

# Report to Cabinet

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<b>Title:</b>	<b>Home to School Transport</b>
<b>Date:</b>	Monday 4 March 2019
<b>Date can be implemented:</b>	Tuesday 12 March 2019
<b>Author:</b>	Cabinet Member for Education and Skills
<b>Contact officer:</b>	Sarah Callaghan, Director for Education
<b>Local members affected:</b>	All
<b>Portfolio areas affected:</b>	Education and Skills, and Transportation

*For press enquiries concerning this report, please contact the media office on 01296 382444*

## Summary

The purpose of this report is to seek approval to agree, following a consultation process, the adoption of the proposed changes to the Council's Home to School Transport provision. The details to support this paper are set out in Appendices 1 – 6, as listed below:

- Appendix 1 - Proposed Home to School Transport Policy
- Appendix 2 - Consultation Findings Report
- Appendix 3 - Proposed Post 16 Annual Statement
- Appendix 4 - Legislation for Home to School Transport
- Appendix 5 - Needs Assessment
- Appendix 6 - Equality Impact Assessment

The service is proposing that the Home to School Transport provision in Buckinghamshire changes as (a) increased demand is creating unsustainable budget pressures, and (b) to ensure that the Council's policy is in line with current Government guidance. In addition, it is important Cabinet notes that the level of demand for Home to School Transport has increased the budget pressure from £1.4m to £1.9m between April 2018 and November 2018.

## **Recommendations**

- 1. To note the results of the consultation and agree the changes to Buckinghamshire's Home to School Transport provision, in line with the recommended options summarised below and detailed in paragraph 12:**
  - a) Transport for Post 16 pupils with Special Educational Needs and Disability**
    - i. Remove free transport for existing and new pupils.**
    - ii. From September 2019, charges to be based on the distance from home to school as detailed within section 12.**
    - iii. Increase provision of independent travel training for eligible young people aged between 16 and 18 years old.**
  - b) Reduction of costs associated with our Home to School Transport offer**
    - i. Review the cost of all paid for transport, including mainstream.**
    - ii. Review unnecessary transport through rationalisation of routes and bus sizes.**
    - iii. Remove commissioned transport where there is a viable public route.**
  - c) Evreham and Ivinghoe arrangements**
    - i. From September 2020, remove discretionary free transport for all new pupils only.**
    - ii. Offer routes to commercial sector where appropriate.**
- 2. To agree that the revised Home to School Transport Policy (Appendix 1), produced in consultation with parent carer representatives, is adopted.**
- 3. To agree that the revised Post 16 Annual Transport Policy Statement (Appendix 3) setting out the Post 16 transport offer be adopted.**
- 4. To agree to give delegated authority to the Executive Director for Children's Services in consultation with the Cabinet Member for Education and Skills and the Cabinet Member for Transportation to:**
  - a) Update and revise both the Home to School Transport Policy (Appendix 1) and the Post 16 Annual Transport Policy Statement (Appendix 3) and undertake consultation as and when required.**
- 5. To agree that there should be a further review of the Post 16 Transport Policy in January 2020 to determine whether future policy changes are required.**

## A. Narrative setting out the reasons for the decision

### Case for Change

1. There are three key drivers that underpin the review of the Council's Home to School Transport offer as follows:
  - a) **Financial Sustainability** - The current financial position is unsustainable. Even with changes to practice and improving access to earlier support in schools, the cost for transport continues to exceed the planned budget due to increasing demand and pressures against current policy provision. It is important that the Council ensures that children and young people in Buckinghamshire are able to access quality and sustainable services. It is also worth noting that forecast pressures have increased since the launch of the consultation process and this has informed the recommendations in relation to the timeframe for implementation. As such, the recommendation in the report is to bring forward charging for Post 16 SEND students to September 2019.
  - b) **Promoting Independence** - The Council is committed to fulfilling its statutory duties in accordance with the Children and Families Act 2014, and disabled and vulnerable adults who have eligible care and support needs, as defined under the Care Act 2014. We need to make sure that young people are adequately prepared for adulthood by encouraging and enabling them to access education, as well as develop their independence.
  - c) **Environment** - As the county grows, we need to mitigate the effects of growth on our environment by introducing and implementing environmental laws and fostering good practice. Tackling air pollution and concentrating on improving air quality and cleaner transport, as well as lowering pollutants, are key elements of the sustainable modes of transport strategy.
2. The proposed changes are part of the Council's transport transformation programme to improve quality and best support residents' travel needs. The programme aims to ensure a consistent approach in the adjustment to the support offered, that mitigates any negative impact on particular cohorts of pupils and is based on the following principles:
  - Support those most in need.
  - Promote independence.
  - Provide the most cost effective travel assistance.
  - Promote and encourage the use of sustainable travel.

