

HOME TO SCHOOL/COLLEGE TRANSPORT – BUSINESS PLAN PROPOSALS

To: **Children and Young People Committee**

Meeting Date: **8 December 2015**

From: **Adrian Loades, Executive Director: Children, Families and Adults Services**

Electoral division(s): **All**

Forward Plan ref: **N/A** **No**

Purpose: **To:**

- a) Provide the Committee with an overview of home to school/college transport legislation and the Council's policy, both mainstream and SEND (Special Educational Needs and Disabilities);**
- b) Outline the reasons for the current pressures on these budgets, and the actions being taken to reduce demand on these budgets; and**
- c) Provide information on the funding that the Government gives direct to schools, colleges and other education providers for post-16 students who need financial help to stay in education.**

Recommendation: **The Committee is asked to:**

- a) Note the legislation governing the provision of home to school/college transport and the Council's current policy;**
- b) Note and comment on the reasons for the pressures on both the mainstream and SEND budgets and the actions being taken to manage these and reduce demand;**
- c) Note the information provided on the financial support available to post-16 students to offset the costs of their transport to and from college;**
- d) Note and comment on plans for consultation on the proposals set out in the draft Business Plan for 2016/17, i.e. for the Council to cease to provide any form of financial subsidy for mainstream post-16 students commencing a new course of study with effect from 1 September 2016; and**
- e) Agree whether or not they wish to receive a further update on the outturn forecast spend this financial year at their January 2016 meeting to inform the decision on which of the proposed changes will be taken forward to consultation.**

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1.0 BACKGROUND

- 1.1 The Council has a statutory duty to provide home to school/college transport free of charge for pupils of statutory school age (5–16 years) who meet certain eligibility criteria, regardless of the status of the school which they attend.

Included within the Council's statutory duty is provision for Looked After Children (LAC), including school transport, short breaks and respite.

- 1.2 The core eligibility criteria are as follows:
- the pupil lives within the area where the Council is the local authority;
 - the pupil is at least in the school year in which he/she will attain his/her fifth birthday;
 - the pupil is registered at the school designated by the Council and this is not within walking distance of home (i.e. 2 miles for primary school pupils and 3 miles for 11-16 year olds) measured by the shortest available walking route to the nearest entrance to the school; and
 - the maximum journey times (excluding the time taken to get to the designated pick-up point or waiting time for a connecting service) are 45 minutes for primary children and 75 minutes for secondary aged pupils, each way.

The criteria are set out in full in the Council's 'Home to School/College Travel Assistance Policy':

http://www.cambridgeshire.gov.uk/downloads/file/2862/home_to_school_transport_policy

- 1.3 The Education Act 1996, with clauses inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (ASCL Act), places the following requirements on local authorities in respect of young people defined as over compulsory school age but under 19 or aged 19 to 25 and subject to a learning difficulty assessment:
- i) To secure sufficient suitable education and training opportunities to meet the reasonable needs of all young people in their area.
 - ii) To secure sufficient suitable education and training for young people subject to youth detention.
 - iii) To secure sufficient education and training for young people who wish to travel into their area to learn.
 - iv) To ensure access to further education and learning and to apprenticeships and traineeships including travel to and from their place of learning or work placement.

In addition, the Education and Skills Act 2008 increased the minimum age at which young people in England can leave learning, requiring them to continue in education or training until the end of the academic year in which they turn 18, effective from 2015. Raising the Participation Age (RPA) enables young people to choose one of the following options:

- Full time education, such as school or college;
- An apprenticeship or other work-based learning;
- Part-time education or training if they are employed, self-employed or

volunteering for more than 20 hours a week.

This requirement has not, however, resulted in a change to the statutory school leaving age; this remains 16.

- 1.4 The Council has a long-standing policy of providing subsidised post-16 transport support for mainstream students who meet certain criteria. Effective from 1 September 2015, the Council introduced a new, lower subsidised rate for those students starting a new course of study living in low-income households. Prior to this, they would have been entitled to free transport. The rate of £80 per term is half that of the standard subsidised rate.
- 1.5 If a child/young person under the age of 16 has SEND which ordinarily prevents them from either walking to and from school or accessing a public bus or rail service or contract bus service detailed in their Statement of Special Educational Needs (SEN) or Education, Health and Care Plan (EHCP), they will be eligible for free transport. With effect from 1 September 2015, the Council ceased to provide free transport for those young people with SEND over the age of 16 except those living in low-income families.
- 1.6 Responsibility for the development and implementation of policy sits with the Learning Directorate (mainstream) and Strategy and Commissioning (SEND). Payments / re-tenders / contract negotiations are managed by the Social and Education Transport Team (SETT) in Environment, Transport and Economy (ETE).

