport budget, which was previously overspent by £365,000. The revised policy was published in May 2014 and resulted in a £200,000 saving between the financial years 2013/14 and 2015/16.
- 3.3 In February 2017 a further consultation was undertaken to help reduce expenditure further. The following possible options were proposed:
  - 1. Withdrawal of transport to students over the age of 19 years old
  - 2. Removal of transport to specialist nursery provision
  - 3. Increase the cost of privilege places from £495 to £750
  - 4. Introduce a change to the financial contributions made by post-16 students (3 options)
  - 5. Increase the points threshold from 60 to 70 for automatic entitlement to transport.
- 3.4 A recent focus report by the Local Government Ombudsman [LGO] entitled "*Learning Lessons from Complaints*" dated March 2017 outlines an increase in complaints about school transport issues. Most of these relate to failures in process including failure to consult or inform parents of proposed changes to policy; lack of clear information to enable parents to make properly informed decisions; inadequate or poorly communicated

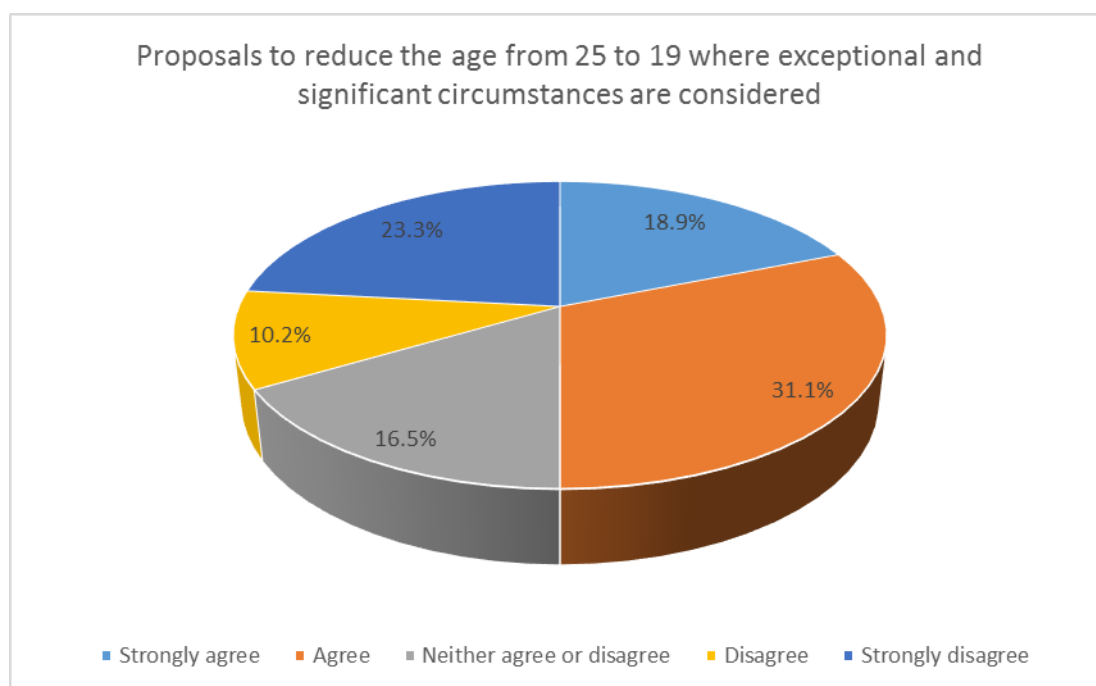
decision making for children with special educational needs; failing to consider health and safety problems associated with their educational needs and disability when considering eligibility for transport. The recommendations of the LGO will be considered in any changes to the Home to School Transport Policy and Post 16 Learners Statement.

- 3.5 Parents/carers schools and other stakeholders were made aware of the consultation which ran from 10<sup>th</sup> January 2017 to 20<sup>th</sup> March 2017. A total of 210 individuals participated in the consultation. 61.4% of those who responded do not currently access home to school or home to college transport. A full analysis of the consultation is attached at [Appendix 1](#) and a summary is given below in Section 4 of the report.

#### 4. Outcome of the consultation

##### **Option 1: To lower the age range for eligible post 16 students (those with significant and exceptional needs) from 16-25 years to 16-19 years, in line with other Local Authorities**

- 4.1 50% of those who responded to the consultation strongly agreed or agreed to the reduction to the to the age limit from 25 years to 19 years. 33.5% disagreed or strongly disagreed with the change.



