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**Meeting:** Children's Services Overview and Scrutiny Committee  
**Date:** 28 June 2011  
**Subject:** Post 16 Transport Policy  
**Report of:** Executive Member for Children's Services, Cllr Mark Versallion  
**Summary:** The report asks for Scrutiny to have a discussion on the responses to the consultation on proposed changes to the Post 16 Transport Policy which was agreed by the Council's Executive on 15<sup>th</sup> March 2011. This was previously scrutinised by Children's Services Overview and Scrutiny Committee on 25 January 2011. At the time of agreeing the policy, the Executive asked that the policy be further reviewed for 2012/13. A proposed changed policy has been consulted upon. This proposed changed policy will be considered at the meeting alongside a presentation from the Executive Member and Director on a number of alternative considerations. The Committee are asked to advise the Executive Member on the range of options presented and any new suggestions they may wish to make.

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**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 following priorities set out in the Children and Young People's Plan:

- Helping children and young people achieve more and transforming our relationship with schools
- Protecting children and keeping them safe
- Reducing child poverty and the effects for those living in poverty and improving early intervention and prevention

**Financial:**

The proposed changes to the Policy as attached at Appendix A, if amended according to paragraphs 14 – 18 of this report and 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 2010/11 was £1.79m. The parental contribution in 2010/11 towards post 16 transport costs was £193k, requiring the council to provide funding of approximately £1.6m. Transport is provided on a subsidised basis for certain students and is free for others. It is estimated that the cost for the 2011/12 academic year will increase by 4% as more students access post 16 provision, in line with the raising of the participation age in 2013. The proposals outlined in this policy will ensure that the cost per student is reduced.

Appendix B shows that the savings from the policy agreed in March 2011 are projected to be £324,650,000 in 2013/14 if no further change is made. The savings would be £601,010 for 2013/14 if the Executive agrees the change to the policy now set out. In 2012/13 the total saving would be £433,898k to show part year effect.

These savings should be set against the Children's Services contribution to cross cutting savings on transport planned in 2011/12 which is £1,054m out of a Council cross cutting saving of £1,350m in 2011/12 and £130k in the medium term plan for 2012/13, subject to further efficiency reviews. These separate efficiencies will be made by reviewing and re-procurement of routes

The budget figures attached at Appendix B are projections and should be viewed as indicative savings. These projections do not take account of any costs which might be required to mitigate the environmental effects of increased car use to schools and colleges.

Members of the Scrutiny Committee are also asked to indicate ideas which they consider should be subject to financial evaluation as alternatives to the policy at Appendix A, if amended according to paragraphs 14 – 18 of this report.

**Legal:**

For the 2009/10 and 2010/11 academic years, Central Bedfordshire Council adopted the previous policy of Bedfordshire County Council. For the 2011/12 academic year, Central Bedfordshire Council adopted a new policy to meet updated national guidelines and to align with the current Home to School Transport Policy.

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 immediate impact upon staffing levels within the Council although staffing resources would be kept under review as any policy change is implemented and is shown at Appendix B.

**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 has developed and adopted a strategy which meets its Statutory Duty under the Educational and Inspections Act (2006) to promote sustainable travel and transport. This is entitled 'Sustainable Travel to Schools and Colleges: A Strategy for Central Bedfordshire' and forms an important part of Central Bedfordshire's 'Access to Services' part of the Local Transport Plan 2011 - 2026 which was adopted by the Council Executive in March 2011. The proposed changes to the Post 16 Transport Policy at Appendix A, if amended according to paragraphs 14 – 18 of this report as the option consulted upon, or in the case of any other options, will take into account Central Bedfordshire's duty to promote travel by sustainable modes to educational establishments as set out in the strategy.

**RECOMMENDATION(S):**

- 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 at Appendix A, if amended according to paragraphs 14 – 18 of this report, alongside any other options they consider should be developed resulting from discussion following the presentation by the Executive Member and Director. The Executive will then consider the next steps at their meeting in August 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. For the 2011/12 academic year, Central Bedfordshire Council adopted a new policy to meet updated national guidelines and to align with the current Council Home to School Transport Policy. The Executive at its meeting on 15 March 2011 agreed to a further review of the policy for implementation in 2012/13.
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 a 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 Post 16 Transport Policy and Policy Statement. Guidance for the 2011/12 and 2012/13 academic years 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 2012. The Policy statement must include the Post 16 Transport Policy and details of how students can access transport. In addition to providing suitable notice a commitment has been made to seek to give providers a full academic year notice of any change. Hence, the consultation commenced May 2011. The decision on any change of policy will be made as soon as possible in order to advise parents and young people as soon as possible after the start of the academic year 2011 for implementation in 2012.
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 9 May 2011 and 24 June 2011. This relates to the option in Appendix A, if amended according to paragraphs 14 – 18 of this report. However, as indicated above, the Committee may recommend other options be considered.
8. Any change to the policy should be done in a timely way to ensure that young people and their parents/carers are aware of the eligibility criteria that will apply to them when they consider post 16 education options for the 2012/13 academic year.

