

Report to: Cabinet

Date of Meeting: 15 January 2015

Subject: Children's Transport Provision

Report of: Director of Young People and Families

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan?
Yes

Exempt/Confidential No

Purpose/Summary

To discuss the requirements of home to school transport provision in Sefton and seek approval to consult on changes to current policy with a view to increasing the level of independence for some students and ensuring the cost effective delivery of services.

Recommendation(s)

Cabinet is recommended to:

- 1) Note the statutory duties for home to school transport provision.
- 2) Authorise officers to consult on changes to current policy suggested in paragraphs 4.2 and 4.3 of the report and report back to a future meeting.
- 3) To note that Officers will progress the changes as outlined in paragraphs 4.4 to 4.7 of the report.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

Reasons for the Recommendation:

Cabinet needs to agree to consult on any proposed changes.

What will it cost and how will it be financed?

(A) Revenue Costs N/A

(B) Capital Costs N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal –

Education Act 1996

Department for Education Home to school travel and transport statutory guidance, July 2014

Department for education Post-16 transport to education and training statutory guidance, February 2014

Education and Skills Act 2008

Equality Act 2010

Human Resources- Changes to provision may impact on the Strategic Transport Unit.

Equality

- | | |
|---|-------------------------------------|
| 1. No Equality Implication | <input type="checkbox"/> |
| 2. Equality Implications identified and mitigated | <input checked="" type="checkbox"/> |
| 3. Equality Implication identified and risk remains | <input type="checkbox"/> |

Impact on Service Delivery:

N/A

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD 3317/14) has been consulted and comments have been incorporated into the report

Head of Corporate Legal Services (LD 2609/14) has been consulted and comments have been incorporated into the report

Are there any other options available for consideration?

Yes – the Council can continue with the current arrangements and adjust budgets accordingly.

Implementation Date for the Decision

Immediately following the call in period for the minutes of this meeting.

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Background Papers:

None

1. HOME TO SCHOOL TRANSPORT STATUTORY REQUIREMENT

Generally parents and carers are responsible, in law, for making arrangements for their children's attendance at school. This means that when deciding which school to apply for a place at, they have to decide whether they need transport and then organise provision themselves. However, the Council has a statutory duty in accordance with section 508B of the Education Act 1996 to provide school transport to assist compulsory school age pupils within certain criteria. [Statutory Guidance](#) was revised in July 2014 and Local Authorities are required provide free transport in the following circumstances:

Statutory walking distances eligibility

- provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is:
 - beyond 2 miles (if below the age of 8); or
 - beyond 3 miles (if aged between 8 and 16)

Special educational needs, a disability or mobility problems eligibility

- make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability.

Unsafe route eligibility

- make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.

Extended rights eligibility

- provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if:
 - the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
 - the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
 - the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

*The **nearest suitable school** is assessed by considering whether a child would have qualified for a place at a school regardless of whether or not it was named on the school application. If a parent or carer applies for schools which are further away as a matter of preference, even if that school is over the statutory walking distance this may not be assessed as the nearest school for free home to school travel.

2 NON STATUTORY PROVISION

The Council currently also provides discretionary transport provision in addition to its statutory duty. This includes transport for post 16 students who have Special Educational Needs, however, there is no statutory requirement for the Council to provide this directly or for it to be free if it is provided.

Many parents send their children to the nearest school but some choose to send them to a school of a particular religious character and the Council provide travel passes or transport where this is the case and the nearest suitable faith school is beyond the statutory walking distances outlined above. This is not statutory and the latest DfE guidance makes it clear that the Equality Act 2010 does not apply to the exercise of an Authority's function in relation to transport.

3 HOME TO SCHOOL TRANSPORT NUMBERS AND BUDGET

The current demographic is as follows: 1000 students receive travel passes, 150 students are on school buses, 600 students receive specialist transport, 90 Post 16 students receive specialist transport, and 10 students have other transport arrangements (eg direct payments).

Sefton's Strategic Transport Unit provides transport for both Adult Social care and Children's Services for pre and post 16 specialist transport and school buses. The current cost of transport (including home to school transport) costs in the region of £2.3million more than the available budget of £5.9m.

4 PROPOSALS TO INCREASE INDEPENDENCE AND REDUCE THE COST OF HOME TO SCHOOL TRANSPORT

4.1 As children grow older, many wish to become independent travellers. Independent travel is an important life skill and can help children and young people to access the social and employment opportunities they aspire to. The Council is seeking to review the current transport policies with a view to increasing the level of independence and ensuring the cost effective delivery of services.

The Council has recently adopted a set of key principles for how it provides and delivers services going forward. The proposals in this report link into the Council's commitment to these principles as follows:

- **Efficiency before cuts** – Protect the impact on communities
- Focus on our **core purpose**.
- Keep the needs of our **citizens at the heart** of what we do rather than think and act organisationally.
- Proactively **manage demand** not just supply.
- Ensure we provide services strictly in line with **eligibility criteria**.
- **Pursue growth/investment** as well as savings.
- Communicate and engage with people with **people to expect and need less**

Cabinet is asked to authorise officers to commence consultation on changes to current policy as outlined below (4.2 and 4.3) with the outcome of the consultation will be reported back to a future meeting. Cabinet is also asked to note that Officers will progress the changes as outlined in 4.4 to 4.7.

