

**REPORT TITLE: 2024 – 2025 Post 16 Transport Statement**

<b>Meeting:</b>	<b>Childrens Scrutiny Panel</b>
<b>Date:</b>	<b>26/03/2024</b>
<b>Cabinet Member (if applicable)</b>	<b>Cllr Reynolds and Cllr Kendrick</b>
<b>Key Decision Eligible for Call In</b>	<b>No No</b>
<b>Purpose of Report</b>	
<p>The purpose of the report is to update Members of Childrens Scrutiny Panel on the proposed changes to Kirklees Council’s Post 16 Transport Statement.</p>	
<b>Recommendations</b>	
<ul style="list-style-type: none"> <li>Members of the panel are asked to consider the report and proposed Transport Statement at appendix I</li> </ul>	
<b>Reasons for Recommendations</b>	
<p>To seek feedback from the panel for pre-decision scrutiny</p>	
<b>Resource Implications:</b>	
<p>It is anticipated that in the first year of operation there will be an increase in administrative burden on the home to school transport service, it is anticipated resources for this will be met by existing staff; however, this will be monitored, and additional resources sought if required.</p>	
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	Rachel Spencer-Henshall 14/03/24
<b>Is it also signed off by the Service Director for Finance?</b>	N/A
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	N/A

**Electoral wards affected: All**

**Ward councillors consulted: Yes**

**Public or private: Public**

**Has GDPR been considered?** GDPR has been considered and there are no implications in the context of this report.

## 1. Executive Summary

- 1.1 A Post 16 Transport Statement outlines how eligible post 16 pupils many with Special Educational Needs and/or Disabilities (SEND) are helped to access their place of education.
- 1.2 If proposed changes are adopted there will be a cost reduction and the post 16 transport budget will be more sustainable moving forward. The projected cost of operating the new policy based on the existing cohort is approximately £950,000. The cost of operating the current policy in 2022/23 was £2.6M.
- 1.3 The proposed changes will result in eligible post 16 pupils receiving a flat rate payment (based on distance) as travel support. Pupils with the highest needs will in some cases continue to be transported as they had been previously, i.e. through the Council arranging transport through its list of approved private operators of taxis and minibuses.

## 2. Information required to take a decision

### Current Operations

- 2.1 As of the beginning of September 2023 the council arranged transport for around 1350 pupils with SEND made up of 1050 pre 16 pupils and 300 post 16 pupils. The pupils are transported to 122 education settings using 500 separate routes.
- 2.2 Currently for both pre and post 16 SEND pupils have transport provided by the Council. The Council contracts private hire and public service vehicle (PSV) operators to provide minibuses and taxis. The Council employs 188 Passenger Assistants to support eligible children with the greatest need whilst traveling by minibuses and taxi, across pre and post 16 transport.
- 2.3 The Council also provides free transport to eligible children attending mainstream settings by providing procured school buses or where there is capacity on the public bus network, a bus pass.
- 2.4 The cost of this provision in 2022/23 financial year was £12,180,246.
- 2.5 Statutory eligibility for free or supported transport is set out in the Education Act 2005, statutory guidance published by the Department of Education and discretionary eligibility is set out in Policies or Transport Statements of the Local Authority.
- 2.6 Link to the Education Act 2005 [Education Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2005/19/section/17)  
Link to statutory guidance for pre 16 [Home-to-school travel - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/home-to-school-travel)  
Link to statutory guidance for post 16 [Transport to education and training for people aged 16 and over - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/transport-to-education-and-training-for-people-aged-16-and-over)

### Statutory duty

- 2.7 The Council has a statutory duty under the Education Act 1996 to provide transport for eligible children to their place of education, mainly those with Special Educational Needs and Disabilities (SEND) but also other children where their nearest appropriate school is too far for them to get to or there is no safe route.

2.8 There are three broad categories of travel, supported by Council policies and statutory guidance - Pre 16 Travel of SEND pupils, Post 16 Travel of SEND pupils and Mainstream pupils.

2.9 Pre 16 eligible pupils (mainstream and SEND)

A pre 16 and mainstream child is eligible if they are of compulsory school age, attend their nearest suitable school and:

- live more than the statutory walking distance (2 miles for under 8s, 3 miles for over 8s) from that school or
- could not reasonably be expected to walk to that school because of their special educational needs, disability or mobility problem, even if they were accompanied by their parent or
- would not be able to walk to that school in reasonable safety, even if they were accompanied by their parent

For eligible SEND and mainstream pre 16 pupils the Council has a statutory duty to arrange transport from home to school.

2.10 Post 16 eligible SEND pupils

For eligible SEND post 16 pupils the Council has a duty to publish a Transport Statement. The Transport Statement must set out the arrangements the Council intends to make so to help pupils access education. In the Transport Statement the Council, must have regard to statutory guidance and other duties (such as the Public Sector Equality Duty), and must consider applications for assistance. However, in the case of post 16 travel, assistance does not mean the Council has to provide transport, it is for the Council to determine what form that assistance takes.

#### Proposed changes to Transport Statement

2.11 For post 16 pupils we provided taxis and minibuses to around 300 eligible pupils. In 2022 –2023, this cost £2.6m. These costs are rising and are not sustainable in the future. We are therefore proposing a change to this approach which would reduce the cost to £950,000.

