

15 October 2015		ITEM: 5
Children's Services Overview and Scrutiny Committee		
Education Transport - Service update		
Wards and communities affected: All	Key Decision: Yes	
Report of: Councillor J Kent, Portfolio Holder for Finance and Education		
Accountable Head of Service: N/A		
Accountable Directors: Roger Harris – Director of Adults, Health and Commissioning / Carmel Littleton – Director of Children's Services		
This report is public		

Executive Summary

The Children's Overview and Scrutiny Committee requested an update on Education Transport and the progress made with respect to the various aspects of policy reviewed since October 2012 when an Education Transport Project Group was set-up around transport to post 16 facilities, transport for children aged 8-11 years, transport to faith schools, transport for children with SEND, the Travel Training programme and the establishment of the Exceptional Circumstances panel.

1. Recommendation(s)

1.1 That Children's Overview and Scrutiny consider the aspects of transport reviewed in this report and comment upon the progress and/or recommend next steps.

2. Introduction and Background

2.1 In October 2012, an Education Transport Project Group was set-up with the aim of reviewing the various forms of transport Thurrock Council delivers to support pupils travel from home to school.

2.2 The Project Group was also tasked with:

- identification of areas where savings might be delivered within the Medium Term Financial Strategy
- preparation of reports on the current position of transport and any innovative proposals for change
- presenting reports to Cabinet, committees and other relevant meetings
- arranging consultations to gauge public opinion on proposed changes

- conducting a full Equality Impact Analysis on each aspect of transport reviewed.

2.3 The aspects of transport under review to be considered in this report are as follows:

- transport to post 16 facilities,
- transport for children aged 8-11 years,
- transport to faith schools
- transport for children with SEND
- the Travel Training programme and
- establishment of the Exceptional Circumstances panel

3. Issues, Options and Analysis of Options

3.1 The Council has an obligation to provide free education transport for eligible children resident in the borough of Thurrock as defined by Section 508B of the Education Act. However, the Council uses its discretion to provide certain transport above and beyond its statutory requirement. See Appendix 1 for the relevant legislation.

3.2 The discretionary transport considered by the Education Transport Project Group includes certain aspects of Post 16 transport, transport to faith schools (with the exception of secondary school pupils in receipt of benefit) and children aged 8-11 who attend a school less than 3 miles away from their home and are not in receipt of benefit.

3.3 Post 16 Transport

In March 2013, Cabinet agreed to consult on a proposal to review Post 16 Transport. The Medium Term Financial Strategy identified £200k of savings to be delivered through a review of Post 16 transport. Two options were considered as part of the consultation – to increase the charges to full cost recovery or to decommission the service and encourage pupils to take up the offer of the discounted bus pass. A consultation ran for six weeks and provided a range of opportunities for stakeholders to comment on the proposed changes.

3.3.1 There was a fairly even response to the options consulted upon. Choices were heavily influenced by whether a pupil attended a college in or outside of the borough. The take up of the offer of a discounted bus pass by Post 16 pupils within Thurrock has been very popular. It provides better value and greater access to transport across the borough and throughout the day including weekends as opposed to the previous offer of a single journey to and from a post 16 institution.

3.3.2 In 2011, over 1000 pupils accessed post 16 commissioned transport. Today only 108 pupils use the service; all of these are entitled to post 16 transport; 65 because they are from low income families and 39 under SEND. Currently,

the majority of Post 16 pupils attending facilities within Thurrock use the discounted bus pass scheme.

- 3.3.3 An Exceptional Circumstances policy has been established to support Pupils who access colleges outside of Thurrock and pupils who require financial or other support for reasons that align with the set criteria within the policy. Pupils will be required to provide evidence supporting their application. Only one non-entitled pupil has applied under the Policy for financial support to a specialist post 16 facility in London. As there are no equivalent facilities nearer Thurrock the application was granted.
- 3.3.4 We consider support under the Exceptional Circumstances policy for pupils in rural areas far from a bus route. We will consider individual cases where the lack of a commissioned service may prevent pupils from accessing college courses.
- 3.3.5 For pupils who attend out of borough colleges and travel by train the Council negotiates with train operators for a discounted ticket offer. At present we offer 15 tickets for pupils in receipt of benefit.
- 3.3.6 The Council will continue to provide support to families on income support. At present we support 49 Post 16 pupils in receipt of benefits.

