

Children's Select Committee 27 November 2018

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| 7 HOME TO SCHOOL TRANSPORT CONSULTATION To seek Member's views and answer questions relating to the proposed changes to Buckinghamshire's Home to School Transport policy. | 3 - 12 |
| Contributors: Mr Mike Appleyard - Cabinet Member for Education & Skills Mr Tolis Vouyioukas - Executive Director for Children's Services Miss Sarah Callaghan – Service Director for Education Ms Tracey Lawrence – SEN Programme Manager | |

Report to Cabinet

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| Title: | Home to School Transport Policy Review |
| Date: | 22 October 2018 |
| Date can be implemented: | 30 October 2018 |
| Author: | Cabinet Member for Education and Skills |
| Contact officer: | Sarah Callaghan, Director for Education |
| Local members affected: | All |
| Portfolio areas affected: | Education and Skills and Transportation |

This report has been taken under the General Exception Rule which means it has not had the required notice on the Forward Plan. The reason for this is to enable adequate time to consult with parents and carers, ahead of Cabinet agreeing any revisions to the policy, in line with statutory deadlines.

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 go out to consultation on proposed changes to the Council's approach to delivering Home to School Transport.

In addition, we request that delegated authority be given to the Executive Director for Children's Services, following consultation with the Cabinet Member for Education and Skills, to make revisions to the Home to School Transport Policy for the purpose of consultation. The draft Policy will support a 10 week public consultation.

A revised Home to School Transport Policy will be presented for Cabinet approval following a thorough public consultation.

We need to think differently about our Home to School Transport offer because increased demand is creating unsustainable budget pressures.

Revising our current offer also presents an opportunity to support more young people to travel independently in line with current policy.

Currently, we spend £15.1m on home to school transport with £12.8m spent on provision supporting our s.508B duties. In addition, we also provide transport for 4810 children at a cost of £2.4m in accordance with other statutory transport duties and powers. This includes:

- SEN Post-16 Free Transport
- Paid-for Transport
- Evreham Promise
- Ivinghoe Promise
- Under 5's

These are the five areas of provision in scope for the public consultation.

The Council is proposing to consult in particular on:

- Proposed changes to the delivery of Home to School transport with a particular focus on the 5 areas of spend listed above, as these could be delivered differently whilst continuing to meet the Council's statutory duties.
- Proposed models of implementation for the alternative service delivery of travel assistance provision.

In order to facilitate transparency, this report includes detailed appendices to ensure that the public have sight of the rationale and considerations beyond the headline proposals.

Appendix 1 – Legislation for Home to School Transport

Appendix 2 – Needs Assessment (2a – Cohort Analysis)

Appendix 3 – Options Appraisal (for provision via discretionary powers)

Recommendation

- 1. To agree to undertake a 10 week consultation on possible changes to the Council's Home to School Travel Policy and provision.**

In particular the Council will be consulting on:

- **The Council's preferred options for changes in relation to Home to School Transport, as well as other options and alternatives.**
 - **The staged implementation of changes to Home to School Transport.**
- 2. To note that the results of the consultation and engagement with Buckinghamshire residents and transport stakeholders would be reported to and inform a subsequent decision by Cabinet in March 2019.**
 - 3. To request that delegated authority be given to the Executive Director for Children's Services, following consultation with the Cabinet Member for Education and Skills, to make revisions to the Home to School Transport policy.**

A. Narrative setting out the reasons for the decision

The Council is committed to providing a sustainable model of Home to School Transport provision for students within the County of Buckinghamshire.

The Case for Change

The three key drivers that underpin our approach to the wholesale review of our transport offer are described below:

- **Financial Sustainability** - The current financial position is unsustainable. Even with changes to practice and improving access to earlier support in schools, the bill for transport continues to exceed the planned budget due to increasing demand and pressures against current policy provision, some of which are provided in accordance with discretionary powers, as opposed to duties. It is critical that we do our part in ensuring that children and young people in Buckinghamshire are able to access quality services and that we are in a position to sustain provision.
- **Promoting Independence** - Buckinghamshire County Council is committed to fulfilling its statutory duties towards children as per 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. Our most vulnerable must be supported and we want to be sure that they are adequately prepared for adulthood by encouraging and enabling them to access education, and develop their independence.
- **Environment** - As the county grows, we need to mitigate the effects of growth on our environment by introducing and enforcing environmental laws and fostering good practice. Tackling air pollution and focusing efforts on improving air quality and cleaner transport and lowering pollutants across the board are key elements of the transport strategy.

