



Report to Leader (Transport portfolio)

Decision Date:	31 March 2022
Reference number:	TR13.22
Title:	Post 16 Transport Policy Statement 2022-23 - Review and Consultation Outcome
Cabinet Member(s):	Councillor Steve Broadbent
Contact officer:	Cheryl Platts, Policy & Project Manager cheryl.platts@buckinghamshire.gov.uk Sara Turnbull, Transport Services Director sara.turnbull@buckinghamshire.gov.uk
Ward(s) affected:	All

Recommendations:

- 1. To agree the annual Post-16 Transport Policy Statement 2022-23 as set out in Appendix 1, having considered consultation findings.**
- 2. To agree the annual fee for Council organised transport element for post-16 SEND students to be set at £927 for the 2022-23 academic year, and the reduced fee for demonstrated financial hardship to be set at £618 for the 2022-23 academic year; both to be applied on a pro-rata basis according to the number of days travelled.**

Reason for decision:

Legally an annual review of the Council's Post-16 Transport Policy Statement is required.

1. Executive summary

- 1.1 The purpose of this report is to seek approval for the updated draft Post-16 Transport Policy Statement for 2022-23, as attached at Appendix 1.

- 1.2 The Post-16 Transport Policy Statement (the 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.
- 1.3 There is a legal requirement for the Council to ensure an annual review and consultation process on the Council's Post-16 Transport Policy Statement 2021-22. A public consultation exercise has therefore taken place to inform an updated policy statement with minor changes which are aimed at providing greater clarity, as well as updating the annual fees for Post-16 SEND transport provision to reflect an inflationary increase of 3%.

2. Background

- 2.1 The Council has a statutory duty to prepare, consult on and publish an annual Post-16 Transport Policy Statement (the Statement) by 31 May each year for the academic year ahead.
- 2.2 The Buckinghamshire Post-16 Transport Policy Statement provides information on travel and transport arrangements that are available to young people who are above statutory school age. The Statement applies to any young person aged 16-19 (16-25 if they have special educational needs and disabilities) who lives in Buckinghamshire.
- 2.3 The Council is required to facilitate the attendance of all those of sixth form age i.e. those students in school years 12- 14 who started their programme of learning before their 19th birthday. This may involve travel assistance, but the Council does not have to provide this assistance free of charge.
- 2.4 In March 2019, the Council's [Cabinet agreed a series of changes](#) to the Home to School Transport Policy, including the introduction of a contribution charge (based on distance to educational setting) towards the cost of Post-16 transport for eligible students with SEND from September 2019.
- 2.5 While the Post-16 Transport Policy Statement 2020-21 applied a charge to 16–18 year old students with SEND who receive transport, the contribution charge was paused for the academic year 2020-21 due to the impact of Coronavirus. This was an exceptional decision. Charges as described in the [current Statement, agreed by Cabinet on 30 March 2021](#), resumed for the academic year 2021-22.
- 2.6 To allow time for the substantial policy and process changes to the Post-16 Transport Policy Statement 2021-22 that were agreed by [Cabinet on 30 March 2021](#) to be in, only the following changes to the Statement for 2022-23 were proposed and consulted on:

- a) to update the content of the Post-16 Transport Policy Statement to make it clearer to parents by providing clarification and more detail to some parts of the Statement; and
- b) that the annual contribution charge for Council organised transport for Post-16 students with SEND who are eligible for transport assistance is increased to £927 from £900 (£618 for the reduced fee, from £600) from the start of the 2022-23 academic year. This is a 3% annual inflationary increase which is aligned to the Council's uplift in fees and charges as agreed by Cabinet on 15 February 2022.

Consultation Findings

- 2.7 The consultation on the draft Statement, highlighting the changes detailed above, ran for six weeks from 18 October to 29 November 2021.
- 2.8 The consultation was publicised in a variety of means, including:
- a) Direct communications to all Buckinghamshire secondary schools, as well as to in and out-of-county colleges and further education (FE) settings which our Post-16 students attend. We asked to hear the views of all these settings, parents/carers and students aged 15+.
 - b) Online SEND Transport Parent Feedback event on 10 November 2021.
 - c) Additional promotion by the Buckinghamshire SEND Information Advice and Support service (SENDIAS) and Families and Carers Together in Buckinghamshire (FACT Bucks).
 - d) Notification to all Members on consultation launch via Member News, as well as in the Cabinet Member for Transport's report to full Council in November 2021.
- 2.9 There were 11 respondents to the survey. While this consultation was communicated by various means, in the context of no substantial changes being proposed, this response rate is understandable. 9 of the 11 respondents provided free text comments. Those who commented expressed concern about the fees/increases to fees for Council organised transport for eligible Post-16 students with SEND to travel to their educational setting. More detail is provided in the Consultation Evaluation Report provided at Appendix 2.
- 2.10 The key feedback themes were around not levying/not increasing the contribution charge for Post-16 SEND council arranged transport, and the affordability of the contribution charge for low-income families. The feedback has been carefully considered and in response:

- a) Many local authorities require families to make a contribution to the cost of Council arranged Post-16 SEND transport.
- b) The contribution charge has been set at a fixed rate, regardless of distance travelled, and pro-rata rates apply for part-time attendance. The fee is a contribution to the full cost of the transport provision.
- c) The charge can be paid in one payment or by Direct Debit in equal monthly instalments over 8 months (or shorter period if less than 8 months remain to the end of the academic year). The family choose which payment option they prefer.
- d) Any family able to evidence financial hardship when applying for transport are charged a discounted annual fee. The discounted fee is two thirds of the full fee. They can also apply to their schools/FE settings for one of [two bursaries](#) to support them with transport costs.
- e) Families who are experiencing severe financial hardship can apply for a fee review to reduce or waive the discounted fee. On application and provision of the requested evidence, the Council will consider exceptional circumstances on an individual basis.
- f) The above provision and other [Help with Travel Costs](#) is detailed on our website.

3. Other options considered

- 3.1 The Council could not prepare, consult on and publish a Post-16 Transport Policy Statement; however, this would not meet our statutory duty.
- 3.2 The Council could choose to not increase the fees for Post-16 transport in line with inflation. This option was considered but is not recommended on the following grounds:
 - a) The Q3 forecast cost of Post-16 SEND provision is increasing year-on-year and forecast outturn for 2021/22 is £2,567k. The costs of provision by far exceed the contribution received through charging, which is currently forecast to provide in the region of £86k income.
 - b) The increase in the contribution charge is aligned to the increase agreed by Cabinet on 15 February 2022 and therefore is consistent with the agreed budget.
 - c) If the contribution charge did not rise annually, there is a risk that it may result in a higher increase next financial year to reflect the financial gap between the real costs of provision and the contribution charge. A gradual increase is easier for parents and carers to manage the increased cost required.

- d) Parents/carers have an alternative offer from the Council to receive a Personal Transport Budget (direct payment) to enable them to make their own transport arrangements. This means that parents/carers are not required to use the Council's discretionary arranged transport service.
- e) In the event that a parent/carer is on low income a reduced contribution charge mechanism is in place as previously described.

4. Legal and financial implications

Legal implications

- 4.1 The consultation and draft statement have been developed in accordance with advice from Legal Services.
- 4.2 The Statement is published in line with the statutory duties under the Education Act 1996, including s.509AA and s.509AB and takes into account the Department for Education statutory guidance – [Post-16 transport to education and training - January 2019](#)
- 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 Further information on the legislative framework for Post-16 home to school transport is provided in Appendix 3.

Financial implications

- 4.5 The annual contribution charge for Council organised transport for Post-16 students with SEND who are eligible for transport assistance is proposed to be increased to £927 from £900 (£618 for the reduced fee, from £600) from the start of the 2022-23 academic year. This is a 3% annual inflationary increase which is aligned to the Council's uplift in fees and charges as agreed by Cabinet on 15 February 2022.
- 4.6 At this stage it is not possible to accurately predict the number of eligible Post-16 SEND students who will opt for Council organised transport for a fee in 2022-23, however, based on a 3% increase, this will result in an annual income increase of approx. £3.8k.

5. Corporate implications

- 5.1 The proposed revised Post-16 Transport Policy Statement is an important policy which helps to support and deliver all of the four priorities of the Council's Corporate Plan; in particular Protecting the Vulnerable and Strengthening our Communities.
- 5.2 The Equality Impact Assessment has been revised following the consultation close. It is attached at Appendix 4, with a recommendation that it is reviewed in July 2022.

6. Local councillors & community boards consultation & views

- 6.1 There was extensive consultation on the Post-16 Transport Policy Statement in Autumn 2020, including member engagement, at the time when consideration was being given to introducing Personal Transport Budgets (PTBs) and Post-16 contribution charges for young people with SEND. For the annual consultation process last year there were no substantive changes proposed in the consultation exercise.
- 6.2 There are no localised impacts as this is a countywide policy impacting on a small cohort of only 170 families paying for Council arranged transport in 2021-22. The 3% inflationary increase is in line with the agreed uplift in the Council's fees and charges.
- 6.3 All local members were informed of the consultation through the full Council Cabinet Member update report (24 November 2021).
- 6.4 As there are no substantive policy changes for 2022-23, no community board engagement was undertaken.

7. Communication, engagement & further consultation

- 7.1 We communicated with internal and external stakeholders, members and partners via different methods to make them aware of the Post-16 Transport Policy Statement consultation.

8. Next steps and review

- 8.1 The Statement will apply to all young people who will be Post-16 from September 2022. Communications activity will ensure that this is clear for families. It will be published on the Council's website in April 2022 and all parent/carers will be notified of the contribution charge level for the academic year 2022/23 as part of the annual application process.

9. Background papers and appendices

Appendix 1: Revised Post-16 Transport Policy Statement 2022-23

Appendix 2A: Post 16 Transport Statement 2022-23 consultation questionnaire

Appendix 2B: Post 16 consultation - free text comments

Appendix 3: Legislation for Post-16 transport

Appendix 4: Equality Impact Assessment

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.