
Meeting: Executive
Date: 15 March 2011
Subject: Post 16 Transport Policy
Report of: Cllr Mrs Anita Lewis , Portfolio Holder for Children's Services
Summary: The report proposes that the Executive agrees to adopt the Post 16 Transport Policy for Central Bedfordshire (Appendix A).

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

Key Decision Yes

**Reason for urgency/
exemption from call-in
(if appropriate)** Not applicable

CORPORATE IMPLICATIONS

Council Priorities:

The Post 16 Transport Policy relates to the second of the Council's key priorities:

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

The Policy also supports 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 parental contribution in 2009/10 towards post 16 transport costs was £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 approximately 4% more students will access post 16 provision each year until 2015, in line with the raising of the participation age. All financial projections reflect this increase to 2013/14 when all 17 year olds will be in some form of education or training. Those who undertake an apprenticeship would not be eligible for subsidised transport.

If the proposals within the new policy are adopted, it is anticipated that the Council can make savings of £125k in 2011/12 and £351k in 2012/13.

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 16-19 year olds.

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.

Adopting this policy will ensure that the Council is meeting its legal responsibilities.

Risk Management:

The proposed changes to the policy will meet current legislative requirements and ensure that the assessment of eligibility for free or subsidised post 16 transport is fair and equitable for all families.

There is the potential for adverse reaction from students and education providers where previous entitlement transport would be removed.

Staffing (including Trades Unions):

There would be no impact upon staffing levels within the local authority. A new policy would bring a reduction in some of the administrative tasks within the Client Transport Team and the Transport Entitlement Team. However, queries would rise in the first instance as the new policy was implemented.

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 has been undertaken in consultation with the Central Bedfordshire Equalities Forum as part of the development of the policy and is attached at Appendix C.

Community Safety:

The Council does not have a statutory obligation to consider the Safe Routes requirements for post 16 students. The proposals do recognise, however, 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.

Summary of Overview and Scrutiny Comments:

- The draft Post 16 Transport Policy was discussed at the Children's Services Overview and Scrutiny Committee on the 19 October 2010. The Committee resolved:
 1. that Officers reconsider the model for the 15 miles radius under the proposal for the mileage criteria;
 2. to suggest an amendment to the proposal on the assessment of Course Content to extend the last sentence 'and that the student has been accepted for a place at the school or college'; and
 3. recommended to the Sustainable Communities Overview and Scrutiny Committee that they consider the safety of cycle routes being used by young people travelling to and from school or college within their work programme.
- The Children's Service Overview and Scrutiny Committee considered the revised draft policy on 25 January 2011. It was noted that the revised report incorporated the Committee's suggestions made at the 19 October meeting and provided further information to illustrate that students living anywhere in Central Bedfordshire had access to a college or sixth form within a distance of 15 miles.

The Committee resolved

1. that the additional information requested at the Children's Services Overview and Scrutiny Committee meeting held on 19 October 2010 be noted.
2. that the draft Post 16 Transport Policy be endorsed.

RECOMMENDATIONS:

- 1. that the Executive agrees to adopt the Post 16 Transport Policy based upon either Option A or Option B below:**

Option A **To adopt the draft Policy attached at Appendix A with effect from 1 September 2011.**

Option B **To adopt the draft Policy subject to the following amendment to paragraph 26 “Subsidised transport will be available for students aged 16 – 18 whose home address is more than 3 miles, but no more than 20 miles from the school or college they are attending”.**

The Executive is recommended to agree Option B.

- 2. that the Executive agrees to give delegated authority to the Director of Children’s Services in consultation with the Portfolio Holder for Children Services to approve any subsequent minor variations to the Post 16 Transport policy; and**
- 3. that the Executive agrees to a further review of the policy for implementation in 2012/13.**

<i>Reason for Recommendations:</i>	To ensure that the Council meets its statutory obligations and to ensure that the Council adopts a fair, equitable and transparent policy to support students to access post 16 education.
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Executive Summary

The Department for Education issued new Post-16 Transport Guidance in June 2010. The proposed new Post 16 Transport Policy is designed to ensure that the Council meets its statutory responsibilities as described in this guidance.

The proposed policy will also provide a clearer set of criteria to assess the eligibility of students, and will enable a fairer and more consistent assessment process.

In 2009/10, 6,428 Central Bedfordshire students accessed 16-19 education or training. In 2009/10 1,328 students received free or subsidised transport. This includes students accessing school sixth forms, Further Education colleges and Independent Specialist Providers for students with learning difficulties and/or disabilities.

The new proposals would ensure that eligible students were able to access the most suitable education or training and would include work based learning provision. The proposals do not include providing subsidised or free transport to students accessing Apprenticeship provision as they are not eligible within the Department for Education guidance.

The eligibility criteria within the new policy have been created in line with the Department for Education guidance and through discussion with education and transport experts from within the Council and its partners. A public consultation took place between 8 November 2010 and 17 December 2010.

There is a duty on the Council to keep the policy under review and a delegation has been sought to allow for minor variations to the policy to be made.

It is recommended that a further review of the policy is carried out for implementation in 2012/13 to focus on the truly vulnerable. This review will also further consider the impact of the Raising of the Participation Age from September 2013, the value of the introduction of a post 16 travel pass and any new Post 16 Transport guidance issued by the Department for Education.