The proposed changes are part of a wider transport transformation programme across council services to improve quality and best support residents' travel needs. The transformation programme aims to ensure a consistent approach in the adjustment to provision that mitigates any negative impact on particular cohorts. The transformation programme and changes to delivery are underpinned by the following guiding principles.

We will:

- Support those most in need
- Promote principles of independence
- Provide the most cost effective travel assistance
- Promote and encourage the use of sustainable travel

Current cost of home to school transport, including Post 16 transport

The following table provides a summary of the current cost of Home to School Transport, covering our statutory provision for eligible pupils and also transport paid for via our discretionary power. The total cost of this is £15.1m

| Eligibility | Number of Pupils | Cost | Income | Total |
|--|------------------|-----------------|----------------|-----------------|
| Eligible Pupils under s.508B | | | | |
| A – Mainstream | 2307 | £2.404m | £0 | £2.404m |
| B – Low Income | 48 | £59k | £0 | £59k |
| C – Unsafe Walking route | 1251 | £1,465m | £0 | £1.465m |
| D – SEN | 1435 | £8.828m | £0 | £8.828m |
| Total | 5041 | £12.757m | £0 | £12.757m |
| Other Categories | | | | |
| E – SEN Post-16 in accordance with s.509AB | 400 | £1.395m | £0 | £1.395m |
| F – Not paid for via Bucks Policy | 682 | £694k | £0 | £694k |
| G – Paid for transport in accordance with s.508C | 3728 | £3.149m | £2.838m | £311k |
| | 4810 | £5.238m | £2.838m | £2.4m |
| Grand Total | 9851 | £17.995m | £2.838m | £15.157m |

It is important to note that the cost of procuring and administering transport is not included in the chart above.

In relation to those students with SEN or a disability, the guidance states that transport needs should be reassessed once a young person moves from compulsory schooling to post-16 education and that transport arrangements should be published as part of the local offer of services for children and young people with SEN and disabilities. There is no automatic entitlement to transport to and from a named provider and transport should only be named in an EHC plan in exceptional circumstances. Parents should be made aware that transport support will be considered in accordance with the Post-16 transport policy. The guidance emphasises that it may take students with SEN and disabilities longer to complete a programme of education and consideration should be given to extending the provision of transport until the student has completed the programme even when this is after the age of 19. Any independent travel training scheme should be included in the transport policy statement.

Under the current transport policy, with the exception of those students with an EHC plan, all students are expected to make a financial contribution towards their transport. For those attending an educational institution within Buckinghamshire, students pay a distance banded rate fare. Those attending an out of county establishment would pay the full cost of their transport. Places are dependent on a “paid-for” place being available on the route.

Section 509AB(1) of the Education Act 1996 requires local authorities to set out the extent to which the arrangements they have put in place pursuant to the transport statement prepared under section 509AA facilitate the attendance of young people with special educational needs and disabilities.

This requires the Council to expressly set out the arrangements for facilitating the attendance at educational establishments of disabled persons and persons with learning difficulties. The Buckinghamshire County Council Post-16 Transport Policy Statement from 31st May 2018 (for the academic year 2018/19) outlines the criteria to be able to apply for free transport for qualifying 16+ students who hold a statement of SEN or Education Health and Care Plan in the academic year 2016/17.

<https://www.buckscc.gov.uk/media/4511903/bucks-post-16-transport-policy-final-20180810-e.pdf>

The Consultation

The Council is exploring alternative ways of delivering Home to School Transport. The Council would like to seek the views of Buckinghamshire residents on how this can be achieved, so that the future offer best meets the needs of local communities, families and schools within available resources.

In 2012, the Council took decisions to provide a dedicated school transport service to certain communities and schools e.g. a child would be eligible for free school transport if they attended their nearest Buckinghamshire School or a School that had a strong pattern of preference from that community. In the face of increasing budget constraints we are now seeking views to amend our policy in line with statutory requirements.

The Council is seeking to change the way that we support families who have received this provision in transporting their children to school, by organising a more sustainable model of travel assistance. In order to minimise impact for children and parents we would recommend phasing of all adopted recommendations and changes. This would take place over two years (**minimum**) to provide sufficient time for appropriate planning and procurement of transport routes to be undertaken.

The options paper makes clear the rationale for all potential delivery models, and these have been rated in accordance with the principles agreed during the focus groups held during the summer.

The focus of the consultation will be to review existing provision offered outside of s.508B in order to identify the most appropriate sustainable travel options taking into consideration the key principles identified in the **Case for Change** at the beginning of this document.

