

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

**Date of meeting:** 22 February 2024

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

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

**Cabinet Member:** Councillor Suzy Horton, Cabinet Member for Children, Families and Education

**Wards affected:** All

**Key decision:** Yes/No

**Full Council decision:** Yes/No

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## 1. Purpose of report

1.1 To approve the updated Travel Assistance Policy for children of statutory school age (5-16) and the Travel Assistance Statement for post-16 learners for 2024/25.

## 2. Recommendations

**2.1 It is recommended that the Cabinet Member for Children, Families and Education agrees the attached Travel Assistance Policy for children of statutory school age (5-16) and the Travel Assistance Statement for post-16 learners for 2024/25.**

## 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 New DFE statutory guidance on *Travel to school for children of compulsory school age* was published in June 2023, and our guidance for children of statutory school age has been thoroughly reviewed in the light of this updated guidance. A slightly updated version of the DFE guidance was published on 25 January 2024. The guidance includes the requirement that consultation on policy changes should last for at least 28 working days during term time.

### ***Proposed changes to policies issued for consultation***

3.3 The revised draft policies respond to consistent feedback from children with special educational needs and disabilities (SEND) and their parents and carers. This is that being able to travel independently is a key skill that teenagers would like to develop,

and that access to free bus passes for the young people themselves and a companion pass for parents would be the single most important thing to supporting independence.

3.4 No changes were proposed to the eligibility criteria, so children and young people who are currently eligible for home to school and college transport assistance would still be eligible under the revised policy.

3.5 The consultation drafts proposed four main changes from the previous versions:

- i. **Information about disabled person's bus passes:** The policies included information about how children and young people with particular disabilities can apply for a disabled person's bus pass under the national scheme for concessionary bus travel, irrespective of whether they qualify for school travel assistance. The relevant pages of the council's website are also being amended to make it clearer that children aged 5-16 are eligible.
- ii. **Emphasis on preparing for adulthood:** the drafts emphasised that for children and young people in Year 9 and above the travel arrangements will take into account the need to prepare for adult life and support independence. In practice this means that where appropriate young people will be supported and encouraged to take part in independent travel training and then travel to school on public buses rather than council provided minibuses or taxis.
- iii. **Simplification and greater transparency around personal budgets:** at present parents are only notified of how much their personal budget would be if they enquire, and the sums provided are calculated based on the exact mileage between home and school.

We had proposed to introduce a banding system, anticipating that by introducing greater transparency it would encourage more families to choose a personal budget. We had also proposed to make payments monthly in advance rather than in arrears, with payments continuing to be reduced for non-attendance.

- iv. **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 was recommended that the annual charge for Privilege Places be increased from £900 to £1050 per year from September 2024, payable in three termly instalments of £350 per term. The charge remained well below the actual costs of providing a place on a minibus. No change is proposed to the price charged to post-16 learners, which will remain at £600 per year (£495 for low income families).

3.6 We also amended the wording on appeals, to bring our written policy into line with recent practice.

3.7 The draft documents were published on the council's website on 24 November and circulated to education stakeholders via the PEP bulletin in the week beginning 27 November 2023 and in January 2024, requesting any feedback be submitted by 19 January 2024. Links to the documents were also sent to families currently in receipt of a personal budget for travel assistance.

### ***Proposed changes following consultation***

3.8 Six responses were received from parents, two of whom were asking for information about how to apply next year, two were checking the eligibility criteria, one parent asked how much they would be paid if the new arrangements were introduced, and one parent advised the council that they would not require transport from March as they would be moving nearer to the school. All of the queries have been responded to individually and no further responses were received.

3.9 However, on 25 January 2024 the DFE issued Q and A guidance to support the new statutory guidance that was published in June 2023. This guidance gave a strong steer that local authorities should not pay a mileage rate above 45p per mile as this could have an impact on a parent's Universal Credit or tax if the parent could be considered to be making a profit. A banding system would create "winners" and "losers" increasing the risk of challenge.

3.10 The final draft policies therefore remove the banding proposal and all of the detail about how personal budgets would be calculated, reverting to the wording in previous policies. This states that the amount will be paid at a rate determined by the local authority at the time. The revised policies also reintroduce the option for parents to claim mileage and make clear that this is paid at a rate of 45p per mile.

3.11 These changes may affect the number of families who choose to take a personal budget or mileage allowance and the costs to the council of providing travel assistance. The exact financial implications will become clearer as travel arrangements for 2024/25 are agreed with families in the Summer Term. The financial implications will be closely monitored. Should these affect the overall transport budget position they will be reported as part of the budget monitoring reports or in a separate paper.

3.12 No other changes are proposed to the drafts that were issued for consultation. The final draft *Travel Assistance Policy for children of statutory school age (5-16)* and the *Travel Assistance Statement for post-16 learners for 2024/25* are attached at Appendices A and B for approval.

### ***Links with bus strategy***

3.13 As part of the national bus strategy colleagues in the Economy, Planning and Transport directorate are currently working on a Department for Transport funded project looking at discounts for hard to reach groups facing health and economic

barriers and improve health, community engagement, health and social welfare outcomes.

3.14 Children and young people with SEND clearly fall within this category and initial discussions have been held about whether they could be supported. This could be done, for example by providing a free bus pass to all secondary aged children with SEND who are currently receive travel assistance from Portsmouth in a council commissioned minibus or taxi so that they can gain confidence to travel by bus and move to independent travel as they get older.

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

4.1 The Council is required to keep travel assistance policies under review. The proposed changes in terms of providing information about disabled persons' bus passes, preparing for adulthood, as well as some other minor changes to the text, are intended to give greater clarity, promote independence, and support families of children with disabilities.

4.2 The change to the price charged for Privilege Places reflects the continuing increase to the costs of providing travel assistance. This will come into effect from 1 September 2024.

#### **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.

#### **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. Local authorities also have a duty under section 508A(1)(c) to promote the use of sustainable travel on journeys to and from places of education in their area.

6.2 In making those transport arrangements, regard must be had to the statutory guidance issued by the DfE. The current guidance is in the 2023 "Travel to school for children of compulsory school age - statutory guidance for local authorities". 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 The guidance states that where an authority propose changes to their school travel policy which may affect children's eligibility for transport, consultation should be carried out locally and should last for at least 28 working days during term time. Minor amendments or corrections may not require consultation.
- 6.7 In formulating its proposals, 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 Cabinet Member to make the recommendations in this report, in accordance with the Council's constitution.

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

7.1 The financial impact of the recent guidance issued by the Department for Education will need to be worked through, and any pressure resulting from this will need to be met within the existing budget.

Signed by:  
Sarah Daly Director Children, Families and Education

**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

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

.....  
Signed by Councillor Suzy Horton, Cabinet Member for Children, Families and Education: