

Transport Transformation

To: Children and Young People Committee

Meeting Date: 29th November 2022

From: Executive Director: Children Services

Electoral division(s): All

Key decision: Yes

Forward Plan ref: KD2022/095

Outcome: The Committee will understand the reasons for developing the Transport Strategy and its scope and the benefits which will accrue from its implementation

To set out the Council's devolvement of statutory responsibilities to our secondary schools, in respect of access and transport to Alternative Appropriate Provision.

Recommendation: The Committee is recommended to:

- a) approve the Transport Transformation Strategy
- b) To endorse the Council committing funding to support the access and transportation of our most vulnerable students to Appropriate Alternative Provision, directly commissioned by our secondary schools with effect from April 2023.

Voting arrangements: Co-opted members of the Committee are eligible to vote on this item.

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1. Background

1.1 Statutory Responsibilities

Parents and carers have a duty under the Education Act 1996 to ensure that their children attend school and to make the necessary travel arrangements, including accompanying them where appropriate on their journey to and from school. Parents and carers are also responsible for their children until they arrive at school and after they leave at the end of the school day.

The Education Act 1996 places a duty on local authorities to make such travel arrangements they consider necessary to facilitate the attendance at school for 'eligible children'. Eligible children are categorised as;

- those who cannot reasonably be expected to walk to school as a result of mobility issues associated with their Special Education Need and/or Disability (SEND)
- those living outside of statutory walking distance (beyond 2 miles if below the age of 8 or beyond 3 miles if aged between 8 and 16)
- some children in receipt of free school meals
- children of parents in receipt of the maximum level of Working Tax Credits
- some post-16 students
- children who cannot reasonably be expected to walk to their nearest suitable school because of the nature of the route is deemed to be 'unavailable' (unsafe) to walk

1.2 Discretionary Powers

Local authorities also have discretionary powers to go beyond their statutory duties and to provide transport for children who are not entitled to free transport. In doing so, they must consult with parents and must act reasonably when determining their travel policy.

1.3 Most notably, the Council has historically used its discretionary powers to extend the statutory two-mile 'walking distance' to include children from the age of 8 up to the point at which they transfer to secondary school at age 11 i.e. the Council operates a primary/secondary split in terms of the walking distance criterion, rather than an under 8/over 8 split. This recognises the fact in Cambridgeshire, children transfer from primary to secondary school at age 11.

1.4 Current Picture

There are currently 2 separate transport functions in Cambridgeshire and Peterborough, governing and providing services for their own local authority area. Both teams are line managed by the same Head of Service and sit in the shared People Directorate.

1.5 Both teams are operating in very challenging circumstances and whilst there is some joint work between the two teams, there is increasingly a need for a more joined- up approach given the shared statutory duty and the increasing demand for efficiency.

1.6 Both teams oversee and provide the **eligibility, procurement and delivery** of transport services across the policy areas covered within the People Directorate. This is a large span

of service delivery and not one that is replicated in many local authorities, especially those of the size of Cambridgeshire.

- 1.7 The Transport Teams in Cambridgeshire and Peterborough provide transport for the following policy areas:
- Home to School Mainstream Transport (including post 16 and Fair Access Protocol placements)
 - Home to School SEND Transport (including post 16)
 - Children's Social Care
 - Adults' Social Care

Transport delivery across both LAs also contributes to the Climate and Environment Strategy and the Social Value Policy.

2. Main Issues

- 2.1 This report proposes to committee the adoption of a Transport Transformation Strategy in order to lead and guide the work needed to be undertaken over the next two years in Cambridgeshire to ensure outstanding provision of transportation services.
- 2.2 The strategy document, included in Appendix 1 has been produced in collaboration with those involved in the delivery and interface with transport services in both councils.
- 2.3 The document aims to provide a factual 'scene setting' of the current data. It then outlines a number of areas of pressure that are being experienced, not only by Cambridgeshire and Peterborough but nationally. The strategy then proposes a number of key strands to be focused on in the transformation of the transport delivery in the current climate we face. The key areas of pressure are outlined below.

2.4 Areas of Pressure

2.4.1 Delivery

The current delivery capacity within both teams is not sufficient and will need to be restructured with a consideration of additional capacity and greater joined up working between the two teams to maximise efficiency. In CCC there are currently 8 members of staff responsible for managing the school transport services managing approximately 11,000 pupils, 1,100 contracts of value £25m across 255 schools.

Transport officers are responsible for the eligibility assessment, procurement and delivery of transport for children and young people. This is not a model which is widely used across local authorities. It is more common place to separate roles and responsibilities to allow for concentration of expertise and effort in the different, unique aspects of transport delivery.

