



## PaCC Response to Home to School Transport Post 16 Policy Statement 2024-25

### Purpose

This report is designed to be read in conjunction with the Brighton & Hove Council HTST Statement submitted to Children Families & Skills Committee, 6<sup>th</sup> November 2023, following the public consultation earlier this year.

This report sets out why **PaCC is opposed to the introduction of a parental charging contribution from any students using the Post16 HTST Service.**

### Comment

We note that the Proposal recognises the exceptional financial stress faced by low-income families and would make a charging exemption for them. This is in keeping with the Government Post-16 Transport Guidance for Local Authorities: *“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.”*

[https://assets.publishing.service.gov.uk/media/5c48534c40f0b616fba5cb6a/Post16\\_transport\\_guidance.pdf](https://assets.publishing.service.gov.uk/media/5c48534c40f0b616fba5cb6a/Post16_transport_guidance.pdf)

The Guidance also states: *The planning of transport provision at a local level should take the following into account: young people are now required to stay in education or training until their 18th birthday (5). Local authorities are responsible for promoting the effective participation in education and training of young people who are subject to the duty to participate*

PaCC regard the introduction of any charging during this ongoing cost of living crisis as an unreasonable barrier to the *effective participation* of young people (and their parent carers) who would be affected by this charging.

It would not align with the City Values. Brighton & Hove is a city that aspires to be the vanguard of Equalities nationally, having just launched an Accessible City Strategy in August 2023. Bringing in a charge for post-16 Transport would be a retrograde step that disadvantages young people who rely on the transport, by placing an additional financial burden on their parent carers, especially as the

spending demands placed on parent carer family income are known to far exceed 'average family' cost of living expenses.

The Guidance does state *Local authorities may ask learners and their parents for a contribution to transport costs and in exercising their discretion they should:* • *ensure that any contribution is affordable for learners and their parents*

Importantly, however, the Guidance was amended in 2019 with the addition of additional wording to redress the 'flaw' in the original guidance that did not make a reasonable adjustment for the specific circumstances of learners with SEND – that these students are not able to travel independently or use public transport, like their non-disabled peers – and should not be financially penalised because of their impaired ability to travel independently:

***Specific consideration of learners with special educational needs and disabilities***

*Local authorities should be aware of the adult transport duty in carrying out their responsibilities for this group, and it is would be (sic) good practice not to charge a contribution for transport for a young person assessed under the sixth form age duty if it likely that they will be eligible for free transport under the adult transport duty.*

From a Best Practice Equalities position, PaCC cannot support a charge imposed on Learners at 16-18 (ie purely age based) when their SEND needs have been recognised throughout their 5-15 years and then again as adult learners from 19 plus.

**The Financial Landscape for Families with Young People with SEND**

A working family income may look the same 'on paper', but SEND Families face considerably higher living costs. A great many working parent carers are 'barely managing'. They are faced with even greater pressures within the universal cost-of-living crisis, when compared to other working families for two reasons:

**1. Being a parent carer severely impacts working and earning.**

Even in a household with two working parent carers, earning is precarious. Parent carers tell PaCC they struggle to increase working hours, as unlike 'typical 16/17 year olds', most of their young people can't be left alone at home, nor can they walk or cycle independently, or jump on a bus if their parent gets them a bus pass, due to their high support needs and vulnerability. It is this same level of need that makes young people eligible for the Service, that also severely limits and often prevents their parent carers from being able to pursue careers or work beyond a few daytime hours when their young person is safely in college. The parent carer must be at home until the young person is collected am, and then be back at home to receive their young person by as early as 3.30pm as well as being at home for inset days, in addition to days off for essential

medical appointments. The paucity of short breaks, PAs or suitable/accessible holiday activities mean that household earnings in disabled households are further impacted as parent carers juggle duties throughout the school holidays (coproduction work is underway on this urgent issue). Many of these young people can't go and 'hang out' at someone's house. Parent carers take extensive unpaid leave once holiday allowance has been used up (if they have a supportive employer).

