

Brighton & Hove City Council

Children, Families & Schools Committee

Agenda Item 33

Subject: Home to School Transport Post 16 Policy Statement 2024-25

Date of meeting: 6 November 2023

Report of: Executive Director of Families, Children and Learning

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 The purpose of this report is to share the proposed Post 16 Transport Policy Statement for students in education or training for 2024-25.

2. Recommendations

2.1 That Committee approves the Home to School Transport Post 16 Policy Statement 2024-2025, for the academic year starting in September 2024, introducing a proportionate financial contribution of the same value as a CitySAVER ticket (at the time of writing, approximately 5% of actual transport costs) towards taxis and minibuses for pupils of sixth form age with special educational needs and disabilities. No contribution will be requested where families experience low income or in circumstances where the young person travels with a specialist professional (e.g. nurse or medically trained support staff) and/or large/essential medical equipment.

2.2 That Committee approves the provision of home to school transport for young people of sixth form age and adult learners at the beginning and end of the establishment's day, unless there are exceptional circumstances which prevent the young person/adult from remaining on site.

3. Context and background information

3.1 According to [National Guidance on Post 16 transport and travel support to education and training](#) there is no legal requirement for LA's to provide free or subsidised travel support to young people of 'sixth form age' (16-19), including those with special educational needs and or disabilities.

3.2 The LA also has a statutory duty in respect of 'adult learners' (aged 19 to 25 with an ECHP). Any transport arrangements provided under this duty must be free of charge if they are considered 'necessary' to facilitate 'education

and training'¹. The overall intention of the adult transport duty is to ensure that *'those with the most severe disabilities with no other means of transportation can undertake further education and training after their 19th birthday to help them move towards more independent living.'*

- 3.3 While the statutory guidance says it is good practice not to charge a contribution for transport costs if it is likely that a sixth form age young person will be eligible for free transport under the adult transport duty, there is no legal obligation on Local Authorities to provide free, or subsidised, travel to any learner of sixth form age and Brighton & Hove remains one of the last councils to offer free hired taxi or minibus travel over and above what is required by law.
- 3.4 The service chose to consult on the Post 16 Transport Policy Statement 2024-2025 in advance to allow plenty of time for parents and young people with SEND to have a full understanding of what support would be available to them when they apply for education options at the end of the 2023-24 academic year, ready for September 2024.
- 3.5 A financial contribution will not be requested for those families who receive a personal travel budget.

4. Analysis and consideration of alternative options

- 4.1 Brighton & Hove is well served by an extensive public transport network. However, walking, cycling and accessing public transport is not always a practical option for young people with special educational needs and/or disabilities. This is understood and recognised by the council in its provision of taxis and minibuses to pupils of sixth form age and adult learners to and from their education provision.
- 4.2 The range of public transport discounts available to young people and students of sixth form age and adult learners (including those with SEND) and other travel assistance options are described in Appendix A.
- 4.3 Councils do not receive any additional funding from central government for travel assistance towards pupils of sixth form age. However, the Government does provide colleges and sixth forms with access to their own 16 to 19 Bursary Fund to support access to sixth form education, including transport costs.
- 4.4 At the time of writing, 117 16–19-year-olds receive free taxi or minibus travel. This number fluctuates throughout the year. The average cost of hired transport for one pupil of sixth form age with SEND is £10,234 per academic year. The costs are significant for this age group due to several factors:

¹ Education or training refers to learning or training at a school, further education institution, a council maintained or assisted institution providing higher or further education, an establishment funded directly by the Education Skills Funding Agency, learning providers delivering accredited programmes of learning which lead to positive outcomes and are funded by the council, for example, colleges, charities and private learning providers

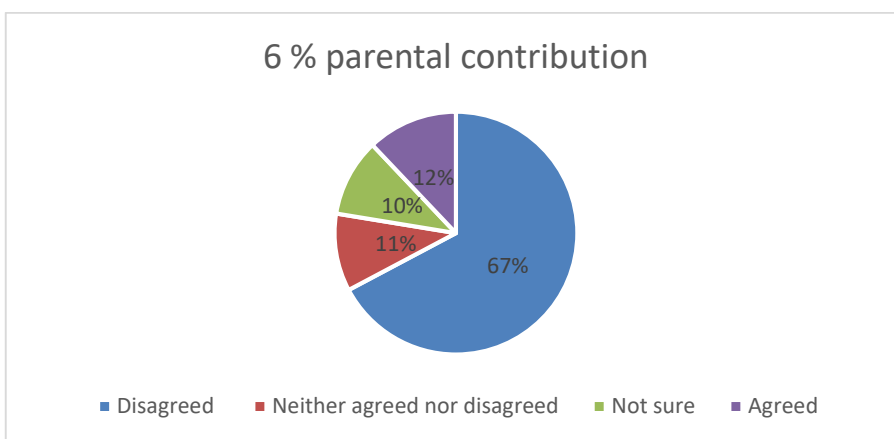
- Hired transport for this age group is provided for free by the council outside of any statutory duty to provide subsidised or free transport.
 - Transport is organised around each young person's timetable, reducing the possibility for shared transportation, or resulting in multiple journeys throughout the week.
 - Transport is provided door to door rather than from centralised pick up and drop off locations.
 - Post 16 students can be travelling to specialised education settings outside of the city to ensure the most suitable education to meet their needs.
- 4.5 Both East Sussex County Council and West Sussex County Council Home to School Transport policies include a parental contribution towards travel costs for this age group. Neither local authority guarantees a door-to-door service and hired transport is generally offered at the start and end of college published timetables not tailored to individual students' timetables.
- 4.6 At the time of writing 79% of unitary authorities request a parental carer contribution towards travel costs for pupils of sixth form age, ranging from £50 to £1000+ per academic year. Please note these figures have increased since this survey was undertaken. See Appendix B.
- 4.7 Appendix C shows the findings of a survey of LA Post 16 Travel Assistance. 19 (61%) out of the 31 LAs who responded stated they request a parental contribution for travel assistance, some other respondents stated that they were exploring introducing a contribution. Contributions ranged from £315 to £927 per academic year per student. Please note these figures have increased since the survey was undertaken. Some LAs do not provide any hired transport (taxis/minibuses) for students of sixth form age, opting to provide Personal Travel Budgets for parents, carers or students to organise their own travel.

5. **Community engagement and consultation**

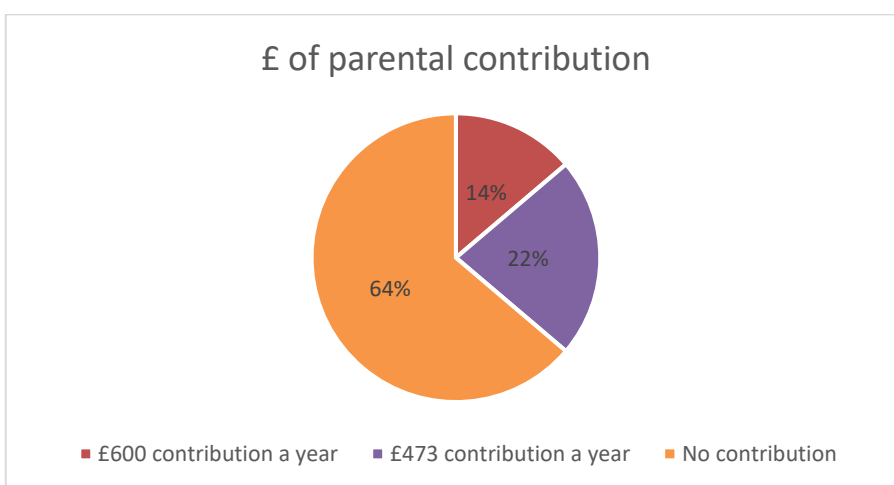
- 5.1 See Appendix D for the Parent and Carers Council's report on this paper and their feedback on the proposals. Please note that at the time of the consultation the CitySAVER annual student ticket was £473.
- 5.2 A public consultation ran from 3 March to 20 April 2023 to understand the impacts of proposals. Appendix E is a summary of feedback. 58 respondents completed the survey. At the time of writing the service currently supports over 600 pupils from aged 5-25, 117 pupils are aged 16-19 and at this time a further 60 pupils will be turning 16 next academic year, but additional pupils will join the service as the year goes by.
- 5.3 The proposed changes do not affect any other transport provision for which the Council has a statutory duty to provide and which would continue unchanged.
- 5.4 In the consultation feedback there are a number of comments regarding transport to and from respite/different addresses. This was not part of the

consultation and there are no changes proposed to existing arrangements which are compliant with the statutory transport duty.

