



Northumberland County Council

CABINET

Date: 8 May 2018

CONSULTATION EXERCISE FOR PROPOSED CHANGES TO POST 16 TRANSPORT POLICY

Joint Report of the Executive Director of Children's Services, Cath McEvoy and Executive Director of Place, Paul Johnston

Cabinet Members: Councillor Wayne Daley, Deputy Leader & Children's Services

Purpose of Report

The purpose of this report is to seek approval to implement a change to the current Post 16 Transport Policy following the recent public consultation exercise. This change will result in those students that meet the defined eligibility criteria qualifying for free travel.

Recommendations

It is recommended that Cabinet:

1. Approve the introduction of free transport for Post-16 students who meet defined eligibility criteria outlined in the revised Post-16 Transport Policy.
2. Agree the introduction of a one-off administration fee of £50 payable at the point of application.
3. Agree that students from low income backgrounds are exempt from paying the administration fee provided their parents/carers are able to provide documentary evidence of low income.
4. Agree that students who have an Education, Health & Care Plan (EHC Plan) are exempt from paying the administration fee.

Link to Corporate Plan

This report is relevant to the following key themes in the draft Corporate Plan for 2017-2021:-

- 'Connecting - We want you to have access to the things you need'
- 'Learning - We want you to achieve and realise your potential'

Key Issues

In order to meet the Administration's Manifesto pledge of removing Post 16 transport charges, the current policy and charging regime for Post 16 transport needs to be reviewed and amended.

Since the start of the 2014/2015 academic year when the policy last changed, students aged over 16 have been required to pay for their travel.

The change to Post 16 Transport policy will need to be published by 31 May 2018 and be implemented for students starting Post 16 education in September 2018.

1. Background & Statutory Guidance

Section 509AA of the 1996 Education Act places a duty on local authorities to *'prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education and training'*.

The Guidance requires that all local authorities facilitate access to education and training of learners of sixth form age and provides the discretion to determine what transport and financial support are necessary for this purpose. The extent of transport provision and support is not prescribed, but account has to be taken of the needs of the most vulnerable or socially excluded learners, as determined by the authority in accordance with its annual transport policy statement.

All local authorities have a statutory obligation to set out their arrangements for enabling the attendance of Post-16 students at schools, colleges or other training establishments by 31 May each year. This means, as a statutory minimum, ensuring young people have access to affordable and appropriate transport services that are necessary for them to access their further education courses. However, this duty does not include a requirement to pay the actual fares of the students. The need to publish a Post 16 Transport policy by 31 May 2018 allows students, and their parents, to select their preferred courses / providers whilst being fully aware of the implications this has with respect to their travel costs.

2. The Current Situation

Since the start of the 2014/2015 academic year when the policy changed, students have been required to pay for their own travel if they can access their chosen learning provider via local bus and rail services.

For those students who cannot access a viable public transport network, subject to eligibility criteria stated in the Council's annual transport policy statement, arrangements are made for them to travel on school buses/taxis contracted by the Council. A charge is made for the provision of this transport service of £600/annum per student, however, this does not cover the full cost and it therefore remains a subsidised service.

3. Changes to Post 16 Transport Policy

Maintaining the current status quo does not address the Administration's Manifesto pledge. It will therefore be necessary to amend the existing policy to deliver new Post 16 Transport arrangements.

A revised Post 16 Transport Policy is therefore attached as Appendix A. This broadly maintains the same eligibility criteria as the current Post 16 Transport Policy, which are summarised below but enables transport to be provided free of charge on both contracted school transport services and public transport:-

*You may be eligible for free transport if **all** of the criteria as set out in Annex 1 (to the revised Post 16 Transport Policy) are met by you. You must refer to Annex 1, however, in summary this includes:*

- *You are a Northumberland resident and*
- *You live more than three miles away (as measured by the local authority using its approved measuring tool) from your learning provider and*
- *Your course is undertaken at your nearest appropriate provider, please see Annex 1 for further details and*
- *You are 16 years old or over, but under 19 on 31 August 2018 and*
- *You started the course in Y13 or earlier and*
- *Your course is full time, which is a minimum of 12 hours a week, within one academic year and*
- *Your course is at a higher level than your previous achievements and equates to foundation learning 1, 2 or 3 and*
- *Your estimated journey time to your chosen educational establishment will be no more than 75 minutes (150 minutes daily travelling time) and*
- *The cost to the Council of your proposed journey is an efficient use of public resources in the view of NCC and*
- *You make the appropriate contribution (if applicable), i.e. the standard administration fee.*

As part of the policy review, it is also proposed to introduce a one-off administration fee of £50. The rationale for this is that the Council incurs significant time and resources when assessing applications to determine eligibility. Whenever a Post 16 policy offers free transport the Council also finds that many students take up the offer whether or not they actually intend

to use it on a regular basis. This results in additional costs being incurred by the Council in securing transport arrangements and providing bus passes which are not routinely being used by the student, for example, where they are able to get a lift.

