

## Central Bedfordshire Council

EXECUTIVE

4 December 2018

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### Revised Policies for Travel Assistance for Children and Pupils Attending School and Post 16 Students and Post 19 Young People in Education

Report of: Cllr Steven Dixon, Executive Member for Families, Education and Skills ([steve.dixon@centralbedfordshire.gov.uk](mailto:steve.dixon@centralbedfordshire.gov.uk))

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**This report relates to a decision that is Key**

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#### **Purpose of this report**

1. The Travel Assistance Policies for Central Bedfordshire have been reviewed following a public consultation. The purpose of this report is to seek the views of the Executive on adopting the revised Travel Assistance Policies and consulting on a post 19 Transport Policy

#### **Recommendations:**

##### **The Executive is asked to:**

1. **adopt the travel assistance policies for the academic year 2019/20; and**
2. **agree to consult on a post 19 Transport policy.**

#### **Overview and Scrutiny Comments/Recommendations**

2. The policies were considered at Children's services Overview and Scrutiny Committee on the 20<sup>th</sup> November 2018. Recommendations from this Committee are attached at Appendix E.

#### **Issues**

3. Central Bedfordshire Council provides transport assistance to entitled pupils of school age and those post 16 attending education.

4. The Council is required to have policies in place setting out how the statutory service will be delivered. The current Home to School Transport Policy was adopted by Executive in February 2014, a review was undertaken in April 2015 by the Director of Children's Services in consultation with the Executive Member. The Post 16 policy was adopted by Executive in 2010.
5. On the 20<sup>th</sup> June 2017 Executive gave permission for a public consultation to be undertaken in relation to suggested changes to the policy and how Central Bedfordshire Council would provide assistance with home to school transport. The responses to this consultation are set out at Appendix C.
6. Central Bedfordshire Council Transports over 5,000 entitled children/students from home to school each year.
7. In 2017/18 the cost to the revenue budget was £9,608,223.
8. Currently, pupils are entitled to transport assistance for the following reasons:

All children who are in reception year to the end of year 11 qualify for free school transport if they go to their nearest suitable or catchment school and live at least:

- 2 miles from the school if they are under 8
- 3 miles from the school if they are 8 or older. The statutory walking distances are measured by the shortest available walking route.

If there is no available walking route, children may be offered transport.

If the family is in receipt of the maximum Working Tax Credit or their children are entitled to free school meals, they will get free school transport if they are:

- I. aged 8 to 11 and the nearest suitable school is at least 2 miles away
- II. aged 11 to 16 and attend 1 of the 3 nearest schools between 2 to 6 miles from the home address
- III. aged 11 to 16 and attend the nearest school of their chosen religion or belief and it is between 2 to 15 miles from the home address.

There is no automatic entitlement for pupils with an Education Health Care Plan. However, transport can be provided if they live further than the statutory walking distances mentioned in above and:

- attend their nearest or catchment mainstream school.

- attend the nearest suitable special school, which has been agreed by us as being able to meet their needs.

If a child lives under the statutory walking distance but their needs would mean it was unsafe for them to walk even when accompanied by an appropriate adult, then transport may also be provided.

If a child attends the nearest or catchment school and they have a medical condition which means they are unable to walk to school or access mainstream or public transport, then transport may be provided.

If a child is between 16 and 18 and in further education or sixth form, we may be able to help with transport. Transport is provided to pupils who attend the catchment or nearest school or the nearest establishment which offers the chosen course.

The distance from home to school or college needs to be between 3 and 20 miles (measured by walking distance up to 3 miles and motorised route after 3 miles) and:

- be from a low income family or;
- have a medical need or;
- be in the care of the authority.

Transport can be provided for pupils who have a Education Health Care Plan up until the age of 25.

9. The Council's policies have been reviewed to ensure that they meet the statutory requirements whilst making the most efficient use of resources.
10. The changes to the policy being considered are:
  - Transport will not be provided for children who are not of statutory school age (under 5) except in certain circumstances.