2.0 BUSINESS PLAN PROPOSALS AND CURRENT PRESSURES

- 2.1 As Members will be aware, the Council needs to secure significant savings across a range of its functions over the course of the next five years. Proposals are set out in the draft Business Plan for 2016/17 for reducing the amount the Council spends on home to school/college transport both mainstream and SEND, over that period.
- 2.2 Both budgets are forecast to overspend this financial year. As at October 2015 the reported overspend for mainstream transport was £770,000 on a budget allocation of £9,143,048 and of £625,000 on SEND transport on a budget allocation of £7,085,157. In addition, there is a further £150,000 in-year pressure as a result of anticipated savings to result from the realignment of the management of transport services across the Council not having been achieved to date. This has been added to mainstream transport, taking the forecast overspend reported in October 2015 to £920,000.
- 2.3 The causes of the pressure on both of these budgets is similar:
 - Inaccurate forecasts meant that both budgets opened the financial year with inadequate levels of funding. In turn, this was the result of growth predictions failing to take into account the movement of people within the county, an issue compounded by many schools being at their maximum number of pupils, which requires transport to a school further away; and inaccurate reconciliation between predicted and actual claims from parents/carers;
 - demand for taxis to transport children with SEND exceeding supply, requiring more expensive, non-local provision;

- re-tendering of contracts failing to deliver the level of savings achieved in the last few years; and
- for mainstream, not proving the case to the Member Service Appeals Committee that the route between Milton and Impington Village College meets the Council's criteria as an available walking route for a child accompanied by an adult as necessary.

2.4 For the 2016/17 financial year the savings figures identified in the draft Business Plan are:

- Home to School Transport (mainstream): £960,000
- Home to School Transport (SEND): £609,000

These savings are based on the receipt of additional funding:

	Mainstream	Special
Pressure funding	+£980k	+£1,200k*
Demography	+£475k	+£613k*
Savings	-£960k	-£609k
Net budget movement	+£495k	+£1,204k

* includes both SEND and LAC transport so the figures match the Business Plan.

The £980,000 pressure funding for mainstream was calculated based on the forecast overspend of £830,000 as at September 2015 plus the £150,000 for the forecast overspend relating to aligning the management of transport services. As indicated above, in the intervening period, the combined forecast overspend has reduced to £920,000. The potential exists for it to reduce further, but this cannot be confirmed until work on reconciliation of the commitment record against actual spend has been completed.

The pressure funding for special (SEND and LAC) was calculated based on the forecast overspends as at September 2015 of £625,000 on SEND transport plus the £575,000 on LAC transport.

2.5 Further savings are identified in each of the next four years for mainstream transport totalling £2,580,000. Achieving these savings is predicated upon changing the Council's policy with regard to providing subsidised support to post-16 students, and increasing the charge made to those families who wish to purchase spare seats on vehicles operated under contract to the Council. Specifically, it is proposed to cease to provide financial support to any new student over the age of 16 (the statutory school leaving age), including those living in low income households, but excluding those with SEND who qualify for assistance under the Council's policy, beginning a course of study effective from 1 September 2016. These changes are expected to deliver a saving of £770,000 in 2016/17. This is based on the assumption that the number of young people continuing into full-time education post-16 will continue at the current level and that those students already in receipt of subsidised transport would pay an additional £10 per term. In addition, the spare seat charge will increase by £40 per term in 2016/17.

A further £190,000 saving is expected to be achieved through reductions in unit costs through market development and route optimisation.

- 2.6 For SEND transport, consultation will be undertaken on a proposal to introduce a charge for those post-16 students living in low-income families effective from 1 September 2016. This would be at a lower rate than for other students.