- 5.5 Some respondents believed the council were proposing to remove all taxis and minibuses for sixth form aged pupils and expect them to use public transport to their educational settings. This was not and is not proposed.
- 5.6 Regarding the proposal to introduce a 6% parental carer contribution towards the cost of taxis and minibuses from September 2024, 67% of respondents disagreed. Some respondents were concerned about the impact of the proposed contribution on their own or others financial stability and were concerned that requesting an annual contribution would prevent a sixth form child attending college.



- 5.7 In terms of the amount of the contribution, 22% supported the equivalent of a citySAVER annual student fare contribution, which is the same amount a parent carer would pay for a student aged 19 years old to take a bus to school/college. Please note a child citySAVER annual fare is £410 for those aged under 19 years.



- 5.8 There were concerns about the proposal to cease taxi and minibus travel around individual sixth form learners' timetables. In response to the consultation feedback, no blanket policy will be applied and it is proposed that taxi and minibus support will generally be provided at the start and end

of the college day, unless there is a need which would necessitate an alternative arrangement, e.g. transport in the middle of the day.

6. Conclusion

- 6.1 The draft 2024-25 Policy Statement proposes changes to ensure that available resources are targeted towards those non-statutory aged sixth form learners with the highest need and entitlement, whilst also ensuring statutory duties towards the statutory age groups continue to be met.
- 6.2 It is recommended that BHCC adopt the approach taken by 79% of unitary authorities and in the rest of Sussex, to introduce a partial contribution towards travel costs for 16–19-year-olds with ECHPs from September 2024. The size of the contribution is recommended to align with that used in the rest of the County and is the same amount parents/carers would pay for an annual fare for a 19 year old student to attend education provision in the city. The proposed amount is a circa 5% contribution towards actual costs. At the time of writing this would represent a value of £2.88 per academic day, and it is at least 20 times cheaper than what the council pays for the average contracted taxi journey. The proposed contribution is intended to ensure that parents, carers and students can continue to have access to heavily subsidised transport support for post 16 learners when public transport is not appropriate due to the learner's needs.
- 6.3 Statutory guidance states that local authorities are expected to target any support on those young people and their families who need it most, particularly those with a low income. Therefore, it is recommended that no charge should be applied where families are experiencing low income. Low-income groups are defined in the Education and Inspections Act (2006) as those whose families are in receipt of the maximum level of Working Tax Credit (WTC).
- 6.4 In addition, it is proposed that no contribution should be requested in circumstances where the young person travels with specialist professional support (e.g. a nurse) and/or large/essential medical equipment, for example a gastropump or ventilator.
- 6.5 There will be no contribution towards travel for adult learners who are assessed as eligible for free travel under the adult transport duty, where there are no other means of transportation available.
- 6.6 A financial contribution will not be requested for those families who receive a personal travel budget.
- 6.7 It is also recommended that students may be expected to arrive earlier or leave later from school or college to enable sharing with other student in the morning, lunchtime and end of the college day, where it is safe to do so. We recognise that careful consideration is needed at an individual level and blanket policies will not be applied.

7. Financial implications

- 7.1 The budget for taxi and minibus contracts for 5-16 year olds in 2023/24 is £3.463m. Across all of the age groups it is currently anticipated that there will be an overspend in 2023/24 of £0.518m, primarily as a result of increasing costs per pupil.
- 7.2 The 2023/24 budget for 16-18 transport is £0.918m. The report recommends the proposal to introduce a financial contribution towards the cost of travel of £547.00 (the same as a city SAVER ticket price) for the financial year 2024/25. There would be no contribution where families experience low income or in exceptional circumstances. It is not possible to accurately calculate the likely revenue in 2024/25 as the number and composition of the young people is not yet known. However, it is estimated that the income generated will be between £0.030m and £0.050m.
- 7.3 The 2023/24 budget for 19-25 transport is £0.324m. The proposals outlined in this report for 19–25-year-olds are fully funded within the existing budget.