### **Reason/s for decision**

11. To ensure that the Council meets its statutory obligations.
12. To ensure that the Council adopts a fair, equitable and transparent policies to support all pupils and their families.
13. The Council does not have a policy to show how we exercise our judgement judiciously and in good faith when considering the necessity of transport provision for young people with an Education, Health and Care Plan, aged between 19 and 25 attending education.

14. To ensure that the Council adopts policies that can be implemented within the available resources.
15. In 2017 a public consultation was undertaken in relation to the home to school transport policies there were nine questions asked, the areas covered, and responses provided were:
- Provide transport from home to nearest available school, rather than to the nearest catchment.

58% of respondents disagreed or strongly disagreed with the proposal to provide transport to the nearest available school, rather than to the nearest catchment school. With less than 28% supporting the proposal.

- Provide transport for children who are aged five and above  
The majority (59%) of respondents agreed with the proposal to only provide transport for children who are aged five and above, with only 26.4% disagreeing.

Students over 16 years old with a special education need (SEN) will be required to make a contribution towards the cost of their transport, unless they are from a low-income family.

47% disagreed with the proposal to require post 16-year olds with SEN to contribute towards the cost of their transport, unless from a low-income family. Another 37% agreed with the proposal with a further 15% responding neither, indicating a wider split in opinions.

- Offer a travel pass for a public bus or train for Middle and Upper school pupils (ages 9-16), rather than supplying private buses or taxis in the first instance.

A significant majority (70%) disagreed with the proposal to offer a travel pass for a public bus or train to students (aged 9-16) rather than supply private buses or taxis in the first instance. Only 24% of respondents agreed with the proposal showing an overwhelming objection to the policy.

- When a vehicle has been provided to the family by the national Motability Scheme, the council will provide parent/carers with a payment to cover the cost of mileage rather than provide additional transport.

39% of respondents agreed with the proposal to provide parents/carers with a payment to cover the cost of mileage of transporting their child to school with their Motability vehicle. 35% disagreed with the proposal whilst 26% responded neither, indicating no opinion which suggests the proposal may not affect them enough to comment either way.

- Proposal to charge concessionary bus passes at a variable rate that better reflects the cost of the journey rather than a universal fixed rate?

Just under half of respondents (47%) disagreed with the proposal to charge concessionary bus passes at a variable rate rather than a universal fixed rate, with only 33% agreeing with the proposal.

- Provide a contribution to schools to run their own mini buses instead of commissioning private bus operators, in instances where this is more cost effective?

The majority (54%) supported the proposal to provide a contribution to schools to run their own mini buses instead of commissioning private bus operators, with only 30% in disagreement.

- Rather than providing transport, the council will reimburse travel expenses to parent/carers whose children attend a boarding school.

47.3% responded 'Neither' indicating no opinion, likely because of the very specific nature of the proposal. 28% disagreed with the proposal to reimburse travel expenses to parent/carers rather than provide transport in the first instance with 15% agreeing.

- Proposal to no longer provide travel assistance to parents/carers attending a Statement / EHC review whose children attend an out of council area boarding school.

Again, a similar proportion of respondents (46.5%) responded 'Neither'. 27% disagreed with the proposal to no longer provide travel assistance to parents/carers attending a Statement/EHC review at an out of area boarding school. With a slightly smaller percentage (26.5%) disagreeing with the proposal.

