



Report to Cabinet

Date:	30 March 2021
Reference number:	n/a
Title:	Home to School Transport Policy including the associated Post-16 Transport Policy Statement Review and Consultation - Outcome
Relevant councillor(s):	Anita Cranmer, Cabinet Member for Education and Skills
Author and/or contact officer:	Simon James, Service Director Education
Ward(s) affected:	All

Recommendations:

- 1. To agree the content of the Consultation Evaluation Report, draft Home to School Transport Policy and associated draft Post-16 Transport Policy Statement; in particular the recommendation for Option 2 – Choice of a Personal Transport Budget or Council organised transport as the proposed option for how transport for 16-19 year olds with Special Educational Needs and Disabilities (SEND) is arranged and paid for.**
- 2. To agree the recommended annual fee for the Council organised transport element of Option 2 for post-16 SEND students to be set at £900 for the 2021-22 academic year, and the reduced fee for demonstrated financial hardship to be set at £600 for the 2021-22 academic year; both to be applied on a pro-rata basis according to the number of days travelled.**

Reason for decision:

The Home to School Transport Policy and associated Post-16 Transport Policy Statement public consultation has been completed. The Home to School Transport Policy and Post-16 Transport Policy Statement have been updated in line with the public consultation feedback and approval is now sought.

1. Executive summary

- 1.1 The purpose of this report is to seek approval for the updated Home to School Transport Policy and associated Post-16 Transport Policy Statement, which incorporates a recommended option for payment and arrangement of transport for students aged 16-19 with special educational needs and disabilities (SEND).
- 1.2 The proposed changes are designed to ensure that the Council provides policy information that is clear and easy for parents and carers to understand, in line with feedback from families over the last year.
- 1.3 This report seeks to:
 - set out the context of the Home to School Transport policy review;
 - analyse the findings of the public consultation undertaken in Autumn 2020; and
 - ensure that the updated Policy and Statement will provide families with clear and easy to understand information and therefore a better overall customer experience; and provide more choice and freedom for families in relation to their transport arrangements, particularly for students with SEND.
- 1.4 As part of the Policy Review, a formal eight week (12 October – 7 December 2020) public consultation was undertaken on the proposed options for Post-16 (16-19) SEND transport arrangements.
- 1.5 A summary of the consultation analysis is covered in section 2.12 of this report and the formal Consultation Evaluation Report is provided in Appendix 1.

2. Content of report

- 2.1 The Council is required to have a published Home to School Transport Policy and an associated Post-16 Transport Policy Statement.
- 2.2 The Home to School Transport Policy sets out the Council's approach to providing transport to educational settings for 0 – 19 year olds (and up to 25 years for those with SEND). The Policy aims to ensure that pupils arrive at their education setting ready to learn.
- 2.3 The Post-16 Transport Policy Statement specifies the arrangements for transport that the Council considers it necessary to make to facilitate the attendance of sixth form students receiving education or training. The Statement is published in line with the statutory duties under the Education Act 1996.
- 2.4 The Policy and the Statement were both reviewed and consulted on in 2018/2019. Changes included the introduction of charging for transport for 16-18 year olds with SEND. This took effect in the academic year 2019/20. Charges have been paused for

the academic year 2020/21 due to the impact of Coronavirus, but under the current policy are set to continue from academic year 2021/22.

- 2.5 We have a statutory duty to consult annually on the Statement and publish it by 31 May each year.
- 2.6 A Policy Review was initiated in Summer 2020 with the aim of improving information for parents and carers, taking into account feedback from families received over the last 12 months; and to seek views on options for transport arrangements for students aged 16-19 with SEND who are eligible for transport assistance.
- 2.7 A formal public consultation was undertaken over eight weeks (12 October – 7 December 2020).
- 2.8 The consultation was conducted thoroughly using a best practice approach and methods. The communications plan which supported the consultation was extensive, robust and effective at raising awareness.
- 2.9 Having listened to feedback from families, the approach to how transport for 16-19 year olds with SEND is arranged and paid for was a key element of the consultation.
- 2.10 There were 3 potential options set out in full in the consultation. These options would impact on approximately 250 young people in the 16 – 19 age group:
 - Option 1: Distance banded charging model (Current Model)
 - Option 2: Choice of a Personal Transport Budget or Council organised transport for an annual fee
 - Option 3: Personal Transport Budgets only (Council organised transport by exception). Council organised transport for an annual fee only available by exception
- 2.11 The proposed Policy and Statement were updated and some clarifications made to both, to take account of feedback from families. This aimed to make the Policy and Statement easier for families to understand. This included a clarification on the Spare Seats Scheme and the way that spare seat allocations are prioritised, to include key vulnerable groups as well as siblings.