**2. Living costs more. Significantly more. £975 more.**

As noted in Scope's 'Disability Price Tag Report' *"Disability benefit payments, like Personal Independence Payment (PIP), are designed to help offset these costs (food, equipment, insurance, replacement items, supplies, clothing, higher utilities, assessments and therapies etc.). However, even after taking PIP into account, the average disabled household (including at least one disabled adult or child) faces extra costs of £975 per month."* <https://www.scope.org.uk/campaigns/extra-costs/disability-price-tag-2023/>

If families who face such disproportionately higher costs of (disability) living are asked to find another £400+ per year (and it could increase), this could become the tipping point. In contrast, bus travel initiatives introduced by the Government recognise the financial pressures of the current cost of living crisis and strive to make transport affordable for all, and locally there is a growing movement seeking free public transport for Under 19's in the city. No family with disabled young people should be asked to shoulder an additional financial burden for essential education travel because of their child or young person's disability.

The Equalities Perspective

The EIA (Appendix F, Section 8) 'Other Groups Relevant to this Proposal' could have included 'parent carers' and this would have been an opportunity to register the disproportionate impact on earning, and the disproportionate demand on making earnings cover essential outgoings, that is experienced by parent carers raising disabled young people. A parental charge could be regarded as a disproportionately unfair 'toll' for Parent Carers solely as a direct result of their young person's SEND – since they have no Active Travel option that is achievable for them, due to their disabilities. Faced with no alternative, parent carers unable to transport their young people face an enforced additional charge of £410 for their young person to be able to continue in education.

Family & Learner Impact Assessment:

- Families who are 'barely managing' will face even more tough choices – being unable to afford or replace broken essential household items or

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being unable to meet their rising household costs (rent, heat, light, food) or not being able to fund much needed private assessments or therapies (families often resort to borrowing money for this, rather than languishing on waiting lists for months/years)

- Risk of falling into arrears (the straw that breaks the camel's back)
- Workplace stability jeopardised if parent carers try to force fit a difficult home to college route into their own journey to work, because they can't afford to pay the charge. If the job breaks down, the young person may then be eligible for transport without charge – but additionally, the associated overall costs to the Council of supporting that household would increase (increased Council Tax deductions).
- It could limit choice of that young person's setting and lead to poorer outcomes. A family might resort to a less aspirational or suitable setting for the young person's specific needs or transition to adulthood plan, just so the parent can manage to take their young person to college. The Government **encourages and expects young people to exercise choice in their post 16 education/training** and places a duty on Local Authorities to ensure there is a wide and inclusive Post 16 local offer, including outside their home local authority boundaries (29b in the Post 16 Transport and Travel Support to Education & Training Guidance). There is an acknowledged lack of Post 16 options in our city, which is tasked as a Key Priority of the SEND Strategy 2021-2026 (TPF22). This is the main factor that contributes to young people needing to travel further away – which in turn increases the need for post 16 Transport provision. (and is one of the **key contributors** to the cost of running the Service. Thus, it feels particularly unfair to place a (contribution of) that back onto families as a displacement.
- It adds a further burden of stress on parent carers who already struggling with extraordinarily admin-heavy lives.

## **Additional Comments on the Policy**

### Flexible Transport Arrangements for College Timetables

HTST arrangements are intended to support the needs of the learner. Some post 16 colleges don't offer a full end to end day. 'Full time' in college terms may be as little as 12 hours per week. Travel arrangements must be carefully scrutinised as they are now, liaising with post 16 colleges to ensure that if vulnerable students arrive before their first class, or stay on beyond their last class due to the shared travel arrangements, their time in college is safe, meaningful and productive. Young people with SEND may not be able to self-resource and study if they arrive too early or hang around. There are some young people on HTST who have been out of education for various reasons, and the transition into college can be

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especially delicate. Rather than a blanket arrival/pick up time policy being applied, we would encourage the HTST to continue to liaise with colleges and ensure that there is a mutual agreement around the transport timings that considers the needs of individual students. Colleges should be expected to provide a full and enriching day, but discretion where necessary, would also ensure that BHCC is fulfilling the 2016 Guidance relating to Young People in Education, Employment or Training, which relates to the Education and Skills Act 2008 (ESA 2008) in relation to sections 10, 12 and 68 of that Act. Section 40. Duty on Local Authorities to Promote Participation: *“local authorities should, in accordance with their duty under the Education Act 1996, ensure that young people are not prevented from participating because of the cost or availability of transport to their education or training*