3.0 ACTIONS TAKEN TO MANAGE PRESSURES AND DEMAND

- 3.1 A Home to School Transport Project Board was established in January 2015 to oversee and secure delivery of action plans aimed at reducing pressures on the home to school/college transport budgets. It is chaired by the Service Director: Learning and is attended by the Service Directors for Strategy and Commissioning and Strategy and Development (ETE).
- 3.2 To secure more accurate forecasts, the model used to predict the impact of population growth and movement within the county is being reviewed and revised, and the reconciliation between predicted and actual claims is being improved through the development of an electronic system and the appointment of an additional member of staff on a fixed term contract to provide much needed capacity.
- 3.3 Other actions taken to manage current pressures include:
- following consultation, a reduction in the amount paid to parents approved to use their own transport to get their children to and from school from 45p to 40p per mile, effective from 1 September 2015;
 - reviews to reduce the number of single occupancy journeys undertaken and rationalise routes where possible;
 - working with Health professionals to agree an alternative to using ambulances for those with highly complex SEND;
 - two successful safe route reviews (Horningsea to Fen Ditton Primary School and Stapleford/Great & Little Shelford to Sawston Village College);
 - requiring new mainstream post-16 students living in low-income households to contribute towards the cost of their transport; and
 - the implementation of an £10 per term increase in the cost of purchasing a spare seat on a contact service and for post-16 students who do not meet low income criteria.
- 3.4 Implementation of the above actions has already reduced the in-year pressure, but as will be evident from the forecast outturn position set out in section 2.2, further action is required to bring spend in line with allocated budgets.
- 3.5 Other actions with regards to mainstream transport being investigated and/or developed by the Project Board include:
- the viability of the Council running its own fleet of buses;
 - where it could result in a better value service, for example one that incorporates after school activities, encouraging schools to take on responsibility for procuring their own transport funded by the Council on the basis of a fixed fee per pupil;
 - purchasing cycles and associated safety equipment (helmets, lights and high visibility jackets) in place of issuing a bus pass;
 - on-going promotion of the cycle allowance in place of a bus pass; and
 - Smart Card readers on buses to provide real-time management

information on the number of children travelling compared to the size of the vehicles provided with the aim of managing capacity more effectively and, where possible and appropriate, reducing the number of contracted vehicles.

- 3.6 For SEND Transport these actions are being investigated and/or developed:
- Personal Budgets – this has been used successfully in other local authorities and the applicability of this approach to Cambridgeshire is being actively explored; families would be given a fixed sum of money and would be responsible for their own travel arrangements in place of payment for parental mileage;
 - re-tendering of 500 routes following a market development campaign in Summer and early Autumn 2015;
 - introducing termly reviews of transport with Casework Officers and schools. This is ongoing to ensure current transport arrangements are appropriate and to review all single occupancy routes; and
 - including transport reviews at both the first and second statutory reviews.

4.0 FURTHER INFORMATION TO AID MEMBERS' DECISION-MAKING

- 4.1 The detailed and comprehensive Community Impact Assessment (CIA) which accompanied the Business Plan proposals considered by the CYP Committee at its meeting on 10 November 2015 identified the availability of and access to a post-16 bursary as a means of mitigating the impact of the proposal to cease to provide financial assistance to new mainstream post-16 students on those living in low-income families. The CIA (attached as **Appendix A** for ease of reference) had been reviewed and checked by a para legal in LGSS Law with considerable experience in education legislation, including that governing home to school/college transport before being finalised.

- 4.2 The Committee requested more information on the operation of the bursary and details of the current transport arrangements for post-16 students to be provided for their consideration at their next meeting on 8 December 2015 to aid their decision-making.

4.3 The 16-19 Bursary

- 4.3.1 This is funding which the government gives direct to schools, colleges and other education providers to award to students who need financial help to stay in education. There are two types of bursaries:

- up to £1200 a year for young people in one of the groups defined as vulnerable
- a discretionary award to meet individual needs, for example, transport, meals, books and equipment

4.3.2 Vulnerable Groups' Bursary

A young person could qualify for up to £1200 per year if they are aged between 16 and 19, study full-time for a minimum of 30 weeks, do not receive any other form of benefit (for example, have their accommodation costs paid for them) and are:

- in care
- a care leaver
- in receipt of Income Support or Universal Credit in their own right

- in receipt of Employment Support Allowance (ESA) or Universal Credit in place of ESA and Disability Living Allowance or Personal Independence Payments in their own right

4.3.3 **Discretionary Bursary**

Schools and colleges set their own eligibility criteria. Examples of what a school or college might take into account include:

- Total family net income
- Whether the young person's parents/carers are in receipt of any form of benefit
- Whether the young person qualifies for free school meals or has done in the past.