- 4.2 When respondents were presented with a list of 6 options, this was one of the most prominent with 69 respondents indicating that this was their first or second preference.
- 4.3 In this instance few comments provided any adequate alternative to the proposal and mainly centred on how cuts should be made to other

services before affecting home to school/college transport or how small money making activities could be undertaken to raise the required funds.

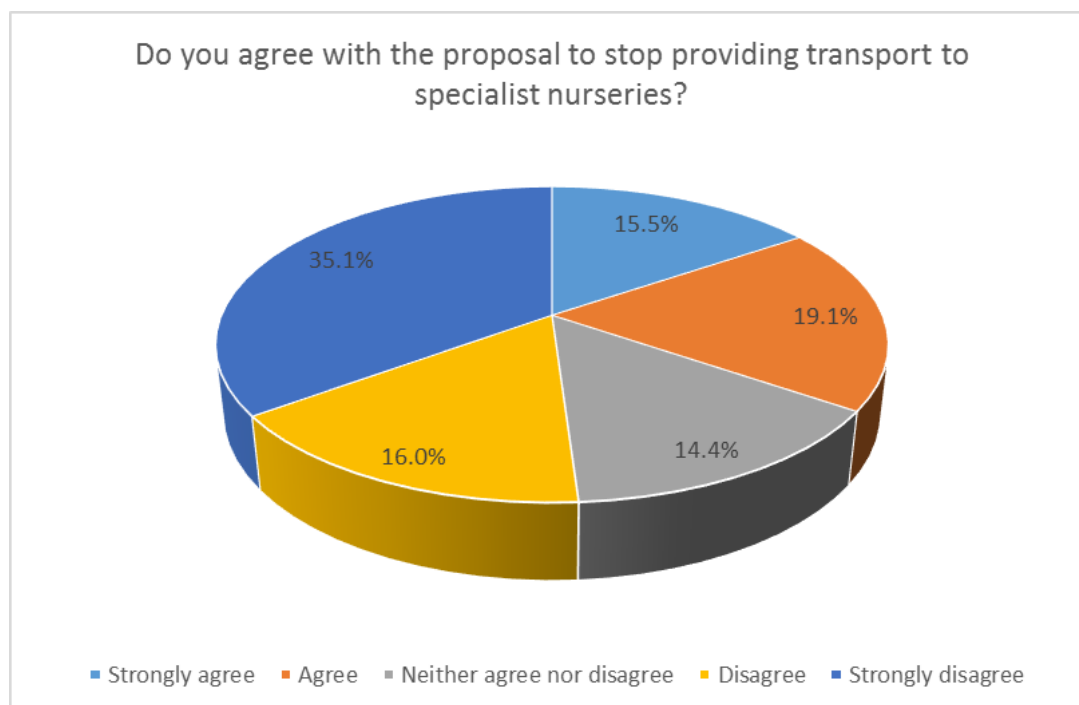
- 4.4 Changes to the Post-16 Learners Statement so that students over the age of 19 years can no longer apply for transport to college could save approximately £75,000 per annum.

### **Option 1 considerations**

- 4.5 It is recommended that any changes to the arrangements for post-16 learners are implemented from September 2018 as some students will have already chosen their college course for September 2017.
- 4.6 Consideration should be given to allow some students two years to finish a course that they start in September 2017. This would mean some students age 19-25 would continue to receive transport for the next 2 years (until July 2019).

### **Option 2: to cease transport for nursery age children who attend specialist nursery schools**

- 4.7 51.1% of respondents disagreed or strongly disagreed with this option, but there were few alternative suggestions to influence decision making.



- 4.8 When respondents were presented with a list of 6 options, this was the least popular option with only 23 respondents indicating that this was their first or second preference. Respondents commented:

- 15 respondents suggested that parents should make a financial contribution to the cost of transport
- 1 respondent suggested that a specialist nursery in the south of the City should be opened
- 1 respondent suggested providing more SEN trained staff in nursery schools
- 1 respondent suggested offering a one way service.