It is intended to look at the team structure and the systems and processes that support them to ensure they are better equipped with more capacity to deliver an outstanding level of service provision for our children and their families.

2.4.2 Eligibility

Policies across the scope of delivery mandate need to be reviewed in light of the current context. Policies will be reviewed alongside each other and in consultation with key

stakeholders to ensure that they are continuing to provide a clear and appropriate framework to determine eligibility.

How we communicate our policies to parents when choosing a mainstream school will be a key focus of the review. As will ensuring that we work with special schools, the SEND services and Pinpoint (Cambs Parent Carer Forum) to ensure parents and carers of children and young people with SEND are fully aware of the eligibility criteria and decision making processes around transport. It is also vital that all of the different options for transport are made clear to both professionals and parents and carers.

The current decision-making systems around eligibility for high-cost transport arrangements are increasingly insufficient to govern the financial growth. Decisions should not be made by the transport teams in isolation of good, child focused discussion with lead professionals around levels of need and the best value outcome for the child or young person.

Good practice is taking place within children's social care in relation to multi-agency decision making and this type of joint conversation needs to be embedded into all policy areas across both authorities.

2.4.3 Cost

Increasing costs is a significant area of pressure for Cambridgeshire and key activity within the action plan will need to address areas identified where savings and cost reduction can be achieved. Rises in cost are in part due to inflationary pressures and increased costs of fuel they are also due to the significant growth in both the mainstream pupil population and the SEND growth.

Whilst the authority must be clear about its statutory duty to provide transport to those who are eligible, the current increased spend forecast is increasingly unmanageable financially for the authority. In speaking with other authorities, this pressure is felt across the country.

This is not about whether the authority delivers on its statutory duty, but how it does that in order to achieve better value for money

A review of solo routes, and rationalisation of all routes must be a priority of the review in order to achieve better value for money. Activities such as volunteer drivers, independent travel training and other emerging innovative strategies must be prioritised and built into policy reviews in order to manage this significant area of pressure.

2.4.4 Growth

The growth in the numbers of pupils with SEND accessing transport to their school needs to be managed and addressed through various mechanisms. Children with SEND are often transported alone and for longer distances than we would like to access a school.

The SEND forecasts for the number of children with Education, Health and Care Plans (EHCPs) (2020-2031) indicates that Cambridgeshire is expecting a 47% increase in the number of pupils with EHCPs by 2031. This would mean the number of pupils with EHCPs would rise from 4,662 (Jan 2020) to 6,866 by January 2031.

If transport continues to be provided to approximately 60% of all pupils with EHCPs, at

today's unit costs this would be expected to see transport costs rise from approximately £16m to £26m. Whilst the creation of new local special school places is needed, alongside a review of policy to determine clear eligibility and deliverability parameters than are child focused and provide good value for both councils, it must be noted that more school places will inevitably lead to further pressure on these routes.

It must be stressed that providing high quality transportation to an educational establishment remains an utmost priority for all children with SEND who are eligible. We are keen to work closely with families and special schools to explore how this can be provided differently in a more resilient way to mitigate the impact of the current market – which is what we are experiencing at the moment.

2.4.5 Procurement

There is now a joint Dynamic Purchasing System in place which is good progress. A review now needs to be undertaken with the Procurement and Commercial Team to determine the correct systems for managing the procurement of transport on a daily basis.

We would like to explore different options for the delivery of certain transport functions where there is a high volume of routes and passengers. The market is changing and responding to the national climate on a daily basis. There needs to be scope within the transformation plan to review all market options to ascertain best value. There is council obligation to move to greater use of electric vehicles and the infrastructure that's needed to support this will mean that procurement of transport solutions will need to be consistently reviewed in the years to come.

2.5 Proposed Impact

It is clear that the above activity proposed as part of the strategy needs to deliver measurable impact for all service users and the council. First and foremost, the team that we rely on to provide outstanding delivery of services need expanded capacity and the right systems in order to achieve the priorities being outlined in the strategy.

A full and thorough review of the policy suite needs to lead to reduction in route length, increased access to local educational provision and improved efficiency in delivery for families. Many of the strands of work will need to generate savings in the form of a reduction in route cost per pupil. This will be achieved through a variety of mechanisms to be scoped and determined within the action plan underpinning the strategy.

As a key budget and statutory duty for the council there is also an intention to deliver improved sustainability in delivery as part of the modernisation of the service. This alongside improved eligibility and decision making governance will also provide decreased financial risk profile.

Internal governance for the Transport Transformation Strategy will be overseen by the Passenger Transport Board where the detailed action plan, progress/highlight reports and financial forecast will be presented and scrutinised.