### Current policy and cost of Home to School Transport

3. The total annual cost of providing transport for all pupils is currently £15.1m. The categories below provide a breakdown of how the spend is apportioned.
  - a) Compulsory school age – eligible pupils under section 508B of the Education Act 1996

The existing policy covers those who are prescribed to be offered travel assistance free of charge. The annual cost of this is currently £12.7m, of which £8.8m is for children with special educational needs or a disability (SEND).

- b) Compulsory school age – supported under sections 508C and 509A of the Education Act 1996

The existing policy covers other transport categories, including assistance for those residing in Evreham and Ivinghoe under a historic arrangement and paid for travel, which the Council is currently subsidising. The annual cost of these other arrangements is currently £1.0m.

- c) Post 16 Transport – eligible pupils under section 509AA of the Education Act 1996

The existing policy supports students with SEND who have an Education, Health and Care Plan (EHCP) if they meet specific criteria. The policy also provides information of other transport options, including the transport arranged by colleges and schools, bursaries and the options for paid for transport. The annual cost for this cohort is currently £1.4m.

## **The proposal**

- 4. The Council consulted on amending its Home to School Transport policy in the following areas:
  - a) Utilise more sustainable modes of transport, including moving routes to the public network and reducing the amount of dedicated school buses.
  - b) Remove option of free school transport for those currently supported under sections 508C of the Education Act 1996 (Evreham Promise and Ivinghoe Promise).
  - c) Implement discounted travel (subsidised) for Post 16 SEND pupils on public networks or other appropriate provision, replacing the free of charge travel currently offered.
  - d) Extend the use of Independent Travel Training to increase the ability of pupils to use alternative transport options.

## **The Consultation Process**

- 5. The Council has been exploring alternative ways of delivering Home to School Transport. The Council wanted to seek the views of Buckinghamshire residents on the proposals so that the future offer best meets the needs of local communities and families within available resources. The consultation focused on understanding residents' views on these proposals.
- 6. The consultation took place between 31 October 2018 and 4 January 2019. There were 2308 survey responses completed, of which 245 respondents reported they

received free home to school transport due to their child having SEND. Of the 245 respondents, 80 reported they have a child/children over the age of 16.

7. As part of the consultation process and to target key stakeholders, the Council hosted a number of face to face events. Attendees included parents and carers, young people, parents and service user representative groups such as Families and Children Together (FACT) Bucks, The National Autistic Society (NAS), Greater Resources for Autism Supporting Parents and Siblings (GRASPS), Special Educational Needs and Disability Information, Advice and Support (SENDIAS), Schools and Colleges, and Transport providers. The events included:
  - **11** Council public meetings open to all to attend.
  - **1** forum for parents who have a child/children with SEND facilitated by FACT Bucks.
  - **2** sessions specifically for parents who have a child/children with SEND.
  - **1** session with the Youth Voice Executive Committee.
8. A full summary of the consultation findings can be found in Appendix 2, covering the themes raised by respondents as part of the survey and in the open event sessions.
9. The consultation survey was promoted via social media, schools and governors, bulletins, newspapers articles, radio coverage, television, internal newsletters, parish newsletters, and banners on relevant webpages.

## **Summary of consultation questions**

10. A summary of the profile and responses received during the consultation process are provided below:

### **Profile:**

- 91% of respondents were parents with children attending school or college.
- 33% of respondents are parents with a child that receives free home to school transport.
- 12% of respondents are parents with a child/children with SEN.
- 67% of respondents do not currently receive free Home to School Transport.