4.3.4 The amount each school or college receives from the Education Funding Agency (EFA) varies. For 2015/16 the amounts available to award as discretionary bursaries range between:

- £23,065 (Parkside) and £4,828 (Cottenham Village College) for schools with sixth forms
- £68,131 (Hills Road) and £233,483 (Cambridge Regional College) for independent sixth form and further education colleges
- £1,073 (Highfield) and £3,969 (Spring Common) for special schools

4.3.5 For a young person to qualify under the Council's current policy for the low-income subsidised rate for mainstream post-16 transport a member of their household must be claiming one of the following:

- Income Support
- Income Based Job-Seekers Allowance
- Income Related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- Guarantee element of State Pension Credit
- NHS Tax Exemption certificate.

In addition, they must be enrolled on a full-time course which started before they reached the age of 19 at what the Council judges to be their nearest appropriate centre, which must be more than 3 miles from their home.

4.3.6 As schools and colleges set their own eligibility criteria for the discretionary bursary and undertake all their own administration, it is difficult to draw a direct comparison with the Council's policy. What is evident, however, is that the criteria for eligibility for the maximum funding of £1,200 per year per student is much more tightly drawn than the Council's low-income criteria. This has been confirmed by two schools with sixth forms who have responded to a request for information on their experiences of administering the bursary. Both have stated that the numbers who meet the qualifying criteria are small, with the majority of these receiving a discretionary award of around £400 per year. They were concerned that if students had, in future, to meet all of their transport costs from the bursary, this would leave them with little if anything spare to spend on other essentials such as books and equipment.

4.3.7 It is therefore reasonable to conclude that should the Council proceed with its proposals to cease to provide any financial support to new mainstream post-16 students effective from 1 September 2016, the availability of the

post-16 bursary may prove insufficient for some students to bridge the funding gap.

4.0 ALIGNMENT WITH CORPORATE PRIORITIES

4.1 Developing the local economy for the benefit of all

- 4.1.1 Providing access to local and high quality education will enhance the skills of the local workforce.

4.2 Helping people live healthy and independent lives

- 4.2.1 Providing access to local and high quality education will increase the likelihood of young people leading independent lives. Access to transport, particularly in rural areas, is another means of supporting that independence.

4.3 Supporting and protecting vulnerable people

- 4.3.1 The Council's current policy is to provide additional support to those living in low-income families and those with SEND.
- 4.3.2 The charge for mainstream post-16 students starting a new course of study was introduced effective from September 2015. Prior to this, the Council was providing free transport for all post-16 students living in low-income families.

5.0 SIGNIFICANT IMPLICATIONS

5.1 Resource Implications

- 5.1.1 The Council expects to save in the order of £770,000 as a result of implementing the proposed changes to the Council's mainstream post-16 transport policy. Retaining financial support for low-income families would reduce that anticipated saving to around £519,000. The financial model assumes that existing students would pay an additional £10 per term effective from 1 September 2016, increasing their total annual contribution to £270 from the current level of £240.

- 5.1.2 Fewer young people taking the decision to continue to study full-time on completion of their statutory schooling could lead providers to reduce the number and type of courses on offer and adversely affect the financial and educational viability of some, particularly small school sixth forms.

Whilst the majority of students are issued with bus passes for travel on service buses, there are some further education colleges which organise and manage their own transport contracts. They currently receive reimbursement from the Council for those students using their transport who qualify for assistance under the Council's policy. Under the proposed changes, only those mainstream students who are already part way through a course of study which commenced before they reached the age of 19 and for whom the college in question is their nearest appropriate post-16 centre would continue to qualify for subsidised transport. As a consequence, the colleges in question are likely to have to make changes to their contracts to offset the loss of income from the Council.

- 5.1.3 As set out in section 2.3, the 2016/17 mainstream budget includes an allocation of £980,000 of pressure funding based on the forecast year-end overspend as at September 2015. The current forecast overspend figure is £920,000. In the event that anticipated continued demand for school places from people moving into the county, which result in new transport

requirements, does not materialise, the overspend will reduce further. Reconciliation of the commitment record, actual spend and received income is essential in order to provide a more accurate assessment of the likely outturn position. This work will be completed as a matter of urgency.

