

		AGENDA ITEM 3
		PAF/04/14
Committee:	People and Families Scrutiny Committee	
Date:	4 February 2014	
<u>Home to School Transport Policy Decision Call-in</u>		
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**Purpose of the Paper:**

To review the Decision relating to the Home to School Policy, FP/290/08/13, taken at Cabinet on Tuesday 21 January 20014.

Attached is:

- A - The Notification of the Call-in
- B - The Cabinet Paper



## A - Notification of Call-in

<b>Decision title and reference number</b>  <b>Forward Plan reference</b> FP/290/08/13 <b>Title of report :</b> Home to School Transport Policy	
<b>Cabinet Member responsible</b>  Cllr Ray Gooding	<b>Date decision published</b>  Tuesday 21/01/14
<b>Last day of call in period</b> 24 February 2014	<b>Last day of 10-day period to resolve the call-in</b> 5 February 2014
<b>Reasons for Making the Call in</b>  I wish to call-in this decision on the grounds that:  The People & Families Scrutiny Committee received a report on Home to School Transport in broad terms in December 2013. There has been insufficient scrutiny undertaken on this decision taking account of this Council's priority to increase educational achievement and enhance skills; the proposed measures to mitigate the policy change; the lack of school inclusion during the consultation and the impact on choice, children and the environment.	
<b>Signed:</b>  <b>Councillor Melissa McGeorge</b>	<b>Dated:</b>  22/01/2014
<b>For completion by the Governance Officer</b>	
<b>Date call in Notice Received</b> 22 January 2014	<b>Date of informal meeting</b> None held
<b>Does the call in relate to a Schools</b>	<b>If yes, date when Parent Governor Reps</b>

<b>issue</b> Yes	<b>and Diocesan Reps invited to the meeting</b> 24 January 2014
<b>Date of People &amp; Families Scrutiny Committee Meeting (if applicable)</b> 4 February 2014	<b>Date call in withdrawn / resolved</b>

## B - Cabinet Paper

### AGENDA ITEM 9

<b>Report to Cabinet</b> <b>Report of Cllr Ray Gooding, Cabinet Member for Education and Learning</b>	<b>Forward Plan reference number</b> FP290/08/13
<b>Date of meeting: 21 January 2014</b>	<b>County Divisions affected by the decision All Divisions</b>
<b>Title of report – Home to School Transport Policy</b>	
<b>Report by</b> Tim Coulson – Director for Commissioning: Education and Lifelong Learning	
<b>Enquiries to</b> Emma Toublic, Head of Transport and Awards email <a href="mailto:emma.toublic@essex.gov.uk">emma.toublic@essex.gov.uk</a> telephone 01245 431625	

#### 1. Purpose of report

- 1.1. The Council's current home to school transport policy makes provision for some pupils to receive free transport in circumstances where the Council is not required by law to provide it. A public consultation was carried out in respect of proposed changes to the policy between 16 September and 25 October 2013. This report identifies recommended changes to the policy based on feedback received and asks Cabinet to approve the revisions.

#### 2. Recommendations

- 2.1. That with effect from September 2015 the Council will only provide transport to a pupil's nearest non-faith school unless there is a statutory duty to provide transport, but that as a transitional measure, this is not applied to pupils who are, in July 2015, receiving transport until they complete their current phase of education or leave that school. For the purpose of this decision 'faith school' includes Voluntary Aided Schools and Becket Keys School.
- 2.2. That the routes in Stansted Mountfitchet and Wickford identified in paragraph 3.21 of the report are designated as safe walking routes and the Cabinet notes that the Cabinet Member will be reviewing other routes which have previously been

considered not to be safe walking routes in the light of advice from the Member Routes Panel.

- 2.3. That where a pupil ceases to be entitled to free transport as a result of the re-classification of a route as available to be used as a walking route, the Council will give at least one full term's notice to those affected.
- 2.4. That the Council will continue to provide transport for those students from low income families attending selective (grammar) schools in accordance with the existing policy.
- 2.5. That with effect from 1 September 2014 the Council will take account of family income when deciding whether transport should be provided in exceptional circumstances, and that the means test in paragraph 3.34 of the report will normally be applied.
- 2.6. That with effect from 1 September 2014 the Council will not normally consider requests to provide transport in exceptional circumstances other than between 1 March and 30 September and between 1 and 31 January.
- 2.7. That with effect from 1 September 2014 post 16 learners from low income families are asked to make a contribution of £450 per year for transport to post 16 education which can be paid in instalments.
- 2.8. With effect from 1 September 2014, transport for Post 16 learners who have a statement of SEN will continue to be provided, as long as the school named within that statement is the nearest to their home that meets their needs. There will continue to be a charge for this provision.
- 2.9. Transport assistance to those new Post 16 learners with SEN or additional needs, who no longer have a statement, but attend FE Courses be provided from 1 September 2014. Assistance will be in the form of either a pass to travel on existing or public transport contracts or a Personal Transport Budget, based on assessed need.
- 2.10. The provision of subsidised transport to all other Post 16 learners not covered in 2.7 – 2.9, be ceased from 1 September 2014 and instead allow the purchase of tickets on existing public services on a full cost recovery basis.
- 2.11. That the Council will work with transport operators to encourage them to provide commercial school transport services to meet community demands and that they will in principle be permitted to sell spare seats on ECC commissioned routes on a commercial basis with a view to reducing the cost to the Council of those services.
- 2.12. That the Director for Commissioning: Education and Lifelong Learning be authorised to update the Council's transport policy to reflect these changes.

