

**Title of meeting:** Cabinet Member, Children Families and Education

**Date of meeting:** 23 February 2023

**Subject:** Consultation on Revised Travel Assistance Policies

**Report by:** Alison Critchley, Head of Sufficiency and Resources

**Wards affected:** All

**Key decision:** Yes/No

**Full Council decision:** Yes/No

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## **1. Purpose of report**

- 1.1 To seek approval to consult on making changes to the Travel Assistance Policy for children of statutory school age (5-16) and the Travel Assistance Statement for post-16 learners.

## **2. Recommendations**

- 1.2 It is recommended that the Cabinet Member for Children, Families and Education agrees to:
  - a) Consult on revised draft Portsmouth travel assistance policies for children of statutory school age and post-16 learners
  - b) Delegate to the Director of Children, Families and Education responsibility for preparing and issuing updated policies taking account feedback during the consultation period.

## **3. Background**

- 3.1. The Council is required to keep their travel assistance policy for children of statutory school age under regular review and are required to publish a travel assistance statement for post-16 learners on an annual basis.
- 3.2. The Council is 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 revised drafts (attached at Appendices A and B) make three main changes:



- i. **An increase in the charge made for Privilege Places:** Parents of children with an EHCP who do not meet the Statutory Criteria or the Exceptional Circumstances Criteria may apply for a Privilege Place. Privilege Places are available only where there is spare capacity in a vehicle used by children who meet the Statutory Criteria or Exceptional Circumstances Criteria. Decisions on the allocation of any Privilege Places will be taken based on the pupil's special needs and any impact on the other pupils travelling. To reflect the increased costs of transport it is recommended that the annual charge for Privilege Places be increased from £750 to £900 per year from September 2023, payable in three termly instalments of £300 per term. No change is proposed to the price charged to post-16 learners, which will remain at £600 per year (£495 for low income families).
- ii. **Greater clarity about when travel assistance will and will not be provided for families moving school in year:** The new draft policies include additional information about the circumstances in which families would receive support if there were no school spaces in their local schools when moving within a school year. An extra paragraph has been added to make clear that parents would only receive travel assistance if they had applied for at least four schools and also confirmed that they were happy to be allocated a school place at a local school by the local authority.
- iii. **Making it easier to find out about claiming a personal budget and independent travel training:** Travel assistance is provided in a variety of ways, including through the provision of personal budgets or mileage allowances, and by providing travel training. Independent travel where appropriate, or the use of a personal budget for the family to help their child/ young person get to school, can be empowering for children and families. Young people themselves have consistently told us through surveys that they want to gain the skills to be able to travel independently on public transport, not only to be able to get to school or college but also to access leisure activities. The Council therefore wants to make it easier for families to find out more about these options.

3.4. Whilst we are not proposing to change the wording of the policy, we are also proposing a change of approach for children attending Catholic secondary schools.

3.5. The Travel Assistance Policy for Children of Statutory School Age (5-16) states that "In Portsmouth the nearest "suitable" school will be the child's designated catchment school or nearer school, or qualifying special school."

3.6. In recent years the Council has taken a more flexible view of "suitable" than that stated in the policy and allowed practicing Catholic families to receive travel assistance to a Catholic school, despite there being places in nearer non-Catholic schools available.

3.7. From September 2024 the policy will be applied as written, so families would receive support only if the secondary school was their nearest school (or one of

their three nearest schools, for families on low incomes receiving support through the extended rights criteria).

- 3.8. Children who are already receiving travel assistance to attend a Catholic School, including Year 7 children starting in September 2023, will continue to receive support whilst they remain at the school. This will ensure that these children are not affected by this change in approach and also ensure the policy is applied fairly and transparently to all children seeking travel assistance.
- 3.9. It is proposed that the statutory consultation will run from 27 February 2023 to 28 April 2023. During this period the revised draft policies will be available on the Council website. The Council will also write to the local Catholic schools and the Catholic Diocese of Portsmouth to alert them to the planned changes in respect of children travelling to Catholic schools.
- 3.10. Due to the pre-election period, 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.

#### **4. Reasons for recommendations**

- 4.1. The Council is required to keep travel assistance policies under review. The proposed changes in respect of families wishing to change their child's school in-year, personal budgets, and independent travel training, as well as some other minor changes to the text, are intended to give greater clarity.
- 4.2. The change to the price charged for Privilege Places reflects the significant increase in the costs of providing travel assistance which had not previously been passed on to parents. This will come into effect from 1 September 2023.
- 4.3. There is no change in the Council's policy in respect of children traveling to Catholic Schools, but we will be changing our practice such that children who previously received a bus pass may not, in future, be eligible. When choosing to send their child to a Catholic school some distance from home some parents are likely to have assumed that a bus pass would be provided, based on previous practice. The Council is therefore proposing that this change be implemented from September 2024 for new pupils only, and that existing pupils (including those who have applied to start in Year 7 in September 2023) would receive a bus pass where eligible.

#### **5. Integrated impact assessment**

- 5.1. No changes are proposed to the eligibility criteria, and so there will be no adverse impact on children and young people who meet either the Statutory Criteria or the Exceptional Circumstances Criteria for receiving travel assistance.



5.2. The change in practice in respect of providing travel assistance to families choosing to send their child a long distance to attend a secondary Catholic School could have a negative impact on these children if it were changed without notice. This change of approach will therefore be introduced from September 2024, and children who are already attending secondary Catholic schools (including those starting in Year 7 in September 2023) will continue to receive a pass whilst at the school for so long as they are eligible.

## 6. Legal implications

- 6.1. The Education Act 1996 contains statutory duties and powers in relation to school transport. 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. When determining what is necessary, the Council must take account of local circumstances. 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.
- 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 19th 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 31st May in the year in which the academic year begins.
- 6.4. In preparing the post-16 policy statement, the LA must have regard to the statutory guidance from the DfE of 2019 "Post-16 transport and travel support to education and training."
- 6.5. The Education Act requires the Council to have regard to any parental choice of school based upon the parent's religion or belief (s.509AD) or in relation to a person of sixth form age, that person's choice based on their religion or belief (s.84 Education and Inspections Act 2006). Section 29 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination and to promote equality of opportunity between different protected groups in the provision

of services. However, paragraph 11 of part 2 of Schedule 3 of the Equality Act states that the discrimination provisions on the grounds of age, religion or belief do not extend to transport arrangements.

6.6. When considering the outcome of any decision, 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.

6.7. As part of its decision making process, and subject to the proviso given above, the Council must have “due regard” to its equalities duties including the Public Sector Equality Duty. Under Section 149 Equality Act 2010, the Council in exercise of its education 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.

6.8. It is within the powers of the Director of Children, Families and Education to make the recommendations in this report, in accordance with the Council's constitution.

**7. Director of Finance's comments**

7.1. Once the outcomes of the consultation are known, the financial consequences of the proposals should be costed to ensure that they are affordable within the Home to School Transport budget.

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Signed by:

**Appendices:**

**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



Portsmouth  
CITY COUNCIL

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

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