In addition to the above, the consultation will focus on the following recommended options:

- Implement discounted travel (subsidised) on public networks or other appropriate provision and support by extending the use of Independent Travel Training to offer more cost effective travel assistance and promote independence
- Reduce/remove contracted routes so that public transport becomes the available travel option
- Remove option of free school transport for those currently supported under s.508C and s.509A (Evreham Promise, Ivinghoe Promise and Under 5's)

A summary of the pros and cons of each of the options is provided below. Further detail is provided in Appendix 3:

| | Pros | Cons |
|--|--|--|
| Option A Post 16 | <ul style="list-style-type: none"> • Supports journey towards independence. • Reduced burden on adult provision for all those who are able to be trained to use transport • Contribution based system ensures that those families with the ability to pay do so. • Brings Post-16 SEN policy in line with the Post-16 offer to other students. | <ul style="list-style-type: none"> • Ensuring that any policy change continues to actively promote and encourage participation. • Financial savings are lower than anticipated due to a number of students continuing to require personalised travel arrangements. |
| Option B – reduction/removal of paid for transport | <ul style="list-style-type: none"> • Increase opportunity for commercialisation of routes which would benefit the wider local community. | <ul style="list-style-type: none"> • Drop off in numbers of travellers if charges are not in line with other providers • Lose the opportunities that economies of scale offer if the first risk materialises |
| Option C – removal of Evreham and Ivinghoe promise and free transport for under 5's. | <ul style="list-style-type: none"> • Only eligible travellers will receive transport as per statutory guidelines. • Reduced cost to Education | <ul style="list-style-type: none"> • Parents may choose alternate schools for their children. |

Any proposals will be reviewed to take account of the results of the 10 week public consultation and a thorough needs assessment that is compliant with the legislative guidance. This analysis will also identify the potential financial savings from the proposals. A needs analysis to support any recommended changes will be included in the Cabinet decision paper scheduled for March 2019.

B. Other options available, and their pros and cons

Additional options considered were:

- Reviewing the charging formula for Paid Transport without any other changes to provision.
- Creation of our own in-house fleet.
- Retaining the current policy position for Evreham and Ivinghoe.

These options were discounted for the following reasons:

- Changing the charging formula results in an unsustainable financial model, reducing the opportunity to control annual spend.
- The idea of an in-house fleet may be considered at a later date as part of the operational delivery of the Integrated Transport Service.
- Retaining the current policy provision is outside of the policy principles and requires an unsustainable level of subsidy.

Appendix 3 details the options considered to address the issue for each of the additional areas of transport provided by the Council within our discretionary powers.

Where appropriate, it shows the historical context of the provision, as well as additional supporting information.

C. Resource implications

This decision is seeking the authority to go out to consultation on the policy changes and there are no specific additional resource implications arising from this decision report.

In the period up to 2016/17 the Integrated Transport Programme delivered approximately £1.5m of savings from the insourcing of client transport from Amey (£400k); tightening of policy in Children’s Social Care and Education (c.£600k); CHASC improvements around routes and tightening of policy application (£100k) and from Bus Subsidies (£464k). The targets in 2016/17 and 2017/18 were substantially achieved. However increased demand, and growth pressures, in particular linked additional numbers of SEN FE pupils requiring transport continue to erode the impact of savings, making longer term solutions necessary.

The summary below details the immediate pressures, and demonstrates one element of the case for making changes to the way that we provide Home to School transport.

| Issue | £000 | Description |
|---|----------------|--|
| Forecast pressure in base budget relating to demand | £1,380k | <ul style="list-style-type: none"> The forecast pressure relates to anticipated demand pressures in SEN £310k, FE £700k (where there has been an c.80% increase in cohort) and a drop-off in income from mainstream payers £370k. |
| Additional budget within the MTFP for growth | (£480k) | <ul style="list-style-type: none"> This is off-set by a growth bid in the MTFP of £480k reflecting expected growth in SEN / FE numbers. |
| Additional MTFP targets (ITP & C4C) | £900k | <ul style="list-style-type: none"> The full year effect of previous savings are already included within the base budget forecast and therefore are not showing as off-setting the new MTFP targets. |
| Total pressure | £1,800k | |
| Action plan | (£500k) | <ul style="list-style-type: none"> An action plan has been developed to mitigate these pressures in year. |
| Net forecast pressure | £1,300k | |

Proposals are designed to meet the needs of a growing population, while modernising our transport services.