2.6 Transport eligibility of students displaying high levels of challenging behaviour

2.6.1 Statutory responsibilities

Alternative Education Provision is for our most vulnerable children who are at risk of or have been permanently excluded and other pupils who, because of illness or other reasons, cannot access their education within a mainstream school.

Cambridgeshire Secondary schools manage their devolved funding by being part of one of four Behaviour, Attendance and Improvement Partnerships (BAIPs). Each BAIP nominates a lead Head Teacher who organises BAIP meetings and liaises with the Local Authority. The Head of Service for Alternative Appropriate Provision is the key link officer with the BAIPs, with a principal role to quality assure the provision commissioned by schools.

The devolvement of funds for alternative education from the High Needs Block to schools via BAIPS (Behaviour Attendance Improvement Partnerships) put Head Teachers in control of the decision-making process by giving them direct financial control of the budget.

Head Teachers are best placed to make these decisions for their schools and pupils. Working in partnership within the BAIP allows for Head Teachers to plan, collaborate and to challenge each other as peers to ensure that the system remains coherent, fair, and transparent. This requires trust and investment in the partnership as an entity by Head Teachers.

The devolution of funding does not change the current statutory responsibilities of the Local Authority and schools. However, the devolved arrangements clearly shift the responsibility and accountability of the provision of alternative education through devolved funding of the budget to schools and partnerships.

The current funding formula and Service Level Agreement (SLA) between the Local Authority and Cambridgeshire Secondary Schools has been in place since April 2012 and has:

- Maintained lower levels of permanent exclusions
- Improved partnership working
- Created opportunities for investment in schools
- Improved data collection
- Secured robust quality assurance of AP providers
- Secured effective management of a contingency resource in some areas

The Cambridgeshire model has created a lot of interest nationally from other Local Authorities, the DfE and OFSTED.

2.6.2 Main Issue

In April 2022 a review of the current BAIP Service Level Agreement was commenced. There were several triggers for this review including:

- proposed national changes within the SEND Green Paper
- historic BAIP agreement and SLA's that need reviewing.

- Current funding formula does not recognise the geographical disadvantages for many schools when commissioning external Alternative Appropriate provision.
- concerns raised from Cambridgeshire Secondary Head Teachers that the levels of devolved funding for provision, are not sufficient.
- Review of Cambridgeshire's Appropriate Alternative Directory guide.

In 2018/19 BAIP funding was £5m. The published funding for 2022/23 is £4,535,513. During this time, costs for schools have continued to increase, the number of vulnerable young people has increased however funding for these most vulnerable children and young people has been reduced.

Recognising the significant increases in need following the pandemic, the rapidly growing population of vulnerable students requiring Appropriate Alternative Education and the geographical disadvantages for some of our schools to successfully transport children to external provision, it is important the council considers it's statutory duty to ensure children who are displaying challenging behaviour at the threshold level of permanent exclusion continue to have access to education.

2.6.3 Risks

Shared transport arrangements for students who need alternative provision is limited due to the needs of the students. Our devolved funding arrangement is under considerable financial strain due to the growing needs and numbers of students requiring Appropriate Alternative Provision.

If we don't commit additional funding to contribute towards transport costs, there is a significant chance of more students becoming permanently excluded.

For many vulnerable children living in Cambridgeshire, access to Alternative, Appropriate Provision can be their main point of continuity. The Council must balance the need to reduce the burden on the devolved funding budget against its role in supporting continuity and opportunity for those children and young people who are most in need.

Contributed funding for transportation costs will ensure that:

- vulnerable children and young people at risk of failing to achieve full participation in learning have access to a relevant curriculum that is appropriate for their needs and meets statutory and legal requirements
- schools maximise their capacity to be able to fully engage their most vulnerable students in learning to promote inclusion, maintain placements and reduce exclusions
- support the necessary transport arrangements required to stabilise a young person's educational placement.

2.6.4 Costs

Based on current live data associated with transporting students with challenging behaviour it is clear that current travel mode is in individual taxis. This is likely due a) to the levels of challenging behaviour and the risk associated with traveling in a multiple occupancy situation and b) due to the diverse range of settings young people are transported to.

The average cost of a journey per day is £78, however costs range from £36 to £140. Within the 21/22 academic year. There was a total of 817 secondary students on alternative provision in Cambridgeshire. 70 of these students were accessing Olive Academy. 183 students were accessing external Alternative provision.

The 247 students (70 Olive Academy students plus 183 external AP students) are the best comparator in trying to predict what the numbers of student's transport we would be proposing to contribute to should the council chose to support this going forward.