4.2 Consult on the removal of non-statutory Post 16 SEN transport

Local authorities have a duty under the Education and Skills Act 2008 to encourage, enable and assist the participation of young people with learning difficulties and disabilities up to the age of 25 in education and training. It, therefore, follows that it is good practice for local authorities to include information on what transport arrangements are available and whether they are adequate to enable these young people to participate, to ensure transport is not a barrier to continued education. The Council currently interpret this duty as also including direct provision, however, Local Authorities do not have a statutory duty to directly provide home to school transport for post-16 students and where they do it does not have to be free of charge.

Independent travel training will be provided through special schools to ensure that future post 16 students can use public transport and will be expected to use their allowances/benefits to provide for travel costs. FE colleges will be asked to extend their bursary funds to include transport for students with additional needs.

Those receiving transport could continue to receive it until their current course of study comes to an end.

The current cost of Post 16 SEN Transport is around £500,000 and the whole of this expenditure less the cost of any mitigation measures (independent travel training and hardship fund) could be saved when the changes are fully implemented.

This will be a policy change and Member approval following consultation will be required.

4.3 Consult on the removal of non-statutory free faith transport to school.

Currently the Council provides free transport provision through travel passes to both primary and secondary school children related to the religious character of the school. The cost of transport arrangements of children who have to travel more than the qualifying distances to the nearest school of the parent's religion is currently met. This affects St Michael's (3 pupils,), Holy Family (school bus provided for 19 pupils and this is covered in another section), Maricourt (135 pupils, however, this is because there is not considered to be a safe walking route from Aintree because of Switch Island and the motorways and falls under a different part of the statutory duty (this was agreed by the Council through a committee report in 1988) and Christ the King (74 pupils,). There is an option to remove this discretionary element of denominational travel. This would remove the extra discretionary provision and would put students attending all schools on a level playing field regarding eligibility for free transport.

Those pupils who currently receive free denominational transport at their school could continue to do so whilst they attend their current school. This transport would only continue to be provided for new students in accordance with the Council's statutory duties including beyond statutory walking distances and those on low incomes. (Members attention is drawn

to paragraphs 1 and 2 above referring to extended rights eligibility and statutory responsibility to provide transport for denominational travel).

The anticipated saving from this policy change would eventually be around £20,000 when fully implemented.

This will be a policy change and Member approval following consultation will be required.

4.4 Moving Holy Family pupils from Formby and Hightown to travel passes

A number of pupils who attend Holy Family High school from Formby and Crosby are provided with a school bus because historically there was no suitable public transport. This has now changed and discussions are underway to replace the school bus with individual travel passes for use on public transport. This is estimated to save around £15,000 per year. There will be a further saving if the discretionary faith transport provision is removed.

This is a business as usual change and does not require specific member approval.

4.5 Children with Special Educational Needs transition to travel passes

The Council currently transports children with a statement and attending a special school or Pupil Referral Unit where transport is requested. Transport is provided in accordance with [statutory guidance](#). Routes transporting students are optimised based on the geographical location of the students and educational establishments and individual student requirements e.g. wheelchairs and specialised equipment space, medical conditions and specialised support. Due to the complexities of this type of transport per trip costs can vary significantly.

Children, families and young people are at the centre of the assessment and care planning process and are partners in making decisions throughout. Transport is considered as part of these processes and each pupil will be individually assessed and where appropriate independent travel will be one of the Education Health and Care Plan outcomes. This will require investment by the Council in independent travel training.

It is envisaged that young people who are capable of using public transport will be moved from specialist transport to public transport by year 10. It is not possible to identify likely cost savings at this time.

This change is within the existing policy framework.

4.6 Special schools to provide own transport.

Local authority maintained schools could be requested to consider providing and managing their own transport arrangements subject to an annual budget transfer in line with school admissions and understanding of need. Lancashire have introduced this model and feedback includes:

"Our attendance has risen from 91% to 96%, our children are calmer and happier, our parents have a direct link with school staff, we have access to vehicles throughout the day and there are no issues to report on"

It is not possible to quantify savings at the moment, however, it is anticipated that where this is practical to do the cost per pupil will be less.

This change is within the existing policy framework.

4.7 Direct Payment to Parents to transport pupils with SEN

Where the Council has a duty to provide free home to school transport they can discharge that duty in the most cost effective way providing whatever provision made is reasonable.

Provision of direct payments to families to make their own arrangements for transport to school is an option. It is not possible to quantify savings at the moment, however, it is anticipated that where this is practical to do the cost per pupil will be less than the current cost.

This change is within the existing policy framework.

5 CONSIDERATIONS FOR IMPLEMENTATION

- 5.1 The latest statutory guidance suggests that Local authorities should consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. Consultations should last for at least 28 working days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation.
- 5.2 Statutory guidance also states that “good practice suggests that the introduction of any such changes should be phased-in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or choose to move to another school. Parents make school choices based on, amongst other things, the home to school transport arrangements for a particular school, and any changes might impact adversely on individual family budgets.”
- 5.3 It is therefore likely that any approved changes will require a phased introduction to comply with statutory requirements around consultation on changes to transport policy and best practice on implementation. This would mean that the new policies would apply to pupils and students commencing in the September following approval onwards at primary and secondary schools and colleges. Students who have been assessed as eligible for free transport under the existing policies could retain their current provision. Changes could, therefore, be phased over several school years. This will form part of the consultation process.