

Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

Author: Cabinet Member for Children's Services and School Attainment
and Cabinet Member for Communities and Place
Head of Education and Head of Highways and Transport

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To set out the Council's legal duties in relation to Education Transport.
- 1.2 To set out the results of the consultation on options for post 16 transport for mainstream students and students with a Special Educational Need and Disability (SEND)
- 1.3 To propose the Education Transport Policy for approval to be implemented for pupils attending education establishments from the start of the academic year 2018/19.
- 1.4 This report particularly links to the Council's Vision, priority 2: "Offer education opportunities that lead to the right skills and right jobs in the right places" and priority 4: "Help people to help themselves while always protecting the most vulnerable children and adults".

2. Recommendations

Cabinet is recommended to:

- 2.1 Consider the analysis of the consultation undertaken on the options for post 16 transport for mainstream students and students with a Special Educational Need and Disability (SEND).
- 2.2 Approve the proposed Education Transport Policy 2018/19 including:
 - 2.2.1 Changes to remove automatic discretionary subsidised support for pupils accessing mainstream Post 16 education, with the exception of the transport from the Ridgeway transport area to the Ridgeway 6th form for reasons set out in the body of the report, in response to the consultation and the need for young people to be able to access education the transport arrangements are maintained with an annual contribution of £495 (this is detailed within Part 1 of the report from paragraph 3.13 to paragraph 3.19).
 - 2.2.2 Changes relating to Special Educational Need and Disability (SEND) 16 years to 25 years travel to offer a Personal Travel Budget (PTB), a bus pass. Options to increase independent travel training and more personal

Further information on the subject of this report can be obtained from Peter Nathan, 01793 463067, pnathan@swindon.gov.uk and Jason Humm, 01793 463201, jhumh@swindon.gov.uk

Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

travel arrangements will be explored, but in response to the consultation there will be no introduction of an annual contribution from parents. (this is detailed within Part 2 of the report from paragraph 3.20 to paragraph 3.37).

- 2.3 Authorise the Cabinet Member for Corporate Services and Digitalisation to investigate and establish methods such as a travel app to assist parents when taking up personalised travel budgets.

3. Detail

Background

- 3.1 The Local Authority funds home to school transport assistance from its Core Budget to assist pupils with attendance at school, where the travelling distance exceeds the national statutory limit or is unsafe to walk.
- 3.2 Local authorities are only required to provide free home to school transport to pupils of compulsory school age (between 5-16 years) in specific circumstances.
- 3.3 The Government has increased the age to which all young people must continue in education or training, it does not mean that they must stay in school or college. Young People are also able to undertake work based learning, such as apprenticeships, or seek part-time education or training if they are employed.
- 3.4 Therefore, the statutory school leaving age of 16 years has not been changed and the Local Authority has a discretion as to whether to provide free home to school transport after that age, provided it has regard to relevant matters as set out in DfE guidance entitled post 16 transport to education and training.
- 3.5 Although there is no automatic entitlement to free home to school transport for pupils aged over 16 years old, the Council is committed to ensuring that an appropriate level of assistance is provided for those who need it most and is supportive of Government guidance which promotes access to education for all.
- 3.6 The proposed Education Transport Policy is attached at Appendix 2, but the consultation focused primarily on the changes proposed at post 16 years as follows.

Consultation

- 3.7 The Local Authority has a legal duty to consult on and determine its Education Transport policy for 28 days before the applications for the year are made. Applications for a place at school for September 2018 can be made from the start of September 2017.

Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

- 3.8 Following the authorisation of Cabinet at its April 2017 meeting (Cabinet Minute 119, 2016/17 refers), a period of consultation was undertaken from the 17th May 2017 to the 28th June 2017. The consultation sent directly to the following stakeholders by letter and email:
- 3.8.1 parents and carers, including those with learning disabilities and/or disabilities,
 - 3.8.2 Special School headteachers and governors,
 - 3.8.3 College Principals,
 - 3.8.4 Independent Specialist providers,
 - 3.8.5 local User-Led organisations,
 - 3.8.6 Ward Councillors,
 - 3.8.7 staff across education, health and social care.
- 3.9 A summary of the consultation was made available on the Council website with an online survey. A public meeting was held on the 13th June 2017 at Uplands Special School to discuss the impact of changes to post 16 transport for SEND students and reminders were sent out by the Council communications team 10 days before the consultation closing date.
- 3.10 There were 21 attendees at the public meeting on the 13th June 2017 and 245 responses to the online survey. In addition there were 12 responses received directly from Councillors, Parish Councils, Parents and the Parent and Advisory Group for SEND. All the individual comments have been included in a pack, which has been provided to members of the Cabinet.
- 3.11 The details analysis of the consultation along with the Council responses is attached at appendix 1. There were key themes that arose from the consultation which were mainly:
- 3.11.1 The impact for post 16 students from rural areas served by the Ridgeway School and the lack of alternative options if assisted transport is removed.
 - 3.11.2 The effect on working families on low income, who are above the free school meals threshold by the introduction of a £495 contribution to post 16 SEND transport and the lack of alternative education options for pupils with learning difficulties.
 - 3.11.3 How individuals will need be supported by social care if the parents are unable to contribute the £495 to keep children in education when they reach 18 years old.

Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

- 3.12 The proposed Education Transport Policy 2018/19 is attached at Appendix 2 for approval. Following the consultation the following sections of the report set out the responses to the specific proposed changes relating to mainstream and SEND post 16 transport.

Part 1: Proposed changes to mainstream post 16 transport

- 3.13 The Council is proposing to remove automatic discretionary subsidised support for pupils accessing mainstream Post 16 education, with the exception of the those parents living within the Ridgeway transport area.
- 3.14 The key theme arising from the consultation on mainstream was how the proposal would prevent students living in the Ridgeway transport area from attending any type of post 16 education setting.
- 3.15 The Ridgeway transport area is largely rural and nearly all post 16 students access The Ridgeway School by dedicated school bus by paying an annual contribution. Due to a number of external reasons, the alternative public bus services (which are largely funded by authorities other than SBC) are neither conveniently available as an alternative for Ridgeway students, nor are they direct.
- 3.16 The proposal by preventing these students from accessing the school bus would result in no reduction in the number of buses. It is likely that parents would be forced to drive their children leading to a less sustainable journey to school combined with empty seats on school buses. This would have a negative environmental impact for the Borough.
- 3.17 Due to the unique set of circumstances, in response to the consultation and the need for young people to be able to access education the existing transport arrangements are proposed to be maintained within the Ridgeway transport area with an annual parental contribution of £495.
- 3.18 Across the other areas of Swindon the Council will take account of statutory guidance (see further information as to the guidance under Legal implications) including the needs of young people who are not in education, employment or training, young parents and those who do not have the ability to access any other travel arrangements. The way in which the Council will take account of the needs of these categories of young people is by considering applications for subsidised assistance from full-time pupils who can demonstrate that they could not access any post 16 education without additional help from the Council. This will include pupils who:
- 3.18.1 are unable to access education unsupported;
 - 3.18.2 are young parents;

Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

3.18.3 have exceptional individual circumstances (i.e. for vulnerable or socially excluded young people)

- 3.19 Such decisions for discretionary support will be made on a case by case basis within the established discretionary process of senior officer reviews. This process will take into consideration points such as the setting attended and its distance from home, the availability and cost of transport and the needs of the learner. The financial situation of the family will be taken into account when determining the appropriate level of subsidy to be offered.

Part 2: Proposed changes to 16 years to 25 years SEND transport

- 3.20 As stated above the key themes from the consultation on the proposed changes were:

3.20.1 The impact for working families on low income, who are above the free school meals threshold by the introduction of a £495 contribution to post 16 SEND transport and the lack of alternative education options for pupils with learning difficulties.

3.20.2 How individuals will need be supported by social care if the parents are unable to contribute the £495 to keep children in education post 19.

- 3.21 For some working families who are the main carer for a child with learning difficulties or disability there is no option to allow the type of independent travel that can be afforded to able bodied students, therefore, there is an impact on the work that can be undertaken by families in these circumstances, especially for single parents.
- 3.22 Therefore, in many cases the proposed annual contribution of £495 would be a large percentage of an individual's annual salary in order to keep the student in education post 16.
- 3.23 The budget for SEND transport is in excess of £3m and pressure is rising through additional needs. However, the post 16 cohort is a small number of students and the total of any annual contribution would generate an income approximately £60k per annum (although this could increase as more students enter post 16 provision).
- 3.24 However, whilst the income generated would offset some of the pressure on the budget, there are potentially large consequences when parents are unable to afford the contribution and there is requirement for a young adult to enter into the care system. Young adults in these circumstances could see the potential income this proposal could generate outweighed by increasing pressure on budgets in other departments in the Council from one or two cases.

Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

- 3.25 The target for the Council to reduce the pressure on the SEND transport budget will be promoting independent travel training and options alongside Personal Travel Budgets. This will initially be focussed on students who will be post 16 from September 2018 with the most expensive individual transport arrangements in place.
- 3.26 In addition, the Council will investigate and establish methods for parents to feel they can take up independent travel options, through a travel app, to ensure they are able to monitor the students' journey from home to school. For example, Newcastle City Council has developed the MyTrav smartphone app; the Carer Portal; and the Admin Console. The Council anticipates that around 20% of young people with SEN will use these resources to travel independently, with anticipated savings of up to one sixth of the annual budget for this service.
- 3.27 It is recommended that the Cabinet Member for Corporate Services and Digitalisation take the lead with relevant officers in investigating such apps and web-based support.
- 3.28 Therefore, in response to the new SEND framework, the Council is changing how subsidised travel assistance is provided for pupils aged 16-25 with learning difficulties and/or disabilities entering post 16 education from September 2018.
- 3.29 Whilst transport is not automatically provided for pupils with an EHCP, currently additional consideration for support is given when their learning difficulty or disability makes travel assistance essential, or they have to travel much further from home to attend a school or college that can meet their needs.
- 3.30 Therefore it is proposed in the revised policy that support will be considered for pupils with an EHCP who are studying on a full-time basis (over 540 guided learning hours for the academic year) at their nearest school or college which can meet their educational needs and is over the 3 mile walking distance. This covers pupils who are:
- 3.30.1 Completing a non specialist course - until the end of the academic year in which they reach 19 years of age;
 - 3.30.2 Completing a specialist course - until the end of the academic year in which they reach 21 years of age;
 - 3.30.3 Completing a course funded by Swindon Borough Council using the high needs top-up funding available for the individual - until the end of the academic year in which they reach 25 years of age
- 3.31 The Council is committed to implementing the DfE guidance to create opportunities and provide support for young people with learning difficulties and/or disabilities to prepare for adulthood and fully engage in their community.
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Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

This leads to an emphasis on tailoring assistance to individual pupils and helping them to gain independent travel skills to a level and timescale appropriate for them.

- 3.32 New pupils transferring to post 16 education in September 2018 must complete an application form to request assistance. Pupils already attending post 16 settings and receiving assistance will be contacted during the spring term to review their requirements for the 2018/19 academic year. For all pupils the primary offer of assistance will be through a Personal Travel Budget (PTB) at 55p per mile or bus pass.
- 3.33 There will be no changes for pupils already attending Post 16 schools or colleges who received travel assistance prior to September 2018, although the Local Authority would encourage pupils/families who wish to investigate whether a Personal Travel Budget (PTB) would be more suitable for their needs to engage with the Council at their earliest convenience.
- 3.34 In exceptional circumstances where a PTB is unsuitable for the individual's needs a further transport needs assessment will be undertaken and alternative transport provision could be deemed appropriate.
- 3.35 This will not change who receives support, but will help the Council to give young people and their family's more choice and control over decisions affecting them and help them to improve independence as they move into adulthood. This will provide pupils with:
 - 3.35.1 the flexibility to make their own travel arrangements with the help of a personal travel allowance,
 - 3.35.2 enhanced life skills to travel independently by supporting travel training and activities, and
 - 3.35.3 additional support for those with exceptional needs.
- 3.36 Discussions will take place with pupils and their family as part of the EHCP annual review and transition planning process and independent travel training will be offered to all pupils as part of the process. The Council will continue to consider requests for assistance on a case by case basis, but from September 2018 we aim to only offer a Personal Travel Budget in most circumstances.
- 3.37 The Personal Travel Budget (PTB) will be the Council's contribution towards the cost of the learner's travel arrangements, and will be paid direct to the learner or their family. It will be the responsibility of the pupil or their family to make the travel arrangements that are best suited to their needs and circumstances, which can be adapted later if necessary.

Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

4. Alternative Options

- 4.1 The Local Authority is required to determine and publish the Education Transport Policy to ensure arrangements exist to support pupils who require assistance to attend school. If a policy is not determined, the Council could be open to legal challenge and increased costs in respect of home to school transport.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The overall home to school transport budget for 2016/17 financial year amounts to £3.523m.

5.1.1 Mainstream Transport - £720k (£19.3K for post 16 transport)

5.1.2 Special Education Needs Transport - £3.2m including £830k of escorts costs

5.1.3 The number of SEN children being transported or receiving a personal travel budget has increased from 628 in September 2015 to 693 in January, 2017. This increased demand means that the budget for SEN transport for 2017/18 has increased by £500k.

- 5.2 The level of savings for 2018/19 cannot be fully quantified until the level of demand and impact of the new policy has been assessed. However, the expected income from all post 16 families currently accessing transport if they were to make a £495 contributions would have been approximately £60K

Legal and Human Rights Implications

- 5.3 Legal and Human Rights considerations have been fully taken into account in compiling this report and it is believed that the recommendations are in compliance with Convention Rights.

- 5.4 Under Section 509B of the Education and Inspection Act 2006, Local Authorities have a duty to make such travel arrangements as they consider necessary, to facilitate attendance at a school for eligible children as those categories of children in the area but for whom travel assistance will always be required. This includes children of compulsory school age attending the nearest available school who live beyond the statutory walking distance and children who do not have a safe walking route when accompanied by an adult to their designated school. It also includes low-income families in certain situations.

- 5.5 Local authorities have discretionary powers under Section 508C of the Education Act 1996 to make arrangements for those children not covered by Section 508B.

Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

A local authority has discretion to provide transport for children who are outside of the statutory eligibility criteria

- 5.6 Local authorities have a duty under the Education Act to publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age and also in relation to post 16 transport. The policy must set out for post 16 young persons the extent to which the arrangements include those for persons with learning difficulties and disabilities.
- 5.7 The Local Authority has discretion under the Education Act as to whether to provide free home to school transport for post 16 young persons provided it has taking into account to relevant matters as set out in DfE guidance entitled post - 16 transport to education and training. The relevant matters under the guidance to which the Council must have regard to are:
- 5.7.1 the needs of those for whom it would not be reasonably practicable to attend education/training if no arrangements were made including young parents, those who live in rural areas and young people who are not in education, employment or training ;
 - 5.7.2 the need to secure reasonable choice;
 - 5.7.3 distances, journey times, cost of transport;
 - 5.7.4 the duty to secure to encourage , enable and assist participation of young people with learning difficulties and/or disabilities up to the age of 25 in education and training.
- 5.8 The Local Authority is also required under the Equality Act 2010 when reaching a decision on this report to have due regard to the need to:
- 5.8.1 eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - 5.8.2 advance equality of opportunity between people who share a protected characteristic and those who do not.
 - 5.8.3 foster good relations between people who share a protected characteristic and those who do not.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.9 The proposals for education transport comply with Section 17 of the Crime and Disorder Act 1998, to develop school policy to maximise school attendance.

Education Transport Policy 2018/19

Cabinet

Date: 12th July 2017

Diversity Impact Assessment

- 5.10 A Diversity Impact Assessment (DIA) has been completed and the proposal have been amended following the feedback received during the consultation. The proposed changes aim to deal with issues of inequality around rural transport provision, affordable travel and access to education for all students. A copy of the DIA can be obtained from the report author.
- 5.11 Therefore, the updated proposals are within the remit of the relevant legislation and there is a no potential adverse impact on or discrimination against disability, ethnicity, religion, sexual orientation, marital/civil partnership status or pregnancy/maternity.

Risk Management

- 5.12 The policy ensures the safeguarding of children by ensuring that children who are required to attend a school which is greater than the statutory walking distance or is an unsafe route, are provided the relevant transport assistance.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Consultation analysis
- 8.2 Appendix 2 – Proposed Education Transport Policy 2018/19

9. Key Decision/Decision in Cabinet Work Programme

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme for July 2017.