3.4 Transport for Children aged 8-11

- 3.4.1 In July 2013, officers led a consultation around the provision of transport to children, aged 8-11, who live less than three miles away from their school. Such transport is discretionary as the statutory distance for this age group to receive free transport is 3 miles. The options for consideration were whether the Council should withdraw such transport or to continue the service, but charge pupils the actual cost of their travel to school.
- 3.4.2 According to the Education Act, primary school children aged 8 to 11 from low income families qualify for free school transport if they:
 - attend their nearest suitable school
 - and live more than 2 miles away

Thurrock Council has exercised a discretionary power for a number of years and transported all children between the ages of 4-11 irrespective of whether they were from a low income family. It should be noted that the transport of 4 year olds is also discretionary as the Council's duty is only applicable to the statutory school ages of 5-16

- 3.4.3 Officers considered the results of the consultation and the possible implications of a charging regime. They also considered the consequences of discontinuing the service as younger children entitled to transport in the same family would continue to access transport while their older siblings would be

ineligible to travel on the same vehicle. In view of the additional administrative support that would be required to administer a charging regime, officers recommended that Cabinet approve the continuation of transport for children aged 8-11 who are not in receipt of benefit.

3.4.4 Finally, the savings to be made from discontinuing the service was minimal in comparison to the cost of the staff resource required to administer a charge for such a small number of pupils.

3.4.5 As at July 2012, the Council spent £1,217,900 on the transport of mainstream pupils. £165,870 was spent on primary school pupils. In 2014/15, the Council spent £984,192 on the transport of mainstream pupils excluding indirect charges. £523,974 was spent on primary school pupils.

3.5 Transport to Faith Schools

3.5.1 Transport to faith schools other than for low income pupils attending secondary school is not a statutory duty and the Council is entitled to use its discretion with respect to such transport. In 2013, following a consultation, Cabinet exercised its discretion and decided to continue denominational transport, but charge for places. Pupils accessing the transport prior to the implementation of the changes were offered a 50% discount to reduce the financial impact of the new charging regime.

3.5.2 Although a significant number of parents said they were prepared to pay, the number of full-paying families has been lower than expected as parents have found alternative ways of transporting their children to school. There have also been a higher number of children whose family are on low income and so attract the full subsidy. As a consequence, although savings have been made, the Council still heavily subsidises the service. The numbers of children using transport and to which school is shown in Appendix 2. In light of the Council's financial position a report has been prepared for presentation during the October sitting of Cabinet. The recommendation is that Cabinet agree to go out to further consultation on the future of the service to Faith schools including possible de-commissioning.

3.5.3 At present, the Council transports 80 primary children aged 4-11 to denominational schools. The Council receives £35,771.73 as payment from 50 of those children. The remaining 30 pupils are in receipt of benefit and travel free of charge at a cost to the Council. Thurrock Council also provides transport for 111 pupils to denominational secondary schools. The cost of primary (denominational) transport is £200,830. The cost of secondary (denominational) transport is £199,205. The total cost of denominational transport is, therefore, £400,035.

3.6 SEND Transport

- 3.6.1 Officers note that transport provided for SEND pupils is statutory. However, the Education Transport Project Group intends to analyse SEND Transport as the fifth stage of the ongoing review. This should take place in December 2015.
- 3.6.2 The cost of SEND transport is covered by the Dedicated Schools Grant and not the general fund. Therefore, savings do not have a direct impact upon the Medium Term Financial Strategy. However, stringent management of the budget is still required to ensure value for money and that pupils receive an effective and efficient service that meets their needs. Officers will look to evaluate the current service and offer innovative alternatives to current process where possible in order to enhance the service. Officers have identified the re-assessment cycle as a key area for review as some pupil's level of need may have decreased enabling a less complex transport arrangement and in some cases the pupil may no longer need transport.
- 3.6.3 At present, the SEND Team deals with 1160 children. Thurrock Council has a legal duty to provide home to school transport across 10 SEND facilities within the borough as well as a wide range of facilities outside of the borough that meet the needs of Thurrock children. The gross cost of running SEND Transport in 2014/15 was £2,124,492. This cost is fully funded from the Dedicated Schools Grants.