Key themes arising from the consultation

- 2.12 The key themes expressed in the consultation responses were:
 - A clear preference was expressed for Option 2 - Choice of a Personal Transport Budget or Council organised transport for an annual fee as the proposed option for how transport for 16-19 year olds with Special Educational Needs and Disabilities (SEND) is arranged and paid for. This preference was expressed by the majority of overall respondents.

- Overall, the majority of respondents expressed that the proposed Home to School Transport Policy and proposed Post-16 Transport Policy Statement were felt to be partly or fully clear and easy to understand.
- Some sections of the proposed Policy and Statement were felt to be less clear and as a result, those highlighted areas have been reviewed carefully and amended appropriately with the aim of improving clarity further.
- Appetite was shown by parents and carers towards wanting to have more choice and freedom to organise their own transport. Although 28% of overall respondents said they were unsure, 42% of overall respondents agreed on this.
- The formal Consultation Evaluation Report is provided in Appendix 1.

Recommendations for revised Policy

- 2.13 As part of the post-consultation work, the proposed Home to School Transport Policy and proposed Post-16 Transport Policy Statement have been examined and revised to take into account the consultation feedback where possible, particularly the specific highlighted areas of the Policy that were felt by respondents to still not be sufficiently clear.
- 2.14 The draft Post-16 Transport Policy Statement has been revised to incorporate the preferred recommendation from the consultation, Option 2 - Choice of an annual fee or Personal Transport Budget, for arrangement and payment of transport for eligible 16-19 year old students with SEND.
- 2.15 Option 2 provides choice and flexibility for families who wish to take up a Personal Transport Budget, whilst retaining Council organised transport for an annual fee as an alternative. This option also meets the consultation objectives of providing a better experience for families using home to school transport through providing more choice and flexibility in terms of transport arrangements; and also to support and promote increased independence for young people with SEND as they become young adults.
- 2.16 It is recommended that the revised draft Policy and Statement are agreed. These are provided in Appendices 2 and 3, respectively.

3. Other options considered

- 3.1 The alternative options considered in relation to arrangement and payment of transport for eligible 16-19 year old students with SEND were:
- 3.2 **Adopt Option 1 – Distance banded charging model (the current model):** The Council could continue with the current charging model and this would mean minimal change for families in terms of how transport is arranged and paid for. However, this option was not the preferred option from the consultation respondents.

Additionally, feedback received from families over the last year has highlighted that the distance banded charging model is not popular with many families. This is largely because parents/carers of children with SEND are more likely to need to attend a school that is further than their home in order that the needs of their child can be met. The distance banded model was also perceived to be unfair because it was not taken into account whether the child attended their setting full-time or part-time.

3.3 **Adopt Option 3 - Personal Transport Budgets only (Council organised transport by exception):** The Council could opt to implement the model whereby Personal Transport Budgets are the default option, with Council organised transport only available on application by exception. However, this option was the least preferred option overall from the consultation.

3.4 The two other options above are therefore not recommended.

4. Legal and financial implications

Legal implications

4.1 The consultation, draft policy and draft statement have been developed in conjunction with Legal Services.

4.2 The Education Act 1996 contains statutory duties and powers in relation to school transport. As some of the duties are based on what provision is necessary, the Needs Assessment for Post-16 SEND pupils has been updated.

4.3 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.

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

- Home to School Travel and Transport Guidance
- Post 16 Transport and Travel Support to education and training

4.5 In addition to the statutory duties under the Education Act 1996, there are a number of overarching duties that are relevant to the Home to School Transport Policy and the Post-16 Transport Policy Statement. 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.

4.6 Further information on the legislative framework for home to school transport is provided in Appendix 5.

Financial implications

4.7 It is recognised that as well as providing choice, freedom and flexibility for families, Personal Transport Budgets could also be a cost-effective solution for the Council; therefore meeting the consultation objective to ensure that home to school transport is cost-effective and meets the needs of all children and young people who require transport assistance.

4.8 The level of cost-effectiveness in relation to adopting Option 2 is challenging to determine with certainty. This is because it is dependent on the level of take-up for Personal Transport Budgets, the individual level of need of children and young people and the impact on the amount and type of transport that still needs to be procured. Initial financial modelling work indicated that a 5% uptake of Personal Transport Budgets for new journeys could result in cost avoidance of £209k based on an average cost of procured transport of £6,600 per year. The actual impact will be dependent on the level of take up and the cost of individual Personal Transport Budgets compared with the cost of procured transport for that route. If a Personal Transport Budget is calculated to be more expensive than procuring transport then the application may be declined.

