

Title of meeting: Education Cabinet

Subject: Home to school & college transport budget pressures

Date of meeting: 16 January 2020

Report from: Alison Jeffery
Director of Children, Families and Education

Report by: Mike Stoneman
Deputy Director, Education and Early Help

Wards affected: All Wards

Key decision (over £250k): No

Full Council decision: No

1. Purpose of report

- 1.1 The purpose of this report is to outline the ongoing pressures on the home to school & college transport budget, which are becoming increasingly difficult to manage within the overall Education and Early Help budget, and the actions that are being taken to address them.

2. Recommendations

2.1 It is recommended that the Cabinet Member:

- a) Notes the scale of the budget pressure together with the remedial actions taken by the Education & Early Help Service over an extended period in order to contain overall costs as set out in sections 3 and 4 of the report;**
- b) Note the actions and plans that the Education & Early Help Service is undertaking in 2019/20 to address existing and future budget pressures as set out in section 5 of the report and in Appendix 3.**

3. Background

- 3.1 The Education Act 1996 places a duty on local authorities to provide free home to school transport for all eligible children, which includes children with Special Educational Needs and Disabilities (SEND) and those living outside of statutory walking distance, as well as some children in receipt of free school meals and some Post-16 students.
- 3.2 Local authorities also have discretionary powers to go beyond their statutory duties and to provide transport for children who are not entitled to free transport. In doing so, they must consult with parents and must act

reasonably when determining their travel policy. Further information on eligibility criteria is shown at Appendix 1.

- 3.3 The home to school & college transport budget has been the source of considerable budget pressure for many years and obligations have consistently outstripped the budget provision, as shown in Table 1 below. It also shows that despite inflationary pressures, the average annual cost per pupil transported has only varied by less than 1% in four financial years.

Table 1: Home to school transport budget 2015/16 - 2019/20

	Budget	Actual	Overspend	%	Average annual cost per child transported
2015/16	£1,942,600	£2,103,360	£160,760	8%	£3,251
2016/17	£1,804,780 ¹	£2,011,867	£207,087	11%	£3,237
2017/18	£1,804,800	£2,181,192	£376,392	21%	£3,292
2018/19	£1,907,300	£2,181,895	£274,595	14%	£3,274
2019/20	£2,070,900				

- 3.4 The pressure on the home to school & college transport budget has come from an increase in numbers of pupils needing to be transported, as a result of the 2014 SEND Reforms. Nationally, the total national spend on home to school & college transport has increased by 6.5% between 2014/15 and 2017/18 from £1.02b to £1.08b and the proportion of councils that are overspending their home to school transport budgets has increased from 71% to 83%².
- 3.5 Over the years, the Education & Early Help Service has successfully striven to contain the transport overspend within the overall budget allocation. This has been managed by protecting the transport budget during savings rounds, by redirecting funding from other areas wherever possible, by using accumulated reserves to offset overspends at year end and by consulting on and implementing changes to the policy which has led to the removal of the majority of discretionary spending. Transport route management has also played a key part in ensuring effective use of resources. In the past two years, the following actions (as set out in Table 2) have been taken to help support the home to school budget, in addition to meeting corporate savings targets.

¹ The reduction in budget reflects expected savings following a review of eligibility criteria

² Understanding the drivers for rising demand and associated costs for home to school transport, LGA, ISOS and CCN Nov 2019

Table 2: Actions taken by the Education & Early Help Service to support the home to school & college transport budget

2018/19	£
Increase income target for EMAS service	23,300
Savings identified from Targeted short breaks underspend	25,000
Additional HTST budget from education savings	48,300
Maximise departmental inflation allowance	54,200
Total increase to HTST budget	102,500

2019/20	
Further reorganise School Improvement arrangements (in addition to the corporate saving of £20,000)	43,100
Redirect Pupil Premium grant funding to further support Virtual School Head	43,000
SEND team	12,500
Other education savings	8,400
Additional HTST budget from education savings	107,000
Maximise departmental inflation allowance	56,600
Total increase to HTST budget	163,000
Total	266,100

- 3.6 In May 2014, Portsmouth City Council introduced a revised home to school & college transport policy, following consultation with stakeholders, with the aim of ensuring effective use of funding whilst continuing to meet statutory duties. Table 3 below shows that, despite the 73% increase in EHCPs since 2014/15, the increase in those being transported has increased by 25%, whilst discretionary numbers have fallen by 68%. Transport for exceptional circumstances has reduced considerably as a result of changes in policy. A breakdown of the current figures and examples of pupils that are given discretionary funding are given at Appendix 2.