### **Responses**

- 66% of respondents had concerns about their children travelling on a public bus service, but only 12% of all respondents were parents with a child/children with SEN.
- 48% of those responding did not think their child would benefit from having a more flexible bus service for after school activities etc.
- There were comparable proportions of respondents who would (23%) and would not (24%) change to a public service that was more cost effective. The remaining respondents either did not currently pay (39%), or were not sure what decision they might make (14%).
- 24% of all respondents disagreed that those in the Ivinghoe and Evreham promise areas should have transport provision in line with the statutory

guidelines that are already applied to the rest of the county. This is much lower compared to the respondents who live in Ivinghoe and Evreham, where 46% and 76% respectively disagreed that the current discretionary transport provision should be removed

- 35% of all respondents agreed that those who are currently receiving free transport in Ivinghoe and Evreham should have to start paying from September 2020. This is higher compared to those respondents who live in Ivinghoe and Evreham, where 20% and 9% respectively agreed.
- 55% of all those responding to the online survey disagreed that parents should have to pay a contribution for their children to attend Post 16 education if they had special educational needs. This is significantly lower compared to those respondents who have a child/children with SEND where 94% disagreed. Of those respondents who have a post 16 SEND child/children 99% disagreed.
- 48% of all respondents preferred a flat fee if a charge for Post 16 SEND transport was to be implemented. 28% thought the fee should be based on distance, and 24% did not mind. In comparison, 70% of respondents who have a child/children with SEND preferred a flat fee. Of those respondents who have a post 16 SEND child/children 72% preferred a flat fee.
- 63% of all respondents said that those Post 16 SEND students already receiving transport should not have to pay from September 2020. This is significantly lower compared to the respondents who have a child/children with SEND where 91% disagreed. Of those respondents who have a post 16 SEND child/children 97% disagreed.

11. The following table set outs the key themes from the consultation findings and the Council's proposed response.

<b>Consultation findings</b>	
<b><i>Key themes from question about use of public transport (Q6. We are proposing to move some school bus routes to public bus routes. Do you have any concerns about your child travelling to school on a public bus route?)</i></b>	<b><i>The Council will:</i></b>
<p>1) <b>Safety</b> – Residents expressed concerns regarding the following:</p> <ul style="list-style-type: none"> <li>• Children travelling on buses with members of the public who are not DBS (Disclosure Barring Service) checked</li> <li>• Pupils walking to and from bus stops that are further away</li> <li>• Children getting off the bus before they get to school.</li> </ul>	<ul style="list-style-type: none"> <li>• Aim to set up a partnership agreement with our suppliers in order to ensure safeguarding, reliability and quality of the transport provision</li> <li>• Establish standard checks against which suppliers must comply</li> <li>• Have robust strategies in place to manage Passenger Assistants and Drivers ensuring children's' safety (Transporting children and/or vulnerable adults constitutes a 'regulated activity' under the</li> </ul>

	<p>Safeguarding Vulnerable Groups Act).</p> <ul style="list-style-type: none"> <li>• Undertake regular monitoring through compliance officers to assure the quality of service and ensure appropriate safety standards</li> <li>• Publish a clear complaints process.</li> </ul>
<p>2) <b>Routes</b> – Residents raised comments on the following:</p> <ul style="list-style-type: none"> <li>• Not having a public bus route near to their home</li> <li>• Public bus routes not going directly to the school (with pupils having to changes buses)</li> <li>• Concerns that public bus routes could be cancelled by the bus companies</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to work with service suppliers to ensure that where practical, routes are available in rural areas</li> <li>• Review performance and contract monitoring so that suppliers are delivering against agreed outcomes</li> <li>• Implement Mandatory Training for Operators/Drivers/Passenger Assistants as well ensure they sign up to our Code of Good Practice; our partnership agreement includes mandatory training for all suppliers.</li> <li>• Over time, develop mixed provision to include community offer which will widen provision of transport in more rural areas.</li> </ul>
<p>3) <b>Times</b> – Residents raised comments regarding the following:</p> <ul style="list-style-type: none"> <li>• Public bus timetables not coinciding with school start and finish times.</li> <li>• There were also concerns that public bus routes would increase journey times for the children.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to work with service suppliers to ensure that routes are at appropriate times to coincide with start and end of school day.</li> </ul>
<p><b><i>Themes from question about increased flexibility (Q7. Most school buses provide a single pick up and drop off service each weekday. Would your child benefit from moving to a more flexible public bus route? For example, if they take part in after-school clubs or activities).</i></b></p>	<p><b><i>The Council will:</i></b></p>
<p>4) <b>Poor bus route/frequency</b> – Residents commented on the following:</p> <ul style="list-style-type: none"> <li>• The quality and frequency of public</li> </ul>	<ul style="list-style-type: none"> <li>• Address these issues together through tighter control of contracts as set out in point 2</li> </ul>

<p>buses.</p> <ul style="list-style-type: none"> <li>• The location of bus stops, length and frequency of journeys.</li> <li>• There are school routes with no public route from their home to school (This tended to be in rural areas).</li> </ul>	<p>Some of these issues are outside the scope of the consultation</p> <ul style="list-style-type: none"> <li>• Continue to work with service suppliers to ensure that where practical, routes are available in rural areas</li> <li>• Review performance and contract monitoring so that suppliers are delivering against agreed outcomes</li> </ul>
<p>5) <b>Journey times</b> – there was a significant number of residents who expressed views the following:</p> <ul style="list-style-type: none"> <li>• Journey times</li> <li>• Flexibility and reliability of public transport.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to work with service suppliers to ensure that where practical, routes are available in rural areas and links to school routes.</li> <li>• Review performance and contract monitoring so that suppliers are delivering against agreed outcomes</li> <li>• Have an even better ‘grip’ and management of the market so as to creating a competitive climate</li> <li>• Incentivise a competitive market to encourage a wider range of stakeholders to be involved</li> </ul>
<p>6) <b>Safety</b> - Comments included concerns on the following:</p> <ul style="list-style-type: none"> <li>• Journeys for children from public bus stops to their home, referencing poor street lighting, speed of roads and location of bus stops.</li> <li>• Perception of the safety of public transport compared to school buses</li> </ul>	<ul style="list-style-type: none"> <li>• Aim to set up a partnership agreement with our suppliers in order to ensure safeguarding, reliability and quality of the transport provision</li> <li>• Establish standard checks against which suppliers must comply</li> <li>• Undertake regular monitoring through compliance officers to assure the quality of service</li> <li>• Publish a clear complaints process.</li> </ul>
<p><b><i>Themes from question about paid for transport and option of cheaper travel (Q8. If you currently pay for school transport, would you consider moving to a public bus service if it meant that you saved money?)</i></b></p>	<p><b><i>The Council will:</i></b></p>
<p>7) <b>Safety</b> - Residents responding to this question highlighted the following:</p>	<ul style="list-style-type: none"> <li>• Aim to set up a partnership agreement with our suppliers in order to ensure safeguarding, reliability and quality of</li> </ul>

<ul style="list-style-type: none"> <li>• That the safety of their children was a high priority for them.</li> <li>• Some respondents commented that they would prefer to spend more on a school bus as they deemed this a safer option for their child.</li> <li>• Respondents also commented that the general public on buses were a safety concern, locations of bus stops and danger of high speed roads.</li> </ul>	<p>the transport provision</p> <ul style="list-style-type: none"> <li>• Establish standard checks against which suppliers must comply</li> <li>• Undertake regular monitoring through compliance officers to assure the quality of service</li> <li>• Publish a clear complaints process.</li> </ul>
<p>8) <b>Journey times</b> - Comments were received regarding bus services, particularly in regard to the lack of reliability.</p>	<ul style="list-style-type: none"> <li>• Continue to work with service suppliers to ensure that where practical, routes are available in rural areas and links to school routes.</li> <li>• Review performance and contract monitoring so that suppliers are delivering against agreed outcomes</li> </ul>
<p>9) <b>Potential for savings and availability of routes and times</b> -Residents said their decision to switch to public transport would depend on the options for routes and in particular what potential savings could be achieved and the potential flexibility of routes.</p>	<ul style="list-style-type: none"> <li>• Work with service providers to optimise routes so that all users can benefit from efficiencies in costs</li> <li>• Work with service providers to continue to develop flexibility of routes through development of a mixed provision</li> <li>• Review of contracts – scrutiny of procurement and cost</li> </ul>
<p><b><i>Themes from Post 16 charging (Q11 – Introducing transport charges for students with (SEND) aged 16+)</i></b></p>	<p><b><i>The Council will:</i></b></p>
<p><b>10) Too expensive</b> - Residents are concerned about the following:</p> <ul style="list-style-type: none"> <li>• Cost of transport if charges are implemented for Post 16 SEND pupils.</li> <li>• A number commented that both proposals were too expensive and unaffordable.</li> <li>• Comments also cited other costs</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that it is clearly communicated that charges would be a contribution. The cost of transport will remain heavily subsidised as the average cost per Post 16 SEND pupil is £3,500 per year.</li> <li>• Incentivise suppliers to be more competitive which will have an impact on the reducing the cost of transport</li> </ul>

<p>required to support a child with SEND.</p> <ul style="list-style-type: none"> <li>Some comments mentioned making alternative arrangements to avoid the cost by either making other travel arrangements or looking for alternative school.</li> </ul>	<ul style="list-style-type: none"> <li>Work with colleges and other education establishments to help those who require financial support access bursaries.</li> <li>To rationalise routes and bus sizes to be more cost effective.</li> </ul>
<p>11) <b>Fewer special schools</b> – Residents commented on how the levels of provision of special schools within Buckinghamshire could mean that SEND children travel longer distance.</p>	<ul style="list-style-type: none"> <li>Review current sufficiency of SEND provision so that the appropriate support is available to meet the needs of children and young people with SEND.</li> </ul>
<p>12) <b>Unfair or discriminatory</b> - Respondents commented that they felt the proposal was unfair and penalised parents with children with SEND. Residents who did not receive SEND home to school transport commented that they thought the proposal was either unfair or families with children with SEND should not be penalised financially.</p>	<ul style="list-style-type: none"> <li>Continue to make transport arrangements for those requiring specialised provision.</li> <li>Undertake a transport assessment for every young person prior to their transition to Post-16 education.</li> <li>Develop the Independent Travel Training which will upskill students who have the potential to travel supported or unsupported on public transport.</li> <li>To implement charges that are consistent for all Post 16 students whether they have SEND or not.</li> </ul>
<p>13) <b>Some contribution is reasonable</b> – Residents who did not receive SEND home to school transport thought the proposal was fair with most preferring the flat fee option. However, many commented that this should be means tested.</p>	<ul style="list-style-type: none"> <li>Introduce a financial contribution based on distance banding; this is in line with current charging for mainstream Post 16 students</li> <li>Work with colleges and other education establishments to support those who require it to access financial support via bursaries.</li> <li>Continue to have exceptional circumstances taken into account to allow consideration of a reduced contribution in the case of extreme financial hardship.</li> </ul>

## Needs Assessment

Appendix 5 sets out a needs assessment for the Post 16 cohort of students. This provides detail on the existing transport network, location of sixth forms and colleges and travel options for different groups of students. This assessment highlights that students with SEND are more likely to have to travel further to a college or school and this travel is therefore likely to cost more on average. In addition students with SEND may have more difficulties utilising public transport networks or need more support to use these transport options. For this reason, it is appropriate that support continues to be provided to students with SEND who meet specific criteria, however this support does not need to be provided free of charge. The legislation permits support to be offered by way of a financial contribution as opposed to offering to fully fund transport. As the average cost of transport for students with SEND is approximately £3,500 and significantly higher than the average cost of transport for students without SEND, it is appropriate for the Council to subsidise the cost of transport, but require a financial contribution to be made by the parents of students with SEND.

In addition, it is important to support students with SEND to gain independence by increasing the availability of independent travel training, as this will assist students to utilise a wider range of travel options and to gain independence as part of their transition to adulthood.

## Recommendations

12. Having fully considered the consultation responses and other relevant information set out in this report, the following changes are recommended:

- a) **Transport for Post 16 pupils with Special Educational Needs and Disability**
  - i. **Removal of free transport for existing and new pupils.**
  - ii. **From September 2019, charges to be based on the distance from home to school as set out below. A 5% increase and an administration fee have been applied to the current academic year's charges, which range from £660 - £1111.**

<b>Band</b>	<b>Distance from home to school</b>	<b>Annual charge</b>
<b>1</b>	<b>Under 4 miles</b>	<b>£706.00</b>
<b>2</b>	<b>4 – 4.99 miles</b>	<b>£823.60</b>
<b>3</b>	<b>5 – 6.99 miles</b>	<b>£941.20</b>
<b>4</b>	<b>7 – 9.99 miles</b>	<b>£1,060.90</b>
<b>5</b>	<b>10 miles or more</b>	<b>£1,179.55</b>

**These charges will be subject to annual review.**

- iii. **Increase provision of independent travel training for eligible young people aged between 16 and 18 years old. Further detail is provided below in paragraph 13.**
- iv. **Conduct a further review of the Post 16 Transport Policy in January 2020 to determine whether future policy changes are required.**