2.12 The proposal is that the Council provided each eligible pupil with a post 16 personal travel payment based on the distance the pupil travels to access education – the further they travel the higher the payment.

2.13 Families could spend their budget in whichever way is best for the pupil, giving them flexibility to tailor their travel arrangements based on individual needs.

2.14 The proposed payment amounts are:

Band	Mileage	Amount
1	<=3 miles	£300
2	>3 and <=10 miles	£1000
3	>10 and <=20 miles	£2000
4	>20 miles	£3000

2.15 The Council understands that a post 16 personal payment may not be appropriate in all circumstances, especially for those pupils with the most complex needs. Therefore, this approach includes provision for Council organised transport to be provided for individual pupils where a post 16 personal payment would not be appropriate.

2.16 Full details can be seen in the Transport Statement (appendix 1).

#### Data and evidence used to develop the proposed Transport Statement

2.17 This proposal has been developed based on:

- Our own consideration of our statutory duties
- An analysis of Policies of other authorities

### **3. Implications for the Council**

#### **3.1 Council Plan**

The proposed Post-16 Transport statement seeks to provide assistance to students, while addressing the services financial position in a fair and balanced way.

#### **3.2 Financial Implications**

It is accepted that the proposed level of personal travel payment for families will not meet the full cost of transporting students to and from the post-16 educational setting. This will place additional financial burden on families, particularly those on low-income, or those that need to travel the furthest due to a lack of suitable educational provision within Kirklees.

The proposed policy seeks to mitigate the financial implications by directing families and students to other sources of potential financial assistance.

It should be noted that majority of students attending mainstream colleges do not receive travel assistance from the Council to enable them to attend further education.

#### **3.3 Legal Implications**

The proposed policy marks a significant shift in the assistance that will be provided to families and students. This significant shift invariably increases the risk of legal challenge. The service has sought to mitigate this risk by taking legal advice throughout the process and on the policy development.

#### **3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)**

Moving to a personal travel payment may result in passenger assistants currently on post-16 transport no longer being required for post-16 transport; however, any passenger assistant affected will move over to pre-16 transport where there is a shortage of passenger assistants.

There should be no impact on the armed forces community in terms of healthcare, housing and/or education.

## 4. Consultation

4.1 Consultation on the proposed Transport Statement took place between 14 November 2023 and 31 December 2023, with the following groups by:

- Parents of existing children on transport,
- Parents of Children with Additional Needs in Kirklees ('PCAN'),
- Public,
- Councillors,
- Schools/Colleges,
- Governors,
- Other local authorities
- Local transport body

4.2 The consultation took place primarily by the Council's online consultation platform – though a web survey. The survey was promoted via the Council's media and social media outlets. Offers were made through drop-in sessions and through working with PCAN to support respondents to fill in the online form with tables at drop-in sessions. In addition, all Councillors were emailed on the 15/11/23 notifying them of the proposed policy and that consultation had commenced.

4.3 Face-to-face drop-in sessions were arranged in partnership with PCAN and Kirklees College, these took place on: -

- 26<sup>th</sup> October 23 and 28<sup>th</sup> November 23– Special School Head Teachers meetings
- 14<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup> November 23, 7<sup>th</sup>, 11<sup>th</sup> and 13<sup>th</sup> December 23 – PCAN drop-in sessions,
- 28<sup>th</sup> November 23 and 7<sup>th</sup> December 23 – Kirklees College Parents evenings,
- 28<sup>th</sup> November 23 – Local Offer Live event,
- 29<sup>th</sup> November 23 – Session with Foundation Skills Group of learners at Kirklees College,
- 6<sup>th</sup> December 23 – Follow up session with Foundation Skills Group at Kirklees College
- 10<sup>th</sup> November 23 – Kirklees Learning Progression Board

4.4 Those consulted with were asked to complete an online questionnaire about the proposals.

4.5 A total of 130 people responded to the consultation, with the main themes arising from the consultation being – the data on demographics and yes/no responses are in Appendix II.

- Financial Impact (40)
- Environmental Impact (2)
- Impact on Education (15)
- Impact on Safety / Safeguarding (19)
- Impact on family / parents (36)
- Lack of suitable transport options (11)
- Promotes independence (4)

*(numbers in brackets reflect the aprox. number of comments under each themes)*

## **5. Engagement**

- 5.1 Details of engagement that has taken place on the proposed changes are detailed within the main body of the report.

## **6. Options**

- 6.1 Members are asked to consider the report and the proposed Transport Statement at appendix I

## **7. Next steps and timelines**

- 7.1 Pending any final amendments, the proposed Post 16 Transport Statement will be presented to Cabinet on 9 April 2024 for endorsement.
- 7.2 Following Cabinet endorsement, the proposed transport statement will be published before 31 May 2024 to be implemented as the Post 16 Transport Arrangements for the start of the September 2024 academic year.

## **8. Contact officer**

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## **9. Background Papers and History of Decisions**

N/A

## **10. Appendices**

Appendix I – Proposed Post 16 Transport Statement

## **11. Service Director responsible**

Katherine Armitage  
Service Director  
Environmental Strategy and Climate Change