



COUNCIL CABINET
15 February 2023

ITEM 10

Report sponsor: Andy Smith, Strategic Director
for Peoples Services
Report author: Gurmail Nizzer, Director for
Children's Integrated Commissioning

**Post 16 -19 Home to School Travel Assistance Consultation
Outcome**

Purpose

- 1.1 To provide Council Cabinet with information in relation to the recent consultation proposal to consider changes to the way in which the Council provides discretionary home to school travel assistance for eligible sixth form learners with Special Educational Needs and Disabilities (SEND).
- 1.2 Public consultation has now taken place on a proposal which outlines that instead of the Council arranging taxis and minibuses or paying fuel reimbursements, for this to be replaced with Personal Travel Budget (PTB) payments for all eligible sixth form learners. The consultation document (Appendix 1) also sets out that the proposal would be supported by a new and enriched Independent Travel Training (ITT) service to help and support more young people become independent travellers.
- 1.3 The consultation was undertaken over a 11-week period, from 30 September 2022 to 12 December 2022, with the consultation document circulated widely to all key stakeholders and interested parties. A detailed summary of responses is attached as Appendix 2.

Recommendations

- 2.1 To approve providing Personal Travel Budget payments for all eligible sixth form learners and families from September 2023 and the Council no longer arranging taxi transport.
- 2.2 To note that taxi transport will only be arranged in exceptional circumstances in accordance with criteria set out in the revised Post 16-19 Home to School Travel Assistance Policy Statement.
- 2.3 To note, subject to approval, implementation of the revised Post 16-19 Home to School Travel Assistance Policy Statement from September 2023, to give learners, their families and educational settings sufficient notice of the changes.

Reasons

- 3.1 Section 509AA of the Education Act 1996 covers local authorities' responsibility in respect of the 16-18 transport duty and gives local authorities the discretion to determine what transport and financial support is necessary to facilitate young people's attendance at education. The local authority must exercise its discretionary power reasonably, taking into account individual circumstances.
- 3.2 In view of the increasing demand for home to school travel assistance combined with high-cost taxi or minibus provision, it is necessary for the Council to consider alternative ways in which it can continue to support sixth form learners to access education, whilst also creating opportunities for learners to develop their functional skills that are transferable into adulthood, the workplace and allow even greater social connections.

Supporting information

- 4.1 Derby is well served by an extensive public transport network with frequent bus services which operate to, or nearby all sixth form schools, further and higher educational settings as well as regular train and bus services to other schools, colleges, and universities outside of Derby.
- 4.2 Research referenced on pages 6 and 7 of the Equalities Impact Assessment (Appendix 4), evidences outcomes from personalised independent travel training can reach far beyond the bus journey, into lifelong learning opportunities, which include taking care of personal belongings, the ability and confidence to make informed choices. Such life skills are not only of significance to learners' personal feelings of satisfaction, but they are also transferable into adulthood, the workplace and allow even greater social connections for young people.
- 4.3 Further research undertaken as part of the consultation process determined that the move from the Council organising taxi or minibus transport and replacing with PTBs would be consistent with other local authorities who have already introduced this change.
- 4.4 The Council remains totally committed to providing discretionary travel assistance for eligible sixth form learners, whilst at the same time it recognises there are opportunities to align with other local authorities and offer discretionary travel assistance in different ways to enable young people to become confident independent travellers and achieve their full potential. This also links to the Council's Medium Term Financial Plan (MTFP) and financial challenges for the Council.

- 4.5 On the 30 September 2022, the Council launched a 11-week public consultation which ended on 12 December 2022. The wide-ranging consultation process invited comments and views on a proposal outlining that instead of the Council arranging taxis and minibuses or paying fuel reimbursements, for this to be replaced with Personal Travel Budgets (PTB) payments for all eligible sixth form learners. Parents and families have the flexibility to directly arrange travel and transport. For information, sixth former learners are those defined as all 16 – 19-year-old learners including 19–25-year-old learners with an Education Health and Care Plan (EHCP) who started the course before their 19th birthday.
- 4.6 A discretionary PTB is a fixed amount of money paid by the Council based on distance from the home address to the school or college using the same software used by the Council when assessing all home to school travel assistance applications.
- 4.7 The table below gives an indication of a PTB payment that could be offered for the academic year. These amounts are similar to those used by other Local Authorities.