4.9 However, every Personal Transport Budget awarded will represent a saving to the Council compared to the cost of procured transport for the individual journey. The saving derived may be a future saving that is realised when any remaining transport contract for other students is stopped.

4.10 Personal Transport Budgets will, where possible, be introduced in a way that aligns with existing Council arranged transport contracts ending, to ensure most effective use of Council budget; however, families can request a Personal Transport Budget at any time. A longer-term view will need to be taken in relation to assessing cost-effectiveness for the Council and the benefits to the student and family.

4.11 Extensive benchmarking of annual fees for Council organised transport has taken place as set out in the Consultation Evaluation Report. The recommended annual fee for the Council organised transport element of Option 2 is £900. This is consistent with the level of charges applied in other local authorities and is approximately the mid-point of the current distance banded charging model (£706 - £1179). The charge is a contribution to the cost of transport procured by the Council and does not cover the full cost.

- 4.12 A reduction of one-third to £600 is recommended for families who can evidence financial hardship, as set out in the proposed Post-16 Transport Policy Statement. Both the annual fee and the reduced rate for financial hardship would be charged on a pro-rata basis according to the number of days travelled per week.
- 4.13 To support exceptional circumstances where families experience severe financial hardship, and therefore to ensure that no student misses out on education due to financial barriers, the proposed Post-16 Transport Policy Statement incorporates an appeal process to consider severe financial hardship applications. This process would allow the Council to consider delaying or extending the payment period for the charge, reducing the charge further, or waiving the charge completely.

5. Corporate implications

- 5.1 The proposed revised Home to School Transport Policy and Post-16 Transport Policy Statement are important policies which help to support and deliver all of the four priorities of the Council's Corporate Plan; but particularly Protecting the Vulnerable and Strengthening our Communities.
- 5.2 The Equality Impact Assessment has been revised and approved by Legal Services following the consultation close and consideration of the consultation feedback.

6. Consultation with local councillors & community boards

- 6.1 The Cabinet Member for Education and Skills and the Cabinet Member for Logistics have been briefed on an ongoing basis. Both Cabinet Members are supportive of the recommendations in this report.

7. Communication, engagement & further consultation

- 7.1 Communications activity and public engagement were both important elements of the consultation and overall Policy Review.
- 7.2 A range of key stakeholders were identified as part of the consultation preparation phase. These included parents/carers of students using mainstream and SEND transport services, parent/carer representatives, schools, special schools and other educational settings.
- 7.3 A pre-engagement focus group was held with families in August 2020. Feedback from this group has helped to shape the content of the draft Policy and associated Statement including the three options presented for consultation.

- 7.4 There has been ongoing engagement with Families and Carers Together (FACT) Bucks, the parent/carer forum for families of children with SEND. The consultation options were developed collaboratively with parent representatives.
- 7.5 Two online public engagement events were scheduled and planned to be held during the consultation period. Despite extensive communications, the level of interest in these was very low.
- 7.6 Two online engagement sessions were held for students with SEND, in collaboration with two Buckinghamshire special schools. These were important in seeking students' views on the proposals.
- 7.7 A robust communications plan was developed and delivered to promote the consultation to ensure engagement from a broad range of residents. This includes press releases, an extensive social media campaign and targeted newsletter-style emails sent directly to parents and carers of mainstream and SEND transport users. The consultation was also promoted to schools, further education providers and other education settings and via the Council's website and Local Offer web pages.
- 7.8 Further communications activity is planned in order to inform all key stakeholders of the outcome of the consultation and ensure all families are informed of the publication of the updated Home to School Transport Policy and associated Post-16 Transport Policy Statement.

8. Next steps and review

- 8.1 Indicative timeline:

Activity	Date/s
Cabinet	30 March 2021
Publish new Policy and associated Statement	9 April 2021
Implementation period	April – August 2021

- 8.2 The Policy will be live from the date published and will apply for all children attending school from September 2021.
- 8.3 The recommended clarification on the Spare Seats Scheme and the way that spare seat allocations are prioritised will be implemented from September 2021 and will impact on students applying for spare seats from this point onwards; this is due to the type of information currently held in relation to students on the existing waiting list. Communications activity will ensure that this is clear for families.

9. Background papers and Appendices

Appendix 1: Consultation Evaluation Report and Appendices

Appendix 2: Revised Home to School Transport Policy

Appendix 3: Revised Post-16 Transport Policy Statement

Appendix 4: Equality Impact Assessment

Appendix 5: Legislation for home to school transport

10. Your questions and views (for key decisions)

- 10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk.