

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker	Executive Lead Member for Children's Services
Date:	19 October 2023
Title:	Permission to Consult on Proposed Changes to Post-16 Transport Policy
Report From:	Director of Children's Services

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Purpose of this Report

1. The purpose of this report is to advise the Executive Leader Member of Children's Services on proposed changes to the Hampshire County Council Post-16 Transport Policy Statement (the Policy) for 2024, and to seek permission to consult on these changes.

Recommendation(s)

2. That the Executive Lead Member of Children's Services gives approval to proceed with a public consultation on the proposed changes to the Policy, with a further report to determine the Post-16 Transport Policy Statement for 2024 to be presented at a future Executive Member Decision Day by 31 May 2024.

Executive Summary

3. The County Council is required by law to consult on its Post-16 Transport Policy every year. This report seeks permission from the Executive Lead Member to consult on proposed changes to the Policy for students, including those with special educational needs.
4. There is no automatic entitlement to local authority funded school or college transport once a student is over the age of 16. The County Council has considered its resources and the travel to college opportunities for students. Students can attend a college or school of choice and, if needed, apply to their education provider's student support for assistance.
5. The County Council recognises that some families may need a transport service to ensure that 16+ students with special needs or disabilities can access an education placement that is suitable for their needs and so do offer, under discretionary powers, a transport service that requires an annual

parental contribution.

6. The proposed changes to the Policy, as outlined in Paragraphs 10 – 24, are:
 - Annual increase in parental contributions in line with the Consumer Price Index
 - Update to the wording of the Independent Travel Training section
 - Explanation of Appeal and Complaints Process
 - Minor amendments to wording for clarity.
7. The proposed changes are intended to align Post-16 Policy with DfE statutory guidance and terminology used within the School Transport Policy, and so that charges rise in line with the increase in the cost of transport provision for Post-16 students.
8. The Policy would continue to allow for parental contribution charges to be waived when parents/carers are on a low income, in receipt of certain benefits or if the student is in receipt of free school meals. Families with exceptional circumstances can also apply for a discretionary waiver or reduction in parental contributions.
9. In 2022/23, for approximately 76.7% of Post 16 eligible students, the parental contribution was waived due to low income, in receipt of benefits, free school meals or exceptional circumstances.

Proposed Policy Changes

10. **Parental Contributions Uplift (September 2024, and annually):** The County Council proposes an increase in the parental contributions to Post-16 transport arrangements in line with inflation (Consumer Price Index (CPI)) from September 2024, with inflation-linked increases applied in subsequent years.
11. The Policy outlines the level of contribution that will be applied to Post-16 transport but does not currently allow for contributions to be uplifted each year.
12. Transport costs have risen significantly above inflation over the last year and the County Council has experienced this cost pressure. The average cost per student for post-16 transport has increased by 27.1% during this time to a total of £3.7m across the Service.
13. It is proposed that contributions are uplifted in line with CPI each year, and the wording will be changed in the Policy to reflect this.
14. If this proposal is approved following consultation, an inflationary increase would be applied to the contribution for Post-16 transport arrangements. This would be applied in September 2024 and to subsequent academic years in line with inflation (CPI).

15. This proposal will result in an increase in the amount of parental contribution received but this will only partially offset the rise in costs already experienced and funded by the County Council. Parents would continue to contribute towards the costs of the transport arrangement, with the County Council funding the remaining amount as in previous years.
16. If the County Council were to continue to absorb the increased cost of the transport arrangements, this would impact and reduce the limited resources available for other essential services for vulnerable children.
17. The County Council offer the facility to pay Post 16 parental contributions in instalments on a termly basis.
18. For 76.7% of Post 16 eligible students in 2022/2023, the parental contribution was waived due to low income, in receipt of benefits, free school meals or exceptional circumstances. Parental contributions will continue to be waived under such circumstances in 2024/25.
19. The County Council works to limit the spend on school transport wherever possible, whilst ensuring statutory requirements continue to be met. There are robust procurement processes in place where the School Transport Service regularly review contracts to optimise and obtain best value. The County Council also continue to work with central government to maximise funding for vulnerable young people, and to ensure the challenges in respect of the increasing spend on local authority funded school transport is recognised nationally.
20. If this proposal is approved following consultation, an inflationary increase would be applied to the existing contributions. This would be applied in September 2024 in line with the CPI rate for March 2024, and then annually each September, based on the CPI rate in March of that calendar year.
21. To illustrate how this would be calculated, the table below shows the existing parental contributions for Post-16 transport, and the value of these contributions if they were to be uplifted by the latest rate of CPI (6.7% based on the 12 months to August 2023).