Single journey miles travelled	Yearly Personal Travel Budget Payment	
	Attending 5 days	Attending less than 5 days
0 – 1.99	£1,060	£860
2 – 4.99	£1,590	£1,272
5 – 10.99	£3,180	£2,544
11 – 15.99	£4,240	£3,392
16+	£5,300	£4,240

- 4.8 The consultation document also set out that the proposal would be supported by a new and enriched ITT service to help and support more young people become independent travellers. ITT is a free tailored and practical service that offers children and young people a set of essential skills enabling them to travel independently, by public transport, on foot or by bike. It aims to help children and young people travel independently and without fear so they can get to school or college, work and for social and leisure activities.
- 4.9 As background information, over recent years there has been a 27% increase in the number of pupils eligible for travel assistance. The Council's overall home to school travel assistance expenditure for 2021-22 financial year was £5.5m and is forecast to increase by another £2.5m to over £8.0m by the end of March 2023 due to rapidly rising demand in eligible travel assistance applications, together with increasing costs from transport operators.
- 4.10 Derby City's current travel assistance offer for eligible sixth form learners, mainly consists of providing single occupancy, or shared taxis. The Council currently supports 236 Post 16 learners by providing discretionary travel assistance, of which 194 learners travel in a taxi or minibus, at a cost of £1.48m per year.

Summary of Consultation Responses

- 4.11 The Post 16-19 Home to School Travel Assistance Consultation responses report attached as Appendix 2 provides detailed information and analysis of the comments and views received during the consultation period.

A total of 210 responses were received and include the following: -

- 01 organisational response (Derby SEND Alliance)
- 03 responses from the Derby Youth Alliance Group
- 07 responses the public consultation events
- 96 responses submitted using the online survey
- 31 responses using the Easy Read consultation document
- 72 comments and views provided at engagement and participation events.

- 4.12 In response to Derby SEND Alliance's consultation response outlining concerns that the consultation process was not compliant with the collaborative approach set out in the Children and Families Act 2014, Council legal advice concluded that that the Council's consultation process was compliant with the collaborative requirements.

- 4.13 The majority of the responses are not supportive of this change and focus on concerns that young people may experience challenges around travelling independently to school or college, and that PTB's will not suit everyone. Respondents also referenced added stress being placed on parents and young people who may not be able to manage a PTB. Other comments received related to the importance of individual needs and circumstances which must be considered when assessing applications.

- 4.14 The Council fully recognises and understands that there may be some exceptional cases where a PTB, or ITT may not be appropriate. For example, young people who have significant medical needs where they must travel with specialist professional support and/or medical equipment. Section 6 of the revised Post 16 Policy Statement provides further details on what may be considered exceptional circumstances when a PTB may not be appropriate.

- 4.15 The majority of respondents to the Easy Read survey considered themselves to have Special Education Needs and/or a Disability (SEND) with overall comments in support of the proposal with common themes of '*I want to travel on my own because. It helps with our future so in the future we could live on our own without someone's help*' and '*I like the idea of independent travel*'.

- 4.16 Throughout the Consultation process, it was very important to listen to the voice of young people and understand their views. Feedback from 11 engagement and participation events, attended by 72 young people attending educational settings within and outside of Derby City, including learners who currently travel by taxi or minibus, confirmed that they value their independence highly. They expressed that they want their parents, schools and support services to help them prepare for adulthood, increase access to education, employment, essential services and social activities within their communities independently. Common themes included: -
- Increased information about and access to ITT for students - from Year 7 at latest
 - SEND awareness training for bus and taxi drivers, including training on hidden disabilities
 - Personal safety when travelling independently
 - Easily accessible information – timetables, bus stops, easy read maps
 - Gold Card does not work before 9:30am
 - Trust and confidence building strategies – support for parents to enable young people to travel independently
 - Good idea to have a PTB
 - Amount of the PTB should be based on need (means tested)
 - Potential misuse of PTB - consider vouchers or passes instead of money
 - Support for infrastructure to travel on bike or walk
 - Use of apps to support travel

- 4.17 The Council arranged five public events to provide interested parties with information on the proposal and an opportunity to share their views.