3.7 Travel Training

- 3.7.1 'Travel Training' is the term used to describe schemes dedicated to giving practical and tailored instruction on the use of public transport networks and travel by more active modes such as walking and cycling. Many local authorities including Barking and Dagenham and Essex have implemented Travel Training schemes. A Department for Education survey shows that over three-fifths (62%) of schemes across the country are aimed towards children/young people aged 16-19 with Special Education Needs/Disability (SEND).
- 3.7.2 Thurrock Council is in the process of implementing a pilot Travel Training scheme aimed predominantly at young people with SEND. The pilot is expected to commence before April 2016 and run for one year at a cost of £80,000. Research has shown that the cost of supporting individuals between the ages of 15 - 50 is greatly reduced where travel training is offered. Also, the level of independence, and consequently quality of life, is significantly increase
- 3.7.3 Disability legislation, now incorporated into the Equality Act 2010, protects people from 'indirect discrimination' and requires, amongst other provisions, that all public sector bodies seek to promote equality for disabled people, which

includes mobility as a key component. A Travel Training scheme can be developed in Thurrock to assist young people with a variety of SEND

to overcome challenges to their mobility, remove barriers to independent travel and achieve greater access to education, training, employment, health services and places of leisure. There are 12 young people with various forms of SEND (See Appendix3) that would benefit from Travel Training immediately. This is a suitable number for a cohort to commence the training.

3.8 The Exceptional Circumstances Policy

3.8.1 Thurrock Council recognises that families may face hardship; financial or otherwise and that their circumstances may impact upon their ability to transport their child to school. Officers noted that families on low income just below the benefits threshold were most likely to be affected by the introduction of charging regimes and the withdrawal of certain aspects of discretionary transport.

3.8.2 In consideration of the above, the Council created an Exceptional Circumstances policy to consider applications for home to school transport where there are extenuating circumstances that justify Council support. The overriding expectation is that parents should undertake their legal responsibility to get pupils to and from school and as such the Council will need to be satisfied that an applicant provides robust evidence of any social, medical, financial or personal issue(s) preventing them from undertaking this duty.

3.8.3 An Exceptional Circumstances panel is convened to consider applications and supporting evidence. Consideration will be given as to whether the circumstances could have reasonably been foreseen by the parent/carer. For example, moving to temporary accommodation owing to flood damage cannot be foreseen whereas choosing a school other than a child's designated school and realising following this decision that transport is not available could have been foreseen and planned for.

3.8.4 Since the Policy was introduced in September 2014, Thurrock Council has received 85 Exceptional Circumstances applications. 56 have been offered support at cost to the Council and 29 were refused.

4. Reasons for recommendation

4.1 The recommendation was made to enable officers receive comments and suggestions from the Children's Overview and Scrutiny Committee around the progress of the Education Transport review to date.

5. Consultation (including overview and scrutiny, if applicable)

5.1 The details and results of the borough-wide consultations undertaken with respect to the aspects of education Transport considered in this report are contained in the Cabinet reports dated 10 July 2013 and 4 September 2013.

5.2 In November 2015 officers will undertake a public consultation involving families, schools and a wide range of stakeholders to seek the views of interested parties on the proposed decommissioning of denominational transport in July 2016.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Thurrock Council provides free transport to all pupils from families of low income that meet the criteria set by legislation. However, some families' overall income level places them just above the threshold for qualifying benefit and yet they choose to work to support their children rather than rely on benefits and consequently free transport. The discounted rate and exceptional circumstances policy support such families to remain employed and align with the Council priority aimed at encouraging and promoting job creation and economic prosperity.

