

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker</b>	Executive Lead Member for Children's Services
<b>Date:</b>	25 October 2024
<b>Title:</b>	Permission to Consult on Proposed Changes to Post-16 Transport Policy
<b>Report From:</b>	Director of Children's Services

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### Purpose of this Report

1. The purpose of this report is to advise the Executive Lead Member for Children's Services on proposed changes to the Hampshire County Council Post-16 Transport Policy Statement (the Policy) for the 2025/26 academic year. The report seeks permission to consult on these changes.

### Recommendation(s)

2. That the Executive Lead Member for Children's Services:  
Gives approval to proceed with a public consultation on the proposed changes to the Policy with a further approval to determine the Post-16 Transport Policy Statement for the 2025/26 academic year to be presented at a future Executive Member Decision Day.

### Executive Summary

3. The County Council is required by law to prepare, consult on and publish an annual Post-16 Transport Policy. 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. The consultation would commence from 4 November and run until 15 December 2024.
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 summarised in paragraphs 11 to 16, are designed to provide greater clarity on the way that the service is administered, while also simplifying and standardising the existing wording throughout.
7. As outlined in the Policy, the price of parental contributions will increase in line with the Consumer Price Index (CPI) in 2025. This consultation will not include specific questions regarding this increase, as it is an annual adjustment.

### **Contextual Information**

8. 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.
9. The Policy Statement is determined within a statutory timetable before the end of May each calendar year.

### **Proposed Policy Changes**

10. The Policy changes which the County Council proposes to consult on are set out in paragraphs 11 to 16.
11. Proposal One: For a paragraph to be added to the Policy to clarify the evidence required to support an application.
12. The Department for Education (DfE) Guidance requires local authorities to consider what arrangements are "necessary" to facilitate young people's participation in education or training. Therefore, parents are required to provide evidence that without transport assistance, the student will be unable to attend the educational placement. In practice this means that the family must provide evidence that they cannot provide the necessary transport themselves or accompany their child.
13. Reasons such as the parent's working pattern or the fact they have children attending more than one school or educational setting, will not normally be considered sufficient reasons for a parent being unable to provide the necessary transport for their child.
14. Proposal Two: Revise some of the wording of the Post-16 Transport Policy to make it clearer and easier to understand.

15. It is proposed that a number of further updates are made to the Policy document where such changes will improve the consistency of wording and/or make it easier to follow.
16. Appendix A demonstrates the types of changes that are being proposed.

### **Engagement and process for consultation**

17. The consultation would seek views on the proposed changes to the Policy.
18. Consultation on the Policy will be separate to the overall School Transport Policy consultation; however, the intention is that it will run in parallel to the same timescales.
19. It is proposed that the consultation will last for 30 working days during term time, commencing from 4 November 2024 to 15 December 2024. During this time, views would be sought, including those of service users, their parents or carers, providers, schools and other stakeholders.
20. The consultation would be published online on the County Council's website at: [Consultations | About the Council | Hampshire County Council \(hants.gov.uk\)](#). Responses to the consultation could be made by calling, submitting an online enquiry form or writing to the school transport service. Details would be provided on the above website and the School Transport website.
21. Providers of school transport and other stakeholders would be contacted by the County Council about the consultation to inform them of the proposed changes and provide opportunities to contribute their views.
22. 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 to share the findings of the consultation. Outcomes from the consultation would also be used to complete an Equality Impact Assessment, presented to the Executive Lead Member for Children's Services.

### **Recommendation(s)**

23. 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 with a further report setting out the findings of the consultation to be presented at a future Executive Member Decision Day, likely to be in early 2025.

### **Climate Change Impact Assessment**

24. 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.