Key comments and questions from the public events included: -

- The amount of the proposed PTB may not cover the cost of travel assistance
- Resources to support children who will never be able to travel independently – what are they?
- What would be considered an exceptional circumstance?
- Has the Council considered means testing to determine the amount (£) of PTB that is needed?
- This consultation has been wide ranging and made accessible for people with disabilities to attend, participate and contribute.

- 4.18 In summary, the responses received from parents raised some concerns and indicated that they do not support proposed changes to the current Post 16-19 home to school travel assistance. Conversely, young people felt that independent travel training and the introduction of PTBs would offer some advantages and support them and promote increased independence for young people in the future.

- 4.19 A comprehensive Equalities Impact Assessment has been undertaken to identify, understand and mitigate against any potential impact should the proposal be approved and implemented from September 2023 include: -
- The new and enriched ITT offer will be led by Transition 2 (T2) who are expert in supporting young people with SEND. Individual ITT programmes will be tailored to the young person's needs. The Council recognises that there may be some young people who may not be able manage independent or supported travel by public transport.
 - A communications strategy has been designed to ensure that all stakeholders and partners receive accessible information about the changes
 - The Post 16-19 Home to School Travel Assistance Policy Statement 2023-2024 will be updated to reflect the changes.
 - An online application form will be available from April 2023, enabling earlier notification of the outcome of the application.
 - Continued partnership working with stakeholders to promote sustainable active travel.
- 4.20 Mitigating measures identified within the Equalities Impact Assessment demonstrates that the Council has met its responsibilities in relation to equality. It is important to note that, should the proposal be approved for implementation from September 2023. Subject to Cabinet consideration and approval, a communication strategy will progress from March 2023 to advise parents of this change that will come into effect from September 2023 to ensure parents have sufficient notice to make alternative arrangements. There will also be a 12-month post implementation review to ensure that any adverse impacts are considered and addressed.

Public/stakeholder engagement

- 5.1 The Council's consultation proposal was co-produced with the Local Area SEND Delivery and Co-production Group.
- 5.2 During the consultation period:
- 11 participation and engagement events for young people undertaken and facilitated by expert practitioners at settings within and outside of Derby City.
 - 5 public consultation events held, 4 at the Council House and 1 at Allestree Woodlands School, an enhanced resource setting for deaf and hearing-impaired students.

- 5.3 A comprehensive communication and social media programme, consisting of:
- Press releases to local media
 - Consultation webpage 'Let's Talk Derby' hosted on the Council's website.
 - Regular social media messages and updates
 - Information on the Council's SEND Local Offer webpage
 - Information to key stakeholders and partners
 - Parents of children and young people currently accessing home to school travel assistance
 - CYP Scrutiny members
 - All Derby City SENDCO's individually and via SENDCO networks,
 - Voluntary and community sector providers
 - All families currently registered with SENDIASS.

Other options

- 6.1 Research was completed with other Local Authorities who have considered and implemented changes to Post 16 discretionary transport.

Financial and value for money issues

- 7.1 Derby City Council is currently experiencing significant financial challenges, the Medium-Term Financial Plan from 2022/23 to 2024/25 included £28.437m of new additional costs which means that the Council must realise £16.767m of savings over the next three years.
- 7.2 The Council's current expenditure on Post 16 travel assistance is £1.56m for 236 learners, of which 194 travel by taxi or minibus a cost of £1.47m. It is important to note that demand for post-16 home to school travel assistance is expected to continue to increase.
- 7.3 Demand and costs for home to school travel assistance is forecast to increase over the next few years, placing additional financial pressures on the Council at a time when managing budgets and delivering service is already very challenging. Changes to the way in which discretionary home to school travel assistance is provided could help reduce expenditure, whilst still supporting eligible sixth form learners to access education.
- 7.4 The proposal, should it be approved, also has the potential to reduce costs for eligible 19-25 year olds with an EHCP.

