

Division(s): All

CABINET – JUNE 2018

THE PROPOSED HOME TO SCHOOL TRAVEL AND TRANSPORT POLICY

Report by Director for Children's Services

Introduction

1. The Council has proposed and consulted upon a number of changes to its home to school transport policies applying to Post 16 students and to those of statutory school age:
 - a. Post 16:
 - i. The discontinuation of the provision of free transport to students with Special Educational Needs & Disabilities; and
 - ii. the ending of subsidising transport to The Henley College (mainstream)
 - b. Statutory school age (5 – 16 years)
 - i. Making explicit that children of pre-statutory school age are not covered by the Council's home to school transport policy and that transport will only be provided for the journeys between a home and school;
 - ii. Defining the circumstances in which the Council will provide free transport to Alternative Providers; and
 - iii. Increasing charges for the 'Spare seat' scheme (currently known as the Concessionary Travel Scheme).
2. Oxfordshire County Council's current Home to School Travel and Transport Policy is more generous than the law requires for Post 16 students who have an Education Health and Care Plan (EHCP) and for Post 16 mainstream students who attend Henley College. Unfortunately, given the continuing pressure on public finances, the Council now needs to critically consider whether it should continue to maintain spending on this non-statutory assistance for these groups of Post 16 students. The main proposals include ending automatic free travel for most Post 16 SEND students attending their nearest suitable placement if that placement is over 3 miles away, ending Post 16 subsidised transport to Henley College, clearly specifying when free travel will be provided to alternative education providers and specifying charges for the Spare Seat Scheme (formerly known as the Concessionary Travel Scheme) for the years 2018/19 to 2022/23. In addition, as part of Oxfordshire County Council's commitment to the Military Covenant we also consulted on whether to continue for a further year the current time limited free travel arrangements for those secondary school students who are resident at RAF Benson.

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3. The free travel arrangements for young people of statutory school age who are resident at RAF Benson and attend Icknield Community College are cost-neutral and are a response to a school places issue in the Wallingford area. Icknield Community College is the nearest school that is likely to be able to offer places to those living at RAF Benson and is over 3 miles from the base.
4. The legal basis for providing home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and where appropriate the Equality Act and English and European case law. Local authorities are also under a statutory duty to have regard to the Home to School Travel and Transport Guidance and the Post 16 Transport to Education and Training Guidance. The Home to School Travel and Transport Guidance was issued by the Department for Education on 18 July 2014 and was last updated on 7 December 2016. The Post 16 Transport to Education and Training Guidance was issued by the Department Education on 5 February 2014 and was last updated on 26 October 2017. Copies of these documents have been placed in the Members' Resource Centre.
5. The Spare Seat Scheme sets out the prices and terms for seats on Home to School Transport routes. The new name for the scheme is intended to avoid confusion with the arrangements for older citizens. The proposed charges for the Spare Seat Scheme for 2020/21, 2021/22 and 2022/23 have been determined by adding 2% for inflation in each successive year. These proposed increases for 2020/21 to 2022/23 are intended to maintain the "real" cost of the charges and reflect the Government's 2% target inflation rate for the Bank of England. The charges for 2018/19 and 2019/20 set out in the consultation document are those originally set by Oxfordshire County Council's Cabinet in February 2014.
6. The decision to review the discretionary elements within the policy was made to ensure the policy is equitable and in the light of reduced Central Government funding for local authorities.
7. Between 27 Feb 2018 and 30 April 2018, the Council conducted a consultation on changes to the policy on home to school transport.
8. The Council will continue to provide transport assistance to all Post 16 students who would otherwise be unable to access education.

Consultation

10. Consultations on changes to home to school transport policy need to last at least 28 working days. The consultation was opened on 27 February 2018 and ended on 30 April 2018. Therefore, the consultation lasted for 63 days of which 44 were school days.
11. The consultation documents were placed on the County Council's public website and were accessible through the Consultation Portal. Links to the documents were sent to all County Councillors, all state funded mainstream

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schools in Oxfordshire, all special schools in Oxfordshire, all FE colleges in Oxfordshire and to Henley College (a 6th Form College). The consultation was publicised through local newspapers as well as Schools News which is circulated to all schools and letters were Posted to those families whose children were most likely to be affected by the change to Post 16 transport for students with special educational needs or disabilities.

