
Meeting: Executive
Date: 23 August 2011
Subject: Post 16 Transport Policy
Report of: Cllr Mark Versallion, Executive Member 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/Director of Children's Services

Contact Officer: Peter Dudley, Assistant Director Learning, Commissioning and Partnerships

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:

- 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.
- Targeting the most deprived areas and vulnerable groups to improve children's emotional and physical health.

Financial:

The proposed changes to the Policy, if approved by the Executive, would result in budget savings whilst supporting those who are the most vulnerable to be able to access post 16 provision.

The cost of providing Post 16 Transport in the financial year 2010/11 was £1.8m. The parental contribution in 2010/11 towards post 16 transport costs was £193k, requiring the Council to fund approximately £1.6m. 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.

The 2011/12 Post 16 Transport Policy, as agreed at the Executive on 15 March 2011 is projected to generate £120k savings for the 2011/12 financial year and £339k savings in 2012/13.

If the proposals detailed in the proposed 2012/13 policy are adopted, it is anticipated that the Council will make further savings of £119k in 2012/13 and £339k in 2013/14.

As part of the Passenger Transport Review Phase 1, there is a savings target of £1.054m in 2011/12 and a further £345k savings target in 2012/13. These savings will be made by re-tendering current contracts and through the implementation of the Home to School Transport Policy and Post 16 Transport Policy. Any future savings to be made from Post 16 Transport Policy changes have not been included.

A £400k pressure against these savings has been recognised as part of the 2011/12 budgeting process. This is mainly due to the complexity of re-tendering and re-assessing eligibility of children with Special Educational Needs. An action plan has been agreed to address this.

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 has adopted a new policy to meet updated national guidelines and to align with the current Council 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 16-19 year olds.

The Council has a duty to publish a Transport Policy statement annually that details 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 the proposed 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. In parallel with this policy action will be taken, along with schools, to support parents and young people with accessing efficient and effective transport alternatives.

Staffing (including Trades Unions):

There would be no impact on staffing.

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 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 Executive in March 2011. The proposed changes to the Post 16 Transport Policy will take into account Central Bedfordshire's duty to promote travel by sustainable modes to educational establishments as set out in the strategy.

Summary of Overview and Scrutiny Comments:

- The draft Post 16 Transport Policy was discussed in detail at the Children's Services Overview and Scrutiny Committee on 28 June 2011.
- No consensus was reached during the debate but the following recommendation was moved and seconded:-

That the proposed changes to the Council's Post 16 Transport Policy be supported by this Committee and that the Executive be informed accordingly.
- Upon being put to the vote, 6 Members supported the recommendation, 2 were against and there were 4 abstentions. Accordingly the recommendation was carried.

RECOMMENDATIONS:

1. **to adopt the Post 16 Transport Policy attached at Appendix A with effect from 1 September 2012; and**
2. **to authorise the Deputy Chief Executive/Director of Children's Services after consultation with the Executive Member for Children's Services to approve any subsequent minor variations to the Post 16 Transport policy.**

Reason for Recommendations: To ensure that the Council meets its statutory obligations.

To ensure that the Council adopts a fair, equitable and transparent policy to support the most vulnerable students to access post 16 education.

To ensure that the Council adopts a Post 16 Transport Policy that can be implemented within the available resources.

Executive Summary

The Department for Education issued 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 set out in this guidance.

In 2010/11 1,145 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.

At its meeting of 15 March 2011, the Executive agreed the Post 16 Transport Policy for 2011/12 and resolved "To approve a further review of the Post 16 Transport Policy for implementation in 2012/13". Members noted that this further review would "focus on supporting the truly vulnerable".

The eligibility criteria within the proposed 2012/13 policy have been developed in line with the Department for Education guidance and through discussion with education and transport experts from within the Council and its partners.

The proposed 2012/13 Post 16 Transport Policy focuses support on the most vulnerable groups of students. It is therefore proposed that transport will not be provided on grounds of distance or course content.

The proposals do not cover transport for students accessing Apprenticeship provision as they are not eligible within the Department for Education guidance.

The proposals included in this report align with the Home to School Transport Policy eligibility criteria.