The introduction of an administration fee at the time of application would therefore help offset some of the additional administration costs that will be incurred and also help to reduce the likelihood of the Council incurring unnecessary transport costs for services which may only be used occasionally. It should be noted that the £50 administration fee would not be charged to those students who are in receipt of certain benefits or on an EHC Plan, and would also be refunded if a student applied for Post 16 Transport but subsequently failed to attain the necessary entry requirements to take up their course of learning.

4. Cost Implications

It is estimated that the additional cost associated with the change of policy to re-introduce free Post 16 transport will be £2.213m per annum (£1.413 million for two terms in 2018/19 and a further £0.800 million in 2019/20). These costs have been included within the Council's proposed Medium Term Financial Plan. However, it should be noted that there are always significant uncertainties in being able to estimate the costs associated with the provision of Post 16 transport due to the wide range of factors involved, including: levels of take up; numbers of students in education; locations of students etc all of which can vary from year to year. The budget figures are therefore the best possible estimate given the information available at this time.

5. Implementation Timetable

The key deadline is the statutory requirement to have any changes published by 31st May 2018 ahead of the new academic year starting in September.

6. The consultation process

In order to gauge public opinion on the proposed changes to the provision of transport for Post-16 students, a public consultation process was undertaken between 20 February and 2 April. Consultees included students preparing to enter Post-16 Education, as well as those currently of sixth form age who attend school or college; their parents; school governors, head teachers and principals of all Northumberland high and secondary schools, further education colleges and other learning providers. Major out of county establishments that students currently attend were also notified. Local MPs, as well as all county councillors and clerks of town and parish councils have also been written to regarding this consultation exercise.

Views were gathered and 115 responded via a consultation document (reproduced at Appendix B) that outlined the change of policy under

consideration; an accompanying response form asked consultees to air their views by answering a number of questions in relation to the suggested change to policy. Respondents were also asked to provide additional comments should they wish to do so. In addition, 3 consultees (all parish councils) chose to respond to the consultation by submitting a letter or email rather than via the consultation document.

A breakdown of the respondents by type is detailed below, along with a summary of the responses. Both the consultation document and response form were made available via the Council's website, however, paper versions of both were issued on request.

6.1 Breakdown of feedback to the questions posed on the response form

115 responses were received corresponding to 2% of the individuals likely to be affected. When the last consultation on the Post 16 transport policy was undertaken 4 years ago there were 623 responses.

Those that responded to the consultation described themselves as:

Headteacher - 2 (2%)

Parent/Carer of current Post 16 student - 39 (34%)

Parent/Carer of Post-16 student from September 2018 - 35 (30%)

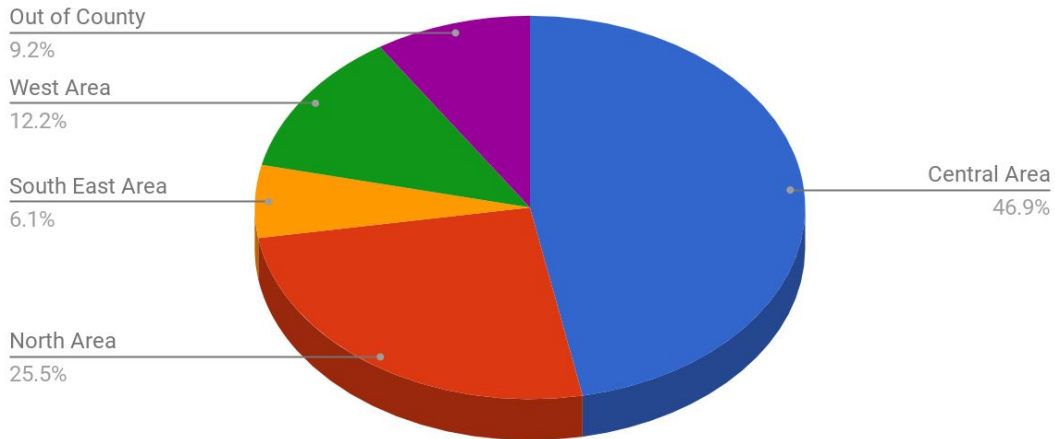
Post 16 student - 9 (8%)

Potential Post 16 student - 10 (9%)

Other - 20 (17%)

A breakdown of respondents by geographical area is provided below.

Respondents



The 7 questions posed on the Consultation Document and the number and percentage of responses given against each of them were as follows, noting that some respondents did not respond to every question on the form:

1) Do you agree with the Council's proposal to make Post 16 transport free for eligible students (please answer here about the principle of this change – tell us further down if you have any detailed comments about the eligibility criteria)?

Responses to Q1:

Fully agree - 101 responses 88%
Partially agree - 11 responses 9%
Partially disagree - 2 response 2%
Completely disagree - 1 response 1%

2) Is it reasonable for the Council to introduce a one-off payment to cover the cost of administering the scheme, with the exceptions described in this document?

Responses to Q2:

Fully agree - 42 responses 36%
Partially agree - 39 responses 34%
Partially disagree - 8 responses 7%
Completely disagree - 26 responses 23%

3) Do you agree with the proposal that parents of Post 16 students with Educational, Health & Care Plans are exempt from paying the fee?

Responses to Q3:

Fully agree - 71 responses 62%
Partially agree - 18 responses 16%
Partially disagree - 11 responses 9%
Completely disagree - 15 responses 13%

4) Do you agree with the proposal that parents of Post 16 students from low income backgrounds are exempt from paying the fee?

Responses to Q4:

Fully agree - 82 responses 71%
Partially agree - 15 responses 13%
Partially disagree - 6 responses 5%
Completely disagree - 12 responses 11%

5) To qualify for free transport a student must meet all the eligibility criteria outlined on pages 7-9 of the Consultation Document. Do you agree that the Council should include eligibility criteria?

Responses to Q5a:

Fully agree - 69 responses 60%
Partially agree - 30 responses 26%
Partially disagree - 7 responses 6%
Completely disagree - 8 responses 8%

5b) Do you agree that these eligibility criteria are reasonable?

Responses to Q5b:

Fully agree - 63 responses 55%
Partially agree - 36 responses 31%
Partially disagree - 8 responses 7%
Completely disagree - 8 responses 7%

6) Would there be any specific impacts on particular groups of young people which we need to consider further (for instance young people who are disabled, young people of a particular gender, ethnic group or religion/belief; bisexual, heterosexual, lesbian or gay young people; transgender young people; or teenagers who are parents/pregnant)?

No, I do not know of any - 92 responses 80%

Yes, I think there would be - 23 responses 20%

6.2 Discussion of Consultation Responses

It is considered that the key issues raised by respondents to the consultation were:

There was strong support for introducing free post 16 transport again because charging post 16 students deters them from continuing their education which runs counter to the government's policy of Raising the Participation Age (RPA), although the eligibility criteria, e.g. distance limit and restrictions on the place of study, were not wholly supported.

Respondents were split on their views about whether an administration fee should be charged, but with more being generally positive about this than negative. 70% were either fully or partially in support of the administration fee whilst 23% were against its introduction and 7% were partially against. A number of respondents thought that a lower fee was more appropriate, and that consideration should be given to lowering the fee where there was more than one student in the family. There was a comment that it is unfair at present to levy a charge on students travelling on school buses that need to operate anyway for pupils of statutory school age. Whilst this comment is understandable, it should be noted that in order to deliver the most economic service, buses often operate near to their maximum capacity. There may be cases where additional or larger buses have to be procured to accommodate the post 16 students and the administration charge will help to manage this process.

Respondents' comments were generally in favour of those students with an EHCP being exempt from paying the administration fee, with 78% fully or partially supporting this approach.. However, many commented that means testing should be a feature of the scheme, that having an EHCP does not correlate with affordability and that some students with an EHCP will be in receipt of other financial support which should be taken into consideration.

Respondents' comments were more supportive of the view that parents of students from low income backgrounds should be exempt from paying the administration fee with 84% being either fully or partially in favour. A small number commented that means testing should be a feature of the scheme, that a sliding scale of charges based on income should be introduced for all and that low income families that are in receipt of other financial support should have this taken into consideration.

In respect of the introduction of the eligibility criteria, there was a view expressed that all students should get free transport and a view that those who were awarded it pre 16 should be awarded it post 16. Some thought that those in rural communities served less well by public transport should receive free transport and there was support for students to have free transport to their chosen establishment and not to be limited in their choice of provider, because the choice on offer at their local school is limited. Unfortunately it is considered that offering free transport to any chosen establishment is not affordable for the Council.

With regard to any impact of the proposals on particular groups, respondents commented that the council should consider the needs of those children who do not have an EHCP but who are disabled, that a support worker on transport may be needed as well as adapted transport for some students. Another respondent said those students who are pregnant, or are parents, may need access to alternative transport. An updated Equality Impact Assessment is attached as Appendix C.

Additional comments from respondents included the following:

- free post 16 transport was welcomed and it was thought that it would have a positive effect on many students and their families as transport is a factor in deciding where to study.
- there should be a low cost administration fee for all, but that some students would struggle with the cost of any administration fee and that free travel should be provided to a suitable establishment for a student's needs (not necessarily the nearest).
- there should be sufficient seats available on buses so that all students wanting one could have one
- those students in Year 12 already should not be charged an administration fee and children from multiple births should only be charged one administration fee.
- that rural communities have found that bus utilisation has gone down where students have not had free access and this has led to routes/services being cut.
- that where possible bus passes should permit students to travel on regular services free of charge after school/college hours to encourage rural students to have equal access to out of hours activities.
- that the council should not fund free travel to students if it was not legally obliged to do so.

Given the nature of the current charging regime, it is not surprising that the feedback received during the consultation is overwhelmingly in favour of a return to free transport. Feedback on the introduction of the one-off £50 administration fee was less favourable, but still generally supportive of the approach.

Recommendations

It is therefore recommended that Cabinet:

1. Approve the introduction of free transport for Post-16 students who meet defined eligibility criteria outlined in the revised Post-16 Transport Policy.
2. Agree the introduction of a one-off administration fee of £50 payable at the point of application.
3. Agree that students from low income backgrounds are exempt from paying the administration fee provided their parents/carers are able to provide documentary evidence of low income.
4. Agree that students who have an Education, Health & Care Plan (EHC Plan) are exempt from paying the administration fee.

Implications Arising out of the Report

Policy	Post-16 Transport Policy (complying with DfE statutory guidance) annual statement must be published by 31 May each year.
Finance and value for money	The proposed changes to the Post-16 travel scheme are estimated to cost an additional £2.213m in a full financial year and provision for this has been built into the MTFP due to be considered by the Council in February 2018. The introduction of a £50 administration fee will help offset some of the additional administration costs incurred in assessing the eligibility of applicants and also help to reduce the likelihood of the Council incurring unnecessary transport costs for services which may only be used occasionally.
Legal	There is a statutory duty to ensure students can access learning opportunities at post-16 level, however, there is no legal requirement to provide free transport for students in Post-16 Education.
Procurement	A re-designing of the transport network will be required as a result of the revised Post-16 Transport Policy.
Human Resources	Provision has been made within the MTFP to enable additional resources to be deployed to ensure the implementation and administration of the new policy can be undertaken effectively and efficiently.

Property	None – no Council property is involved
Equalities (Impact Assessment attached) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	An equalities impact assessment has been prepared and will be reviewed in light of consultation feedback and prior to any final decision being made regarding any policy changes.
Risk Assessment	The chosen policy minimises reputational risk for the authority.
Crime & Disorder	None
Customer Consideration	The reintroduction of free Post 16 transport will ensure that students across the County are given transport support by the Council, which enables them to access educational opportunities and realise their potential.
Carbon reduction	Greater use of bus transport for student travel may help reduce carbon use if displacing car journeys.
Wards	All

Background papers:

FACS Report

APPENDICES

Appendix A - Post-16 Transport Policy 2018-19

Appendix B - Consultation Document & Questionnaire

Appendix C - Equality Impact Assessment

Report sign off.

	initials
Finance Officer	AM
Monitoring Officer/Legal	n/a
Human Resources	n/a
Procurement	n/a
I.T.	n/a
Director	PJ/CM
Portfolio Holder(s)	WD

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