7. Implications

7.1 Financial

Implications verified by: **Kay Goodacre**
Finance Manager

The medium term financial strategy includes a targeted budget saving in relation to denominational travel. The detailed financial implications of the current scheme are clearly set out in the report and indicate that the targeted budget savings are not currently being met and hence it is proposed to review the scheme going forwards from September 2016.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal & Deputy Monitoring Officer

This is an update report to the committee in order to assist the committee in assessing progress and / or make recommendations as to the next steps – as such there are no direct legal implications at this stage – but Legal Services will be available to advise on any specific options as the review progresses.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
**Community Development and Equalities
Manager**

As detailed within clause 3.7.3, equality is a key consideration within the Education Transportation policy. Use and take up by different equality groups is monitored regularly

7.4 Other implications

7.4.1 There are no other implications.

8. Background papers used in preparing this report

- Cabinet report – 10 July 2013
- Cabinet report – 4 September 2013
- DMT Report – 20 November 2012
- DMT Report – 7 May 2013

9. Appendices to this report:

- Appendix 1 – Section 508B of the Education Act, 1996
- Appendix 2 – The Denominational Charging Regime
- Appendix 3 – **Categories of Special Need**

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Appendices

Appendix 1

Section 508B of the Education Act, 1996:

The criteria for eligible children are outlined below:

- An eligible child is aged between 5 and 16 years old
- Children qualify for free transport no matter what distance they live from the school - if they are unable to walk to school due to Special Educational Needs/ Disability (SEND), disability, mobility or lack of a safe walking route.
- The allowable statutory walking distance is up to 2 miles for pupils under the age of 8 and up to 3 miles for pupils over the age of 8

(Low Income):

- A 'low income' family is one whose children are entitled to free school meals or whose parents receive the maximum Working Tax Credit.
- Primary school children from low income families qualify for free school transport if they:
 - are aged 8 to 11
 - go to their nearest suitable school
 - and live more than 2 miles away
- Secondary school pupils (11 to 16 years old) from low income families are entitled to free school transport if:
 - they go to a suitable school between 2 and 6 miles away from their home address, as long as there are not 3 or more suitable schools nearer to home
 - the nearest school chosen on the grounds of religion or belief
 - and the school is between 2 and 15 miles away from their home address.

Section 508C of the Education Act, 1996:

Section 508C of the Act provides local authorities with discretionary powers to make arrangements for those children not covered by Section 508B

Section 509AD of the Education Act, 1996:

Section 509AD of the Act places a duty on local authorities in fulfilling their duties and exercising their powers relating to travel, to have regard to, amongst other things, any wish of a parent for their child to be provided with education or training at a particular school or institution on grounds of the parent's religion or belief.

This duty is in addition to the duty on local authorities to make travel arrangements for children of parents on low incomes who attend the nearest suitable school preferred on grounds of religion or belief, where they live more than two miles, but not more than 15 miles from that school considered.

Appendix 2
The Denominational Charging Regime

Council charge	Council action
New pupils from September 2014 : Full cost recovery rate – £5.88 per day (£1,117.00 pa)	Will be introduced for all families from next academic year (subject to people on qualifying benefits receiving a free service). This will allow the Council to deliver significant savings on this budget.
Existing Pupils: Discounted rate - £2.89 per day (£550.00 pa)	Offer a fifty percent rebate as families made a decision on their choice of school when the service was free. Numbers will decrease as pupils come off roll.
Exceptional Circumstances rate	Support families on low income who are unable to afford the discounted rate yet not entitled to receive any of the qualifying benefits.
Free transport - £0.00	The Council is statutorily bound to provide transport to families entitled to qualifying benefits.

Appendix 3
Categories of Special Need

ASD	Autistic Spectrum Disorder
BESD	Behaviour, Emotional and Social Difficulties
SLCN	Speech, Language and Communication Needs
HI	Hearing Impairment
VI	Visual Impairment
SPLD	Specific Learning Difficulties i.e. Dyslexia or Dyspraxia