5.2 Statutory, Risk and Legal Implications

5.2.1 Unlike the duty to provide free transport for those children aged 5-16 who meet eligibility criteria, the Council, is not required under s509AA of the Education Act 1996 to provide free transport to students once they reach age 16 and are no longer, therefore, of statutory school age. However, it does have a statutory responsibility to ensure access to further education and learning for students aged 16-19 (s509AB of the Education Act 1996) and to apprenticeships and traineeships including travel to and from the place of learning or work placement. In exercising its duty the Council must have regard to the following:

- The needs of the most vulnerable or socially excluded.
- The needs of young people with learning difficulties and/or disabilities (these must be documented in the Council's transport policy statement in accordance with s509AB of the Education Act 1996)
- Those vulnerable to becoming NEET (Not in Education, Employment or Training).
- Young parents – Care to Learn
- Those in particularly rural areas

5.2.2 The Council must adhere to the legislation which requires it to make suitable arrangements to transport children and young people with EHC Plans and SEN to those schools and colleges it identifies as appropriate to meet their needs.

5.2.3 A decision to withdraw all financial support for mainstream students commencing new courses of study in September 2016 could be expected to have the greatest affect on these most vulnerable students. It could prove to be a significant disincentive to them taking a decision to continue their education and learning once they are no longer of statutory school age, leading to a potential increase in the number who become NEET. This could be compounded by the Business Plan proposal to reduce funding for schools' support for Key Stage 4 pupils at risk of not participating in post-16 provision.

5.3 Equality and Diversity Implications

5.3.1 The proposals to cease any form of financial support to mainstream post-16 students starting a new course of study could have a disproportionate impact on students living in rural areas of the county which are less well served by public/commercial bus services and routes. This could be compounded by Business Plan proposals being developed by the ETE Directorate to reduce financial support for contracted bus services.

It could also have a disproportionate impact on students living in low income households in rural areas who also have a diagnosed long-term medical condition which prevents them walking to their nearest designated pick up/drop off point for transport or to their nearest appropriate centre.

5.4 Engagement and Consultation Implications

5.4.1 Following the CYP Committee meeting on 10 November 2015, an email

was sent to all Cambridgeshire secondary schools and post-16 providers in the county and in neighbouring authorities where Cambridgeshire students are known to attend to inform them of the proposals for changes to the Council's mainstream post-16 transport policy and provide them with the opportunity to comment ahead of the 8 December 2015 Committee meeting. To date, only four have responded, three of which are schools with sixth forms. The fourth is a further education college which has expressed significant concern over the impact of the proposed changes on students living in rural areas of the county who rely on being able to use contract services to get to and from the college as there are either no service buses or only a very limited service. One of the schools with sixth forms has requested further information on the number of students who currently qualify for financial assistance who attend their sixth form in order to better understand the potential impact on them and the school. The other two have both raised concerns over the impact of the proposed changes on the most vulnerable students. The Committee will receive a verbal update should further responses be received by the time of their meeting.

5.4.2 Subject to the CYP Committee's further consideration of the proposed changes, formal consultation would need to be undertaken with all those who would be affected by the proposed changes, including young people in Year 11 who will be considering and making decisions on what they will do once they complete their statutory schooling. It is proposed that this consultation should run for 6 weeks, commencing on Monday 14 December 2015 and concluding on 22 January 2016. Whilst not ideal, as this spans the Christmas break, it would provide time for analysis of the responses to accompany the report on the Business Plan for 2016/17 to full Council in February 2016.

5.4.3 The Committee may wish to defer a decision on consultation until there is further clarity and certainty over the forecast outturn position for the 2015/16 financial year.

5.5 Localism and Local Member Involvement

5.5.1 All members would receive a copy of the consultation document and have the opportunity to comment.

5.6 Public Health Implications

5.6.1 Mainstream post-16 students who are no longer entitled to financial support with their transport to school/college would need to make alternative arrangements. It is possible that some of these, especially those living just beyond the three mile current qualifying distance for subsidised transport, may choose to cycle.

5.6.2 The Council will continue to operate and actively promote a cycling allowance for those young people who have not yet reached the age of 16 as an alternative to issuing a bus pass. Also, as indicated in section 3.5, the option of a cycle and associated safety equipment scheme, which would also offer an alternative to the issuing of a bus pass, is being explored.

Source Documents	Location
<p>Home to School/ Home to School/College Travel Assistance Policy</p> <p>Draft Business Plan for 2015/16</p>	<p>http://www.cambridgeshire.gov.uk/downloads/file/2862/home_to_school_transport_policy</p> <p>0-19 Place Planning & Organisation Service 2nd Floor Octagon Shire Hall Cambridge CB3 0AP</p>