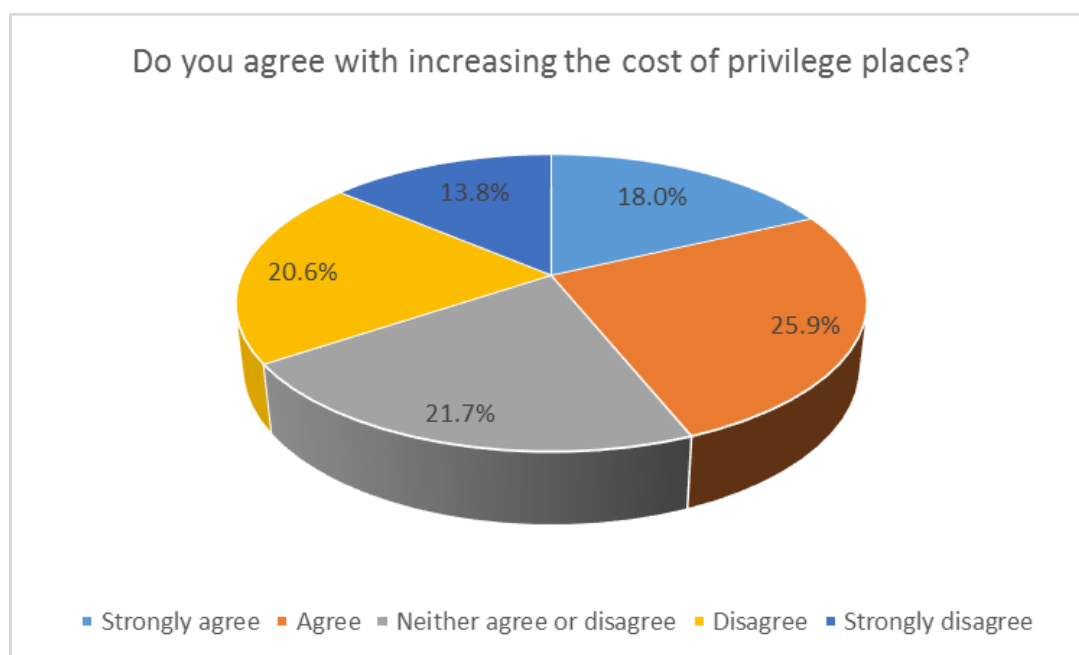
4.9 Based on 2016/17 figures ceasing transport for nursery age children could save approximately £100,000 per annum, by 2019-20.

### **Option 2 considerations**

- 4.10 It is suggested that this change is introduced for new placements so that parents are aware that there will not be transport assistance provided when they make a decision about whether to take up the offer of a specialist nursery place.
- 4.11 It is suggested that children who are already attending specialist nursery provision should continue to be allowed to make applications for transport under the exceptional circumstances criteria until they reach statutory school age.

### **Option 3: to increase the cost of a privilege place on a minibus or taxi from £495 per annum to £750 per annum**

- 4.12 Portsmouth City Council currently offer parents/carers the opportunity to purchase empty seats on mini buses and taxis which are already contracted to run to schools, special schools and colleges.. This option is not means tested. Parents/carers are made fully aware that students will need to give up a purchased seat if it is required for a student with a statutory entitlement. Currently 32 students purchase a privilege place.
- 4.13 Overall, more respondents agreed/strongly agreed (43.9%) than disagreed/strongly disagreed (34.4%) with the increase in cost of a privilege place.



4.14 Of those who disagreed, there seemed to be a general feeling that the saving was too small to warrant the increase.

4.15 An increase in the cost of a privilege place from £495 to £750 would generate approximately £8,160 on top of current income.

#### **Option 4: introduce a change to the financial contribution made by post-16 students (3 options 4a-4c)**

##### **Option 4a: to increase the financial contribution made by post-16 students from £495 per annum for families who do not meet the criteria for low income**

4.16 Currently, Portsmouth City Council provides 62 post 16 students with travel to college. 24 students make a financial contribution, generating an income of £11,880 per annum.

4.17 An increase in the cost of parent contributions from £495 per annum to £600 per annum would generate approximately £2,520 on top of the current income.

4.18 When respondents were presented with a list of 6 options, this was one of the most prominent options with 60 respondents indicating this as their first or second preference.

##### **Option 4b: to introduce a flat rate charge of £600 per annum for all families of post-16 students regardless of income**

4.19 If every student were asked to make a contribution of £600 per annum, Portsmouth City Council could raise an additional £25,320 per annum based on current numbers.

- 4.20 When respondents were presented with a list of 6 options, this was one of the least popular options with 30 respondents indicating this as their first or second preference.