Background information

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 or subsidised 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 appropriate post 16 provision.
3. 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. Based upon the findings of this review, a consultation process was initiated. The outcomes of this consultation are described in paragraphs 19 to 21 below.
4. The Government intends to raise the participation age to 18. This requirement will be introduced in two phases; raising the participation age to 17 in 2013 and then to 18 from 2015. The Government's aim is that by continuing to participate in education or training post-16, young people will gain the knowledge and develop the skills they need to succeed in life. It is anticipated that post 16 learner numbers will increase by 4% a year until 2015, increasing the costs of funding post 16 transport. This assumption has been built into the costings included in Appendix B.

Current Policy

5. The current Post 16 Transport Policy met the requirements of legislation current at the time and that has since been updated. The draft policy will meet the standards within the Department for Education guidance issued in June 2010.
6. Transport is provided for all learners of sixth form age who attend a mainstream school or college course through a subsidised scheme.

7. 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.
8. 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.
9. 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.

Proposed eligibility criteria

10. A review of entitlement to and the cost of, Post 16 transport has been undertaken. The proposals 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 as agreed by the Executive on 9 March 2010.
11. The eligibility criteria relate to specific areas of:
- ◆ distance;
 - ◆ road safety;
 - ◆ low income;
 - ◆ attendance at a school on grounds of the student's or parents' religion;

- ◆ medical grounds;
- ◆ children for whom Central Bedfordshire Council is a Corporate Parent;
- ◆ course content; and
- ◆ special educational needs.

a) Distance 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 results in the Council being 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) Transport on grounds of road safety

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.

c) Low Income Criteria

Current

- i) Where a student is entitled under the mileage criteria 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.

d) Attendance at a school on grounds of the student's or parents' religion

Current

Transport is not provided to schools on denominational grounds. Transport is provided to a denominational school where it is the nearest establishment.

Proposal

It is proposed that the current arrangements continue. Transport is not provided to schools on denominational grounds. Transport will be provided to a denominational school where it is the nearest establishment which offers a qualification at the same level and in the same subject area as the course of choice.

e) 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

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 the level of appropriate transport for each student.

f) Children for whom Central Bedfordshire Council is a corporate parent

Current

- i) The needs of this group of students are not addressed within the current policy.

Proposal

- ii) 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. The draft Policy proposes that the Council supports Looked After Children, Refugees and Unaccompanied Asylum Seeking Children with transport, if required, to attend provision that best meets their needs.

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 subsidised transport will be available to:
 - a school where the learner has been enrolled for a minimum of two years and has been eligible for subsidised transport, or

- to the nearest establishment which offers a qualification(s) at the same level and in the same subject area(s) as the course applied for and accepted on to.

h) 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.

12. The proposed new eligibility criteria have formed the basis of the draft policy in Appendix A. The new eligibility criteria will apply to learners starting a new course from September 2011. It is recommended that the proposals in the policy should only apply to learners starting new courses in September 2011, in recognition that for this group of learners no prior notice was given of a potential change in eligibility.

Appeals

13. 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.
14. The 14-19 Strategic Group agreed on 20th September 2010 to form a transport group to review all aspects of 14-19 transport. This would include the assessment of course content as part of the appeals process and future costs in light of the changing 14-19 education landscape.

Consultation Process

15. The consultation process started on 8 November 2010 and ended on 17 December 2010.
16. A consultation questionnaire and guidance notes were sent to all Central Bedfordshire schools to be distributed to Year 11 students and those currently in the sixth form. The consultation questionnaire and guidance note were also sent to parents and carers of all students currently in receipt of subsidised transport to attend college and all students with special educational needs in receipt of transport. The papers were also sent to Directors of Children's Services, and 14-19 lead officers of neighbouring Local Authorities, local colleges and work based learning providers and voluntary and community sector organisations.
17. Meetings were held to present the consultation questionnaire and guidance note to Central Bedfordshire school and college leaders and colleagues responsible for 14-19 education in Bedford Borough Council, Luton Borough Council and Hertfordshire County Council.
18. The consultation was promoted in the local free press, via the Council website and through social networking mediums including Facebook and Twitter.

Consultation Findings

19. The responses to the consultation are included in full in Appendix E.
20. The consultation findings show that the proposals regarding low income, medical needs, special educational needs and the assessment of course content all have a clear majority in agreement with the new proposal.
21. No clear view was identified regarding the proposal to implement a maximum of 15 miles subsidised transport, the proposal not to provide subsidised transport on road safety grounds and the proposal to provide free transport to all Looked after Children, including Unaccompanied Asylum Seeking Children.

Conclusion and Next Steps

22. The Executive is asked to make a decision based on either Option A or Option B below:

Option A To adopt the draft Policy attached at Appendix A with effect from 1 September 2011.

Option B To adopt the draft Policy subject to the following amendment to paragraph 26 “Subsidised transport will be available for students aged 16 – 18 whose home address is more than 3 miles, but no more than 20 miles from the school or college they are attending. The distance will be measured using the shortest walking distance up to three miles and the motorised route up to 20 miles, using the Council’s Geographic Information System (GIS)”.

By increasing the maximum mileage rate to 20 miles, more students will have access to schools and colleges within Bedfordshire and within neighbouring authorities. A small number of students would not be able to access Bedford or Central Bedfordshire colleges. This option will reduce potential savings by at least £12k per year based upon current transport provided, as outlined in Appendix B.

23. The Executive is recommended to agree Option B.
24. Following the approval of the Executive, the policy will be published on the Council website in accordance with the statutory guidelines and will be implemented from September 2011.

Appendices:

Appendix A – Draft Post 16 Transport Policy

Appendix B – Financial implications

Appendix C – Equality Impact Assessment

Appendix D – Consultation questionnaire

Appendix E – Consultation findings

Background Papers: (open to public inspection)

2010 Post-16 Transport Guidance, Department for Education, June 2010

Location of papers: Priory House, Chicksands