- b) **Reduction of costs associated with our Home to School Transport offer**

- i. **Review the cost of all paid for transport, including mainstream.**
- ii. **Review unnecessary transport through rationalisation of routes and bus sizes.**
- iii. **Remove commissioned transport where there is a viable public route.**

**c) Evreham and Ivinghoe arrangements**

- i. **From September 2020, remove free transport for all new pupils only.**
- ii. **Offer routes to commercial sector where appropriate.**

### **Independent Travel Training**

13. Independent Travel Training (ITT) is presently available to pupils aged 16 to 18 in Buckinghamshire within some colleges and schools. In preparation for adulthood, it is expected that the majority of young people beyond the age of 16 who are able to do so will travel independently to their place of education. ITT supports young people with learning difficulties and/or disabilities to engage in activities which support outcomes associated with growing independence.
14. The Council is working with schools and colleges to promote a programme of ITT, so that students will ultimately be able to travel on their own. For some students with SEND, ITT would not be appropriate due to their complex needs, but where students have the potential to benefit from ITT it is expected that those students will participate in the programme.
15. It is a programme of support that aims to enable a young person to become an independent and safe traveller, as a result it covers topics such as road safety, personal safety, journey planning and coping strategies.
16. The Council recognises that ITT has the following immediate benefits for the student:
- a) Enables students to be more independent and use their own initiative.
  - b) Improves self-confidence and promotes independence.
  - c) Enables students to access positive social, educational and professional development activities.
  - d) Helps to improve social skills and maintain relationships.
  - e) Physical health benefits as the student walks all or part of the way.
17. The Council will be looking to extend the use and availability of this programme through an externally commissioned arrangement. In addition, the Council will also encourage more educational establishments to provide their own ITT programme to support this cohort further.

## B. Other options available

18. Consideration was given to a number of options, as outlined in the previous Cabinet report.

19. The Council could:

- a) Make no change and continue with the current Home to School Transport offer.
- b) Introduce the Post 16 SEND proposed changes for new children only and transport offers for existing children would not be affected.
- c) Continue to offer free transport for those Post 16 SEND pupils who are part way through a two year course.
- d) Charge a flat fee for Post 16 SEND pupils as suggested by 48% of all respondents and 70% of respondents who have a child/children with SEND.

20. A summary of the pros and cons of each of the other options is set out below:

Option	Pros	Cons	Rationale for not choosing this option
a) No change and continue with the current Home to Transport School offer.	New and existing service users will continue to benefit from current home to school transport arrangements.	This option would not mitigate the unsustainable budgetary pressures and is not aligned with the principles set out in the 'Case for Change' section of this report.	The current policy does not utilise limited financial resources to support those most in need, nor does it seek to promote independence in the most effective way. The proposed changes permit the council to work with the commercial operators to rationalise routes and provide a more integrated transport network in the future.
b) Introduce the Post 16 SEND proposed changes for new children only and transport offers for existing children would not be affected.	Existing service users within this cohort will continue to benefit from current home to school transport arrangements.	This option would not mitigate the unsustainable budgetary pressures and is not aligned with the principles set out in the 'Case for Change' section of this report.	Most sixth form age students attend for no more than two years and even if some students with SEND will attend for a longer period, this is likely to be for a considerably shorter period than for attendance at primary or

			secondary phases of education. Therefore it is reasonable to expect a financial contribution from existing students.
c) Continue to offer free transport for those Post 16 SEND pupils who are part way through a two year course.	Existing service users within this cohort will continue to benefit from current home to school transport arrangements and the risk of this disrupting their education is reduced.	This would contribute to increased budgetary pressures	This option would not mitigate the unsustainable budgetary pressures.
d) Charge a flat fee for Post 16 SEND pupils as suggested by 48% of all respondents, 70% of respondents who have child/children with SEND and 72% of respondents who have a post 16 SEND child/children.	This was the preferred option from respondents as part of the consultation.	This option would not mitigate the unsustainable budgetary pressures and is not aligned with the principles set out in the 'Case for Change' section of this report.	It is accepted that the cost of transport for Post 16 pupils with SEND is on average higher than for pupils without SEND, however Post 16 pupils not receiving support with transport will often pay for transport based on distance travelled, as this reflects the additional cost of transport. To promote independence, it is reasonable to introduce charges that reflect the additional cost of transport due to distance travelled.

### C. Resource implications

21. The resource implications of this decision are that the Council's revised Home to School Transport provision is targeted at those who need it most, creating a more sustainable model, aligned with our statutory duties.