**Option 4c: to introduce a two tier financial contribution of £495 per annum for low income families of post-16 students and £600 per annum for families of post-16 students who do not meet the criteria for low income**

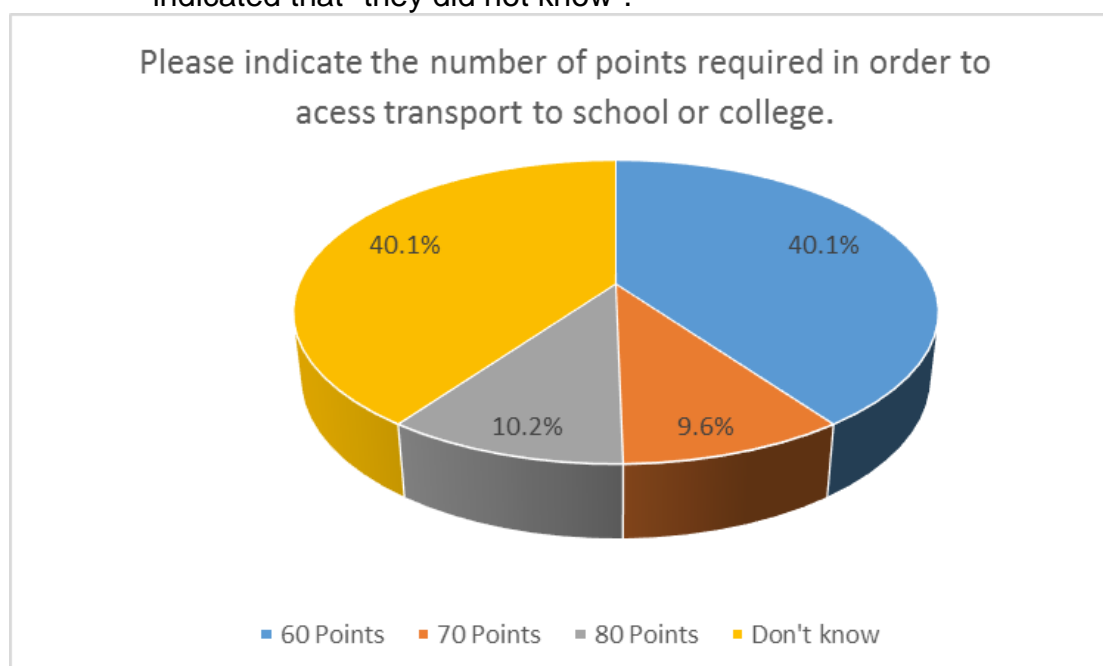
- 4.21 Currently an income of £11,880 is generated from financial contributions by post 16 students. If Portsmouth City Council introduce Option 4c, an additional £21,330 per annum could be generated.
- 4.22 When respondents were presented with a list of 6 options, this was one of the most prominent choices with 63 respondents indicating that this was their first or second preference.

**Considerations for Options 3 and 4a-c**

- 4.23 Implementing one of the options above could result in PCC pricing themselves out of the market and ending up with empty seats on home to school transport which would have been filled with a contribution to cost in past years.

**Option 5: to raise the points threshold for automatic entitlement to home to school / college transport from 60 points to 70 or 80 points**

- 4.24 The results relating to a change in the points required to access transport was inconclusive, although 40.1% indicated that the current 60 point threshold should remain, however, the same number of respondents indicated that "they did not know".



- 4.25 Currently, 101 students are assessed as having 60 points or more and therefore meet the threshold for automatic transport to school or college.
- 4.26 If the points threshold for automatic entitlement was increased to 70 points the number of students with automatic entitlement would reduce to 20 students.
- 4.27 If the points threshold for automatic entitlement was increased to 80 points the number of students with automatic entitlement would reduce to 5 students.

### **Considerations for Option 5**

- 4.28 To ensure a smooth transition and taking account of the report from the Local Government Ombudsman '*Learning Lessons from Complaints*' March 2017 guidance it is recommended that this change should be introduced from 1<sup>st</sup> September 2018, and also that existing students who are in receipt of this entitlement should have it continued until the end of their Key Stage or end of post-16 education.

### **Additional information**

- 4.30 Further pressures or areas which will impact on transport budgets include:
- training costs for passenger assistants
  - 1% cost of living increase for passenger assistants
  - requirement to tender contracts - this is likely to increase costs as there have been no increases for 5 years.

### **Reasons for Recommendations**

- 4.31 The recommendations to reduce the discretionary costs to the council are set out in section 2.1 of the report and reflect the considerations and additional information provided above.
- 4.32 The proposed new Home to School Transport Policy and Post 16 Learners Statement are attached at Appendix 2.

## **5. Equality impact assessment**

- 5.1 An equality impact assessment is attached at Appendix 3.

## **6. Legal Services' comments**

- 6.1 The Council has a duty to make such travel arrangements as they consider necessary to secure suitable home to school transport arrangements are made for eligible children in accordance with s.508B.



