

To: **EXECUTIVE MEMBER for CHILDREN, YOUNG PEOPLE & LEARNING**
11 June 2020

EDUCATION TRANSPORT POLICY FOR POST 16 LEARNERS
Executive Director of People

1 Purpose of Report

- 1.1 The report seeks formal approval of the Post 16 Education Travel policy for the period 2020 -2021.

2 Recommendation

- 2.1 **For the Executive Member to agree the Post 16 Education Transport Policy Statement 2020/21**

3 Reasons for Recommendation

- 3.1 To ensure compliance with statutory requirements to publish a compliant Post 16 travel policy.
- 3.2 The DfE issued new Post 16 education transport guidance in January 2019 which Local Authorities must have regard to when issuing their transport policies.

4 Alternative Options Considered

- 4.1 No alternative option was considered as the previous policy is not legally compliant.

5 Supporting Information

- 5.1 Local Authorities are required to publish transport statements each year setting out the travel arrangements they will make to support young people of sixth form age and adults aged 19 and over (including those with an Education, Health and Care plan) in education and training.
- 5.2 In January 2019 the DfE updated its statutory guidance on Post 16 education transport. It requires that LA's assist as many Post 16 learners with an opportunity to take advantage of Post 16 education by facilitating their travel arrangements; particularly those on low incomes and those with disabilities.
- 5.3 The Home to School Travel Policy for Bracknell Forest children aged 5-16 (formerly the Mainstream Travel Policy) has already been published.

Financial Implications

- 5.4 In 2019/20 Bracknell Forest Council spent £301,256 transporting 48 Post 16 students under the previous policy in. The table below shows the current numbers of students with EHC plans, who will most likely move forward into Post 16 entitlement with and may be entitled to transport assistance in accordance with the revised policy. These numbers have been increasing on an annual basis with more parents expecting that their young people will remain in education until the age of 25. Prior to the 2014

Children and Families Act the numbers would have stopped at the end of Year 13/14 and it is highly likely that the numbers in Years 15-20 will be those with the most complex SEN for whom it will be necessary to make travel arrangements to enable them to access their education. The table indicates the level of demand which the Council will face in the years ahead.

- 5.5 Not all of these students will require transport as eligibility is needs driven; therefore it is difficult to quantify an accurate anticipated budget pressure; however SEN transport requirements have increased by 17.5% in the last year; therefore, based on that level of demand a budget pressure of £53K is anticipated. This however is over and above the £280K overspend in 19/20.

School Year Group	Borough Schools	Special School / PRU	Out of Borough Schools / Colleges	Bracknell Colleges	Totals
12(16-17)	20	14	25		59
13(17-18)	9	8	25	13	55
14(18-19)	3	4	19	17	43
15(19-20)	1	7	9	7	24
16(20-21)			8	3	11
17(21-22)			9	10	19
18(22-23)			2	7	9
19(23-24)			4	5	9
20(24-25)			3		3
TOTALS	33	33	104	62	232

6 Consultation and Other Considerations

Legal Advice

- 6.1 In 2019 the LGO found maladministration with injustice in how the council operated its education transport policy for eligible children with disabilities aged 5 to 16. We were amongst a considerable number of LA's who were using similar criteria. The LGO asserted the Council was not using the statutory criteria but some extra statutory criteria which was restricting access to transport entitlement and contravening the Equality Act. The Chief Executive gave an undertaking that we would change our eligible child policy removing the exceptional circumstances criteria and adopting the legally compliant test within 4 weeks of the undertaking and train staff on the appropriate newly inserted test. This policy applies to 3 categories of individuals:

- Post 16 six form up to age 19.
- Post 19 without an EHCP
- and Post 19 with an EHCP

For each group the statutory test is that the LA decides that it is necessary. In 2019 statutory Guidance on post 16 transport was issued by the DfE as it had come to their attention that LA's were acting similarly to ourselves. The DfE wanted to spell out the criteria to ensure that LA's comply with their statutory duties as many were restricting eligibility to save costs. They also require LA's to assist as many Post 16 learners with an opportunity to take advantage of Post 16 education by facilitating their travel arrangements, particularly those on low incomes and those with disabilities. This policy does no more than comply with the statutory guidance and now uses the correct statutory test.

Financial Advice

- 6.2 This policy change will create an additional budget pressure within the Home to School Transport function. The current data shows that if all 232 pupils were to require transport, this would cost an additional £1.100m per annum (approx.). However, it is unlikely that all pupils will pass the eligibility tests/want transport. As such, the current predicted budget pressure in 20/21 is an additional £0.053m on top of the prior year overspend of £0.280m, giving an overall anticipated overspend of £0.333m. This overspend is expected to rise year on year in line with increasing SEN numbers. There is no capacity within the existing budget to absorb these additional costs and as such it will need to be included within the annual budget setting process.

Other Consultation Responses

- 6.3 There is usually a requirement to consult on the policy but as the policy was non-compliant, transferring to a legally compliant policy should not raise sustainable arguments about consultation. Particularly as this policy is slightly more advantageous

Equalities Impact Assessment

- 6.4 Equality Impact Assessment attached at Annex 2 of this report.

Strategic Risk Management Issues

- 6.5

Background Papers

DfE Post-16 transport and travel support to education and training - January 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772913/Post16_transport_guidance.pdf

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