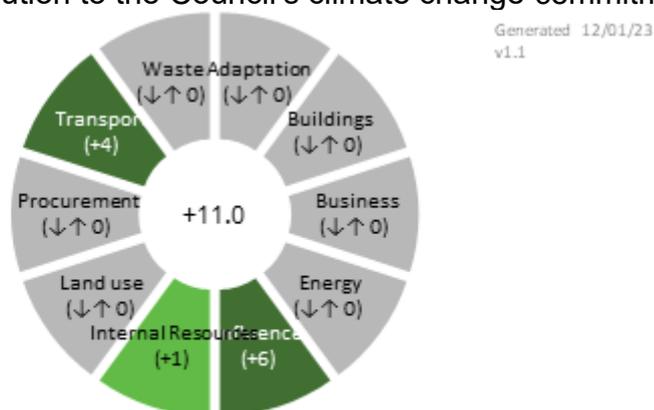
Legal implications

- 8.1 The proposal does not change the Council's eligibility criteria for determining discretionary support for sixth form learners.
- 8.2 The Education Act 1996 sets out local authorities' responsibilities with regard to transport for sixth form learners, giving Councils discretion to determine what transport and financial support is necessary to facilitate attendance for all persons of sixth form age receiving education.

8.3 Comprehensive legal advice has been provided prior to the launch of, throughout and post consultation period.

Climate implications

9.1 In line with Council requirements for Cabinet reports, a climate impact assessment has been completed. (see Appendix 5) indicates that the proposed change will make a positive contribution to the Council's climate change commitments.



9.2 All Post 16-19 learners are encouraged to use sustainable travel options such as walking and cycling to travel to and from education providers in and around the city. Where this is not a practical option, learners are encouraged to use public transport services, where this is a realistic option for them.

Socio-Economic implications

10.1 The Equality Act 2012 requires all councils to have due regard for the need to remove discrimination and to protect equality of opportunity between different protected groups.

10.2 The proposal aims to promote independence, preparation for adulthood skills and more efficient use of public resources.

Other significant implications

11.1 The proposal represents a significant change in the way the Council provides discretionary home to school travel assistance for sixth form learners. Therefore, should Cabinet approve the introduction of PTB's, there is a potential of legal challenge through Judicial Review. However, this is a low risk as Leicestershire County Council successfully defended a Judicial Review on the same issues and this is now the leading authority on discretionary home to school transport *R (Drexler) v Leicestershire County Council [2020] EWCA 502*.

11.2 Research undertaken with other local authorities who have implemented PTBs shows that they experienced an exponential rise in the number of formal complaints, as well as Stage 1 reviews and Stage 2 home to school travel appeals.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Madhuri Gembali Solicitor	20/01/2023
Finance	Janice Hadfield Head of Finance	24/01/2023
Service Director(s)	Gurmail Nizzer Director of Children’s Integrated Commissioning	25/01/2023
Report sponsor	Andy Smith Strategic Director of People Services	26/01/2023
Other(s)	Diane Whitehead, Head of School Organisation and Provision	20/01/2023

List of appendices:

Appendix	Title	Document
1	Post 16-19 Home to School Travel Consultation Document	 Home to School Transport.pdf
2	Post 16-19 Home to School Travel Assistance Consultation Report	 Post 16-19 Home to school travel consult
3	Revised draft Post 16-19 Home to School Travel Assistance Policy Statement 2023- 2024Equalities Impact Assessment (EIA)	 FINAL Post 16 HTST Policy Statement 202
4	Equalities Impact Assessment	 FINAL Equalities Impact Assessment fo
5	Climate Impact Assessment (CIA)	 CIA%20Post%2016% 20V1.xlsx