## **Current policy**

9. The current Post 16 Transport Policy meets the standards within the Department for Education guidance issued in June 2010.
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.

## **The changes that were effective following the Executive decision in March 2011 for the 2011/12 Policy**

13. To be eligible for free or 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) live more than 3 miles and no more than 20 miles from the school or college they are attending
  - d) attend a school or college where they have been enrolled for a minimum of two years and been eligible for free transport or

- e) attend 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
- f) have specific medical needs that prohibit them from accessing school or college unless transport is provided
- g) Be a looked after child where the Council is the Corporate Parent
- h) Have transport needs specifically highlighted in their statutory annual assessment of special educational needs

The cost of the subsidised scheme for students for the academic year 2011/12 is £144.00 per term or £391 for an annual pass. Some students whose families are in receipt of certain benefits are entitled to free transport.

### **Proposals to be considered for a further revision of the policy**

- 14. 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 transport and of the associated costs of providing Post 16 transport has been undertaken.
- 15. The draft proposed policy at Appendix A, if amended according to paragraphs 14 – 18 of this report proposes that the eligibility criteria for the 2012/13 Post 16 Transport Policy focus on the most vulnerable groups of students. It is therefore proposed that transport will not be provided on grounds of distance or course content. However, as indicated above, the Committee may recommend other options be considered.
- 16. The proposed eligibility criteria relate to specific areas of:
  - low income;
  - medical grounds;
  - children for whom Central Bedfordshire Council is a Corporate Parent;
  - special educational needs.
- 17. It is proposed that the current eligibility criteria remain as agreed for the 2011/12 policy. These criteria focus on providing transport to vulnerable groups and are detailed below.

#### **a) Low Income Criteria**

For a student to be eligible for free transport on low income grounds their family must be in receipt of benefits set out in Appendix A and will:

- attend the school where they have been enrolled for a minimum of two years and have been eligible for free home to school transport, or

- live more than 3 miles, but no more than 20 miles and attend the nearest establishment which offers a qualification at the same level and in the same subject area(s) as the course applied for and accepted on to.

**b) Medical needs**

Where a student attends the nearest school or college offering the qualification and subject they are studying, transport can be considered on medical grounds irrespective of distance between home and school. Each application is considered on an individual basis. An application for transport must be supported in writing by a GP or medical consultant.

Transport will be arranged in the most cost effective way and be provided for a maximum of one term at a time.

A subsidised charge will be made for the transport provided, based on the number of weeks for which transport is agreed.

**c) Children for whom Central Bedfordshire Council is a corporate parent**

As Corporate Parents to these children, Central Bedfordshire Council will ensure that free transport will be provided for students to attend the most suitable establishment to meet their individual needs, irrespective of distance.

**d) Special Educational Needs**

Transport needs for students with special educational needs will be assessed as part of the statutory assessment process.

Where students have been assessed as requiring transport and are eligible, the subsidised rate will be charged, as set by the Executive of the Council and reviewed annually.

Subsidised transport will be provided for a student to the most appropriate establishment as identified through the assessment, where the distance between home and the establishment is more than 3 miles.

Where the distance is less than 3 miles the assessment will include consideration of whether a student could reasonably be expected to walk or cycle to school or college. Where this is not possible subsidised transport will be provided.

The most appropriate mode of travel will be agreed as part of the assessment process.

**Appeals**

18. Appeals from young people or parents will be managed through the Council Complaints process.

## **Consultation Process and findings**

19. The Consultation on Appendix A as amended by paragraphs 14 – 18 of this report ran from 9 May 2011 until 24 June 2011.
20. A consultation questionnaire and guidance notes were sent to all Central Bedfordshire schools to be distributed to Year 10 students and those currently in the sixth form. The papers were also sent to transport and 14-19 lead officers of neighbouring Local Authorities, local colleges and work based learning providers and voluntary and community sector organisations.
21. As the consultation does not close until 24 June, the outcomes of the consultation will be circulated at the meeting and will be incorporated in the presentation by the Executive Member and Director.

## **Conclusion and Next Steps**

22. **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 at Appendix A as amended by paragraphs 14 – 18 of this report, alongside any other options they consider should be developed. These alternative proposals may arise from discussion following the presentation by the Executive Member and Director. The Executive will then consider the next steps at their meeting in August 2011.**

## **Appendices:**

Appendix A: Central Bedfordshire Council Post 16 Transport Policy 2011/12

Appendix B: Financial Information