

**Report to the Cabinet Member for Children, Young People and Schools**  
**Report submitted by: Interim Executive Director for Children and Young People**  
**Date 5 December 2013**

**Part I**

Electoral Division affected:  
All

**Transport Policy for Children and Young People with Special Educational Needs and Disabilities**  
(Appendix 'A' refers)

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**Executive Summary**

This report concerns a review of the Home to School Transport Policy for Children and Young People with special educational needs and disabilities with a view to consulting on proposed changes in the policy for introduction from September 2014 onwards. The report examines those elements of the policy that are non-statutory, including current and estimated future costs; the risks associated with making changes; and requests permission to consult on the following proposed changes;

- the introduction of a parental contribution for discretionary Post 16 transport support of £475 per annum with effect from September 2014.
- apply a formulaic increase to future years' concessionary charge that is on the basis of Retail Price Index (RPI) plus 5%.

**Recommendation**

The Cabinet Member for Children, Young People and Schools is recommended to:

- (i) agree to a public consultation being undertaken from 3 February to 25 April 2014 on proposals to introduce changes to the Transport Policy for Children and Young People with Special Educational Needs and Disabilities, with the proposed changes to be effective from September 2014; and
- (ii) note that a further report will be submitted following the end of the consultation process.

**Background and Advice**

The cost of providing home to school transport for children and young people with special educational needs and disabilities (SEND) in the financial year 2012/13 was £16.26 million. A total of 2,907 pupils currently receive free travel to school or

college, the majority of them attending special schools. Local authorities have certain statutory responsibilities around home to school transport and have the discretion to offer additional provision where deemed appropriate.

Local authorities have a statutory duty to provide school transport for children of statutory school age whose circumstances fall within the following categories:

Statutory Walking Distances:

- children aged under 8 who live more than 2 miles away from their nearest suitable school and no suitable alternative arrangements have been made for them
- children aged over 8 who live more than 3 miles away from their nearest suitable school and no suitable alternative arrangements have been made for them

Children from low income families: (defined by entitlement to free school meals or parents/carers in receipt of maximum levels of working tax credit) as follows:

- children aged between 8 and 10 (inclusive) – the qualifying walking distance is 2 miles (not 3 miles as for other children);
- children aged 11 and over qualify if they attend any one of their three nearest schools, provided it is between 2 and 6 miles away; and children aged 11 and over qualify if they attend any one of their three nearest schools preferred by reason of a parent's religion or belief, provided it is between 2 and 15 miles away.

Where children are assessed on grounds of distance of low income, the route is measured along the shortest available suitable walking/road routes.

Children whose circumstances fall within the following categories also have a statutory entitlement to school transport provided that they attend a qualifying school (nearest suitable school) - the distance test is not applied:

- children with special educational needs, disability or mobility, including temporary medical conditions; or
- children who cannot reasonably be expected to walk to school because of the nature of the route to school (unsuitable routes)

In the 2012/13 financial year, the cost of compliance with the statutory requirements of home to school transport for children and young people with special educational needs and disabilities was £13.5 million for 2,414 pupils. This makes up 83% of the overall current costs of transport provision, the remainder being spent on non-statutory (discretionary) transport provision.

In view of the considerable financial pressures which the County Council faces, both currently and in the foreseeable future, it is considered necessary to review the Home to School Transport Policy for Children and Young People with SEND with a view to identifying possible savings and/or generating additional revenues

## **Discretionary Transport**

Home to school/college transport support for post-16 young people with special educational needs and disabilities (SEND) is a discretionary policy area. The current Home to School Transport Policy for children and young people with special educational needs and disabilities provides discretionary door to door transport for young people aged between 16 and 19 where they meet the eligibility criteria which applies to those pupils aged under 16.

Requests for post-16 SEND transport assessments have increased three-fold since the policy was amended in 2008 in favour of free transport for all eligible SEND learners aged 16 to 24 which increased the home to school/college transport costs for children and young people over 16.

The number of pupils who received discretionary free travel in 2012/13 was 493 at a cost to the County Council of £2.74 million.

Mainstream post-16 students in Lancashire attending school sixth forms and further education colleges do not receive any financial support from the Council to fund their transport costs.

It is proposed that Lancashire County Council now consults on the introduction of a parental contribution to apply to discretionary post 16 SEND transport with effect from September 2014.

The proposed details are as follows:

- a contributory charge for post 16 SEND transport to be introduced at £475 per pupil
- thereafter, from September 2015 onwards, the contributory charge to be increased at a rate reflective of the Retail Price Index plus 5%.

Given the overall financial position of the Council and in developing options for amending post-16 SEND transport support, consideration has been given to the national picture where a significant number of local authorities ask for a contribution towards transport support for post 16 young people with SEND (Northamptonshire, Worcestershire, Calderdale, Devon, Essex, Norfolk, Staffordshire, Warwickshire).