22. In April 2018, the Council was forecasting a pressure of £1.4m against the Home to School Transport budget. By November 2018, this had increased to £1.9m as a result of rising demand.

23. If Cabinet agrees to the proposed changes, based on the current cohort, it is estimated that the savings by 2022/23 will be £1.5m. Further details are broken down below:

Area for review	Recommendation	2019/20	2020/21	2021/22	2022/23
Evreham Promise	Charge for new pupils only from September 2020.	£0	£33,600	£86,400	£139,200
Ivinghoe Promise	Charge for new pupils only from September 2020	£0	£12,600	£32,400	£52,200
Post 16 SEND	Charge based on distance from home to school for both new and existing pupils	£207,077	£363,087	£439,585	£474,357
Transport Efficiency Review	Route rationalisation	£114,000	£250,000	£250,000	£250,000
Transport Efficiency Review	Commercialisation	£181,000	£310,000	£310,000	£310,000
<b>Total</b>		<b>£502,077</b>	<b>£969,287</b>	<b>£1,118,385</b>	<b>£1,225,757</b>

24. A further £250k savings before 2022/23 is estimated to be achieved from the introduction of a Dynamic Purchasing System, which is a fully-electronic procurement process used by public sector bodies to award contracts for works or services. The use of this system will deliver better value for money and engage suppliers to maximise supply.

25. In addition, £120k will be invested over a two year period to increase provision of independent travel training for eligible young people aged between 16 and 18 years old.

#### **D. Value for Money (VfM) Self Assessment**

26. The Council's strategy for ensuring value for money in Home to School Transport is based on the efficient procurement of transport and application of the eligibility policy. In addition, the Council's recommendations provide the best VfM because (a) resource will be targeted at those that need it most, and (b) efficiencies will be achieved through contract management and rationalisation of bus routes.

#### **E. Legal implications**

27. The Education Act 1996 contains statutory duties and powers in relation to school transport. This statutory framework is set out in Appendix 4. As the Post 16 duties are based on what provision is necessary, a needs assessment has been completed and is included in Appendix 5. The needs assessment for the Post 16 SEND pupils has been written in line with the latest statutory guidance published from the Department for Education. All appropriate considerations have been given to the criteria set out in the guidance and mitigations to ensure that those most in need are supported to access education.

28. Section 508B and section 509AA of the Education Act 1996 set out duties on the Council to arrange travel or other arrangements as it deems necessary for pupils of compulsory school age and Post 16 to enable them to attend educational establishments. For compulsory school age eligible pupils, the arrangements must be free of charge, whereas for Post 16 students the arrangements can include

financial assistance. When determining what is necessary, the Council must take account of local circumstances. In addition, the Council can make transport available under its discretionary powers under s.508CC for compulsory school age. The proposed policy includes some areas where it is reasonable to exercise this discretionary power, including for certain linked schools and for certain reception aged children. This reflects discretionary provision that exists under the current policy.

29. In addition, statutory guidance has been published on these duties as follows:

- a) Home to School Travel and Transport Guidance.
- b) Transport to education and training for people aged 16 to 18

30. The above guidance confirms that the arrangements can be made by the Council or a third party and could include provision of a bus pass to use public buses, arrangements with a local school or with a parent's consent, payment of a mileage allowance. For arrangements to be suitable, they must be safe and reasonably stress free, to enable a child to arrive at school ready for a day of study.

31. The guidance also confirms the potential benefits of independent travel training, stating there can be significant short and long term benefits for students with SEND, as this can provide a skill for life that could lead to greater social inclusion and employment prospects.

32. The guidance sets out a number of case studies, including one from Hertfordshire, where liaison with schools, community groups and commercial operators led to 130 routes to schools of preference operated independently of the Council.

33. In the Post 16 guidance, the following should be taken into account in determining what arrangements are necessary to set out in the policy statement:

- a) The needs of those who could not access education or training provision if no arrangements were made.
- b) The need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided.
- c) The distance from the learner's home to establishments of education and training.
- d) The journey time to access different establishments.
- e) The cost of transport to the establishments in question.
- f) Alternative means of facilitating attendance at establishments.

34. There is a duty to consult on any changes to the Home to School Transport Policy and the Post 16 Annual Transport Policy Statement. This includes a prescribed list of consultees. The consultation focused on the aims of the strategy, as well as seeking to identify the extent of support for the different options and the impact of any changes. The consultation results are summarised in this report and the full summary report is included in Appendix 2 to ensure that Cabinet takes into account

what respondents said and the strength of feeling towards the proposals as part of the decision making process.