Distance to travel	2023/24 Annual charge	2023/24 Termly charge	Proposed 2024/25 Annual charge	Proposed 2024/25 Termly charge
Up to 5 miles	£783.19	£261.06	£835.66	£278.55
5.01 to 7.5 miles	£1,084.72	£361.57	£1,157.40	£385.80
7.51 to 10 miles	£1,519.39	£506.46	£1,621.19	£540.39
Over 10 miles	£1,736.07	£578.69	£1,852.39	£617.46

22. **Independent Travel Training:** The County Council proposes updating the language, wording and level of detail regarding Independent Travel Training within Section 7 of the Post-16 Transport Policy Statement, to bring it in line with the proposed changes in the School Transport Policy.
23. **Explanation of Appeal and Complaints Process:** The County Council proposes to update the Policy to improve the explanation of the Appeal and Complaints processes, bringing it in line with improvements to the wording in the proposed School Transport Policy which have been drafted based on the latest DfE statutory guidance.
24. **Minor amendments to wording for clarity:** The County Council proposes to make minor amendments to the wording within the Policy for better clarity. These include:
To add: '2. General Transport Available – The following link provides the information supplied by colleagues and sixth form establishments.'
Update to 'Other transport support' section and remove the link to 'Brain in Hand' as this is not relevant to the Policy.
Any other minor changes to wording to improve clarity.

Contextual information

25. The Policy details the offer for sixth form age students aged 16 - 19 and adult students with an Education Health and Care Plan or a disability to the age of 25. The proposed Policy Statement explains that the County Council will provide local authority funded transport, when it is necessary, to facilitate attendance. It also explains, that 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, but individual circumstances of families will be considered when making eligibility decisions.
26. The Policy Statement is determined within a statutory timetable before the end of May each calendar year.

Finance

27. The current expenditure on school transport is just over £50 million per annum for the 2022/23 financial year, of which £3.7 million was spent on Post-16 transport assistance. Expenditure has risen by 47% from £34 million per annum in the previous financial year.
28. Within this context, the costs associated with Post 16 transport have increased by 27.1% over the last financial year.
29. The County Council currently fund a high proportion of the cost of Post 16 transport arrangement from revenue budgets, with parental contributions funding the remaining proportion. Whilst the County Council will continue to fund the majority of this cost, absorbing the increased cost of the transport arrangements would impact and reduce the limited resources available for

other essential services for vulnerable children.

30. The County Council offer the facility to pay Post 16 parental contributions in instalments on a termly basis.
31. For 76.7% of Post 16 eligible students in 2022/2023, the parental contribution was waived due to low income, in receipt of benefits, free school meals or exceptional circumstances. Parental contributions will continue to be waived under such circumstances.
32. The County Council work to limit the spend on school transport wherever possible, whilst ensuring statutory requirements continue to be met. There are robust procurement processes in place where the School Transport Service regularly review contracts to optimise and obtain best value. Hampshire County Council also continue to work with central government to maximise funding for vulnerable young people, and to ensure the challenges in respect of the increasing spend on local authority funded school transport is recognised nationally.

Consultation and Equalities

33. The consultation would seek views on the proposed changes to the Policy.
34. Consultation on the Policy will be separate to the overall School Transport Policy consultation; however the intention is that it will run in parallel against the same timescales.
35. It is proposed that the consultation lasts for 35 working days during term time, commencing from 30 October 2023 to 15 December 2023. During this time, views would be sought, including those of service users, their parents, providers, schools and other stakeholders.
36. The consultation would be published online on the County Council's website at: [Consultations | About the Council | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk/consultations). Responses to the consultation could be made by calling, emailing or writing to the school transport service. Details would be provided on the above website and the School Transport website.
37. Communications to service users, parents, schools and other stakeholders to inform them of the proposed changes and provide opportunities to contribute their views would be made through multiple channels by the County Council.
38. If the recommendation to proceed to public consultation on the proposed changes is agreed, a further report would be brought to the Executive Lead Member for Children's Services by 31 May 2024 to share the findings of the consultation.
39. An initial Equality Impact Assessment has been undertaken and is provided in Appendix A. Outcomes from the consultation would also be used to complete

an Equality Impact Assessment, presented to the Executive Lead Member for Children's Services.

Recommendations

40. That the Executive Lead Member for Children's Services:
Gives approval to proceed with a public consultation on the proposed changes to the Post-16 Policy Statement for 2024, with a further report setting out the findings of the consultation to be presented at a future Executive Member Decision Day, by 31 May 2024.