- 2.6.5 It is proposed that a sum of money is committed to contribute to the provision of transport for children and young people who would meet the threshold of a permanent exclusion in another local authority. It is also proposed that within the calculation of this sum, children and young people accessing managed moves are also considered, and a proportion of the budget be identified to cover this aspect also.

In determining the sum of money to contribute towards this aspect of BAIP provision, it is proposed a formulaic approach is used taking into consideration the current transport eligibility distances, numbers of pupils on roll and the sparsity factor as applied to the main schools funding formula which looks at distances between schools.

It is proposed that this provision is formally added to the SEND Transport Policy through the upcoming review. Schools would be expected to manage the procurement and delivery of transport locally for a young people.

- 2.6.6 Should the above approach be endorsed; officers will determine the best methodology for allocation to schools over the course of the next 2 months ahead of the next financial year.

3. Alignment with corporate priorities

- 3.1 Environment and Sustainability
Through providing the transport services the Council is able reduce environmental impacts by shifting travel out of individual vehicles and into mass-transit options, which can improve carbon and air quality outcomes.
- 3.2 Health and Care
There are no significant implications for this priority.
- 3.3 Places and Communities
Improved access to local education provision. Improved access to adult social care provision.
- 3.4 Children and Young People
Provision of reliable school transport services will help safeguard children and young people on their journey between home and their place of education.
- 3.5 Transport
Reliable school transport services enable children and young people to easily access their education entitlement.

4. Significant Implications

4.1 Resource Implications

The report above sets out details of significant implications in 2.4.3 and 2.7.4

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

The report above sets out details of significant implications in 2.4.5. Any required Procurement activity will be fully compliant with the Council's Contract Procedure Rules.

4.3 Statutory, Legal and Risk Implications

The Council has statutory duties relating to the provision of transport assistance. The legal parameters relating to home to school/college transport for children and young people of statutory school age are set out in Sections 508, 509 and schedule 35B of the 1996 Education Act as amended by the Education and Inspections Act 2006.

Sections 509(1) and (2) place a duty upon local authorities to provide free transport where necessary to facilitate the attendance of children and students at schools and institutions both within and outside of the further and higher education sectors.

4.4 Equality and Diversity Implications

The following bullet points set out details of significant implications identified by officers:

- Prevention of rural isolation from education provision.
- Education transport is provided to all who are entitled under the Education Act 1996 as amended by the Education and Inspections Act 2006

4.5 Engagement and Communications Implications

The implementation of the Strategy will entail a comprehensive communications strategy and engagement with stakeholders including parental advocacy groups

4.6 Localism and Local Member Involvement

There are no significant implications within this category.

4.7 Public Health Implications

There are no significant implications within this category.

4.8 Environment and Climate Change Implications on Priority Areas

4.8.1 Implication 1: Energy efficient, low carbon buildings.

Neutral Status

Explanation: there are no significant implications within this category

4.8.2 Implication 2: Low carbon transport.

Positive Status:

Explanation:

- Home to school transport reduces the use of private vehicles in delivery of transport to large numbers of students on single transport provisions
- Where school transport is in place there is the opportunity for students to purchase spare seats.

- Where there is public transport provision in place students who meet the eligibility criteria can receive transport assistance in the form of a pass to use on a commercial route

4.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.
Neutral Status

Explanation: there are no significant implications within this category

4.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.
Neutral Status

Explanation: there are no significant implications within this category

4.8.5 Implication 5: Water use, availability and management:
Neutral Status

Explanation: there are no significant implications within this category

4.8.6 Implication 6: Air Pollution.
Neutral Status:

Explanation: The following bullet points set out details of significant implications identified by officers:

- Reduced use of private vehicles through provision of alternatives, particularly mass transit options

4.8.7 Implication 7: Resilience of our services and infrastructure, and supporting vulnerable people to cope with climate change.
Neutral Status:

Explanation: there are no significant implications within this category

Have the resource implications been cleared by Finance? Yes

Name of Financial Officer: Martin Wade

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the Head of Procurement? Yes

Name of Officer: Claire Ellis

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or Pathfinder Legal? Yes

Name of Legal Officer: Fiona McMillan

Have the equality and diversity implications been cleared by your EqIA Super User?
Yes

Name of Officer: Jon Lewis

Have any engagement and communication implications been cleared by Communications?
Yes

Name of Officer: Simon Cobby

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes

Name of Officer: Jon Lewis

Have any Public Health implications been cleared by Public Health?

Yes

Name of Officer: Raj Lakshman

If a Key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer?

Yes

Name of Officer: Emily Bolton

5. Source documents guidance

5.1 None