There are current consultations taking place within the District Councils on impact of the proposed growth agenda. Specifically, we anticipate an additional 47,000 homes, of which almost two thirds would be based in the north of the county. That equates to 8,000 primary schools places, and provision would also need to be considered for children whose needs require additional support in Special Schools.

Our current provision is costly, with the additional policy provisions adding pressure to the budget. Implementing an integrated transport policy is a prerequisite for a sustainable transport system. This is even more vital when the policy needs to reflect both statutory and discretionary provision to support both children and adults across education and social care. The role of transport partnership will strengthen the opportunity to establish transport strategy supported by a delivery plan confirming how projects and proposals can be delivered, bringing together the local authority and other key regional stakeholders to take a strategic approach to transport across Buckinghamshire.

D. Value for Money (VfM) Self Assessment

The options for delivery have all been rated against the principles for change. Cost effective service provision and value for money is one of these, and is integral to future decisions.

E. Legal implications

The Education Act 1996 contains statutory duties and powers in relation to school transport. This statutory framework is set out in Appendix 1. As some of the duties are based on what provision is necessary, a needs assessment has been completed and is appended at Appendix 2.

There is a duty to consult on any changes to the home to school transport policy and the Post 16 transport policy statement. This includes a prescribed list of consultees. The consultation will focus on the aims of the strategy, as well as identifying the extent of support for the different options and the impact of any changes.

In addition 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, duties under the Children and Families Act 2014 in relation to the local offer, including a statutory duty to consult prescribed persons on any review of social care, education and training provision and duties under 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 (**EIA**) will be completed at the beginning, middle and following consultation feedback and will be published in the report to Cabinet in March 2019.

F. Property implications

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

G. Other implications/issues

A number of factors have been explored in this review to ensure that we maintain fairness in implementing any changes to the policy.

In addition to the information we have, we will continue to analyse the data relating to service users. We will collate additional feedback from professionals who support families who have found it more difficult to identify or access support for their specific

needs. This added level of scrutiny will help us to develop commissioned services where we identify growth or gaps in provision.

It is recognised that it is essential that we mitigate the impact of any future changes on families who made education choices based on the offer available at that point in time. To minimise disruption, we recommend phasing any changes, and making sure that there is clear messaging to support those who find they are required to make adjustments in the way they access services and support. Similarly, those delivering services may also be required to make adjustments in how they enable service users to access services. All the changes will be fully outlined in the proposal and full consultation on changes undertaken.

The recommended changes are our response to building a sustainable offer of travel assistance to the school population in Buckinghamshire. We want 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 residents to fully participate in education and improve their outcomes for later life.

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

This decision report proposes that a 10 week public consultation takes place between 29th October and 4th January 2019. The Council wants as many residents and organisations as possible to complete the survey. The survey will be available online. Hard copies will be available on request.

A communications plan has been devised to make sure that information about the consultation reaches as many people as possible, and gives them an opportunity to contribute their views, using a number of mechanisms.

During the consultation period, there will be numerous opportunities for residents to provide feedback: Open days, mainstream and special school visits, questionnaires, online feedback, parent forums and focus groups etc. We have also identified events Members may attend.

Oversight of the consultation process and content is being overseen by a working group of Members whose role is to shape the consultation process so that it is robust, transparent and clear e.g. feedback on language, possible venues for public meetings, and the information to include.

I. Communication issues

To ensure that the Council is able to fully consider the needs of specific groups as part of the impact assessment, the survey will be particularly promoted to disabled service-users and their families; British and Minority Ethnic community (BAME) groups; young people and other groups. The Council will seek to cascade information through the voluntary and community sector, public transport hubs and district council offices. The Council will also make available an easy read version of the consultation summary document.

We will promote the consultation and seek views via:

- Press and social media.
- Presentations at Local Area Forums being held during the consultation period.
- Promotional adverts on Council and Buckinghamshire Family Information Service websites.

- Key partner organisations, who will support the distribution of information about the consultation through, for example, schools and colleges.
- Public meetings to be held across Buckinghamshire.
- Parish councils.
- Other key communications channels including posters in children's centres and libraries, and through schools.

J. Progress Monitoring

A report on the consultation findings will be published following the close of the consultation and to inform a Cabinet decision in March 2019 on the best solution for a sustainable model of Home to School transport to meet the needs of children and families in Buckinghamshire.

K. Review

N/A

Background Papers

N/A

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 19 October 2018. This can be done by telephone (to 01296 382343), or e-mail to democracy@buckscc.gov.uk