

Title of meeting: Education Cabinet

Subject: Home to School and College Travel Assistance

Date of meeting: 27 February 2020

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

Report by: Julia Katherine
Head of Inclusion, Education and Early Help

Alison Critchley
Education Business and Partnerships Manager

Wards affected: All Wards

Key decision (over £250k): No

Full Council decision: No

1. Purpose of report

- 1.1 To provide an update on the development of Portsmouth's approach to providing travel assistance and seek approval for the next stages of this work.

2. Recommendations

- 2.1 It is recommended that the Cabinet Member for Education agrees to:
- a) Consult on the revised Portsmouth travel assistance policies for children of statutory school age and post 16 learners. The revised draft policies and consultation letter are attached at Appendices 2-4.
 - b) Delegate to the Director of Children, Families and Education responsibility for finalising the updated policies taking account of feedback during the consultation period.
 - c) Note the proposed approach to the commissioning of home to school transport, where provided, which will be implemented fully from 1 September 2020.

3. Background

- 3.1 In response to feedback from young people with Special Educational Needs and Disabilities (SEND), via the annual Dynamite 'Big Bang' survey, Portsmouth City Council are seeking to consult on changes to the way that some home to school and college transport is provided to ensure that young

people are supported to develop their independence skills at a level that is appropriate to their individual abilities.

- 3.2 The Council are not proposing any changes to the eligibility criteria, so children and young people who are currently eligible for home to school and college transport assistance will still be eligible under the revised policy.
- 3.3 The rationale for reviewing our approach to providing travel assistance and commissioning home to school transport is set out in the Home to School Transport paper to Education Cabinet on 16 January 2020.
- 3.4 This paper seeks decisions on specific issues in relation to consultation on an updated travel assistance policy, and on our proposed approach to the commissioning of home to school transport.

Consultation on Revised Travel Assistance Policy

- 3.5 Portsmouth's approach to providing travel assistance is set out in the "Home to School Transport Assistance Policy and Portsmouth City Council's Transport Statement for Post 16 Learners with Special Educational Needs and Disabilities". This was updated in March 2019 and was effective from 31 May 2019. The post 16 statement covers the period 31 May 2019 to 30 May 2020 and is required to be updated annually. The policy in respect of children of statutory school age is required to be updated "regularly" but there is no requirement for an annual review.
- 3.6 The proposed updates to the policy are designed to make the guidance clearer and easier for parents and carers to understand. We are proposing to separate out the policies out into two separate documents, one relating to travel assistance for children of statutory school age (5-16) and one for post-16 travel.
- 3.7 It is important to note that no changes are proposed to the criteria for determining which children and young people are eligible for travel assistance.
 - No changes are proposed to the interpretation of the statutory criteria for travel assistance for children of statutory school age.
 - No changes are proposed to the criteria for assessing under the "exceptional circumstances" category for post 16 learners with SEND or for children of statutory school age who do not meet the statutory criteria for travel assistance.
- 3.8 The updated policies signal possible changes in how travel assistance is provided, with greater emphasis on travel arrangements that support independent travel for children and young people for whom this is a viable option, and greater use of personal budgets to allow parents to make their own arrangements to fit in with the needs of their families. This is reflected in the proposed titles which refer to "travel assistance" rather than "home to school transport", and in an extended section on the options for using a personal budget and independent travel training.

