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Executive Decision Record

Please find set out below an Executive Decision taken at the
HAMPSHIRE COUNTY COUNCIL Executive Lead Member for
Children's Services and Young People Decision Day on Wednesday,
8th July, 2020

1. **PROPOSED CHANGES TO POST 16 TRANSPORT POLICY STATEMENT
2020**

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Item 1

HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Lead Member for Children's Services and Young People
Date:	8 July 2020
Title:	Proposed Changes to Post 16 Transport Policy Statement 2020
Report From:	Steve Crocker, Director of Children's Services

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1. The decision:

1.1 That the Executive Lead Member for Children's Services and Young People approves the attached 2020 Post 16 Transport Policy Statement (Appendix D) which incorporates the following changes after review of the 27 May determined Policy:

- a. Improved clarity for how the County Council will consider applications for young persons under 18 years of age, those aged 18 and those 19 year of age and older (and considered under the adult duty).
- b. Confirmation that the County Council will provide transport support necessary to facilitate the attendance of young people of sixth form age and with an Education Health and Care Plan (EHCP) aged 19 and over who are in education or training.
- c. Where the young person is aged under 18, the expectation of the County Council is that parents or carers will be responsible for transporting their child. The public consultation undertaken to inform the Policy sought comments on specific circumstances which the County Council considered were not exceptional and would not usually require the provision of transport. Upon further consideration, the Council concluded that this proposed approach was potentially confusing and did not accurately detail the Council's intended approach. The Policy has now been amended to remove any reference to exceptional circumstances in this context. The amended Policy states that it is the Council's expectation that parents/carers of this cohort will transport their children to their school and that, therefore, it will usually not be necessary for the

Council to provide transport. However, the Policy now makes it clear that necessity for transport assistance will be assessed by considering all cases on their individual facts.

1.2 That the Executive Lead Member for Children's Services and Young People notes that the review led to the following amendments to the processes supporting the decision-making process:

- a. An updated Equality Impact Assessment (Appendix C);
- b. A reduction in the identified savings target following analysis of the composition of the cohort using the Post 16 transport service and where savings may be delivered as a result of the Policy
- c. The further consideration around the outcomes of the public consultation, and how the Policy requires consideration of individual circumstances.

2. Reasons for the decision:

2.1 The proposed 2020 Policy Statement sought to clarify the circumstances which the County Council considered were not exceptional and, therefore, would not automatically warrant transport being provided. A public consultation on the proposed policy statement ran from January 2020 until April 2020.

2.2 Changes were introduced into the proposed Post 16 Transport Policy Statement for September 2020 determined on 27th May 2020. However, the Council received a pre-action protocol letter (Appendix E) which argued that the 27 May Policy Statement was unlawful on various grounds and the Policy Statement was legally challenged. In the light of this letter it was thought appropriate to withdraw the 27th May 2020 Policy Statement and review it.

2.3 Based on the consultation responses and the pre-action protocol letter it has been understood that the circumstances suggested by the 27th May 2020 Policy would not to be exceptional (and therefore not likely to lead to the provision of transport by the Council) may, in some cases, make it necessary to provide transport assistance. Circumstances vary significantly between families and the number of applications is sufficiently low to enable consideration on a case by case basis. Furthermore, feedback from some respondents asked for the Policy Statement to be clear and easy to understand, so changes have been made to address this feedback.

2.4 The Post 16 Transport Policy Statement recommended for approval provides details of the service available to eligible Post 16 learners and enables Hampshire County Council to continue to meet its statutory requirements.

3. Other options considered and rejected:

3.1 None

4. Conflicts of interest:

4.1 Conflicts of interest declared by the decision-maker: None

4.2 Conflicts of interest declared by other Executive Members consulted: None

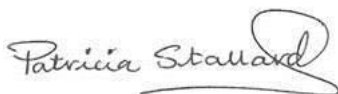
5. Dispensation granted by the Conduct Advisory Panel: None

6. Reason(s) for the matter being dealt with if urgent: not applicable

7. Statement from the decision maker:

I thank the Children and Young People Select Committee for pre-scrutinising this item and supporting the recommendations, and I note that the Committee resolved to receive an update on the effects of the new Policy within six months.

Approved by:



Date:

8 July 2020

Cllr Patricia Stallard
Executive Lead Member for Children's Services and
Young People

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