



Cabinet Member (Education)

Time and Date

3.00 pm on Wednesday, 28th November, 2012

Place

Committee Room 2 - Council House

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Post-16 Transport Policy - Support to Access Education and Training** (Pages 3 - 12)
Report of the Director of Children, Learning and Young People
4. **Any Other Items of Public Business**
Any other items of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved.

Private Business

Nil

Bev Messinger, Director of Customer and Workforce Services, Council House Coventry

Tuesday, 20 November 2012

Note: The person to contact about the agenda and documents for this meeting is Michelle Salmon, Governance Services Officer - Tel: 024 7683 3065 E-mail: michelle.salmon@coventry.gov.uk

Membership: Councillors D Kershaw (Cabinet Member)

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language please contact us.

Michelle Salmon, Governance Services Officer - Tel: 024 7683 3065
E-mail: michelle.salmon@coventry.gov.uk
Minicom: (024) 7683 3029 Fax: (024) 7683 3266



28 November 2012

Name of Cabinet Member:

Cabinet Member (Education) – Councillor Kershaw

Director Approving Submission of the report:

Director Children, Learning and Young People

Ward(s) affected:

All

Title:

Post-16 Transport Policy – support to access education and training

Is this a key decision?

No - Although this issue affects all Wards of the City, this report seeks authority for a public consultation, approval of the revised Policy will be submitted to the Cabinet as a key decision

Executive Summary:

Local authorities have a duty to prepare and publish an annual Transport Policy Statement which specifies the arrangements that the LA considers necessary to 'facilitate the attendance of all persons of sixth form age receiving education or training' (The Education Act 1996 S509AA). From 1 April 2010 this duty was extended to require a Transport Policy Statement covering young people aged 19-24 who are continuing in learning and have learning difficulties and/or disabilities (Education Act 1996 S508G).

Local authorities are also required to have regard to 'the needs of those who could not access education or training provision', the needs of young parents and those who are vulnerable to becoming NEET (not in education, employment or training) at the age of 16 or 17 or those who have already become NEET.

The Council's current Transport Policy offers free transport support to young people aged 16-19 who have learning difficulties and/or disabilities who are participating in education and are subject to a Learning Difficulty Assessment (Section 139a). It does not specify the arrangements for those aged 19-24 who have learning difficulties and/or disabilities. It is acknowledged that the current policy does not clearly describe the support that is available, nor the criteria for accessing such support. It is also acknowledged that the current policy does not address access to education and training for other vulnerable groups.

In 2010/11, the total cost of transport support for young people aged 16-19 was c£465,000. Free transport support does not take into account family/household income. This level of support had been, in part, subsidised by a grant from 2006/07 from the Learning and Skills Council and its successor body, the Young People's Learning Agency. 2010/11 was the final year of this grant (£80,162).

Council officers believe that there is a need to review and revise the current policy to ensure that it is compliant with the Council's statutory duties and that financial resources are used effectively, particularly in the current economic environment.

Recommendations:

Cabinet Member is asked to endorse a recommendation that a public consultation is carried out to inform the development of a revised Post-16 Transport Policy which sets out the support to be provided from September 2013.

List of Appendices included:

Proposed timeline, including public consultation, for the process (Appendix A)

Other useful background papers:

None

Other useful documents:

Department for Education – 2010 Post-16 transport Guidance (still current) – available from:

<https://www.education.gov.uk/publications/eOrderingDownload/LSC-P-NAT-100520.pdf>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: *Post-16 Transport Policy – support to access education and training*

1. Context (or background)

- 1.1 The current Post-16 Transport Policy Statement does not meet the requirements of statutory guidance. Whilst positively supporting young people with learning difficulties and/or disabilities, it does not address maximising participation in post-16 education and training for all vulnerable young people. It does not support effective use of limited financial resources – current support consists of free support in the form of bus passes, assisted transport for those unable to use public transport and optional Personal Travel Budgets for young people in school sixth forms. Young people aged 19-24 with learning difficulties and/or disabilities can access transport support only if they meet the criteria for adult social care support – they are required to make a contribution of £3.23 a day.
- 1.2 The current Statement does not include full details of the range of support that is provided nor the criteria for accessing support.
- 1.3 Young people facing hardship can apply for 16-19 bursaries. Funding for bursaries is allocated to providers by the Education Funding Agency. With the exception of specified groups of young people (eg care leavers), providers are responsible for developing the criteria for support which may include support with transport costs.
- 1.4 Those aged 19-24 can apply for support from providers' adult discretionary support funds but, as with 16-19 bursaries, these are hardship funds which may include support for transport.

2. Options considered and recommended proposal

- 2.1 Officers believe that the option of continuing with the current policy is untenable taking into account our statutory duties and the financial implications. As noted above, the current Statement does not provide sufficient detail of the range of support which is available nor the criteria for accessing support. It does not detail charges currently made to young people aged 19-24 who are provided with transport only if they meet the criteria for adult services. Four alternative options have been identified which will all ensure that young people with special educational needs, learning difficulties and/or disabilities will be able to access support if they are unable to access education or training provision without such support. Young people who have been identified as potentially being able to travel independently will be expected to undertake travel training (this will be provided free of charge). Young people who have successfully completed a programme of travel training will not be entitled to access assisted transport although this may be reviewed if circumstances change.
- 2.2 Applications for transport assistance will only be considered from young people who will need to travel more than 3 miles to attend a post-16 provider which is the nearest provider offering the appropriate course. This condition may be waived for young people who would be unable to travel this distance because of a learning difficulty and/or disability or the journey would be hazardous if walking
- 2.3 **Option 1:** Free transport support should cease and those who require travel assistance because of a learning difficulty and/or disability should contribute at the rate of the cost of the appropriate bus pass.
- 2.4 **Option 2:** Free transport support should cease with the exception of young people from low income households (see 2.6) who will receive free transport subject to para 2.2.

- 2.5 **Option 3:** Free transport support should cease with the exception of young people from low income households (see 2.6) who would be required to make a contribution equivalent to 50% of the cost of an appropriate bus pass subject to para 2.2.
- 2.6 **Option 4:** Young people aged 16-24 who require assisted transport because of a learning difficulty and/or disability will be able to apply for a Personal Travel Budget of 25p a mile based on two return journeys a day between home and the place of learning for each day the young person is in attendance. The low income household criteria will not apply to this option.
- 2.7 Young people will be considered to be from a low income household if they fall into any of the following categories:
- Families in receipt of income support
 - Families in receipt of Income Based Jobseekers Allowance
 - Families who receive Child Tax Credit provided they are not entitled to Working Tax Credit and have an annual income (as assessed by HM Revenue and Customs) that does not exceed £16,190
 - Families who receive Income related Employment and Support Allowance
 - Families who receive The Guarantee Element of State Pension Credit
 - Families who receive support under Part VI of the Immigration and Asylum Act 1999
 - Families in receipt of Working Tax Credit
- 2.8 Research shows that many other local authorities have introduced or increased charges.
- 2.9 There is no requirement for a local authority to provide transport for those young people who have reached compulsory school leaving age but are continuing in post-16 education or training itself. Local authorities have a duty to prepare and publish an annual Transport Policy Statement specifying the arrangements for the provision of transport or otherwise that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training and a power to provide transport support which must be exercised reasonably and lawfully (s509AA of the Education Act 1996).
- 2.10 The Appendix to the 2010 Post-16 Transport Guidance (March 2010) provides a Summary of the Statutory Provisions of the Education Act 1996. Officers have taken due notice of the Statutory Provisions and consider that, although assisted transport (taxi, minibus or voluntary driver) should continue to be offered to those young people who are unable to use public transport due to a learning difficulty and/or disability, there is no automatic right to free entitlement.
- 2.11 The compulsory school leaving age will not change as a result of the Raising of the Participation Age in 2013.
- 2.12 Coventry has good public transport services to all education providers. Travel passes are available offering substantial discounts compared to daily fares including 16-18 term time passes at child rates and student passes for those aged 19+. For the current academic year, those aged 16-18 would pay £82.50 a term for a bus pass plus one payment of £10 for a photocard. Payment by monthly direct debit results in a discount. Those aged 18+ at the beginning of the academic year can buy a Student Pass at £100 a term or £250 for 3 terms.
- 2.13 **Options 1, 2 and 3** would all ensure that young people who are unable to access public transport because of a learning difficulty and/or disability still have access to assisted transport but may be required to make a contribution. Travel training will still be available for those young people who have the potential to travel independently. **Options 2 and 3**

would offer financial support to young people from low income families. **Option 4** will offer young people and their parents/carers the flexibility to make their own travel arrangements.

2.14 Transitional arrangements will apply to those young people aged 16-24 who are continuing a programme of post-16 study in 2013/14. They will remain eligible for the support they have received in 2012/13 for the academic year 2013/14.

2.15 Officers recommend that the public consultation should include all four options and the transitional arrangements.

3. Results of consultation undertaken

3.1 There is a requirement to consult a number of parties in producing the statement including young people and their parents.

4. Timetable for implementing this decision

4.1 See Appendix A

5. Comments from Director of Finance and Legal Services **(Updated 27/11/12)**

5.1 In 2011/12 Coventry spent around £450k on home to school and college transport for around 159 Post 16 students attending further education which is funded from the Home to School Transport budget. Table 1 shows how this spend is incurred.

Table 1

Type of Transport	2011/12		2012/13	
	Users	£	Users (forecast)	£ (forecast)
Assisted Transport	105	425	104	417
Bus Passes	49	11	48	12
Personal Transport Budgets	5	14	6	16
Total	159	450	158	445

5.1.1 The current proposals (1 to 3) would look to charge young people accessing transport the cost of a bus pass which is current £244 depending on which option is used. Using the current number of users and levels of Free School Meals (FSM) in year 11, the following income could be expected for each of the proposed options.

Table 2.

Option	Description	Saving
Option 1	Free transport should cease and those requiring transport contribute at the rate of appropriate bus pass.	£39k
Option 2	Free transport should cease with exception of young people from low income families who will receive free transport.	£26k
Option 3	Free transport should cease with exception of young	£32k

	people from low income families who will contribute 50% of the cost of appropriate bus pass.	
Option 4	Offer PTB's for those young people entitled to assisted transport.	See table 3.

5.1.2 Savings from Option 4 would be in addition to any savings from options 1, 2 or 3. Option 4 should be the first option offered to parents of students of post 16 students who would otherwise be entitled to assisted transport. Only if a PTB was not possible would assisted transport be offered. The table below details the likely costs and savings from a range of mileage rates which could be offered. The PTB figure assumes a student lives 5 miles from the FE establishment and attends 5 days per week over 38 weeks.

Table 3.

Mileage Rate	PTB Cost £	Assisted Transport £	Saving per student £
25p	950	4,010	3,060
50p	1,900	4,010	2,110
75p	2,850	4,010	1,160

The mileage rate would need to be arrived at through consultation with other related services and take account of rates offered regionally.

Savings will only be achieved from option 2 when sufficient students have taken up a PTB to allow an mini bus route to be cancelled.

5.1.3 The proposed changes to the policy will open up support to those young people who are vulnerable to becoming NEET or those who have already become NEET. Using the current number of year 11 pupils receiving FSM's from the January '11 census there are 635 who could fall into this category. It is not possible at this time to forecast number who would apply for support.

5.1.4 Schools and colleges are able to give financial support for students (which can be used towards travel costs) under the new 16-19 Bursary Fund which replaced the Education Maintenance Allowance. Some vulnerable students such as students in care or care leavers are eligible for a grant of £1,200 per annum. In addition to those eligible for the £1,200 grant, schools and colleges are also able to give discretionary awards from the Bursary Fund to other students to help them to remain in education.

5.1.5 Depending on which option is chosen the expectation would be that young people eligible for supported transport would where possible access funding through the Bursary Funds operated by schools and colleges. Further work is required to understand the criteria to access these funds.

5.1.6 Should the revised policy not be in place for September 2013 there is an expectation that Coventry City Council will still aim to meet its statutory requirements as outlined in section 5.1.3 above. Further work is required to forecast the likely cost of meeting this requirement.

5.2 Legal implications

Local authorities (LA) have a duty to prepare and publish an annual Transport Policy Statement which specifies the arrangements that the LA considers necessary to 'facilitate the attendance of all persons of sixth form age receiving education or training' (the Education Act 1996 S509AA). S 508F of the Education Act 1996 imposes a duty on a LA to make such arrangements for the provision of transport as they consider necessary or the Secretary of State may direct, for the purposes of facilitating the attendance of adults in their area over compulsory school age but under 19 and persons aged 19 or over but under 25 who are the subject of a learning difficulty assessment (learning difficulty and/or disability). Statutory guidance is in place and the LA has a duty to have regard to it and not to depart from it unless it has good reason for doing so.

The public sector equality duty under section 149 of the Equalities Act 2010 imposes on decision makers when carrying out any of its functions to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations across all of the protected characteristics (which as relates to education are disabilities, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation). "Due regard" requires more than just an awareness of the equality duty. It requires demonstration of a rigorous analysis by the public authority decision maker.

6. Other implications

It is recognised that a reduction in the number of young people accessing assisted transport could have an impact on staff directly delivering transport and private taxi companies. If a revised policy, informed by the consultation process, identifies such an impact then the appropriate Trade Unions and private providers will be consulted.

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

This work contributes to the Council's key objectives in a number of ways. Encouraging young people from vulnerable groups to access post-16 education and training will contribute towards objectives around 'Jobs and growth', 'Support and celebrate our young people' and 'Protect our most vulnerable residents'.

Where appropriate, young people will receive travel training which will support them to become independent and lead fulfilling lives, including employment.

6.2 How is risk being managed?

There is a financial risk that increasing numbers of young people will be able to access financial support towards transport (if Options 2 or 3 are implemented). However, young people from low income families are over-represented in those currently receiving free transport. As Coventry has a low rate of young people who are NEET (not in employment, education and training), increased participation through Raising of the Participation Age is unlikely to have a significant impact. All three options will result in income to offset increasing numbers.

Extending the option of Personal Travel Budgets is also likely to offset some costs of assisted transport.

The policy will be subject to review, including consultation, during 2013/14 to inform on policy for 2014/15 in line with statutory requirements. The review will also need to take account of benefit changes resulting from the introduction of the Universal Credit planned for 2013.

Monitoring systems will be put in place to identify any adverse impact/support compliance with statutory duties including the Equality Act 2010.

6.3 What is the impact on the organisation?

The changes proposed will have implications for staffing resources to manage the decision making process and financial transactions. It is anticipated that this will be managed within existing resources.

6.4 Equalities / EIA

An Equality Impact Assessment of the current policy has identified a positive impact for young people with special educational needs/learning difficulties and/or disabilities. Monitoring has not been undertaken in relation to gender, ethnicity, sexual orientation and religion or belief. As the current policy only applies to those with Special Educational Needs/learning difficulties and/or disabilities, it is unlikely that there is any adverse impact on young people with other protected characteristics. Legislation defines the age groups which the policy must address. Although young people from low income families (ie eligible for free school meals) are over represented amongst those with SEN/LDD, the current policy does not directly address disadvantage through poverty.

6.5 Implications for (or impact on) the environment

Any impact on the environment is likely to be negligible. Any increase in parents/carers using their own transport supported by Personal Transport Budgets will be balanced by an increase in young people receiving travel training to access public transport.

6.6 Implications for partner organisations?

None

Report author(s):**Name and job title:**

Sandra Durkin, 14-19 (25) Adviser, Education and Learning Services

Directorate:

Children, Learning and Young People

Tel and email contact:

Tel: 02476 527479

Email: sandra.durkin@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Anne Brennan	Senior Adviser 14-19 (25)	Children, Learning and Young People	19/10/2012	19/10/2012
Kate Ireland	Strategic Lead, Education and Learning	Children, Learning and Young People	19/10/2012	23/10/2012
Marian Simpson	Senior Officer, SEN Management Services	Children, Learning and Young People	19/10/2012	23/10/2012
Richard Adams	Lead Accountant	Finance and Legal Services	19/10/2012	23/10/2012
Elaine Atkins/Julie Newman	Solicitor, Legal Services	Finance and Legal Services	19/10/2012	22/10/2012
Andrew Reece	Head of Internally Provided Services	Community Services Directorate	19/10/2012	22/10/2012
Names of approvers for submission: (officers and members)				
Richard Adams	Lead Accountant	Finance and Legal Services	19/10/2012	23/10/2012
Elaine Atkins/Julie Newman	Solicitor, Legal Services	Finance and Legal Services	19/10/2012	23/10/2012
Colin Green	Director	Children, Learning and Young People	19/10/2012	21/10/2012
Councillor Kershaw	Cabinet Member (Education)	-	19/10/2012	23/10/2012

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Activity	Outline Timeframe	Notes/comments
Prepare DRAFT REVISED Post-16 Transport Policy Statement Prepare consultation document Begin equality impact assessment	July – September 2012	Meet with all relevant internal colleagues/teams Meet with Warwickshire and Solihull LAs
Prepare DRAFT Cabinet report	October 2012	26 October: circulate draft cabinet report
Seek Cabinet Member (Education) approval to progress with review	November 2012	28 November: Cabinet Member (Education) meeting
Decision	December 2012 - January 2013	7 December: decision becomes effective if not called in 9 January: called-in decisions considered by Scrutiny
Public consultation STARTS	January 2013	If decision effective 7 December, consultation period:
Public consultation ENDS	February 2013	10 December – 4 February (8 weeks) If decision effective 9 January, consultation period: 10 January – 27 February (7 weeks)
Prepare DRAFT Cabinet report Seek Cabinet approval to implement	March 2013 - April 2013	8 March: circulate draft cabinet report 16 April: Cabinet meeting
Decisions	April 2013 - May 2013	26 April: decision becomes effective if not called in If called in, decision considered by Scrutiny in the first week of May 2013, decision effective from 10 May
Prepare REVISED Post-16 Transport Policy Statement	April – May 2013	
Publish REVISED Post-16 Transport Policy Statement	31 May 2013	Load onto the council website. Update the links to www.gov.uk
Implement	September 2013	