<https://assets.publishing.service.gov.uk/media/5a75835540f0b6360e474b1d/Participation-of-young-people-in-education-employment-or-training.pdf>

### Not in Education, Employment or Training (NEET)

The Guidance also recommends that specific arrangements for young people at risk of NEET is included in the Transport Policy, as per the model template at the end of the Guidance. PaCC considers this to be an important inclusion and to progress this, further discussion with colleagues in social care is recommended, especially with recent concerns brought to the Committee about young people in the city with SEND at risk of Child Criminal Exploitation (CCE) and the national CCE incidences of young people groomed via public transport (Rotherham).

### Apprenticeships & Training

*“Arrangements to support learners undertaking apprenticeships and traineeships should also be set out in the transport policy statement. These may include the costs of travelling to or from the place of learning or work placement.”* (22. of the Transport and Travel Support Statutory Guidance)

The wording implies that ‘some arrangements’ should be made and published within the Policy. The BHCC Home to School (College) Proposal states that *students doing apprenticeships should apply to their employer or training provider to have reasonable travel expenses met* which implies that there are ‘no arrangements’ being provided by BHCC.

Might this approach leave the Policy/BHCC open to legal challenge under the Participation Guidance? For instance, if a provider is unwilling to fund necessary travel and the student is unable to otherwise participate – this might be regarded as a failure of duty of the Council to support the young person’s participation (under the Participation Guidance). The provision of transport assistance from BHCC might enable a small provider to take on an apprentice, or offer training, whereas funding transport as an additional cost, could be a deterrent. Transport policy must not apply blanket rulings that favour one type of setting over another or treat any student less favourably because of the type of Post 16

education or training that they are choosing (especially if there is a possibility that those students may be less academic and pursuing a skills route as their best or only option to avoid being NEET). The HTST Post 16 should look 'right' when viewed through the Accessible City Strategy lens for this age group. PaCC would welcome further legal advice and reflection on this part of the Policy.

### Bursaries

<https://www.gov.uk/government/publications/16-to-19-bursary-fund-guide-2023-to-2024-academic-year/16-to-19-bursary-fund-guide-2023-to-2024-academic-year#:~:text=5.-,Eligibility%20criteria%3A%20discretionary%20bursaries,to%20pay%20for%20to%20participate.>

The current and proposed 24/25 Post 16 Policy also expects applicants to have applied for a 16-19 Bursary from their College, and to provide evidence of being turned down before being able to apply for Post 16 Transport. There are 3 issues with this:

- **Timing**  
The bursary application process sometimes doesn't start or get completed until the student has started the Autumn Term and is managed by colleges. This prevents the parent carer from being able to apply for Transport in a timely way.
- **Eligibility (Vulnerable & Discretionary Bursaries)**
  - Vulnerable (up to £1200) - most students aren't eligible as they aren't claiming the required ESA with their PIP (they remain on their parents UC claim which is better financially for the parent carers.)
  - Discretionary – the criteria are set individually by colleges, and can be applied for by anyone, so these bursaries are typically used to fund bus passes for students from low-income backgrounds and pay for additional study related costs such as equipment or trips or even college meals for students facing hardship.
- **Value (Discretionary only)**  
The amount available isn't specified, can vary from one setting to another, and is a 'drop in the ocean' compared to the actual costs of transport for an eligible young person with SEND who needs a seat on Transport.

PaCC recommend that the Policy is reworded to make the Bursaries section more transparent and realistic. It only really applies to young people who are capable of independent travel within the city (by bike, moped, bus or train). It must not be a delay or deterrant that adds further stress at the already highly anxious time of transition to college, nor make the process more challenging and time-consuming to administer for the HTST Officers at the peak time of the HTST calendar. Delays in confirming eligibility have a significant knock-on effect and can undermine efficient, cost-effective procurement.