Table 3: Numbers of children transported

	EHCPs*	Statutory children transported	Exceptional circumstances (including 16-19)	19-25 year olds receiving transport assistance	Total
2014/15	955	419	266	0 or unknown	685
2015/16	1032	444	150	unknown	594
2016/17	1269	484	176	17	677
2017/18	1285	534	132	18	684
2018/19	1513	574	93	22	689
2019 (to date)	1650	524	84	19	627

*Pre 2018 includes statements of SEN

3.7 There are a number of reasons for the continuing pressure on the home to school & college transport budget. These include:

- Increased numbers of children who meet the eligibility criteria and therefore have a statutory entitlement to home to school transport assistance
- Increasingly complex needs have led to a greater need for individual taxis and escorts to prevent other pupils on shared journeys being put at risk
- Relocation of specialist provision e.g.
 - medical provision from Harbour@Milton to Harbour@Cosham has increased requirement for transport to the North of the City (4 students transported in 2016/17; 22 in 2018/19)
 - overall numbers of pupils requiring transport to The Harbour School have risen from 63 in 2015/16 to 138 in 2018/19 also in part due to the opening of the new vocational provision at the Vanguard Centre.

3.8 Despite these increasing challenges, Portsmouth is a low spender on home to school transport, both nationally and when compared to our statistical neighbours. [Table 4](#) below shows information extracted from the Section 251 benchmarking tables for 2018/19

Table 4: Home to School & College Transport - benchmarking data

2018-19 Budget LA Table (Net) £ per capita		Home to school transport
Statistical Neighbours (median)		£111
National Average (median)		£89
National Maximum		£254
National Minimum		£32
882	Southend-on-Sea	£74
851	Portsmouth	£82
874	Peterborough	£88
331	Coventry	£88
801	Bristol, City of	£93
852	Southampton	£95
831	Derby	£107
894	Telford and Wrekin	£107
373	Sheffield	£108
879	Plymouth	£118
837	Bournemouth	£162

4. Additional Burdens

4.1 Prior to September 2014 (when the SEND reforms came into force), the Education & Early Help Service had no involvement with young people over statutory school age. Since 2014 there has been an additional burden of requests for home to college transport for 19-25 year olds. Previously these

young people could have accessed college directly but the numbers have significantly increased.

- 4.2 Government guidance states that LAs have responsibility for promoting the effective participation in education and training for young people and gives authorities discretion to pay for transport for learners 16-19 and 19-25.
- 4.3 Discretionary transport for learners of statutory school age and the 16-19 age range is only awarded for those who can evidence that they have exceptional circumstances which means they need support with transport to access education e.g. very low income, difficult family circumstances, etc. These decisions are taken by Education in accordance with the published policy and criteria.
- 4.4 The requests for Post 19 are assessed and agreed by Adult Social Care in line with their statutory responsibilities, however, no funding has been made available to cover these discretionary awards of transport which last year totalled in excess of £100,000.

5. Current position

- 5.1 The Education & Early Help Service has prudently managed its budget, but despite this, the Service recorded a deficit of £120,000 for 2018/19, which it was able to fund by using brought forward reserves. The Portfolio reserve has now been reduced to £100,000, which will again be used to support the projected overspend in 2019/20, but this is likely to be the last year that the Service will have any surplus left to meet future budget pressures.
- 5.2 Officers continue to manage resources as efficiently as possible, but with the number of eligible pupils continuing to rise, and the increasing complexity of need, it is unlikely that the Service will have the ability to contain costs going forward if the offer continues as it is.