This relates to children of compulsory school age (5 - 16) and ensures transport is free. Section 508C of the Act gives the Council discretionary powers to make school travel arrangements for other children not covered by section 508B. Such transport does not have to be provided free of charge. Under s.509A the LA has a discretionary power to provide pre-school children with assistance with school transport. In deciding to do so the LA must be satisfied that without such assistance a child would be prevented from attending the specialist setting.

- 6.2 In making those arrangements, regard must be had to the statutory guidance issued by the DfE. The current guidance is in the 2014 "Home to school travel and transport guidance." The guidance recognises that it is for the individual LA to decide how they apply their discretion and that LAs will need to balance the demands for a range of discretionary travel against their budget priorities. All arrangements made must be published by the LA.
- 6.3 There are further provisions for young persons (aged 16 - 18) and those continuing learners who started their programme of learning before their 19<sup>th</sup> birthday. These persons are defined as "persons of sixth form age". Under s.509AA LAs must prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the authority considers necessary for facilitating the attendance of persons of sixth form age receiving education or training at schools, FE institutions and higher education institutions maintained or assisted by the LA. This statement must include the arrangements the LA consider necessary for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training. The LA must publish the statement on or before 31<sup>st</sup> May in the year in which the academic year begins.
- 6.4 In considering what arrangements it is necessary to make for persons of 6th form age, Local Authorities must have regard to: the needs of those for whom it would not be reasonably practicable to attend education/training if no arrangements were made; the need to secure reasonable choice; distances, journey times, cost of transport; and the Local Authorities duty to enough suitable education/training for persons of 6th form age, having particular regard to a person's age, ability, aptitudes and any learning difficulties they may have.
- 6.5 Section 509AB (further provision about transport policy statements for persons of sixth form age) requires the policy statement prepared under section 509AA to state to what extent transport arrangements include arrangements for facilitating the attendance at these establishments of disabled persons and persons with learning difficulties.
- 6.6 In preparing the post-16 policy statement, the LA must have regard to the statutory guidance from the DfE of 2014 "Post-16 transport to education and training."

- 6.7 When considering the recommendations in this report, the decision maker must ensure stakeholders likely to be affected by the proposals have been adequately consulted, at a time when the proposals are still at their formative stage and have been provided with sufficient information to enable them to properly understand the proposals being consulted upon and given adequate time to consider and respond. The responses must be given genuine and conscientious consideration before a final decision is made.
- 6.8 As part of its decision making process, the Council must have “due regard” to its equalities duties. Under Section 149 Equality Act 2010, the Council in exercise of its school and further education transport functions, must have “due regard” to the need to eliminate unlawful discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and foster good relations between persons who share a relevant protected characteristic and persons who do not share it .The relevant protected characteristics are age, gender reassignment, disability, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The decision maker is required to give serious and substantive consideration to the adverse impact (if any) the proposals would have on the protected groups and, if there would be such adverse impact, to what mitigating factors can be put in place. This exercise must be carried out with rigour and an open mind.

## **7. Finance comments**

- 7.1 The expenditure on supporting Home to School/College transport has exceeded the available budget provision in each of the past five years. In 2016-17 actual expenditure exceed the budget provision by £207,000,
- 7.3 The report contains a number of proposals which seek to reduce discretionary areas of expenditure in relation to the Home to School and College transport arrangements; or increase opportunities to generate additional income contributions.
- 7.4 In quantifying the potential savings included within the report, the service have based their estimates on the average costs of transporting pupils across the city. Additionally, some information is based on the pupils transported in 2015-16, as this is the latest complete information available. The ability to deliver the estimated savings will be dependent on the options available to the service to alter the existing modes of transport and routes, where eligible pupils continue to be transported.
- 7.5 Whilst budgetary provision is made for general inflationary increases, the report notes there are particular cost pressures being faced in this service area and the proposals will assist in trying to mitigate these pressures and bring expenditure closer to available budget provision.

Signed by: Alison Jeffery, Director of Children's Services

## Appendices:

**Appendix 1:** Analysis of consultation feedback

**Appendix 2:** Home to School Transport Policy and Post 16 Learners Statement

**Appendix 3:** Equality Impact Assessment (EIA)

## Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Learning Lessons from Complaints, Local Government Ombudsman March 2017	<a href="http://www.lgo.org.uk/information-centre/reports/focus-reports">http://www.lgo.org.uk/information-centre/reports/focus-reports</a>
DfE Home to School Travel and Transport Guidance	<a href="https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance">https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance</a>
Post-16 Transport for Education and Training	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277016/Post-16_Transport_Guidance.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277016/Post-16_Transport_Guidance.pdf</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

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Signed by: