
Cabinet Member for Education and Skills

10 November 2016

Name of Cabinet Member:

Cabinet Member for Education and Skills - Councillor K Maton

Director Approving Submission of the report:

People

Ward(s) affected:

All

Title:

Education Travel Assistance Policy Changes – Public Consultation

Is this a key decision?

No – although this matter affects all wards, the proposals are for approval of a period of consultation and therefore not a key decision.

Executive Summary:

Coventry City Council has statutory responsibilities for travel assistance for eligible children and young people. However, it currently over-provides traditional forms of transport for children and young people compared to statutory duties and the provision made by other local authorities.

There are two key consequences of this. Firstly, some children and young people are missing out on the opportunity to develop independent travel skills. Independent travel skills gained in adolescence can be taken forward into adult life. Secondly, there is significant forecast overspend on the Council's Home to School Transport budget (2016/17 quarter 1 forecast £3.5m spend against a £3.1m budget). Current policies and practice are not aligned with national statutory duties.

This report recommends a public consultation on a revised travel assistance policy (for school aged children and young people aged 5-16 years old) and an amendment to the existing post 16 travel assistance policy that includes the levying of a travel assistance charge for post-16 travel with exemption for low-income families.

Recommendations:

The Cabinet Member for Education and Skills is recommended to approve a public consultation from 21st November 2016 to 13th January 2017, leading to a report back to the Cabinet on 7th March 2017, on the following:

- a) A revised Travel Assistance Policy (Statutory School Age Children) which aligns the statutory walking distance eligibility criteria to national levels and has a stronger focus on the Council's

travel assistance on public transport and innovative travel options aimed at reducing dependence on minibus and taxi options as appropriate.

- b) A new Travel Assistance Policy for post 16 and post 19 students that fully reflects current statutory requirements. This policy includes a contributory charge towards the cost of travel assistance for all post-16 students whose families do not meet the criteria for low income household concessions.

List of Appendices included:

Appendix 1: New Travel Assistance Policy (for children aged 5-16 years old of school age)

Appendix 2: New Post 16 and Post 19 Travel Assistance Policy for students accessing Further Education

Appendix 3: Equality Community Analysis

Background papers:

None

Other useful documents:

- Department for Education: Home to school travel and transport guidance – Statutory guidance for local authorities July 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445407/Home_to_School_Travel_and_Transport_Guidance.pdf
- Department for Education: Post-16 transport to education and training – Statutory guidance for local authorities (February 2014).
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277016/Post-16_Transport_Guidance.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: Education Travel Assistance Policy Changes – Public Consultation

1. Context (or background)

1.1 Coventry City Council has a statutory responsibility to assist eligible children and young people of statutory school age to travel to school. In certain limited circumstances, this duty may extend to young people age 16 to 18 and 19 to up to 25, attending Further Education institutions. It is evident that the Council currently makes provision for children and young people who do not meet the statutory eligibility criteria and that the mode of travel assistance is commonly in the form of door to door minibus or taxi.

1.2 Current policies and practice do not align with current national statutory duties and guidance. The Council does not currently have a post 19 Travel Assistance policy, this is a new statutory requirement.

1.3 There are two key consequences of current practice. Firstly, children and young people who have the potential to travel independently are not given the opportunity to do so and thereby are not equipped with the necessary skills to independently access their community and the workplace in adulthood. Secondly, over-provision has resulted in a significant projected overspend on the Council's Home to School Transport budget (2016/17 quarter 1 forecast spend of £3.5m on a £3.1m budget). The average spend per child, is currently £4,260 per annum. This expenditure is set in the context of significant financial cuts to the Council's budget.

1.4 Children and young people of statutory school age (5-16 years old)

1.5 Statutory guidance and duties

1.5.1 The Council has a statutory duty to make such travel arrangements as it considers necessary for eligible children and young people to facilitate their attendance at a qualifying school free of charge. These are set out in the Education Act 1996 and in the Department for Education's *Home to School Travel and Transport Guidance – Statutory Guidance for Local Authorities July 2014*.

1.5.2 The guidance states that in order to comply with their home to school transport duties local authorities must promote the use of sustainable travel and transport and make transport arrangements for all eligible children. There are four factors that the Council needs to take into consideration when assessing eligibility: statutory walking distance, SEN, disability or mobility, unsafe routes and extended rights.

1.5.3 Statutory walking distance

A child will be an eligible child where the distance from the child's home to the nearest qualifying school with available places that provides an education suitable to the child's age, ability and aptitude and any special educational needs, exceeds statutory walking distances.. Statutory walking distance is measured by the shortest route along which a child, accompanied as necessary, may walk safely. Local authorities must offer travel assistance according to the statutory walking distance criteria if:

- a) The child lives 2 miles or more away from their nearest suitable school measured by statutory walking distance and they are under 8 years of age (and of compulsory school age); or
- b) The child or young person lives 3 miles or more away from their nearest suitable school measured by statutory walking distance and they are 8 years of age or over (and of compulsory school age).

1.5.4 **SEN, disability or mobility**

Local authorities must provide travel assistance 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 travel assistance requirements.

1.5.5 **Unsafe routes**

Local authorities must make travel assistance arrangements for all children who cannot reasonably be expected to walk to their nearest suitable school because the nature of the route is deemed unsafe to walk.

1.5.6 **Extended rights (low family income)**

This refers to eligibility related to family income levels. Local authorities must offer free travel assistance where pupils are entitled to free school meals or if their parents are in receipt of maximum Working Tax Credit if there is compliance with any of the following:

- a) The nearest suitable schools is beyond 2 miles from the home address (for children over the age of 8 and under 11);
- b) The school is between 2 and 6 miles from the home address (if aged 11-16 and there are not three or more suitable nearer schools);
- c) The school is between 2 and 15 miles from the home address and is the nearest school preferred on grounds of religion or belief (aged 11-16).

1.6 **Current delivery and approach**

1.6.1 The Council currently provides travel assistance to 711 children and young people aged 5-16 years with special education needs and disabilities which is forecast to cost £2.86m in 2016/17 including escort costs. Of this, £0.68m is spent on taxis, £1.96m on minibuses, £0.22m on personal travel budgets. Work has been undertaken over the past 3 months to improve non-policy processes and monitoring to reduce costs.

1.6.2 The Council currently makes provision in excess of its statutory duties. Current policy and practice for children and young people with SEN, disability and mobility eligibility apply a one mile walking distance eligibility for travel assistance to a special school and a two mile walking distance for eligibility to primary schools age 8 to 11. An analysis of transport provision identifies an over-use of door to door taxis and minibuses when public transport options or pick-up points may be suitable.

1.7 **Proposals**

The proposal is that the Council revises its Travel Assistance Policies for children of statutory school age, post 16 and post 19 student. The proposed policy for statutory school age:

- a) Aligns the statutory walking distance eligibility criteria to statutory duty levels;
- b) Makes provision for exceptional circumstances;
- c) Sets out the decision making process for the type of travel assistance offered;
- d) Ensures that choice is tempered with the need to ensure the efficient and effective use of public resources;
- e) Promotes independent travel, the use of public transport and other innovative travel options
- f) Reviews the current personal travel budget to equalise entitlement to 45p per mile within City and 25p per mile out of City

- 1.7.1 An analysis of the impact of applying the proposed national statutory walking distance criteria to current users, identifies that 343 children from a cohort of 711 children and young people would no longer qualify for travel assistance on the grounds of distance. However, it is estimated that 225 of the 343 children would satisfy other eligibility criteria as a consequence of the severity of their SEN or mobility. It is estimated that 118 children and young people would no longer qualify for travel assistance. **This would mean that if changes were implemented, an estimated 118 (16%) of current users would not qualify for travel assistance as a result of these proposals.**
- 1.7.2 These estimates are based on the assumption that children in the following categories are likely to remain **eligible** for travel assistance: profound and multiple learning difficulties; severe learning disability; complex communication disorder that has a severe impact on cognition; sensory impaired (registered blind or profoundly deaf); severe social, emotional and mental health difficulties requiring supervision to secure personal safety, physical disability that significantly impedes mobility e.g. wheelchair users.
- 1.7.3 Children with assessed needs in the following categories, are likely to be **ineligible for** travel assistance as a consequence of their SEN: moderate learning difficulties; speech and language difficulties; moderate social communication difficulties; moderate social emotional mental health difficulties moderate visual Impairment; moderate hearing loss. However, current users may still meet eligibility criteria in other areas, specifically distance, low income/extended rights, unsafe route or exceptional circumstances.
- 1.7.4 Where children are ineligible, parents/carers would take responsibility for ensuring their child's attendance at school.
- 1.7.5 The application of the policy would require families to formally apply for travel assistance on an annual basis. The Council would assess the most appropriate way of delivering travel assistance on an individual level applying the criteria set out in the policy. It is envisaged that this process would provide an opportunity for families independently or together to identify innovative modes of alternative travel and that Council arranged provision would prioritise the development of independent travel skills and the use of public transport.
- 1.7.6 It is proposed that the new policies would be implemented from 1 April 2017 onwards for new applicants and that the policy would be fully implemented for existing users with effect 1st September 2017.

1.8 **Travel Assistance for 16-18**

1.8.1 **Statutory guidance**

1.8.2 The Council's statutory duties are set out in the Education Act 1996 and the DfE publication: *Post-16 transport to education and training – Statutory guidance for local authorities (February 2014)*. This guidance states that the overall intention of the 16-18 transport duty is to:

- ensure that learners of sixth form age are able to access the education and training of their choice; and
- ensure that, if support for access is required, this will be assessed and provided where necessary.

1.8.3 Key factors set out are: the needs of those who could not access education or training provision if no arrangements were made; the need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided; the distance from the learner's home to establishments of

education and training; the journey time to access different establishments; the cost of transport to the establishments in question; alternative means of facilitating attendance at establishments; non-transport solutions to facilitate learner access; and preferences based on religion.

1.8.4 The statutory guidance states that local authorities may ask learners and their parents for a contribution to transport costs. The guidance goes on to say that when exercising this discretion local authorities should:

- ensure that any contribution is affordable for learners and their parents
- ensure that there are arrangements in place to support those families on low income
- take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups.

1.8.5 The guidance also states local authorities may take receipt of 16-19 bursary funding into account when assessing an individual's need for financial help with transport.

1.8.6 **Current delivery and approach**

1.8.7 The Council currently provides travel assistance to 110 young people aged 16 years and over at a forecast cost for 2016/17 of £0.60m. Of this, £0.52m is forecast spend on minibuses, £0.05m on taxis and £0.03m on Personal Travel Budgets.

1.8.8 Where young people have high needs, travel options are considered on an individual basis. Young people with high, needs but able to travel more independently, receive a bus pass. More vulnerable young people with physical/cognitive issues are offered assisted transport. Where young people are transported to out of area settings, they travel together in the same taxis where possible and drop off and collection times are harmonised to minimise journeys and costs.

1.8.9 The Council's approach is aligned to the statutory guidance, however, Coventry City Council does not currently ask for a parental contribution towards travel assistance.

1.8.10 The forecast average cost per young person of post-16 transport in Coventry for 2016/17 is £5,450.

1.9 **Proposals**

1.9.1 The proposed change would require learners and their parents, who can afford to pay, to contribute to the transport costs.

1.9.2 The proposed contribution is £600 per year, which can be paid in half-termly instalments of £100. The proposed contribution is based on West Midlands Local Authorities average charge. It is proposed that families on low income are exempt from this charge.

1.9.3 Subject to approval, it is proposed that the contributory charge would apply from 1 September 2017 for all post-16 students applying for travel assistance.

2. **Options considered and recommended proposal**

2.1 The option of no change in respect of travel assistance for statutory school age has been considered. However, this would mean a continuance of over-provision resulting in a growing over-spend against budget. All other West Midlands Local Authorities have successfully applied statutory eligibility criteria, evidencing that a change in policy is both justified and will meet need. A continuance of current provision will impede the development of independent travel skills. This option is not therefore recommended.

2.2 The option of no change in respect of post 16 travel assistance has been considered. However, non-SEN students have to take responsibility for securing attendance at post 16 provisions within school or college at their own expense. The Equality Act demands equality of access for disabled people, it does not require services to provide an advantage. Students with a disability receive mobility allowances to secure their access to the community, it is therefore difficult to justify delivering a free service. This option is not therefore recommended. The proposed contribution of £600 per annum is deemed to be affordable and represents an average of other local authorities contribution levels.

3. Results of consultation undertaken

3.1 No formal consultation has taken place. However, stakeholder workshops have been held to seek the views of young people, parents and schools in developing the proposals.

3.2 Cabinet Member is asked to approve a public consultation on these proposals. The results of the consultation undertaken will be reported to Cabinet on 14th February 2017.

4. Timetable for implementing this decision

Date	Action
21 st November 2016	Consultation launched
21 st November 2016– 13 th January 2017	Opportunities for children, young people and parents to respond to the consultation through a range of accessible events
13 th January 2017	Consultation ends (consultation guidance is that consultations should last at least 28 working days during term time and that the consultation should be extended to take into account of any school holidays that may occur during the period of consultation).
21 st November 2016- February 2017	On-going analysis of consultation feedback leading to cabinet report
7 th March 2017	Cabinet decision
1 st April 2017 onwards	Phased implementation
1 September 2017	New policy applies for pupils starting at a new school
1 September 2017	New policy applies for post-16 students

5. Comments from Executive Director of Resources

5.1 Financial implications

Spend on SEN Transport provision in 2015/16 amounted to £3.8m against a budget of £3.3m resulting in a £0.5m overspend. Spend has reduced in 16/17 as a result of work to review processes and find efficiencies within the existing policy and the forecast spend was £3.5m at quarter 1. However the forecast overspend for 16/17 is still £0.4m which is due to planned budgetary savings being applied.

Based on the proposed changes to the travel assistance policy it is forecast that of the 821 children and young people currently receiving travel assistance 118 school age children and 10 post 16 children will no longer receive assistance. The table below details the forecast reductions in spend:

Proposal	Forecast
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	Reduction (£m)
Change to distance criteria in line with statutory guidance	0.43
Revision of door to door transport to the provision of bus passes for secondary age young people attending special school provision, able to access public transport	0.06
Revised mileage rate for Personal Transport Budgets	0.08
Proposed charging policy for Post 16 (Sixth form age)	0.03
Total Forecast Reduction in Spend	0.60

The forecast reduction in spend for 2017/18 is forecast to be in the region of £0.40m as a result of the proposed September 2017 implementation. The full forecast reductions will be realised from 2018/19 ongoing.

The methodology used to forecast savings is based on estimated reductions in the numbers of children and young people transported as a result of the proposed changes to eligibility criteria. This will result in reductions to routes and also vehicles. The actual savings delivered will be affected by the cohort of young people being transported and the ability to reduce routes and vehicles in line with estimates.

Once the policy changes are implemented the SEN Transport budgets will be monitored through the budgetary control process to evaluate the actual level of savings achieved. In addition to the proposed policy changes work continues to promote existing alternative transport options such as personal transport budgets (PTB) and independent travel training which will help to promote independence for pupils and assist in reducing spend.

5.2 Legal implications

The Education Act 1996 sets out the Council's statutory duties to promote sustainable modes of travel to meet the school travel needs in its area (s508A). S 508B sets out the councils statutory duties in respect of compulsory school age children who fall to be considered as eligible children and in respect of whom the council has the duty to make such travel arrangements to and from the child or young person's qualifying school as the Council considers necessary free of charge. The Council must publish its general arrangements and policies in respect of transport for children of compulsory school age setting out those arrangements which relate to its statutory duties and those which are provided on a discretionary basis. Where changes to school travel arrangements are proposed the Council is required to consult widely on proposed changes with all interested parties for at least 28 working days during term time, and this period should be extended to take account of any school holiday periods that fall within the 28 day period. The Council is also required by s 509AA of the Education Act 1996 to prepare and publish a transport policy statement setting out the transport arrangements for persons of 6th form age by the 31 May each year. The Council has a duty to consult with stakeholders in the development of that policy statement.

The Council must also set out in a transport policy statement the arrangements that it considers necessary to make in respect of relevant young adults (those with statements, Education Health and Care plans or subject to a learning difficulty assessment aged 19-25).

6. Other implications

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)?

6.2 How is risk being managed?

Risks are being managed through project management processes.

6.3 What is the impact on the organisation?

The impact on the organisation is minimal.

6.4 Equalities / EIA

The Equality and Communities Analysis (ECA) outlined in Appendix 3 sets out the known equality impacts prior to the start of the consultation. These will be updated throughout the consultation and a revised will be included in the cabinet report of 14th February 2017.

6.5 Implications for (or impact on) the environment

The impact on the environment/climate change is minimal. The proposals could lead to fewer vehicle journeys.

6.6 Implications for partner organisations?

There are no specific implications for partner organisations.

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Appendices

Appendix 1: New Travel Assistance Policy (for children aged 5-16 years old of school age)

Appendix 2: Post-16 (sixth Form age) Travel Policy

Appendix 3: Equality Community Analysis