16. Based on the responses received the following decisions were taken:

- Until the School Admissions Policy changes to nearest school a change will not be made to the school transport policies as this will cause confusion for parents and carers.
- The change to transporting children 5 to 16 is reflected in the new policy. Where an application is received for a child under 5 consideration will be given on a case by case basis of the individual needs of the child.
- Given the significant costs to the local authority Post 16 SEN students will be required to contribute to the cost of their transport and this cost will be the same as the concessionary pass cost. A pilot independent travel training program has been undertaken over summer in 2018 and has achieved savings in excess of £50,000 for 6 students. We will look at how this can be further developed to allow this life skill to be provided to more of our students.
- Much of the disagreement here related to the age of the children, with many responders stating that the lower age range was too low. We will still look at providing bus passes to travel on public transport, where there is a suitable route for those aged 11 to 16.
- Mileage payments will be offered to all parents, from September 2018 we have also introduced Personal Travel Budgets for parents and carers of children with SEN and looked after children.
- The concessionary pass rate will remain as a fixed rate for all regardless of distance travelled. An in year change to the charge has been agreed so that it reflects the cost of an average mainstream route operated by Central Bedfordshire Council. From January 2019 the pass will cost £267/term which represents a daily cost of £4.20. The current cost is £162/term.
- Central Bedfordshire Council will reimburse travel expenses for parents to attend one EHCP review where their child is in boarding school outside of Central Bedfordshire.

### **Council Priorities**

17. Enhancing Central Bedfordshire, by reducing the number of contracted vehicles and making better use of public transport routes this will reduce the number of vehicles on the roads, leading to a reduction in congestion and air pollution and will help support the commercial public transport routes within Central Bedfordshire.

18. Improving education and skills, by ensuring that those children who are entitled are provided with travel assistance from home to school safely and efficiently the pupils are more likely to be in their place of education.
19. Protecting the vulnerable; improving wellbeing, by ensuring that some of our most vulnerable residents are able to access education.
20. A more efficient and responsive council, changes to how travel assistance is provided will allow the Council to make the best use of its resources.

## **Corporate Implications**

## **Legal Implications**

21. The current Home to School Transport policies, agreed by the Executive on 9 March 2010 and 4<sup>th</sup> February 2014 ensured the Council is compliant with the relevant legislation.
22. The policy details the way in which the Council will exercise its powers and duties to provide home to school transport in accordance with Section 509 of the Education Act 1996 and the Education and Inspections Act 2006. Adopting the proposed policy will ensure that the Council is meeting its legal responsibilities.
23. The duty placed on the Council is to make such travel arrangements as they consider necessary to enable the attendance of “eligible children” within their area, at the relevant ‘qualifying school’.
24. The duty applies to ‘eligible children’ in the Council’s area who are attending their nearest ‘qualifying school’, where:
  - the school is beyond the statutory walking distances of two miles for children below the age of eight and three miles for those aged eight and over; or
  - the child is from a ‘low income family’ and is over age eight, but under 11 years of age, and they are living more than two miles from the nearest school; or
  - the child is from a ‘low income family’ and is of secondary age (aged 11- 16) and attending a qualifying school that is between two and six miles from the child’s home (as long as there are not three or more nearer suitable qualifying schools); or

- the child is from a 'low income family' and is of secondary age (aged 11-16) and attending their nearest school preferred on the grounds of religion or belief, between two and 15 miles from home.

25. The Council must also make travel arrangements for those pupils who are unable to walk to school or college because of their special educational need (SEN), disability or mobility problems and children who cannot reasonably be expected to walk because the nature of the route is such that they cannot walk in reasonable safety.

### Financial and Risk Implications

26. In 2017/18 the educational transport budgets were overspent by £2.8 million. This was due to an increase in the cost of mainstream transport £527,424 an increase of £1,892,831 for SEN Transport, an increase of £232,197 for SEN colleges and an increased cost to the council of £209,624 for extended rights to travel and for SEN £777k. The cost to the Council for home to school transport in 2016/17 was £8million.

27. The MTFP Contains savings associated with changes to these policies. These savings were agreed as part of the budget agreed by Council in February 2017.