6. Actions and plans in 2019/20

- 6.1 The Education & Early Help Service, in partnership with the Transport Department, will continue to try to address and manage the home to school and college transport budget pressure. A detailed action plan has been developed which is set out in Appendix 3. Key areas of work include:
 1. **Review of home to school transport policy** - no changes proposed to the main eligibility criteria, but there will be a focus on **privilege places** and whether any changes are needed
 2. **Review of types of transport offered and a move towards greater independence** as young people move through their schooling. This area of work will also explore the use of **personal budgets** and communications with parents about the options and how we encourage more independent travel where it is appropriate to do so. The approach the council is taking is supported by the recent report by ISOS which was commissioned by the LGA '*Understanding the drivers for rising demand and associated costs for home to school transport*'

3. **Regular reviews with parents and young people** about home to school transport e.g. as part of the EHCP Annual Review and detailed planning with **Redwood Park** on the introduction of a walking bus from Sept 2020 and **The Harbour School** to consider if some pupils could be moved to bus passes and travel training
 4. **Review of transport routes** (use of *Transy* route planning software) and **deployment of passenger assistants** who are employed by the council (of which there are currently 123).
 5. **Commissioning of transport providers** - appoint *adam* and move existing contracts on to the new system, broaden the market in order to introduce new providers and load onto the system all routes from Sept 2020 inviting tenders between June and August 2020.
- 6.2 If we are not able through these actions to change the offer sufficiently to contain costs within the current budget we will need to review options both within the Directorate and corporately. At present there are no options for redirecting resources which would not impact adversely on the delivery of important statutory Directorate functions.

7. Reasons for recommendations

- 7.1 The Education & Early Help Service has successfully managed the home to school and college budget pressures following the implementation of the SEND reforms which led to the growth in demand. No budget adjustment has been done to recognise this. It is also no longer possible to redirect funding from other budgets unless we cease to provide specific services. At present the Cabinet Member is invited to note actions being taken to change the offer, as described in paragraph 6.1 above. If these actions prove insufficient to contain costs, options for additional Directorate or corporate savings will need to be considered in order to redirect resources to discharge the school transport function.

8. Equality Impact Assessment (EIA)

- 8.1 An equality impact assessment is not required as the recommendation contained within this report does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010. There is no proposal to change policy or the service to clients.

9. Legal implications

- 9.1 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 of the Education Act 1996. 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
- 9.2 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.

- 9.3 There are further provisions in s.509AA and s.509AB for young persons (aged 16 - 18), disabled persons and persons with learning difficulties, those continuing learners who started their programme of learning before their 19th birthday ("persons of sixth form age") and for young people with EHC Plans up to age 25 where they are continuing on a course started before their 19th birthday. 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 such persons.
- 9.4 Additionally, LAs have a duty under s.508F and s.508G to make such arrangements for the provision of transport as they consider necessary in respect of adults aged 19 or over and relevant young adults with an EHC Plan in certain specified circumstances. These arrangements and those stated in paragraph 9.3 above must take into account the statutory guidance issued by the DfE "Post-16 Transport and Travel Support to Education and Training" January 2019.
- 9.5 In addition to the duties under the Education Act 1996, the LA has a general duty under the Education and Skills Act 2008 to encourage, enable and assist participation of young people with SEND up to the age of 25.

10. Finance comments

- 10.1 Financial implications are contained within the body of this report

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Signed by:
Alison Jeffery
Director of Children, Families and Education

Appendices:

- Appendix 1: Eligibility for free home to school transport
Appendix 2: Discretionary Awards 2014/15 - 2019 to date and case studies
Appendix 3: Home to school project plan to address current and future budget pressures

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:

Title of document	Location
Home to school travel and transport statutory guidance	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575323/Home_to_school_travel_and_transport_guidance.pdf
Post-16 transport and travel support to education and training statutory guidance	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772913/Post16_transport_guidance.pdf
Home to school transport policy 2018	https://www.portsmouth.gov.uk/ext/schools/school-transport-and-travel
Section 251 benchmarking tables	https://www.gov.uk/guidance/section-251-2018-to-2019
Budget monitoring reports	Children, Families and Education Finance Team
LGA report 2019 Understanding the drivers for rising demand and associated costs for home to school transport	https://www.local.gov.uk/understanding-drivers-rising-demand-and-associated-costs-home-school-transport