12. There were 111 responses to the consultation. A summary of the results of the consultation can be found in Annex 1, the SCIA (Social and Community Impact Assessment) can be found in Annex 2 and the proposed policies for 2019/20 onwards can be found in Annex 3. Details of the 16 to 19 Bursary Fund can be found in Annex 4 and the criteria for Short Break Transport for Disabled Children and Young People are shown in Annex 5.
13. Copies of the responses have been placed in the Members' Resource Centre.

Proposals

Proposal 1: Ending automatic free travel for Post 16 students who have special educational needs and disabilities and whose nearest suitable placement is over 3 miles from their home

14. If this proposal is agreed Post 16 students with special educational needs and disabilities would continue to receive assistance with travel if they or their parents can demonstrate that they are attending the nearest suitable placement at which their special needs can be met, and that without assistance from the Council they would not be able to attend that placement. In practice, problems in accessing placements are likely to be greater for Post 16 students with special educational needs and disabilities than for mainstream Post 16 students, for example a student may need to attend a special school but cannot walk the relevant distance, there is no suitable public transport and the student's parent has no private vehicle. Therefore, it is recognised that some Post 16 students with special educational needs or disabilities will continue to need travel assistance from the Council but the assessment will be fair, equitable and evidence based and the Council will seek a contribution towards the cost of travel this where this would be appropriate. This would replace the current approach of providing free travel to all Post 16 students with special educational needs or disabilities due to the distance from home to school/college or the lack of a safe walking route, irrespective of any other factors. As with other Post 16 students, those with special educational needs or disabilities may be eligible for bursary funding from the institution attended.
15. There is no proposal to change the current arrangements for Post 16 students who are placed in residential special schools. These students will continue to receive free travel to their placements, irrespective of whether the proposals regarding other Post 16 students are adopted. This group is characterised by a high level of special educational needs.

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16. In addition, if Proposal 1 is agreed those Post 16 students with special educational needs or disabilities who are already receiving travel assistance would continue to do so for the duration of their course. Therefore, the new arrangements we are proposing to introduce from September 2019 would only apply to Post 16 students who have special educational needs or disabilities who are starting a new course at college/school. No Post 16 student would be affected in 2018/19.
17. There are already transport appeal arrangements in place for the Post 16 special educational needs or disabilities group. If the phased ending of automatic provision of free travel is agreed, a Post 16 student who can show they cannot access education or training without assistance from the Council will, subject to individual circumstances, receive assistance from the Council to enable access.
18. A majority of those who commented on this proposal were opposed to it.

Proposal 2: Ending subsidised travel to Henley College from September 2018

19. Currently mainstream Post 16 students who are resident in the area served by Icknield Community College, Langtree School, Chiltern Edge School and Gillotts School receive a subsidy towards the cost of travel to Henley College.
20. The current arrangements are not equitable since those receiving subsidised travel to Henley College do not receive a subsidy for travel to any other college or school and there is no similar direct subsidy to any other group of mainstream Post 16 students attending a college or school in Oxfordshire.
21. To ensure the policy is equitable the subsidy for travel to Henley College needs to be ended in line with the current policy for the rest Oxfordshire.
22. Post 16 students may be eligible for bursary funding from Henley College in the same way that other Post 16 students may be eligible for bursary funding when attending other schools and colleges. The bursary funding is accessed by schools and colleges and individual bursaries can total £1,200, dependent on personal circumstances.
23. There are already transport appeal arrangements in place for the Post 16 age group and if a Post 16 student can show they cannot access education or training without assistance the Council will, subject to individual circumstances, enable access to the nearest suitable placement.
24. A majority of those who commented did not agree with this proposal.

Proposal 3: Clearly specifying when free travel will be provided to alternative education providers

25. Proposal 3 is that free travel should be provided for those students who have been placed at an alternative education provider if the places have been paid for by Oxfordshire County Council and the distance from home to the

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placement is over the statutory walking distance or the route is unsafe to walk even if accompanied as necessary by a responsible adult or they are unable to walk. The statutory walking distance is 3 miles for those who are aged 8 to 16 and 2 miles for those who are 5 to 8. This goes beyond simple statutory entitlement to free travel since most students attend only part of the week and remain on the roll of their school.