Climate Change Impact Assessment

41. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the County Council does.
42. The carbon mitigation tool and climate change adaptation tool were not applicable because the decision relates to the annual determination of a statutory policy for determining the eligibility for local authority funded transport assistance for students aged 16 to 25. This is the first administrative step in meeting the duty to support post-16 students' journeys to and from their educational setting as it will ensure that help is provided when it is necessary to facilitate attendance.
43. The policy is important for meeting Hampshire County Councils' strategic priorities as it provides an opportunity for local authority funded transport that enables young people to get a good start in life and assists in overcoming inequality. Also, the Post 16 Transport Policy Statement helps people with special educational needs and/or a disability to find and access support within the community.

Equality Impact Assessment

44. Outcomes from the consultation would be used to complete an Equality Impact Assessment, presented to the Executive Lead Member for Children's Services as part of the consultation final report.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:	

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Determination of Post 16 Transport Policy Statement 2023	11 May 2023
Determination of Post 16 Transport Policy Statement 2023 (Decision Record)	23 March 2023
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Post-16 transport and travel support to education and training (publishing.service.gov.uk)	January 2019

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

Equality Impact Assessment

What is an Equality Impact Assessment (EIA) and why does the County Council do them?

The Public Sector Equality Duty (PSED) is an obligation within the Equality Act 2010 (“the Act”), which asks public authorities, like Hampshire County Council, to give ‘due regard’ to equality considerations, in particular to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

This includes assessing the impact of policies and practices on individuals and communities with a protected characteristic, as defined in the Act and some other specific groups. The County Council uses EIAs to ensure it has paid ‘due regard’ to equalities considerations when there are changes to a service or policy, a new project or certain decisions.

Title: Permission to Consult on Proposed Changes to Post-16 Transport Policy (Oct 2023)

Related EIAs:

EIA for Savings Programme: No

Service affected School Transport - Post 16

Description of the service/policy/project/project phase: The provision of transport to an education setting for young people who are older than school age is not a statutory requirement. Hampshire County Council have exercised discretion beyond the statutory requirement to offer transport assistance to young people between 16 and 18 years old who have an Education Health Care Plans (EHCP) or disability.

The current expenditure on school transport is just over £50 million per annum for the 2022/23 financial year, of which £3.7 million was spent on Post-16 transport assistance. Expenditure has risen by 47% from £34 million per annum in the previous financial year. The County Council currently fund a high proportion of the cost of Post 16 transport arrangement from revenue budgets, with parental contributions funding the remaining proportion. Whilst the County Council will continue to fund the majority of this cost, absorbing the increased cost of the transport arrangements would impact and reduce the limited resources available for other essential services for vulnerable children. For 76.7% of Post 16 eligible students in 2022/2023, the parental contribution was waived due to low income, in

receipt of benefits, free school meals or exceptional circumstances. Parental contributions will continue to be waived under such circumstances.

The County Council works to limit the spend on school transport wherever possible, whilst ensuring statutory requirements continue to be met. There are robust procurement processes in place where the School Transport Service regularly review contracts to optimise and obtain best value. Hampshire County Council also continue to work with central government to maximise funding for vulnerable young people, and to ensure the challenges in respect of the increasing spend on local authority funded school transport is recognised nationally.

The Policy Statement details when and how the Council will support attendance in Post 16 education where travel/transport is perceived as a barrier. It allows parents/carers and users to understand how young people aged over 16 with an EHCP or a disability aged over 16 and in education may be eligible for a local authority funded transport service. The external (supplier) costs of providing transport to post 16 learners increased by 27.1% over the last financial year as a result of a shortage of drivers, decreased competition in the transport market and increased fuel costs.

This EIA supports a report to the Executive Member which seeks permission to consult on proposed changes to the Post-16 Transport Policy Statement, with the statement due to be published by 31 May 2024 as per statutory requirements.

New/changed service/policy/project The County Council would be consulting on the following changes:

1) An annual increase in parental contributions in line with the Consumer Price Index

The County Council proposes an increase in the parental contributions to Post-16 transport arrangements in line with inflation (Consumer Price Index (CPI)) from September 2024, with inflation-linked increases applied in subsequent years. The Policy outlines the level of contribution that will be applied to Post-16 transport but does not currently allow for contributions to be uplifted each year.

If this proposal is approved following consultation, an inflationary increase would be applied to the contribution for Post-16 transport arrangements. This would be applied in September 2024 and to subsequent academic years in line with inflation (CPI) based on the CPI rate for March each year. This proposal will result in an increase in the amount of parental contribution received but this will only partially offset the rise in costs already experienced and funded by the County Council. Parents would continue to contribute towards the costs of the transport arrangement, with the County Council funding the remaining amount as in previous years.