Name of finance officer consulted: David Ellis Date consulted: 03.10.2023

8. Legal implications

- 8.1 The Education Act 1996 sets out the statutory duties and provisions relating to the transport of both young people aged 16-19 and adult learners, including those with Education Health and Care Plans.
- 8.2 For students of sixth form age, section 509AA of the 1996 Act requires a local authority to prepare, for each academic year, a transport policy statement that specifies the arrangements for the provision of transport or otherwise that the authority considers it necessary to make for “facilitating the attendance of persons of sixth form age receiving education or training at relevant institutions”.
- 8.3 The DfE has published statutory guidance in ‘Post-16 transport and travel support to education and training’ (January 2019). The Guidance states that: “In assessing what transport arrangements or financial support may be required, the local authority has flexibility over the decisions it makes but must have regard to the following:
- a. The needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made;
 - b. The need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided;
 - c. The distance from the learner’s home to establishments of education and training;
 - d. The journey time to access different establishments;
 - e. The cost of transport to the establishments in question;
 - f. Alternative means of facilitating attendance at establishments;
 - g. Preferences based on religion
 - h. Non-transport solutions to facilitate learner access”

- 8.4 Individual Local Authorities must decide whether and how to apply this discretion as they are considered best placed to determine local needs and circumstances. It is recognised that Local Authorities will need to balance the demands for a broad range of discretionary travel against their budget priorities. While the DfE offers guidance, the final decision on any discretionary travel arrangements must rest with the individual Local Authority who should engage with parents and clearly communicate what support they can expect from the Local Authority.
- 8.5 Local Authorities also have a duty to make such transport arrangements as are necessary for students aged 19 to 25, including those with EHCPs in residential education or attending further education colleges and must publish an annual policy statement (sections 508F and 508G of the Education Act 1996)
- 8.6 The authority must consult stakeholders in developing the policy statement.

Name of lawyer consulted: Serena Kynaston Date consulted: 09.05.2023

9. Equalities implications - Post 16 Transport Policy Statement

- 9.1 An Equality Impact Assessment for the 2024–25 Post 16 Transport Policy Statement has been carried out and can be read at Appendix F.
- 9.2 The proposed Post 16 Transport Policy Statement identifies some positive impacts:
- ensures provision of support for all sixth form pupils and offers a range of options to allow continued access to education or training.
 - support can be targeted to those with the highest need.
- 9.3 The potential negative impacts for the following protected characteristics:
- Age – Pupils of sixth form age would no longer be provided with transport tailored to their individual timetables.
 - Disability – the proposed policy change could have a negative financial impact on pupils who have previously been given discretionary free school transport.
 - There are concerns that the introduction of a parental contribution towards travel costs for sixth form age pupils could lead to a drop in students progressing to post 16 education.
 - Those families not on low income, but still experiencing financial difficulties may be impacted the most.
 - Paying a financial contribution via a direct debit is another administrative burden on families with children with SEND.
 - This could compromise working parents if they don't want to divulge their personal caring responsibilities to their employer for fear of job insecurity.
 - Potentially adds additional carer responsibilities if parent carers need to pick up their sixth form aged child from college outside of the planned morning, lunch or afternoon taxi/minibus provision.

- Some pupils may not be able to manage remaining in college for a full day if transport is only provided at the start and end of the college day.

9.4 The following mitigations would be put in place to help lessen the impact of these proposed changes:

- we are consulting with families a year before changes could come into effect, to ensure the proposals can be considered when education decisions are made;
- there would be no financial contribution towards travel costs for low-income families and all decisions will be made on a case-by-case basis;
- we would communicate any changes to parents and learners in good time so that parents and carers are able to plan accordingly;
- the financial contribution for Post 16 pupils with SEND is still over 90% less than the actual cost of taxis and is the same as parents carers pay for bus passes to mainstream settings
- the provision of instalment payments to allow overall costs to be spread throughout the academic year;
- exceptional circumstances based on financial hardship can still be considered via appeal;
- we will work with colleges to ensure pupils of sixth form age are managing with the expectation that they remain on site to allow shared transportation at lunch or at the end of the published day.

10. **Sustainability implications - Post 16 Transport Policy Statement**

10.1 The Education Act 2006 (as amended) places a general duty on the Council to promote the use of sustainable travel and transport. The duty applies to children and young people of compulsory school age and sixth-form age who travel to receive education or training in the Council's area.

Supporting Documentation

Appendices

- A. Existing transport support and discounts to all pupils of sixth form age
- B. Unitary Authority 16-19 contributions and low-income criterion
- C. LA Post 16 Travel Assistance Survey Results
- D. PaCC Response to Home to School Transport Post 16 Policy Statement 2024-25
- E. 2023/24 Consultation Results
- F. Equalities Impact Statement
- G. Brighton & Hove City Council Transport Policy Statement for Students aged 16-25 years, 2024-25