26. Currently the main provider of alternative education in Oxfordshire is Meadowbrook College. Up until October 2017 Meadowbrook College determined whether its students were eligible for free travel, and it also decided the type of transport that would be made available, for example whether a taxi should be provided. Oxfordshire County Council remained responsible for funding and organising the transport. Free travel was provided on the distance based statutory entitlement.
27. Decisions about whether free travel should be made available to any other alternative education providers were made by Oxfordshire County Council.
28. The budget for transport to alternative education providers was regularly exceeded and some transport was provided outside of the Home to School Transport Policy.
29. From October 2017 the Transport Eligibility Team (part of the Admissions Team) has been responsible for determining whether students should receive free travel to alternative education providers.
30. In 2017/18 expenditure on home to school transport to Meadowbrook College fell by £100,000. This is directly attributable to the changes made in determining free travel to Meadowbrook College. These changes involved a more consistent application of the current policy.
31. A majority of those who commented did not agree with this proposal.

Proposal 4: Setting charges for the "Spare Seat" Scheme (formerly known as the Concessionary Travel Scheme)

32. The "Spare Seat" Scheme (formerly known as the Concessionary Fares Scheme) sets out the prices and terms for seats on Home to School Transport routes operated by the Council that can be used by children and young adults not eligible for free travel. The new name for the scheme is intended to avoid confusion with the arrangements for older citizens.
33. The overall cost of the contracts used to run the home to school transport services increased at a rate of 2% a year between 2009 and 2012 but the Council did not pass on these additional costs to families by increasing fares. The first increase in concessionary fares took place in September 2013. In February 2014 the Cabinet set concessionary fares up until 2019/20 with the aim of reducing the subsidy to concessionary travellers.

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34. Currently the parents of children from low income families do not have to pay the concessionary fare. Low income families are defined as those in receipt of the maximum of Working Tax Credit or whose children eligible for free school meals. There is no proposal to change this arrangement and therefore the charge will continue to be waived for students of statutory school age from low income families.
35. The proposed charges for 2018/19 and 2019/20 are those originally set by the Council’s Cabinet in February 2014. The proposed charges for the “Spare Seat” scheme for 2020/21, 2021/22 and 2022/23 have been determined by adding 2% for inflation in each successive year. The proposed increases for 2020/21 to 2022/23 are intended to maintain the “real” cost of the charges by reflecting the Government’s 2% target inflation rate for the Bank of England. The proposed charges are shown in the table below.

Table 1. Proposed Charges for 2018/19 to 2022/23

2018/19 Reception to Year 13	
Less than 3 miles	£352.99 per annum
3 miles and over	£657.836 per annum
2019/20 Reception to Year 13	
Less than 3 miles	£370.64 per annum
3 miles and over	£690.72 per annum
2020/21 Reception to Year 13	
Less than 3 miles	£378.20 per annum
3 miles and over	£704.82 per annum
2021/22 Reception to Year 13	
Less than 3 miles	£385.92 per annum
3 miles and over	£719.20 per annum
2022/23 Reception to Year 13	
Less than 3 miles	£393.80 per annum
3 miles and over	£733.88 per annum

36. Ceasing to increase charges on an annual basis would represent a subsidy to a minority of families based on geography and the availability of seats. This would be an inequitable approach.
37. A majority of those who commented on this proposal were opposed to it.

Proposal 5: Continuing to provide free travel from RAF Benson to Icknield Community College

38. As part of its commitment to the Military Covenant the Council consulted on whether to continue to provide free travel for young people of statutory school age who are resident at RAF Benson and attend Icknield Community College. This provision is cost-neutral and is a response to a continuing school places issue in the Wallingford area. The Council needs to regularly review this special arrangement to ensure that there has been no change of circumstances and that the arrangement is still necessary.

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39. Wallingford School, the nearest secondary school to RAF Benson, is due to expand to meet a projected increase in demand from within its catchment area but this expansion is not intended to meet potential additional demand from outside its catchment area and RAF Benson is not within the catchment area. Icknield Community College is the next nearest school to RAF Benson.
40. A majority of those who commented on this proposal were in favour of its adoption. The headteachers of RAF Benson Primary School, Wallingford School and Icknield Community College all favour retaining this guaranteed provision of free travel from RAF Benson to Icknield Community College.

Proposal 6: To adopt the Home to School Travel and Transport Policy documents for those aged 5 to 16 (the group defined by Central Government as covered by the statutory guidance on Home to School Travel and Transport) and Post 16 students

41. There is no proposal to change the reasons for providing free travel for those aged 5 to 16 but the policy has been rewritten to ensure clarity.
42. The Home to School Travel and Transport Policy document for Post 16 students has been rewritten to reflect the proposals consulted upon between 26 February and 30 April 2018.