A public consultation took place between 9 May 2011 and 24 June 2011. Consultation with partners, neighbouring councils and schools/colleges has also taken place.

The proposed changes to the 2012/13 policy are being presented to the Executive now for decision to ensure that young people and their parents/carers are aware of the eligibility criteria that will apply to them when they investigate the most suitable post 16 education options for the 2012/13 academic year.

As part of the Council Passenger Transport Review Phase 2, further options to support young people accessing local transport will be investigated. Any options investigated will not affect the eligibility criteria proposed in the new policy.

The Council, via the Integrated Transport Unit and Sustainable Transport Team, will work with schools and colleges to develop effective and efficient options for students, including concessionary places on school buses that are not fully filled by statutory aged students and to explore the feasibility of introducing a council wide public transport pass.

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.

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. For the 2011/12 academic year, Central Bedfordshire Council has adopted a new policy to meet updated national guidelines and to align with the current Council Home to School Transport Policy.
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 18 to 22 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 financial information included in Appendix B.

5. Schools, colleges and other education providers can organise their own transport to support 16-19 students. The Council Client Transport Team will offer support to schools and colleges in commissioning and procuring such services to ensure quality and a consistency with the Passenger Transport Review and Local Transport Plan.
6. The Young People's Learning Agency published guidance in June 2011 for the use of the 16-19 Bursary Fund; an allocation of £180m nationally directly to schools and colleges to be used to support students to overcome barriers to education, including transport.
7. Schools and colleges will be able to use the 16-19 Bursary Fund to provide individual bursaries to students to help with costs of transport, or will be able to use this to organise and fund transport for groups of students.

Proposed Eligibility Criteria

8. 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.
9. The proposed 2012/13 Post 16 Transport Policy focuses on the most vulnerable groups of students. It is therefore proposed that transport will not be provided on grounds of distance or course content.
10. The proposed eligibility criteria relate to specific areas of:
 - low income;
 - medical grounds;
 - children for whom Central Bedfordshire Council is a Corporate Parent; and
 - special educational needs.
11. It is proposed that the current eligibility criteria for the above groups of students set out in the draft Policy (Appendix A) remain as agreed for the 2011/12 policy.
12. The proposed new eligibility criteria have formed the basis of the draft policy in Appendix A. It is recommended that the proposals in the policy should only apply to learners starting new courses in September 2012, in recognition that for learners starting courses in September 2011 no prior notice was given of a potential change in eligibility from September 2012 at the time they made their choice of course.

Appeals

13. Appeals from young people or parents will be managed through the Council Complaints process. However, should the Executive approve Option B above, 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

14. The consultation process started on 9 May 2011 and ended on 24 June 2011. The consultation was based upon the proposed eligibility criteria outlined above.
15. A consultation questionnaire and guidance notes were sent to all Central Bedfordshire schools to be distributed to Year 10 students. 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.
16. Parents, students, Central Bedfordshire school and college leaders and colleagues responsible for 14-19 education in Bedford Borough Council, Luton Borough Council and Hertfordshire County Council were invited to a consultation workshop.
17. The consultation was promoted in the local free press, via the Council website and through social networking mediums including Facebook and Twitter.

Consultation Findings

18. The responses to the consultation are set out in full in Appendix D.
19. The consultation findings show that the majority of respondents disagree with the proposals to stop providing transport on distance and course content grounds. However, 21% of responses were from parents of students currently in receipt of transport who would not be affected by the proposals.
20. Of the responses disagreeing with the proposal to stop providing transport on distance grounds, only 39 responses (38%) were from people who could be directly affected by any change (parents of students under 16, or under 16 year olds).
21. Of the responses disagreeing with the proposal to stop providing transport on course content grounds, only 36 responses (33%) were from people who could be directly affected by any change (parents of students under 16, or under 16 year olds).
22. A clear majority of respondents agree that support should remain for the vulnerable groups outlined in the proposals.

Conclusion and Next Steps

23. The Executive is asked to agree the proposed policy.
24. Following the decision of the Executive, the policy will be published on the Council website in accordance with the statutory guidelines and will be implemented from September 2012.

Appendices:

- Appendix A – Draft 2012/13 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