### **3. Background and proposal**

- 3.1 The Council's current annual expenditure on home to school transport is circa £25 million. Over £10 million of this is spent in facilitating access to schools for those pupils with a statement of Special Educational Needs (SEN). The cost is increasing as a result of increasing demand and the general cost of transporting children to and from school, and budgetary constraints
- 3.2 The current forecast spend on home to school transport for the 2013-14 financial year is £25.3 million. The 2013-14 budget for this service is £24.1 million. This equates to a £1.2 million overspend.
- 3.3 Maintaining expenditure at a level which is sufficient to continue to meet the Council's current policies is difficult in the current financial climate. The Council therefore has to look at where efficiencies can be made within this area. The Council must look at the possibility of reducing support in the areas where it currently exercises discretion.
- 3.4 A number of options were developed for reviewing the service to see whether it continues to meet need and represent a fair and effective policy. Consultation has been undertaken on those options.

#### ***Consultation***

- 3.5 A consultation document was published in September 2013 (see Appendix 1). The consultation commenced on 16 September and lasted for 6 weeks ending on 25 October. There was an extensive set of communications to MPs, County Councillors, Borough, City and District councils and with schools. Communication with these key stakeholders began over a month before the start date as the Council wanted to ensure early engagement.
- 3.6 Around 1500 people viewed and/or responded through the online consultation portal. In addition we received over 70 emails, many of which are from residents, head teachers and Parish Councils from across the County. People were asked to provide some information about themselves, including their postcode. As expected, the postcodes provided cover the majority of the County, including some out of County postcodes in bordering authorities.
- 3.7 A summary of the responses received is provided in Appendix 2.

#### ***Highlights from the consultation***

- 3.8 The consultation document set out a number of proposals. Respondents were asked to state whether they agreed or disagreed with each proposal.
- 3.9 The proposals with the highest proportion of people disagreeing with them were:

- Withdrawal of the use of priority admission areas (15% supported, 72% opposed)
- Withdrawal of support to those low income families who are offered support to attend grammar schools in the County (15% supported, 72% opposed)

3.10 The rest of this section of the report sets out each proposal in detail and the justification for it as well as setting out the results of the consultation.

### **Removal of the use of priority admission area to determine entitlement - use nearest school**

#### *Proposal*

- 3.11 At present the Council will provide home to school transport for children who meet the relevant distance criteria from the school they attend if they live in the priority admission area for that school – even if a place is available at a school which is nearer their home.
- 3.12 However, many schools (eg Academies, free schools, Voluntary Aided and Foundation schools) are now able to set their own admission criteria and their own priority admission area. Some schools have chosen to use their power to expand their priority admission area and this is a trend which is only likely to increase in future. In addition, some schools have ceased to use a priority admission area at all, in which case the council uses the school's historic priority admission area for the purposes of assessing eligibility for home to school transport. These historic areas are likely to become increasingly out of date and inaccurate as time passes.
- 3.13 This leaves the council with a clear risk that more children, who do not have a statutory entitlement to free home to school transport, will be eligible for free transport under these discretionary criteria. Residents of some addresses are in the priority admission area of four schools, others are only in the priority admission area of one (or no) schools.
- 3.14 At present the Council has a special rule which applies to Ongar and to the 'Five Parishes' of Brentwood (Doddinghurst, Blackmore, Hook End, Stondon Massey and Kelvedon Hatch). This agreement put in place following the closure of the secondary school provision in Ongar in the early 1990's. Residents of this area are assessed for school transport as if they were in the priority admission area of all Brentwood schools
- 3.15 The proposal is to amend the policy to align with the law so that if a place at a nearer school is available then the Council will not meet the cost of home to school transport, although Voluntary Aided (faith) schools and Becket Keys School in Brentwood would be disregarded for these purposes. Low income families will be entitled to some choice. All pupils would continue to be entitled to free transport if



they live outside the statutory distance and no places are available at a closer school.

- 3.15 This change is proposed to take effect from 1 September 2015; to be replaced by the provision of transport only to the nearest school to the child's home address to which there are places available, measured using the shortest available walking route, where the statutory distance criterion is met.
- 3.16 As a transitional measure, it is proposed that any student already qualifying for transport at 31 August 2015 would continue to receive assistance until their current school phase ended or until they left that school.

### *Benefits*

3.17

- ECC will be able to bulk assess full year groups of children and express confirm at the time of the school place offer. This will improve service for the customer and decrease administration resource required to process applications. Despite having the technology available to 'bulk assess' currently we are unable to utilise this due to the complexity of our current home to school transport policy.
- potential increase in public transport network in the areas affected due to operators selling seats commercially to parents and opening up their routes to the wider public;
- Cost savings - at March 2012 the Council was transporting 3,870 students to a school which was their priority admission area for school admission but was not their nearest school, although in some cases those children may not have been able to secure a place at their nearest school. The cost of providing transport to these pupils is approximately £2.9 million per annum. The Council would not save this whole amount but it is expected that cost savings between £500K and £1 million per annum on both contract prices and administration efficiencies could be achieved.

### *Risks*

3.18

- The changes proposed could affect trends in applications for admissions;
- potential increased traffic flow and congestion around schools affected where parents choose to transport their children to schools in preference to purchasing bus tickets etc;
- a potential increase in spend in this area during the phasing in of this policy due to the potential need to provide transport in one area to two different schools i.e. the priority admission area school for those with an existing entitlement and the nearest school for those qualifying post September 2015.

- 3.19 Officers would work closely with bus operators to try and ensure that commercial networks are available to those that wish to utilise transport to school at the full cost

to their family and to establish networks of transport in each area of the County to strengthen public transport availability.

### *Response to Consultation*

- 3.20 Of the responses received in respect of this option 15% agreed with the proposal and 72% disagreed. There were 183 comments made on this proposal through the consultation portal and a further 14 letters direct from schools opposing the proposals.

Several comments were made through the consultation on this issue and the main themes and responses to those are below:

- i. the impact on school admissions – including the availability of space at the nearest school as oppose to the priority admission area, particularly with the forecast increase in cohort size over the coming years  
*This will be monitored closely by officers with School Admissions and Transport teams, particularly in light of the expected pressure on places in many parts of the County over the coming years*
- ii. Concern that this will effectively lead to withdrawal of parental choice  
*The proposal does not withdraw parental choice. Parents/carers still have the opportunity to make a choice in terms of the preferences they make at the time of application. Parents/carers who choose to send their child to a school that does not meet the qualification criteria for transport will need to consider how they will get their child to school should then be successful in gaining a place, this situation applies to many parents at present.*
- iii. Concern that this may lead to an increase car use, congestion and environmental impact  
*There is the potential for an increase in car use, although many children will still be able to travel by public transport. At present the Council provides transport to around 11% of the overall school population. 81% are accessing school by other means including using cars. ECC is working currently on a project to provide alternatives to the car, such as introducing a cycle scheme and working with operators to increase the commercial network of transport available in areas across Essex to help students get to school without using a car. Whilst avoiding car use is desirable, it is not itself a justification for provision of free transport*
- iv. Concern about financial impact on parents at a time when cost of living is increasing.  
*Free transport will still be provided to children at their current school and to other children if the Council cannot make arrangements for a child to attend a closer school less than the prescribed distance away. The large majority of parents currently receive no support for their children and are already having to bear any expenses associated with travel to school. The Council will consider requests for support if there are wholly exceptional cases.*

- v. the effect on families with one child entitled to assistance now with another who would start post September 2015 and not receive an entitlement  
*It is acknowledged that withdrawal of support could in some circumstances cause a parent to have siblings attending different schools. This is a question for parents to decide. However, making this provision for siblings could extend the transitional arrangements substantially and would be unfair to other parents who would not receive this support. The Council is working with operators to establish a wider commercial network of transport at reasonable rates to allow families to purchase seats on vehicles transporting entitled students to and from schools in Essex*
- vi. Impact on Low Income Families  
*Low income families will continue to benefit from protections built into the national rules about free transport. Primary age students aged 8 or above from low income families qualify for free transport for journeys of more than two miles. Secondary school pupils from low income families are entitled to schools transport assistance if they attend one of their three nearest qualifying schools provided they reside between 2 and 6 miles from those schools. Furthermore, those students attending faith schools qualify for transport assistance where the school is between 2 and 15 miles from their home address.*
- vii. Lack of alternatives available (i.e. public transport routes as oppose to dedicated school transport)  
*As above in ii) we will work with operators to try and establish a broader commercial network of transport available. We will also allow and encourage bus operators to sell spare seats on school transport..*
- viii. Impact on rural communities – broader spread of schools  
*It has been noted that several comments related to the effect on rural communities. The majority of transport we provide currently is for children living in rural areas owing to the distance they are expected to travel to and from school. These pupils are already generally attending their nearest school. Accordingly we do not expect there to be significant changes in entitlement to free school transport. However, we will monitor this closely with colleagues from our School Admissions Team for the 2015/16 academic years.*
- ix. Could academies assist in transport costs if they chose to change their priority admission areas to stop this policy change?  
*The decision to assist families in transport to and from schools would rest with the academy schools. We are not aware of any schools wishing to provide free transport and they do not receive Department of Education funding for the provision of home to school transport.*

## **Unavailable Walking Routes**

### *Proposal*

- 3.21 A number of routes in Essex are currently considered as unsuitable for pupils to walk down. This could be because the route involves busy roads with no footways, or narrow roads. Such routes are therefore disregarded when calculating the distance to school, because it is the nearest safe walking route which is measured. These routes have been reviewed and it has been found that physical or other changes means that a route is no longer considered to be unsafe and it is recommended that these be redesignated. This means that some children would no longer qualify for free home to school transport. The schools affected by these proposals are as follows - Bromfords School, and Grange Primary School where a safe walking route exists across a public park and Forest Hall School (formerly Mountfitchet School) where Church Road is now considered to be safe as a result of the installation of a pedestrian crossing and a pedestrian footway. There is a Member Routes Panel which has been appointed to advise on safe walking routes. They have considered these routes and recommend that they are designated as safe walking routes. The panel have reviewed these routes during the consultation period at the key times of day. A proposal to redesignate a route in Barnston village as safe for walking was not supported by the Member Routes Panel and it is not now recommended that any changes are made in this location
- 3.22 It is proposed to continue with a review of the list of 'unavailable routes' currently held. It is proposed that officers will review the route and if they believe that there is now a potentially safe walking route they will consult with local members and the schools and refer the question to the Member Route Panel. Their recommendation will be referred to the Cabinet Member for decision. If it is decided that a safe walking route is available then it is proposed to give at least a term's notice to those affected. This is a change to the current policy which states that students benefit from continued transport until the end of their education.

#### *Benefits*

- 3.23 Increased numbers of children walking and cycling to school thus benefitting their health and wellbeing overall.

#### *Risks*

- 3.24 Potential for increased traffic flow and congestion around schools affected where parents choose to transport their children to school.

#### *Response to Consultation*

- 3.25 Of the responses received in respect of this option, 22% agreed with the proposal and 29% disagreed with 49% stating they 'don't know'. There were 102 comments made on this proposal through the consultation portal (appendix 2).

Several comments were made through the consultation on this issue and the main themes and responses to those are below:

- i. Impact of phased reduction if families have one sibling entitled to transport and one not  
*It is acknowledged that withdrawal of support could in some circumstances cause a parent to have siblings attending a different school. This is a question for parents to decide. However, making this provision for siblings could extend the transitional arrangements substantially and would be unfair to other parents who would not receive this support. The Council is are working with operators to establish a wider commercial network of transport at reasonable rates to allow families to purchase seats on vehicles transporting entitled students to and from schools in Essex*  
*Any new network put in place by our operators will need to be commercial and therefore a charge will be made to non entitled students to utilise those services, in the same way as you would be required to pay for a public bus or rail pass. We will work closely with those operators to ensure the price is fair and consistent, based on distance travelled vehicle type etc.*
- ii. Potential for bullying and safety considerations of children walking to and from school  
*Where routes are assessed as being available to be walked it is always with the consideration that the student will be 'accompanied as necessary'. It is for the parent/carer responsible for the child to determine if they feel the child is able to walk to and from school. The County Council will assume in all assessments made that the child will be accompanied, as necessary, and this decision rests with the parent/carer responsible. It should be noted that many children have to walk to school.*
- iii. Routine checking of the routes is required to ensure they remain safe  
*The routes are inspected on a rolling programme and residents can refer directly to us if they feel a route is unavailable and should be reinspected.*
- iv. Many representations specific to issues in Barnston Village  
*This route was reinspected and, despite previous inspections indicating the route was available to be walked, accompanied as necessary, it is no longer proposed to designate this route as safe walking route.*
- v. Traffic (speed, volume etc)  
*All inspections take account of the latest traffic data, traffic counts where they are available and accident statistics for the road in question at the time of inspection.*

## **Children from Low Income Families Attending Selective Schools**

### *Proposal*

- 3.26 The Council currently provides transport to students attending selective schools where the family are in receipt of qualifying benefits and the distance criterion is met. No other authority in England makes provision for this group of students.
- 3.27 The consultation document proposed the withdrawal of the provision of transport to low income families with a child attending selective schools from September 2015

on a phased basis – so that the existing criteria would continue to apply all pupils currently receiving this support until they completed this phase of school or left that school.

### *Benefits*

3.28 The risks associated with this proposal are:

- brings the Council's policy in line with Local Authorities in England – Essex is the only authority amongst them currently providing entitlement to transport assistance to this group of students;
- A cost saving. There are currently 77 students qualifying for assistance under this policy, costing £136,000 per annum in transport costs. If withdrawn this would be phased out and the total saving achieved over 5 financial years from 2015-16.

### *Risks*

3.29 The main risk is that it would potentially limit opportunity for pupils from low income families obtaining a place in a selective school from attending and achieving their education potential.

### *Response*

3.30 Of the responses received in respect of this option, 15% agreed with the proposal and 72% disagreed. There were 145 comments made on this proposal through the consultation portal (appendix 2) plus representation from MP's and schools relating to the impact this would have on low income families.

Several comments were made through the consultation on this issue and the main theses and responses to those are below:

- Reduction in opportunity for students from low income families to achieve their potential*
- Decrease in social mobility*
- Potential for a two tier education system where low income families are forced to attend local school*
- Added burden on finances of low income families*
- Lack of opportunity and support for low income families*
- Not inclusive*
- Selective schools are for gifted children, regardless of financial situation*
- Penalising bright children from low income families*
- Finance should not influence who can and cannot attend a selective school*

3.31 Essex is not unique in maintaining some grammar school provisions but it is unique in making provision for free transport. However, it is clear that there is strong public support for continuation of this provision. Having regard to this it is not now proposed to proceed with this proposal.

## Transport provided under exceptional circumstances

### Proposal

- 3.32 The Council currently use its discretion to provide transport in a number of circumstances to a broad range of families where it considers that there is no entitlement to transport either under the statutory rules or under our policy but where there are exceptional circumstances.
- 3.33 The Council must always be prepared to consider whether any particular case is exceptional – it is unlawful to adopt a blanket policy.
- 3.34 It is proposed to add a means tested assessment as part of this process. Where families earn in excess of the allowances currently made for the provision of child benefit, transport support would not normally be provided on the basis that it is reasonable to expect the family to fund the provision of transport from its own resources. Even here, the Council would have to consider whether there are any exceptional circumstances, although it is anticipated that the numbers of these cases would be very low.
- 3.35 The proposal is that, with effect from September 2014, families whose cases for transport to be provided are agreed to be exceptional would receive funding capped in accordance with the rules below.

Family Income	Support to be offered if case considered to be exceptional
£16,190 and below	Fuel reimbursement at 45p per mile or equivalent transport on existing contract vehicle/public transport ticket;
£16,190 – £30,000	Fuel reimbursement at 45p per mile or a payment of £250 per term towards the cost of transport;
£30,000 – £42,475	fuel reimbursement at 45p per mile or a payment of £150 per term towards the cost of transport;
£42,475 +	No contribution normally made.

One off payments will only be available if a family does not have a vehicle to transport their child to and from school. It would be intended that this one off payment would support the family to make their own arrangements.

### Benefits

- 3.36 The benefits associated with this proposal are:
- clear criteria based on finances of the family where an exception applies, allowing self assessment and preventing applications being made where no transport would be provided;
  - continues to support low income families when circumstances happen which are outside of their control;

- provides support in a more flexible way for families;

#### Risks

3.37 The risks associated with this proposal are:

- We would need to be prepared to make exceptions to the means test in appropriate cases, such as emergency housing issues or medical circumstances.
- A sliding scale of entitlement based on income would mean some residents sit slightly above thresholds for support and could create a 'poverty trap', i.e. threshold set at £16,190. Families earning £16,000 qualify for support families earning £16,300 do not.

#### Response

3.38 Of the responses received in respect of this proposal, 35% agreed with the proposal and 53% disagreed. There were 117 comments made on this proposal through the consultation portal (appendix 2).

Several comments were made through the consultation on this issue and the main theses and responses to those are below:

- i. Because you earn more doesn't mean you have more disposable income  
*Currently, the transport offered to those requesting it under our exceptional criteria is usually door to door and does not take account of family circumstances. The provision of transport in this area is extremely costly. The proposal makes the application of this policy fair. By taking account of income levels we can ask families for a contribution towards the cost where it would be appropriate to do so.*
- ii. Administration involved – would this process cost more than just providing transport?  
*The administrative process for exceptional applications is already a lengthy one owing to the amount of evidence gathered. Some entitlement to home to school transport is already means tested and the team are experienced in means testing applications. Officers are confident that this can be introduced without disproportionate effort. Any increase in administration will be mitigated by a likely reduction in the number of applications.*
- iii. Child benefit qualification system is unfair  
*The Child Benefit system is one which has been consulted on and implemented by Central Government. Essex is choosing to use this method as a consistent way of assessing entitlement to transport. The majority of families apply for Child Benefit and therefore should have an understanding of the system prior to its application in Essex.*
- iv. Income is frozen or decreasing in most circumstances – how will families afford this?



*The payments will be a contribution based on the level of income with those who have lower income having a higher subsidy.*

- v. Number of dependents should be taken into account  
*It is not proposed to the number of dependents into account as this would involve departing from the use of child benefit principles.*
- vi. Should change the proposal to support low income families only  
*The idea of this policy is to support families across Essex but to provide support targeted to those low income families with the highest level of need.*

### **Deadline for Applications for Support in Exceptional Circumstances**

#### *Proposal*

- 3.39 The Council currently operates an application window for applications made under its discretionary post 16 and exceptional transport policies covering the whole academic year. It is proposed to implement an application window that is open from 1 March until 30 September each year for new starters which then reopens on 1 January to close again on 31 January in each academic year. We would need to accept applications outside this period where someone's circumstances changed (eg a house move or drop in income).

#### *Benefits*

- 3.40 The benefits of implementing this change would include:
- improved ability to forecast application numbers throughout financial year and therefore have better control over the cost base;
  - improved management of workload and reduction in administration time across the teams involved in delivering transport services;
  - reduction in costs over the year in the provision of transport under discretionary policies;
  - Potential for increased administration costs if applicants meet window deadlines

#### *Risk*

- 3.41 The risks of implementing this change would include:
- People may miss deadlines where support is really required unless the Council undertakes clear communications;
  - People who miss the set deadline for application may not receive transport until the next window opens, regardless of their entitlement;
  - Children could be kept out of school
  - Families where their needs or situation changes may be disadvantaged if their application cannot be considered outside of the application timeframe;
  - Increase in complaints received by the Council.
  - Potential for increased administration costs if applicant meets window deadlines

## Responses

- 3.42 Of the responses received in respect of this option, 24% agreed with the proposal and 45% disagreed. There were 57 comments made on this proposal through the consultation portal (appendix 2).

Several comments were made through the consultation on this issue and the main theses and responses to those are below:

- i. Lack of flexibility  
*Although we will not normally accept applications outside the published application periods, it is recognised that we will need to have consider wholly exceptional cases outside the set deadlines. This could happen if circumstances have changed for reasons beyond the applicants' control– examples of this would be a house fire or transfer to a women's refuge etc.*
- ii. Process needs to be VERY clear to all involved  
*We accept that it is important to ensure that the application deadlines are effectively communicated to the public. There is a communications plan in place to ensure everyone who would apply under the policies affected is informed of this change in time for the implementation of the proposed change*
- iii. Some respondents were concerned about the impact of people whose circumstances change (eg if they move house or change unexpectedly).  
*Criteria will be established to consider applications outside of the set deadlines – families moving into Essex during the closure period will be one of those criteria.*

## Post 16 Transport

- 3.43 The County Council currently provides transport assistance where a student is attending the nearest establishment offering the principal parts of course they have chosen to study, provided they reside at or beyond three miles or more from that establishment. A charge of £510 per annum is made to each qualifying student, unless they are in receipt of qualifying benefits or equivalent low income, in which case the charge is waived in full. The same criteria are applied to mainstream and SEN students aged between 16 and 19.

## Proposal

- 3.44 The duty placed on local authorities in respect of the provision of transport to post 16 students requires a transport policy statement to be prepared and published in each year, by 31 May, disclosing the provision being made by the Council for this group. The Council has a discretion which it can use to offer financial assistance towards a person's reasonable travel expenses.
- 3.45 Many other authorities are now choosing to remove or significantly reduce their offer for post 16 learners with many authorities now choose to charge low income families for their transport assistance.

3.46 The proposals seek to continue to make some provision for this group to support access to education.

3.47 It is proposed that from September 2014 the Council only considers any application for home to school transport assistance for a person of sixth form age on its merits, but assistance would be provided where the following circumstances apply:

**i. Low income families**

3.48 Provide transport assistance to qualifying low income families, subject to a contribution from the student/parent of £450 per annum. This represents 50% of the average cost of transport provision in Essex. The option will be available to pay this in instalments over the academic year.

**ii. Statemented SEN students**

3.49 Where a post 16 student has a statement of SEN and is attending the school named within their statements as the nearest appropriate school for their post 16 education – public transport will be promoted for this group and travel training referrals will be made for all students with the expectation that they will be assessed for suitability for training by the end of the first term of post 16 education. A charge for transport will be made on a sliding scale based on the income of the family at the time of application.

**iii. Students with SEN who are no longer statemented**

3.50 Those students who had a statement of SEN in year 11 who will be attending a school or college to continue their education and require additional support to do so. Support will be provided in the form of a grant which will be on a sliding scale based on income. All applications will be considered based on the evidence provided to support the claim at the time of application.

**iv. Other Students**

3.51 Other students will be able to purchase public transport tickets from the Local Authority but this will be on a full cost recovery basis and only on existing routes, in place at the time of application, where capacity allows. Bespoke transport or individual taxis will not be provided. Families would be able to take advantage of the bulk purchasing power of the County Council and pay a reduced rate for transport on existing services. This will be trialled in 2014/15 and potentially extended to under 16's from the 2015/16 academic year.

*Benefits*

3.52 *Benefits:*

- clear policy for the provision of transport for learners;

- ability for all to take advantage of lower public transport costs through County Council bulk purchasing power, not just those who currently qualify for assistance;
- By reducing transport available students will be required to consider the suitability of the course they have chosen to study prior to application to that course. Consideration will need to be made around how they will access that course for the duration of their study within that establishment.
- Reduction in cost for the Council in supporting the provision.

### *Risks*

3.53 The risks associated with this proposal are:

- A potential negative impact on the future skills base across the County as a result of access to on-going education being limited;
- reduced ability of post 16 students to access further education;
- There is evidence that participation decreases in year 13. Any cuts in travel assistance may exasperate this particularly when taking into consideration Raising of the Participation Age, whereby students are required to remain in education employment or training up to the age of 17 currently, increasing to 18 from 2015. If subsidised travel wasn't available there could be a tendency for students to select unsuitable courses on the premise of affordable travel which would in all probability lead to higher dropout rates.
- potential for an increase in those considered NEET in this age group;
- Introducing a change to low income families, may place a barrier in accessing education to students from low income families;
- Door to door service no longer provided – may discourage attendance;
- local bus services may not have the ability to support access to education;
- families may not have the ability to support access to education by transporting their child (drop off/pick up at base or station etc);
- potential increase in administration costs owing to an increase in the number of families who currently would not qualify for assistance, wishing to purchase tickets from the Council;
- Potential increase in congestion around public transport hubs at peak times.

### *Consultation Responses*

3.54 Of the responses received in respect of this proposal, 19% agreed with the proposal and 71% disagreed. There were 137 comments made on this proposal through the consultation portal (appendix 2). It was noted there was no formal responses received from Colleges direct on this issue despite engaging with FEDEC prior to the commencing of the consultation.

Several comments were made through the consultation on this issue and the main theses and responses to those are below:

- i. Potential for increased congestion at peak times of day

This is a risk. However, we hope to mitigate this by encouraging families to purchase public transport tickets through the County Council, the price of which will be reduced owing to the bulk purchasing power of the organisation.

- ii. Discriminates against those in rural areas  
*It has been noted that several comments related to the effect on rural communities, particularly where learners are travelling some distance to attend post 16 education. We hope to mitigate this by working with operators to create a broader network over the coming years to help support the needs to young people in Essex.*
- iii. Consideration of RPA and requirement for learner to remain in education, employment or training  
See 3.53
- iv. Should be assisting children to remain in learning, not restricting them  
*There is no duty on the local authority to make post 16 transport available to its residents. Our proposals do not withdraw support in full but maintain for those who have been identified require the most support, with the addition of transport available at full cost recovery for those that will no longer qualify.*
- v. Lack of public transport available  
*We hope to mitigate this by working with operators to create a broader network over the coming years to help support the needs to young people in Essex.*
- vi. Removal of choice for learners  
*We currently provide transport to around 2500 learners to access post 16 education. This is a very small percentage of the total number in this age group. Choice is not being removed. Learners will still have a choice in which course they choose to study but they will need to understand more broadly how they intend to access that course prior to making a decision.*

- 3.55 Many of the comments received were around the implications of the Government's proposal to raise the participation age so that students have to remain in education until they are 17 currently. From 2015 until they are 18. The government has been clear that they do not intend to extend the statutory duties in respect of the provision of transport for pre 16 learners to those in post 16 education. The provision of post 16 transport remains at the discretion of the individual local authority. Many have chosen to remove assistance in full to make the maximum financial saving. These proposals do not withdraw support completely but limit it to those who have been identified as most in need of support in accessing post 16 learning.

#### **4. Policy context**

- 4.1 Vision for Essex 2013-17 builds on and replaces the previous EssexWorks Commitment 2012-17 and was adopted by Council on 9<sup>th</sup> July.
- 4.2 It sets out the Cabinet's vision and priorities for the next four years and this will inform the development of a revised corporate strategy, a new outcomes framework that will guide commissioning decisions and inform the budget setting process.

4.3 It is based on the following principles:

- Spending taxpayers' money wisely;
- Focusing on what works best, not on who does it;
- Putting residents at the heart of the decisions we make;
- Empowering communities to help themselves;
- Reducing dependency;
- Working in partnership;
- Being open and transparent.

4.4 In addition an aim of the Vision is to increase educational achievement and enhance skills

4.5 The recommendations in this report are, in the main, consistent with those principles as follows:

4.5.1 The recommendations for making changes to the home to school transport policies will help to ensure that taxpayers' money is being spent wisely by reducing unnecessary costs

4.5.2 Making the recommendations following an extensive consultation with the general public ensures an open and transparent approach.

4.5.3 It should be noted that some of the risks highlighted within 3.51 relating to post 16 transport provision, in particular the risk of reducing skills if less people can access education, employment or training at post 16 age, may not meet the Vision but could be mitigated through the extension of the transport network within the County to support a broader group of learners.

## **5. Financial Implications**

5.1 This Cabinet report seeks approval to change aspects of discretionary policies within the Council's Home to School Transport Service.

5.2 The current 2013-14 budget for this service is £24.1m. Without any intervention, the forecast budget for 2014-15 would be £24.4m as a result of reflecting changes in demographics and minor contract changes.

5.3 Table one below highlights the cumulative financial savings aligned to each proposal set out in this report for the proposed policy change.

**Table One**

Proposed Options	Paragraph Ref	Financial Year		
		2014-15 £'000	2015-16 £'000	2016-17 £'000
Withdrawal of use of catchment areas	3.11		238	377
Withdrawal of use of Joint Catchment areas	3.11		27	74
<i>Subtotal</i>	<i>3.11</i>	<i>0</i>	<i>265</i>	<i>451</i>
Unavailable Walking Routes	3.21	4	12	20
Exceptional Circumstances	3.31	26	70	114
Introducing deadline for applications*	3.38	15	15	15
Post 16 Policy Changes	3.42	846	2,147	3,166
<b>Total</b>		<b>891</b>	<b>2,509</b>	<b>3,766</b>

\*If this decision was taken in isolation then a further saving of £83k could be expected from Post 16 applicants. However these savings are not reflected as they would essentially be double counted as part of the Post 16 Policy Changes.

- 5.4 As a result of these policy changes plus other savings attributable to improved tenders (£0.5m), the Home to School Transport budget for 2014-15 will be £23.0m. This can be found within the Access to Education (£12.8m) and Special Education Needs (£10.2m) policy lines of the Education and Lifelong Learning portfolio.
- 5.5 Section three also highlights changes to the initial proposals following the consultation process. Table two below summarises the cumulative financial savings foregone:

**Table Two**

Non Delivered Options	Paragraph Ref	Financial Year		
		2014-15 £'000	2015-16 £'000	2016-17 £'000
Selective on Benefits	3.26	0	15	47
<b>Total</b>		<b>0</b>	<b>15</b>	<b>47</b>

- 5.6 Each proposal in section 3 sets out the associated risks and opportunities. Clearly some of these are financial in their nature, such as potential 'phasing in' and increased administration costs, and as such, these could impact on the ability to achieve savings. In mitigation, conservative views have been taken in regards to the level of estimated savings in order to take account of these risks, however, the service must ensure that robust implementation and monitoring plans are put in place to manage these policy changes and the arising risks. This monitoring should be extended to interrelated budgets (such as those covering the administration costs of running the Home to Schools Transport Service) to ensure that as a consequence of these decisions, costs are not incurred or 'shunted' elsewhere within the authority.

- 5.7 The service should also be horizon scanning for any potential legislation changed or future developments which could impact on the ability to deliver these savings. For example the Children and Families Bill going through parliament is proposing to increase the age by which a child or young person may be covered by a SEN Statement to 25 years old, which could impact on Post 16 transport costs and savings. This emphasises the importance of officers to continually monitor the wider legislative framework/ commercial landscape and how this impacts on the council's stated ambition of a simple, fair and transparent transport policy that reduces cost.

## **6. Legal Implications**

- 6.1 The proposed consultation relates to changes to discretionary provision, the main legal implication in terms of the home to school transport proposals is the need to ensure that consultation is comprehensive and carried out in accordance with established legal principles. The proposed consultation of 6 weeks is lawful and complies with statutory guidance. The consultation document must give people enough information to respond to the consultation. Responses to this consultation will need to be considered when a final decision is taken.
- 6.2 The Council will need to ensure it maintains the statutory home to school transport provision, but none of these proposals would impact on the statutory provision.
- 6.3 The Council must prepare an annual travel policy statement for children aged 16-19 who have learning difficulty assessments who in full time education. There is a duty to consult in preparing the annual statement. The statement must be published no later than May each year and applies to the whole of the following academic year.

## **7 Implications for Staff**

- 7.1 There are no staff implications arising from implementation of these changes.

## **8. Equality and Diversity implications**

- 8.1 In making this decision ECC must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act 2010, ie have due regard to the need to: A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. B. Advance equality of opportunity between people who share a protected characteristic and those who do not. C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.



- 8.3 The PSED is a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 8.4 The impact of the recommended changes to home to school transport provision will be across the piece.
- 8.5 We will ensure that the communication on changes recommended is through and accessible to all families and that includes children and carers of families with special educational need where the pupil's SEN makes it harder for them to access services.
- 8.6 The UK is a signatory to the United Nations Convention on the Rights of the Child. This requires the UK to develop and undertake all actions and policies in the light of the best interests of the child. In this case there is a clear need to have a sustainable and affordable home to school transport provision which targets resources at those who most in need. The proposed changes protect those families on the lowest incomes.

## 9 **Background papers**

Consultation Paper  
Original Consultation Decision Paper  
Responses to consultation.