
Meeting: Children's Services Overview and Scrutiny Committee

Date: 19 October 2010

Subject: Post 16 Transport Policy

Report of: Cllr Lewis – Portfolio Holder Children's Services

Summary: The report proposes changes to the Post 16 Transport Policy, to take effect from September 2011. Members will note that the proposed policy changes are related to young people attending post 16 education and training in schools, colleges and work based learning providers and not part of the Home to School Transport Policy which was agreed by Executive in March 2010.

Advising Officer: Edwina Grant, Deputy Chief Executive and Director of Children's Services

Contact Officer: Sylvia Gibson, Assistant Director Learning and Strategic Commissioning

Public/Exempt: Public

Wards Affected: All

Function of: Executive

CORPORATE IMPLICATIONS

Council Priorities:

The proposals relate to the second of the Council's key priorities::

- Educating, protecting and providing opportunities for children and young people.

The proposals also support the priorities set out in the Children and Young People's Plan and the Local Area Agreement to ensure that children, young people and families:

- enjoy and achieve at school and meet their full potential;
- are supported in families with a low income;
- receive appropriate services if they have special educational needs or are identified as vulnerable;

The proposals also have an impact on National Indicator 198 (Mode of travel to school), which is a priority in the Local Area Agreement and a mandatory indicator in the Local Transport Plan. This target aims to reduce car use for journeys to school and to increase the number of children travelling by sustainable modes of transport.

Financial:

The proposed changes to Policy, if approved by the Council, would result in budget savings whilst ensuring that those entitled to support and those who are the most vulnerable are able to access post 16 provision.

The cost of providing Post 16 Transport in the financial year 2009/10 was £1.94m. The 2009/10 parental contribution in 2009/10 towards post 16 transport costs is £234k, requiring the council to fund approximately £1.71m. Transport is provided on a subsidised basis for certain students and is free for others. It is estimated that the cost for the 2010/11 academic year will increase by 4% as more students access post 16 provision, in line with the raising of the participation age in 2013.

In conclusion more young people will be accessing post 16 education, but the proposals outlined in this policy will ensure that the cost per student is reduced.

Budget figures are projections and should be viewed as indicative savings. These projections do not take account of any costs which might be necessary to mitigate the effects of increased car use to school and colleges.

Legal:

For the 2009/10 and 2010/11 academic years, Central Bedfordshire Council adopted the previous policy of Bedfordshire County Council.

The Apprenticeship, Skills, Children and Learning Act 2009 amended the Education Act 1996 in relation to the provision of transport for persons of sixth form age. The Council has a duty to publish a Transport Policy statement annually that will detail the arrangements that will be made for students to access schools, colleges or any establishment at which the local authority or the Young People's Learning Agency secures education or training. The statement should include details of any financial assistance that will be made available, and detail any travel concessions which are provided under the Transport Act 1985.

Risk Management:

Any changes to the policy will meet current legislative requirements as described above. The new policy will be fairer and more equitable for all families.

There is the potential for an adverse reaction from young people and their parents where policy changes result in the provision of previously free or subsidised transport being removed. Therefore, it is important that the Council conducts effective consultation on any proposed changes to the current policy and takes careful note of the outcome of the consultation before reaching decisions.

Staffing (including Trades Unions):

There would be no impact upon staffing levels within the local authority. A new policy would reduce the administrative cost within the Client Transport Team and the Transport Entitlement Team.

Equalities/Human Rights:

Central Bedfordshire Council has a statutory duty to promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. An Equality Impact Assessment is being undertaken as part of the development of the policy. This will be revised and updated once the outcome of the consultation on the proposals is known. The Central Bedfordshire Equality Forum will also consider the draft policy and equality impact assessment.

Community Safety:

The Council does not have a statutory obligation to consider the Safe Routes requirements for post 16 students. The proposals do recognise that support must be made available to protect vulnerable children.

Sustainability:

Central Bedfordshire Council is developing a Sustainable Modes of Travel Strategy for educational establishments, which is a statutory requirement for the Authority under the Education and Inspections Act (2006). Any changes to the Post 16 Transport Policy and their impact will be considered as part of the development of this Strategy.