To illustrate, the annual parental contribution for a journey to school/college of between 5 and 7.5 miles was £1,084.72 for the 2023/24 school year. If these contributions were to be uplifted by the latest CPI rate (6.7% based on the 12 months to August 2023), this contribution would increase to £1,157.40 for the 2024/25 financial year.

For 76.7% of Post 16 eligible students in 2022/2023, the parental contribution was waived due to low income, in receipt of benefits, free school meals or exceptional circumstances. Parental contributions will continue to be waived under such circumstances in 2024/25.

2) Update to the wording of the Independent Travel Training section

The County Council proposes updating the language, wording and level of detail regarding Independent Travel Training within Section 7 of the Post-16 Transport Policy Statement, to bring it in line with the proposed changes in the School Transport Policy.

3) Explanation of Appeal and Complaints Process

The County Council proposes to update the Policy to improve the explanation of the Appeal and Complaints processes, bringing it in line with improvements to the wording in the proposed School Transport Policy which have been drafted based on the latest DfE statutory guidance.

4) Minor amendments to wording for clarity.

The County Council proposes to make minor amendments to the wording within the Policy for better clarity. These include:

- To add: '2. General Transport Available – The following link provides the information supplied by colleagues and sixth form establishments.'
- Update to 'Other transport support' section and remove the link to 'Brain in Hand' as this is not relevant to the Policy
- Any other minor changes to wording to improve clarity

Engagement

The County Council proposes to carry out a public consultation designed to give Hampshire residents and wider stakeholders the opportunity to have their say about proposed changes to the Post-16 Transport Policy. The consultation is due to run from late October 2023 to mid-December 2023. Communications promoting the consultation will include a press release, details on the Council's website, communications sent to schools, emails to existing service users and post-16 settings and an email to County Councillors. The consultation will also be promoted via the Council's Facebook and Twitter social media channels

Equalities considerations - Impact Assessment

Age

Impact on public Negative - Medium

Impact on staff: Neutral

Rationale

The established policy and legislation, from 2021 affects learners at specific ages differently, particularly those aged 16 on 1st September 2024 and those aged 17 on that date, although only until their 18th birthday. Therefore, the impact on age identified here is in respect to the legislative requirements and the subsequent considerations made by Hampshire County Council (HCC) when deciding on the support necessary in relation to travel and transport to facilitate a young person's attendance at their place of education.

As a young person becomes a Post 16 learner, HCC considers transport support is only necessary if it is essential to enable them to attend their programme of study. If the young person is able to access other forms of travel, support/funding, and has the available means to access their education setting, then they would be expected to use these in the first instance.

Mitigation

Where transport is necessary to facilitate attendance, the Council will provide transport assistance. Each young person will be considered on a case by case basis to ensure provision reflects actual need with the contribution waived for learners from families in receipt of income based benefits or who are on a low income.

Disability

Impact on public: Negative - High

Impact on staff: Neutral

Rationale

The vast majority of young people over the age of 16 in education will attend placements which are accessible from their home address. However, where a young person or a family member (with responsibility for the young person) has Special Educational Need and Disability (SEND), a health issue/concern, or disability this may make accessing an education placement difficult or impossible without HCC providing support with travel/transport arrangements. The proposed policy change concerns provision for this cohort of learners (and their families) and recognises the potential impacts on this protected characteristic.

HCC ensure support is available if it is considered necessary in order for the young person to attend their education placement / training. Where possible and where appropriate, HCC will support young people to use public transport and make their own journeys independently, and will expect parents to provide transport assistance.

Mitigation

Hampshire County Council recognises that families may need a transport service to ensure that 16+ special needs or disabled students can access a place that is suitable for their needs and so do offer a transport service, under discretionary powers. The transport arrangements require a parental contribution. This can be paid in instalments on a termly or monthly basis if required. The Post 16 2023 Policy will continue to allow for parental contribution charges to be waived when parents/ carers are on a low income, in receipt of certain benefits or if the student is in receipt of free school meals. Families with exceptional circumstances can also apply for a discretionary waiver or reduction in parental contributions.

Gender Reassignment

Impact on public: Neutral

Impact on staff: Neutral

Rationale

The School Transport service is provided based on geography, safety of route and on some occasions, the special educational needs of the eligible child. There is no identified impact based on gender reassignment and therefore the impact has been assessed as neutral.

Pregnancy and Maternity

Impact on public: Neutral

Impact on staff: Neutral

Rationale

The School Transport service is provided based on geography, safety of route and on some occasions, the special needs of the eligible child. There is no identified impact on this characteristic and therefore the impact has been assessed as neutral.