### A Perceived Pressure on Parent Carers to Make Themselves Available to Transport Young People

The Statutory Guidance makes it clear that the Duty for Post 16 Transport lies solely with Local Authorities. There is no mention of expecting parent carers or extended family to provide the transport for eligible young people, or to evidence why they are not able/willing to transport them. This is another example of a disproportionate impact on parent carers, one that is not put on parents of other 'Sixth Form/College Age' students, who are by this age, fully independent. For Post 16 learners, taking transport with a 3<sup>rd</sup> party is their version of 'independence'. Parent carers already perform many hours of care/support, often far more than the 35 hours per week Carers Allowance entry threshold. If they are asked to transport their young person this could 10 or more hours of additional care responsibility onto them, just at a time when some parent carers are trying to get back into work, to future proof their family finances. Other parent carers who are unable to work due to the toll of their existing carer responsibilities, should not be expected to carry more. It could ultimately result in much higher Council cost for respite or residential college due to parent carer burnout.

### Personal Independence Payment (PIP) Mobility Component or Motability Vehicle Lease should not be a deciding factor (nor should the DLA Mobility Component in the 5-15 Policy)

Post 16 (and Post 19 learners) statutory guidance does not state that a student in receipt of PIP should fund their own transport to education. The reality of the Mobility component is that it is most often wholly absorbed by the monthly lease payment for a vehicle and deducted at source. PIP does not even cover fuel costs. PIP is not a means tested benefit. According to Motability: *Unless the Local Authority or Council in question are the legal Appointee for the disabled person, they are not in charge of the agreement, and therefore cannot specify how the vehicle can be used.*

The Local Ombudsman's 2017 Report "All on Board" Navigating School Transport Issues: Focus Report Learning Lessons from Complaints sets out Getting it Right recommendations to avoid findings of fault and includes the following advice: *do not have policies that automatically preclude those families who receive the higher rate of the mobility component of Disability Living Allowance. The Department for Education has said in Parliament that being in receipt of this allowance does not necessarily confer eligibility for free school transport but neither does it preclude it if the child is an eligible child.*

<https://cdn.ps.emap.com/wp-content/uploads/sites/2/2017/03/All-on-Board.pdf>

## Financial Implications

The draft Paper seen by PaCC HTST Rep at the time of writing this report states the cost of a City Saver as being **£547** per annum and recommends this as the Parent Contribution. However, this is the price of a *Student* City Saver, whereas post 16 students would qualify for the *Young Person* (Under 19) City Saver with a Bus ID card, which is listed on the website as being **£410**. PaCC has requested that the figure is revised, and it may have been amended in the final Report.

The generated income potential appears to have been calculated based on between 55 – 92 students being ‘chargeable’ (above the low-income threshold for free transport). A recalculation using the £410, rather than £547, results in a 33% reduction in subsequent income generated – to be more realistically in the region of £0.022m to £0.033m. With a further deduction for additional administrative costs and officer time, the income generated becomes smaller still. But it still represents a significant burden on the parent carers to find the extra money.

## To Summarise

PaCC recognises that the demand on the Post 16 service will continue to increase. PaCC holds that it is unfair to treat a 16/17 year old with SEND disadvantageously, by charging their parent carer/s. Their need for transport is still the same, because their disability is still there and they have less choice of college & location. Parent carers with young people with SEND are hit even harder by their living and exceptional expenses on top of a cost of living crisis and find it harder to live and earn in the same way as other families who don’t have the additional caring and financial strains.

The financial landscape has changed since the original cost benefit analysis of a fully procured HTST service was carried out. PaCC recommends looking for other ways to manage services costs. A revised in-house fleet mapping exercise might reduce the current costs of some of the expensive out of city runs or the large wheelchair accessible vehicle runs. The bidding process lacks competition, if not all operators hold these larger vehicles on fleet. Creating more Post 16 quality provision within the City could also reduce the number of students having to travel long journeys to access a suitable further education.

PaCC remains committed to co-producing a Post 16 service that meets the needs of students consistently well, that does not place additional financial burden on their parent carers.

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