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

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Signed by:

Appendix 1: Eligibility for free home to school transport

Local authorities have a duty to make transport arrangements as they consider necessary to facilitate attendance at school for all 'eligible' children (*DfE Home to school travel and transport guidance. Statutory guidance for local authorities. July 2014*). Children are 'eligible' for free home to school transport if they fall into one of the following categories:

1) Statutory walking distances eligibility

The Local Authority is required to provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is:

- beyond 2 miles (if below the age of 8); or
- beyond 3 miles (if aged between 8 and 16)

2) Special educational needs, a disability or mobility problems eligibility

The Local Authority is required to make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability.

3) Unsafe route eligibility

The Local Authority is required to make transport arrangements for all children who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.

4) Extended rights eligibility

The Local Authority is required to provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if:

- The nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
- The school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
- The school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

5) Discretionary eligibility

Local Authorities have discretionary powers to go beyond their statutory duties and provide transport for children who are not entitled to free transport. In these cases local authorities can make charges, paying none, part or all of the reasonable travel expenses.

6) Post 16

The policy for post 16 transport is different from that for compulsory school aged children (5-16). Although local authorities do not have to provide free or subsidised transport, when making their assessment of what is required, local authorities must act reasonably, taking into account all relevant matters, such as the needs of their population, the local transport infrastructure and the resources available.

Local authorities have a duty to publish an annual transport policy statement specifying the arrangements for the provision of transport to ensure that:

- learners of sixth form age are able to access the education and training of their choice
- if support for access is required, this will be assessed and provided where necessary

APPENDIX 2: Discretionary Awards 2014/15 - 2019 to date and case studies

Table 1: Discretionary Awards for Home to School and College Transport

	Early years	School age	16-19	Total
2014/15				266
2015/16				150
2016/17				176
2017/18	12	100	20	132
2018/19	9*	64	20	93
2019 (to date)	0	61	23	84

*other Willows pupils transported were of school age

Case Study A

Child B attends Cliffdale Special School. He had a statutory entitlement to home to school transport up until the age of 8 (children under 8 are eligible if they live more than 2 miles from school) however, this entitlement ceased as he lives under the 3 mile distance for eligibility for pupils over 8 years old (the family live 2.7 miles from school).

Both B and his mother suffer from the same genetic condition which impacts on their physical and learning abilities. Mother was in full time employment having worked hard to overcome her own additional needs. Father had been B's carer but having completed training he was looking for a job and would be unable to take B to and from school every day.

B would struggle physically to walk the distance to school. The parents considered the route unsafe for B to walk independently as he has limited awareness of stranger or road dangers and they reported that he could get lost going to the shop.

B was confident in the routine of getting the minibus to school and he would find a change to this difficult to cope with. The family were on limited income and so paying for a privilege place on the minibus, if one was available, would cause them significant hardship.

A discretionary award of transport was agreed following appeal.

Case Study B

Young person H was due to start at Portsmouth College (a Post 16 student). H has very challenging medical conditions which impact on her mobility and stamina. Her mother has been supporting her for 2 years to access school which significantly impacted on her own health and ability to work as she is a self-employed.

The only way H can access college is in a car/taxi as she wouldn't have the stamina to use other forms of public transport. She is very bright and aspires to go to university.

Mother is H's sole carer and indicated that she cannot carry on transporting H on top of all the other care she has to give and also trying to work. An application was being made for personal independent payments but this assessment had been delayed because of H's health and hospital admissions.

On appeal a discretionary award of transport was agreed for a period of 1 term to enable H to start to access college whilst her benefits were being assessed.

NB Discretionary awards of transport for Post 16s all require a contribution from parent/carers. (£200 per term or £165 per term for those of low income).