Race

Impact on public: Neutral

Impact on staff: Neutral

Rationale

The School Transport service is provided based on geography, safety of route and on some occasions, the special needs of the eligible child. There is no identified impact based on race and therefore the impact has been assessed as neutral.

Religion or Belief

Impact on public: Neutral

Impact on staff: Neutral

Rationale

The school transport service is provided based on geography, safety of route and on some occasions, the special needs of the eligible child. There is no identified impact based on religion or belief and therefore the impact has been assessed as neutral.

Sex

Impact on public: Neutral

Impact on staff: Neutral

Rationale

The school transport service is provided based on geography, safety of route and on some

occasions, the special needs of the eligible child. There is no identified impact based on this characteristic and therefore the impact has been assessed as neutral.

Sexual Orientation

Impact on public: Neutral

Impact on staff: Neutral

Rationale

The school transport service service is provided based on geography, safety of route and on some occasions, the special needs of the eligible child. There is no identified impact based on sexual orientation and therefore the impact has been assessed as neutral.

Marriage and Civil Partnership

Impact on public: Neutral

Impact on staff: Neutral

Rationale

The school transport service is provided based on geography, safety of route and on some

occasions, the special needs of the eligible child. There is no identified impact based on this characteristic and therefore the impact has been assessed as neutral.

Poverty

Impact on public: Negative - Medium

Impact on staff: Neutral

Rationale

The school transport service is provided based on geography, safety of route and on some

occasions, the special needs of the eligible child. HCC recognises there is a potential intersectionality link between disability and/or SEN and poverty characteristics. The Joseph Rowntree Foundation report - UK Poverty 2022 identified: "The poverty rate for individuals who live in families where someone is disabled is 31%, 12 percentage points higher than those who live in families where no-one is disabled. Of all families in poverty, just under half contain someone who is disabled, compared with 3 in 10 of families not in poverty." and "A key driver of the higher poverty rate is the lower employment rate both for disabled people and in families where someone is disabled. Among families where someone is disabled, the workless rate is 26%, compared with 10% of families where no-one is disabled. Among those families who are working, 17% of those where someone is disabled only work part-time, compared with 11% where no-one is disabled."

The Post 16 2023 Policy will continue to allow for parental contribution charges to be waived when parents/ carers are on a low income, in receipt of certain benefits or if the student is in receipt of free school meals. Families with exceptional circumstances can also apply for a discretionary waiver or reduction in parental contributions.

On this basis, the impact based on this characteristic has been assessed as negative - medium.

Mitigation

The charge is waived where the child's parent(s) receive income-based benefits or are on a low income. Currently the charge is waived for 77% of parents. This proportion should not be affected by this change.

Families with a low income, but not in receipt of the above benefits, where the imposition of the charge would reduce their income to around £16,190; or those with exceptional circumstances, may apply for a discretionary waiver or reduction in charge.

Where a charge is made parents have the option to pay the annual charge in termly instalments, each of 1/3 of the total.

Rurality

Impact on public: Negative - Medium

Impact on staff: Neutral

Rationale

Families living in rural areas often face a longer journey in terms of distance and journey times to access Post 16 provision. Public transport may be a more restricted offer. The longer journey and restricted public transport may limit families' capacity to support their child's travel. As journeys from rural areas will tend to be longer, the cost of providing transport for young people from rural areas are greater on average. Therefore the charges are grouped into four bands based on distance. Due to the longer distances, rural families will be more likely to be in a higher band with a higher charge.

Mitigation

Where transport is necessary to facilitate attendance, the Council will provide transport assistance. Each young person will be considered on a case-by-case basis, including the proposed journey and any limitations on infrastructure, to ensure provision reflects actual need. The Post 16 Policy will continue to allow for parental contribution charges to be waived when parents/ carers are on a low income, in receipt of certain benefits or if the student is in receipt of free school meals. Families with exceptional circumstances can also apply for a discretionary waiver or reduction in parental contributions.

Geographical Impact: All Hampshire

Equality Statement

Additional information:

The updates to wording (including Independent Travel Training, Appeal and Complaints process and other minor wording changes) will improve the clarity of the policy and will not change how the service is delivered. Any impacts relate to the proposed increase in parental contributions.

This EIA principally focuses on assessing the impacts of the proposed change on the public with no proposed changes to staff working terms and conditions, therefore the impact on staff has been assessed as neutral throughout.

Overview Statement:

A summary assessment to show that due regard to the Public Sector Equality Duty has been paid, which is undertaken when a full EIA is not needed:

EIA reference number: 00483