35. In addition to the statutory duties under the Education Act 1996, there are a number of overarching duties that are relevant to this proposed policy change. These include duties under:

- The Education and Skills Act 2008 to encourage enable and assist participation of young people with SEND up to the age of 25.
- The Children and Families Act 2014 in relation to the local offer.
- The Equality Act 2010 in relation to having due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not. The equality impact assessment is referred to below.

#### **F. Property implications**

36. There are no property implications associated with any of the proposed changes.

#### **G. Other implications/issues**

37. It is recognised that it is essential that the Council mitigates the impact of any future changes on families who made education choices based on the offer available at that point in time.

38. To minimise disruption, it is recommended that there is good communication to those who find they are required to make adjustments in the way they access services and support.

39. Similarly, those delivering services may also be required to make adjustments in how they enable service users to access services. To this end, the transport team continues to engage with providers to reshape the offer of public transport services across Buckinghamshire. A number of workshops have been held to update them on the requirements of our updated procurement processes and contract changes.

40. The recommended changes are our response to building a sustainable offer of travel assistance to the school population in Buckinghamshire. The Council wants to provide appropriate support in a climate of increasing demand, using a delivery model that demonstrates efficiency and value for money. The proposed changes will enable young people to fully participate in education and improve their outcomes for later life.

41. The relevant sections from Section 149 of the Equality Act 2010 that apply to this matter are as follows:

- (a) A public authority must, in the exercise of its functions, have due regard to the need to:

- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(b) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(c) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(d) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (i) tackle prejudice, and
- (ii) promote understanding

42. An Equality Impact Assessment (EqIA) has been completed and is set out in Appendix 6. This assessment has considered both the potential positive and negative impacts in relation to all protected characteristics. The main impact is on school age children and Post 16 students with SEND, but also recognises that BAME children are over-represented in our SEND community. The Council recognises that the proposed banded charges, based on distance from home to school, negatively impacts on Post 16 students with SEND, therefore this disproportionately impacts individuals who are disabled. In mitigation, the highest banded charge is still significantly lower than the actual cost of providing the transport. The Council is proposing to increase the offer of independent travel training to enable students with SEND to develop life skills to assist them to utilise a wider range of travel options and gain independence as they transition to adulthood. The Council will continue to be clear and transparent in its communication to all those affected in order to alleviate any concerns relating to the changes. Further mitigating actions are set out in Appendix 6.

## **H. Feedback from consultation, Local Area Forums and Local Member views**

43. The feedback from the survey responses has been summarised earlier in this report and the full consultation report is included in Appendix 2.

44. All Members have been kept informed throughout the process and, in addition, a cross party Member Working Group was formed at the beginning of September 2018 and met monthly through the consultation phase.

#### **I. Communication issues**

45. Future communication following implementation will be direct with parents and via schools to ensure that parents and students can take account of the availability of travel assistance when making decisions about which educational establishment to attend.

#### **J. Progress Monitoring**

46. The progress on the implementation of the policy changes will continue to be monitored monthly and reported to the Cabinet Member for Education and Skills.

#### **K. Review**

47. The web links and online information will be reviewed annually for accuracy.

48. The policy changes will be kept under review, in order to reduce the budgetary pressure by use of alternative modes of travel assistance and the extended use of independent travel training, where appropriate.

49. It is proposed that there should be a further review of the Post 16 Transport Policy in January 2020 to inform whether future policy changes are required.

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### **Background Papers**

22 October 2018 – Decision taken to go out to consultation on Buckinghamshire's Home to School Transport offer

<https://democracy.buckscc.gov.uk/documents/s123658/Report%20for%20Home%20to%20School%20Transport%20Consultation.pdf>

Statutory Guidance - Transport to education and training for people aged 16 to 18

<https://www.gov.uk/government/publications/post-16-transport-to-education-and-training>

Statutory Guidance - Home-to-school travel and transport

<https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

Full responses to the Home to School Transport consultation.

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### **Your questions and views**

*If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.*

*If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on Friday 1 March 2019. This can be done by telephone (to 01296 382343), or e-mail to [democracy@buckscc.gov.uk](mailto:democracy@buckscc.gov.uk)*