- 3.9 In addition, there are no changes proposed to the charges made to those parents who pay. Parents of post-16 learners who receive travel assistance pay £600 per year (£495 for low income families). Parents pay £750 per year for a Privilege Place.
- 3.10 The revised draft "Portsmouth Travel Assistance Policy for Children of Statutory School Age (5-16)" and "Portsmouth Travel Assistance Statement for Post-16 Learners with Special Educational Needs and Disabilities" are attached at Appendices 3 and 4. These documents have been drafted following informal consultation with a range of stakeholders including:
- officers in the education and transport teams,
 - SENCos, head-teachers, and college principals
 - parents of children with SEND via the Portsmouth Parent Voice Shaping Better Futures Together parents coproduction group.
 - Young people via Dynamite young people's group
- 3.11 It is proposed that the statutory consultation will run from 2 March 2020 to 24 April 2020. Due to Purdah, and the need to have the updated policy finalised promptly after the end of the consultation period, Members are asked to delegate to the Director of Children, Families and Education responsibility for agreeing the final policy taking account of feedback from consultation.
- 3.12 It is proposed that two aspects of the current policy are clarified:
- 3.12.1 *Children who are not yet of statutory school age:* Currently a small number of children who are ineligible for travel assistance under the statutory criteria because they are not yet of statutory school age have been receiving transport under the "exceptional circumstances" criteria. Any travel assistance that has already been agreed will continue to be provided until the end of the school year to avoid unnecessary disruption for these children and their families. From September 2020 new applications will be considered under the statutory criteria only once children reach statutory school age i.e. in the term after their fifth birthday. Parents of four year olds in Reception will be able to apply for transport under the "exceptional circumstances" criteria. No applications for assistance with travel to school or nursery will not be accepted for children who have not yet reached Reception Year.
- 3.12.2 *Children aged 8 living between 2 and 3 miles from their nearest suitable school:* These children would normally lose their eligibility for travel assistance under the Statutory Criteria on their 8th birthday. Although our policy states that this group would no longer receive transport, in practice these children have continued to receive travel assistance until the end of the school year in which they have their 8th birthday. It is proposed that the updated guidance be revised to clarify that these children are not eligible for transport under the Statutory Criteria, but that they will continue to receive free travel assistance until the end of the term after their 8th birthday. They would then be able to purchase a place on the Privilege Places scheme for the remainder of the school year, where a place is available.

4. Commissioning of Home to School Transport

- 4.1 We are working with an external company, *adam*, to introduce a new Dynamic Purchasing System to support the commissioning of transport to school and college for children with Special Educational Needs and Disabilities (SEND). We anticipate that this project will bring a number of benefits including:
- An increased number of providers offering home to school and college transport for children in Portsmouth;
 - Increased competition for business on some routes, resulting in reduced costs;
 - More straightforward systems for giving assurance that those providing home to school transport are suitably qualified, insured etc.
 - More user friendly management information about costs per route which enables new routes to be planned in a way which provides a quality service to users whilst also maximising value for money.
- 4.2 As part of this work we will need to define clear "accreditation and enrolment" criteria which taxi and mini-bus providers will need to comply with in order to be considered for work with Portsmouth City Council. It is proposed that we keep these criteria broad enough to enable new transport providers to begin offering their services, without compromising the safety, security and reliability of the service provided to children and young people in Portsmouth. In practice this will mean minimising bureaucracy by asking potential providers to, for example, confirm that they will comply with the Council's safeguarding and health and safety procedures (including providing evidence of up to date DBS checks), rather than asking them to provide their own policies, which would be more challenging for small providers and sole traders.
- 4.3 We are proposing to re-tender transport provision starting from the beginning of the new school year.

8. Equality Impact Assessment (EIA)

- 8.1 An integrated 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. The proposed changes to policy will not affect which children and young people are considered eligible for travel assistance. The new draft policy places greater emphasis on supporting more independent travel where this is a viable option, in response to the feedback we have had from young people themselves (via the annual Dynamite Big Bang survey) who tell us that they would like to develop the skills and confidence to travel to school or college independently, using public transport.

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 7 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 The encouragement to more independent travel and the flexible approach to commissioning transport should over time reduce transport costs. However there is a risk that a more personalised approach to travel and a change to how the transport is commissioned, could increase costs. Before the policies are finalised, the financial implications should be reviewed, and then monitored once in place.

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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: Draft consultation letter
- Appendix 3: Portsmouth Travel Assistance Policy for Children of Statutory School Age (5-16)
- Appendix 4: Portsmouth Travel Assistance Statement for Post 16 Learners with Special Educational Needs and Disabilities

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 |

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