RECOMMENDATIONS:

- 1. That the Children's Services Overview and Scrutiny Committee considers and comments on the proposed changes to the Post 16 Transport Policy as set out in the report and Appendices.**
- 2. That the Children's Services Overview and Scrutiny Committee receive an updated report, consultation findings and proposed policy at their meeting of 25 January 2011.**

Background

1. The Council is required to have a Post 16 transport policy. For the 2009/10 and 2010/11 academic years Central Bedfordshire Council adopted the previous policy of Bedfordshire County Council.
2. A local authority does not have a statutory responsibility to provide free home to school or college transport for 16-19 year old students. However it does have the statutory responsibility to consider how it will assist learners to access the appropriate post 16 provision.
3. The Education and Skills Act 2008 states that the compulsory participation age will increase to 17 in 2013 and to 18 in 2015. It is important to ensure that appropriate provision is available for this cohort of learners.
4. The Department for Education issues guidance to local authorities in preparing their Policy Statement. Guidance for the 2011/12 academic year is awaited, therefore the guidance issued for 2010/11 is used throughout the proposals.

5. A Post 16 Transport Policy Statement for the 2011/12 Academic Year must be in place by 31st May 2011.
6. As part of Central Bedfordshire Council's overall aim to make the most effective use of resources available and to ensure they are targeted where they are needed most, a review of the current scheme of subsidised transport for 16-19 students has been undertaken.
7. This report sets out proposed changes to the policy and the consultation process taking place between 8th November and 17th December.

Current policy

8. The current Post 16 Transport Policy was that of the legacy Council and met the requirements of legislation that has since been updated. This policy will meet the standards within the Department for Education guidance issued in June 2010.
9. Transport is provided for all learners of sixth form age who attend a mainstream school or college course through a subsidised scheme.
10. To be eligible for subsidised transport students must :
 - a) be enrolled on a full time course
 - b) be 16 years of age or over and under 19 years of age at 1 September of the relevant academic year
 - c) be attending the nearest school or college to their home address which offers the qualification they are studying for, irrespective of the module content. This may be in Central Bedfordshire or a neighbouring council
 - d) Live more than 3 miles from their place of study, measured by the shortest available walking route. The distance may be less than 3 miles if a student has a medical condition which prevents them from walking to school or college, or the need for transport on road safety grounds can be justified based on the Council's Home to School Transport Policy.
11. The cost of the subsidised scheme for students, for the academic year 2010/11 is £133.95 per term or £364.25 per student for an annual pass. Some students, whose families are in receipt of certain benefits, are entitled to free transport.
12. All students with a statement of special educational need and in receipt of free home to school transport in Year 11 because of their special needs are provided with transport free of charge, irrespective of the distance between home and school or college. This includes all children who attend a special school or specialist provision in a mainstream school in Year 11. When a student leaves a local authority maintained school to attend a Further Education institution, their statement ends and they will be assessed under the statutory duties stated in the Apprenticeship, Skills, Children and Learning Act (2009). Where a student remains in education, free transport is provided up to the age of 25.

Proposals

13. As part of Central Bedfordshire Council's overall aim to make the most effective use of resources available and to ensure they are targeted where they are needed most, a review of entitlement to and the cost of Post 16 transport has been undertaken. The proposals set out below are to be consulted on to ensure that support is provided for those most in need.
14. The proposals below have been developed to ensure equitable and transparent processes for providing transport to post 16 students. The proposals are in line with new legislation, Department for Education guidance and are compatible with the current Home to School Transport Policy criteria for low income, medical needs and looked after children, as agreed by the Executive in March 2010.

a) Mileage criteria

Current

- i) Subsidised transport is provided to Post 16 students who live more than 3 miles from and attend the nearest school or college to their home address offering the qualification they are studying for, irrespective of the module content. This may be outside Central Bedfordshire.
- ii) This criterion creates queries to the school transport eligibility team, and also means that the Council is obliged to subsidise transport to some students to study courses as far away as London.

Proposal

- iii) Irrespective of the criteria used to assess entitlement to subsidised transport it is proposed that the maximum distance between home and school or college for which subsidised transport will be provided will be 15 miles.

b) Low Income Criteria

Current

- i) Where a student is entitled under the mileage criteria (as above), free transport is provided for those whose families are in receipt of Income Support, Working Tax Credit, Pension Credits, Employment Support Allowance or Income Based Job Seekers Allowance.