Year	Budget 16/17	Budget 17/18	Spend 16/17	Spend 17/18	Variance 16/17	Variance 17/18
Mainstream	£3,486,460	£3,392,460	£3,695,192	£3,919,884	£208,732	£527,424
Mainstream Colleges	£79,810	£81,810	£68,697	£70,747	-£11,113	- £2,178
SEN	£3,475,940	£3,026,949	£4,349,314	£4,829,771	£873,374	£1,892,831
SEN Colleges	£350,000	£346,000	£326,000	£578,197	-£24,000	£232,197
*Extended Rights	£167,500	£122,070	£552,500	£209,624	£358,000	£209,624
Totals	£7,226,710	£6,969,289	£8,665,203	£9,608,223	£1,428,993	£2,859,789

\* Extended rights to transport applies to families on low income

### MTFP Efficiencies and Pressures

	19/20	20/21	21/22	22/23	Total
<b>Existing Efficiencies</b>					

Walking Routes	-100	0	0	0	-100
SEN Procurement	-180	0	0	0	-180
Transport to nearest school	0	-25	-50	0	-75
Voluntary mileage payments	0	-75	-125	0	-200
<b>Existing Pressures</b>					
Growth Mainstream	146	58	0	0	204
Growth SEN	91	38	0	0	129
Base Pressure	1200	0	0	0	1200
Base pressure unwind	-500	-350	-350	0	-1200
Accelerated saving					
Sub Total	937	-154	-250	0	533
<b>Existing MTFP Total</b>	657	-254	-425	0	-22
<b>New Efficiencies</b>					
Personal Travel Plans	-80	0	0	0	-80
SEN Procurement (additional)	-290	0	0	0	-290
Policy Changes post 16+ SEN	-60	0	0	0	-60

Changed geography of provision	0	0	-240	-240	-480
Sub-total	-430	0	-240	-240	-910
<b>New Pressure</b>					
Reversal of pressure unwind (as efficiencies now detailed)	146	58	0	0	204
Revised impact of growth: Mainstream	91	38	0	0	129
Revised impact of growth: SEN	1200	0	0	0	1200
Sub-total	-500	-350	-350	0	-1200
Total new Efficiencies & Pressures	219	573	440	60	1292
NEW MTFP	876	319	15	60	1270

28. Other processes have been put in place to mitigate these costs the move from a framework for letting the routes to a dynamic purchasing system.
29. Introduction of Personal Transport Budgets for parents/carers of children with SEN or looked after children.
30. Introduction of Independent Travel Training.
31. Increase in concessionary pass rate to the equivalent of the average cost of a mainstream route.

32. Full review of the local offer as it relates to transport.
33. Full review of information provided to parents /carers in relation to travel assistance.
34. Better engagement with the CCG regarding payment for transport on grounds of medical need.
35. The cost of transport is not sustainable with the resources we have so we must ensure that we are using the resource as efficiently as possible.
36. The post 19 policy will set out how Central Bedfordshire Council will decide if a young person aged 19 to 25 with an EHCP needs transport to access further education. The assessment will establish if there is a need for transport and if the transport should be provided by the council.

### **Equalities Implications**

37. The Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
38. When the Home to School Transport policy was developed in 2010 a full equality impact assessment was undertaken in consultation with the Equality Forum. As part of the policy review and consultation process undertaken in 2013 the equality impact assessment was refreshed. A further refresh of the Equalities Impact Assessment has take place as part of this review.

### **Conclusion and next Steps**

39. The Executive are asked to agree the draft policies.
40. The new policies will be implemented from September 2019.
41. Consultation is undertaken on a Post 19 Transport Policy with a view to implementing in September 2019.

### **Appendices**

#### **Appendix A: Home to School Travel Assistance Policy**

**Appendix B:** Travel Assistance Policy for Post 16 Students.

**Appendix C.** Consultation responses

**Appendix D.** Equalities Impact Assessment

**Appendix E:** Overview and Scrutiny Committee Comments

## **Background Papers**

**Executive 20<sup>th</sup> June 2017 – Request to go out to consultation**

<https://centralbeds.moderngov.co.uk/documents/g5369/Public%20reports%20pack%20Tuesday%2020-Jun-2017%2009.30%20EXECUTIVE.pdf?T=10>

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