Proposal 7: Setting a cash limited sum for disabled children and young people for travel to after school activities

43. This proposal was not part of the consultation but is made in response to the strongly worded opposition to excluding the provision of transport to after school activities from the Home to School Transport Policy for those of statutory school age.
44. Home to school travel is intended for travel at the beginning of the school day from a child's home address to the school they attend and for that child's return to home at the end of the school day. It is not intended as a means of accessing child care arrangements or after school activities.
45. However, there has been some provision of free travel for after school activities during the school term for some disabled children and young people. There is evidence that this has been highly valued by families and special schools.
46. Setting a specific cash limited budget for assisting children to access after school would help address the concerns expressed by parents and schools. The criteria would need to be similar to the current criteria for supporting access to holiday activities for children aged 5 – 17 years. The children supported in this way would have the most complex needs, or be identified as being from vulnerable families, and they would not have access to transport that would help attend after school clubs. The criteria for Short Break

Transport for Disabled Children and Young People (for holiday activities) are attached as Annex 5.

Carbon Reduction

47. Any reduction in the number of vehicles operated by the Council will reduce the Council's carbon footprint. Additionally, any pupil who walks or cycles to school due to the measures proposed in this report will be involved in a healthier life style and contribute a real carbon reduction (as opposed to those cases where a parent transports a child to school by car). However, the withdrawal of free transport to some schools could lead to more parents choosing to convey their children to school by car, leading to a net increase in Carbon emissions. Officers will work with willing groups of parents and schools to seek to implement more sustainable alternatives, for instance helping procure collective transport and seeking to increase the availability of public bus services.

Financial and Staff Implications

48. If Proposal 1 is agreed, in a full year, there will be a potential saving of £300,000. Assuming those receiving free travel before the proposed change continue to receive this assistance until the end of their two-year course, and the proposed change is introduced in September 2018, the full saving will be achieved in the 2020/21 fiscal year. If the proposed change is introduced in September 2019 the full saving will be achieved in the following fiscal year, 2021/22.
49. If Proposal 2 is agreed there would be a potential saving of £28,000 for each full year. Therefore in 2018/19 there would be a potential saving of £16,000. The full savings would be made from 2020/21.
50. There are no financial implications regarding Proposal 3.
51. If Proposal 4 is agreed the planned increases for 2018/19 and 2019/20 will be implemented and charges in 2020/2021, 2021/22 and 2022/23 will increase in line with projected inflation.
52. If Proposal 5 is agreed there will be no cost implications for Oxfordshire Council.
53. There are no financial implications regarding Proposal 6.
54. It is suggested that if Proposal 7 is accepted for the first year of operation, 2018 to 2019, the new cash limited budget should be set at £50,000 for 2018/19. This arrangement would need to be subject to annual review.

RECOMMENDATIONS

55. The Cabinet is **RECOMMENDED** to agree the following proposals for SEND students:
- (a) To agree the ending of the current arrangements giving free travel to Post 16 students who have special educational needs and/or disabilities, levying the 'spare seat' charge where the Council provides transport, and implementing this change from September 2019. In addition, it is recommended that the Cabinet agrees to continue to provide transport assistance to all Post-16 students who would otherwise be unable to access education and to encouraging low income parents of Post 16 students to apply to their school or college for a 16–19 bursary to defray the costs of transport.
 - (b) To agree to the setting of a specific cash limited budget for supporting access to after school clubs for those who have the most complex needs or are identified as being from vulnerable families who do not have access to transport. The eligibility criteria should be similar to those for supporting access to holiday activities for this group of children and young people who are aged 5 to 17.
56. The Cabinet is **RECOMMENDED** to agree the following proposals for all students:
- (a) To agree the ending of the current arrangements giving free travel to Post 16 students to Henley College and to implement this change from September 2018.
 - (b) To agree that from September 2018 free travel should be provided for those students who have been placed at an alternative education provider if the places have been paid for by Oxfordshire County Council and the distance from home to the placement is over the statutory walking distance or the route is unsafe to walk even if accompanied, as necessary, by a responsible adult.
 - (c) To confirm the increased charges for the Spare Seat Scheme for 2018/19 and 2019/20 and agree an increase in the charges for the Spare Seat Scheme of 2% in 2020/21, 2% in 2021/2022 and a further 2% in 2022/23.

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- (d) To agree to the continuation of free travel for children of secondary school age who live at RAF Benson to Icknield Community College and to agree to annually review this arrangement.
- (e) To introduce the new Home to School Travel and Transport Policy for those aged 5 to 16 and the new Post 16 Home to School/College Transport Policy from September 2019.

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Background papers: Responses to the consultation are available in the Member's Resource Centre or on request.

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