Proposal

- ii) It is proposed that the benefits taken into account when assessing entitlement to free transport should be the same as for statutory age pupils applying for transport on low income or concessionary grounds.

- iii) Families with a low income are defined as those children entitled to free school meals or whose family is in receipt of maximum working tax credit. This will mean that certain families in receipt of working tax credit, but not at the maximum rate, who have previously received passes free of charge, will in future, be required to pay.

c) Medical needs

Current

- i) Where a student attends the nearest school or college, transport is currently considered on medical grounds irrespective of distance between home and college. The medical condition can be temporary or long term and each application is considered on an individual basis. An application for transport has to be supported by a GP or consultant. Charges are made on a pro rata basis, dependant on the timescale for which transport is required.

Proposal

- ii) It is proposed that the current arrangements continue, with the most cost effective transport being provided for a maximum of one term at a time and subject to the Council discussing with GP commissioners regarding the level of appropriate transport for each student.

d) Road safety assessments

Current

- i) Transport is provided on road safety grounds where a student attends the nearest school and where pupils of statutory school age are entitled on road safety grounds. It is not a requirement to assess road safety grounds for Post 16 students attending college as the guidance recognises the capability of 16 year olds to travel independently.

Proposal

- ii) The council is not required to provide a safe route assessment for Post 16 students who are seen in the guidance as capable of travelling independently. It is proposed that subsidised transport will no longer be provided for students living within the 3 mile distance criteria.

e) Special Educational Needs

Current

- i) All students with a statement of special educational need and in receipt of free home to school transport in Year 11 because of their special needs are provided with transport free of charge, irrespective of the distance between home and school or college. This includes all children who attend a special school or specialist provision in a mainstream school in Year 11. Where a student remains in education, free transport is provided up to the age of 25.

Proposal

- ii) It is proposed that post 16 students with special education needs will be eligible for transport if they attend the nearest school or college that is more than 3 miles from their home address or they have transport needs specifically identified in their statement of special education need, or within the assessment carried out under the Apprenticeship, Skills, Children and Learning Act (2009) relating to Further Education providers. Charges for transport for students with special education needs will be assessed in the same way as all other students.

f) Looked After Children, Refugees and Unaccompanied Asylum Seeking Children

Current

- i) Whilst representing only a very small number of the total school population, Looked After Children and Refugees and Asylum Seekers can be some of the most vulnerable children in need of support. The education provider will not always be the nearest to their home address. The current rate of post 16 participation and success from this cohort is significantly below average when compared to the whole cohort. Providing free transport to this cohort enables more Looked After Children, Refugees and Asylum Seeking Children to access suitable provision.

Proposal

- ii) It is proposed that the current arrangements continue.

g) Assessment of Course Content

Current

- i) The current policy states that to be eligible for subsidised transport a learner must “be attending the nearest school or college which offers the qualification they are studying for, regardless of module content.” This means that the Council is obliged to subsidise transport to some students to study courses as far away as London.

Proposal

- ii) To ensure that Post 16 students have access to a wide range of provision and are able to make choices about the school or college they attend, but that transport is not committed to learners travelling considerable distances, it is proposed that the new policy states that learners must “be attending the nearest school or college which offers a qualification at the same level and in the same sector area as the course of choice”.

h) Appeals

- i) Appeals from young people or parents will be managed through the Council Complaints process. However, where appeals are made regarding the appropriateness of course content, the 14-19 Strategy Group, a statutory group as stated in the Education and Skills Act 2008 section 85, will provide an independent view regarding the reasonableness of the choice made by the young person.

Consultation Process

- 15. The Consultation will begin on 8 November 2010 and will run until 17 December 2010. The Consultation will take the form of representational workshops and a questionnaire that will be based upon the six proposals as outlined in this report. The consultation will be circulated widely and made available on the Council Website.

Conclusion and Next Steps

- 16. The Committee is requested to consider the proposed changes to the Post 16 Transport Policy and to comment on the proposals which will feed back into the review of the Policy. The outcomes of the consultation will be fed back to the committee at its meeting on the 25th January before going to Executive on the 8th February.

Appendices:

Appendix A: Transport policy statement for learner ages 16 – 18 in further education and continuing learners aged 19 and over 2010/11, Central Bedfordshire Council, March 2010

Appendix B: 2010 Post-16 Transport Guidance, Department for Education, June 2010

Appendix C: Financial Information