Consideration has also been given to the importance of enabling students to access further education. To mitigate the impact of the financial contribution it is proposed that Post 16 SEND students from low income families would be exempt from the charge.

Implementation of the proposed contribution would still result in the County Council providing a large subsidy to support transport for the most vulnerable students who, due to the impact of impairment or disabling circumstances, cannot safely travel by other means to the nearest available establishment that meets their identified learning needs.

In establishing the future possible savings to the County Council from the proposed changes to discretionary Post 16 SEND transport there are a number of variables to consider:

- post 16 SEND students from low income families would be exempt from the charge.
- it is not possible with any major certainty to predict what impact the proposed contributory charge increase will have on future parental preferences.
- the future costs of fuel and transport cannot be predicted.

Based on an assumption that the demand for transport support for post 16 students with SEND will remain at current levels the proposals are estimated to generate revenue of around £349k per annum when fully operational in 2016/17 onwards.

Young people and their parents would need to be aware of any major changes to the transport policy prior to application for places with Post 16 learning providers. Information regarding transport for post 16 SEND students is published annually in the Post 16 Transport Policy Statement on 31 May.

A consultation on the proposed changes from 3 February to 25 April 2014 would allow 12 weeks for all views to be fully considered. The responses to the consultation can then be carefully considered before any changes are introduced.

### **Consultations**

A comprehensive public consultation on the proposed changes would be undertaken focussing on parents and carers, special schools, colleges, schools and other relevant stakeholders.

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

The implications of introducing a charge for Post 16 SEND students on individual young people and their families are set out in Appendix 'A'. Should the implementation of charges not go ahead the estimated annual revenue from this proposal would not be achieved.

Detailed feedback from the consultation exercise will help to identify additional risks associated with these proposals and will be outlined in a subsequent report.

### **Financial**

There are currently 515 post 16 students in receipt of transport support. 15.1% of pre 16 pupils are eligible for free school meals as they meet the low income criteria. If it was assumed that the same percentage would apply to post 16 learners then the number of students who would be exempt from the charge would be 78.

If the proposed charges were introduced and phased in over three years, this would accrue estimated annual revenue of:

	Academic Year	Total Students*	No of potential low income students @ 15.1%**	Number of students eligible for charge	Plus previous years students	Potential revenue
Year 1	2014/15	277	42	235		£109,625
Year 2	2015/16	258	39	219	235	£224,432
Year 3	2016/17	255	38	217	454	£349,389

\*Based on all current 2013/14 students continuing into Further Education.

\*\* Based on current % of pre 16 pupils eligible for Free School Meals

The above figures are based on the £475 charge plus annual 5% rise only. No attempt has been made to estimate RPI for future years.

As a result of the handling of the charges there will be additional administration costs. As the number of students paying the charge increases incrementally, the cost of the administration will increase also. It is anticipated that £2000 per year should be added for additional administration costs. The costs of the administration has been deducted from the income listed above.

## Legal

The Local Authority's statutory obligations to provide free home to school transport are outlined in section 1 of this report. These elements of the home to school transport policy for children and young people with special educational needs and disabilities will remain intact and the Local Authority is consulting on changes to the discretionary elements of the policy only.

## Equality and Diversity

In accordance with s.149 of the Equality Act 2010 to have due regard to the need to:

- eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing at each step of formulating, deciding upon and implementing policy, what the effect of that policy is, or may be, upon groups who share protected characteristics defined by the Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity, and, in some circumstances, marriage and civil partnership status.

In relation to the current proposal the s.149 is clearly engaged and an initial Equality Analysis is set out at Appendix 'A'. This Analysis will be updated following the proposed consultation exercise and will include a consideration of whether any steps can be taken to mitigate or reduce the potential adverse effects. The revised Equality Analysis will be provided to the Cabinet Member with the further report proposed so that it can be taken into account before a final decision is made.

**Local Government (Access to Information) Act 1985  
List of Background Papers**

Paper	Date	Contact/Directorate/Tel
Education Act 1996	1996	Helen Green/Children and Young People/01772 530974
Education Act 2002	2002	Helen Green/Children and Young People/01772 530974
Education and Inspections Act 2006	2006	Helen Green/Children and Young People/01772 530974
Department for Education & Skills Home to School Travel and Transport Guidance	2007	Helen Green/Children and Young People/01772 530974
Apprenticeships, Skills, Children and Learning Act	2009	Helen Green/Children and Young People/01772 530974
Department for Education 2010 Post-16 Transport Guidance	2010	Helen Green/Children and Young People/01772 530974

Reason for inclusion in Part II, if appropriate

N/A