25. 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.
26. 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**

27. An initial Equality Impact Assessment (EIA) has been carried out and is attached in Appendix B of this report. If permission is granted to consult, then it is intended that another EIA be carried out following the completion of the consultation.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

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

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u> <a href="#">Determination of Post-16 Transport Policy 2024</a>	<u>Date</u> 19 Jan 2024
<a href="#">Permission to Consult on Proposed Changes to Post-16 Transport Policy</a>	19 Oct 2023
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u> <a href="#">Transport to education and training for people aged 16 and over (DfE)</a>	<u>Date</u> Jan 2019

<b>Section 100 D - Local Government Act 1972 - background documents</b>	
<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	

## APPENDIX A

Table of example changes (Proposal 2)

Existing Text	Proposed Text
<p>Information provided by Post-16 providers regarding transport services can be found in the section 12: <u>College and School Details</u>.</p>	<p>Information provided by Post-16 providers regarding transport services can be found in the <u>College and School Details</u> section of this Policy (section 12).</p>
<p>When the student's parents are in receipt of Income Support; income-based Jobseekers Allowance; income-related Employment and Support Allowance; support under Part VI of the Immigration and Asylum Act 1999; the guaranteed element of State Pension Credit; Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190); Working Tax Credit run-on-paid for 4 weeks after you stop qualifying for Working Tax Credit; or Universal Credit, the charge will be waived.</p>	<p>The charge will be waived when the student's parents are in receipt of any of the following:</p> <ul style="list-style-type: none"> <li>• Income Support</li> <li>• Income-based Jobseekers Allowance</li> <li>• Income-related Employment and Support Allowance</li> <li>• Support under Part VI of the Immigration and Asylum Act 1999</li> <li>• The guaranteed element of State Pension Credit</li> <li>• Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190)</li> <li>• Working Tax Credit run-on (paid for 4 weeks after you stop qualifying for Working Tax Credit)</li> <li>• Universal Credit</li> </ul>
<p><b>The independent appeal panel</b> will be made up of one or more members who will be independent of the original decision making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the local authority), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk.</p>	<p><b>The independent appeal panel</b> will be made up of one or more members who will be independent of the original decision making process (but are not required to be independent of the County Council), and suitably experienced (at the discretion of the County Council), to ensure a balance is achieved between meeting the needs of the parents and the County Council, and that road safety requirements are complied with and no child is placed at unnecessary risk.</p>

## **APPENDIX B**

### **EIA**

**Title:** Permission to consult on proposed changes to the Post-16 Policy (Oct 2024)

**EIA for Savings Programme: No**

**Service affected:** The Post-16 Transport Service

#### **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 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.

This EIA supports a report to the Executive Member which seeks permission to consult on proposed changes to the Post-16 Transport Policy, with the statement due to be published by 31 May 2025 as per statutory requirements.

#### **New/changed service/policy/project:**

The County Council would be consulting on the following changes:

**Proposal One: For a paragraph to be added to the Policy to clarify the evidence required to support an application.**

The Department for Education (DfE) Guidance requires local authorities to consider what arrangements are "necessary" to facilitate young people's participation in education or training. Therefore, parents are required to provide evidence that without transport assistance, the student will be unable to attend the educational placement. In practice this means that the family must provide evidence that they cannot provide the necessary transport themselves or accompany their child.

Reasons such as the parent's working pattern or the fact they have children attending more than one school or educational setting, will not normally be considered sufficient reasons for a parent being unable to provide the necessary transport for their child.

**Proposal Two: Revise some of the wording of the Post-16 Transport Policy to make it clearer and easier to understand.**

It is proposed that a number of further updates are made to the Policy document where such changes will improve the consistency of wording and/or make it easier to follow.

## **Equality considerations**

This EIA accompanies an Executive Lead Member for Children's Services decision report on the 25 October 2024.

This EIA principally focusses on considering the potential impact of the proposed changes on the Public rather than Staff as there are no proposed changes to staff terms and conditions. Therefore, the impact has been assessed as neutral for Staff throughout.

A further EIA will be undertaken following the public consultation.

## **Equality considerations – Impact Assessment**

### **Age**

**Impact on public:** Neutral

**Impact on staff:** Neutral

### **Rationale**

Consultation – It is acknowledged that older people may be less likely to have access to the internet and may not be able to respond online to a consultation. The Council would ensure that paper copies of the consultation are available by request for postal submission.

The Post-16 Service is delivered to service users aged 16 - 19 year olds (who have started a course before their 19th birthday) and young people with EHCPs up to the age of 25.

The County Council proposes to update the information in the policy to provide improved clarity of how the policy is already applied and how the service is currently delivered. Whilst these specific changes would not have an impact on how the service is delivered to this group, they could help all groups to gain a better understanding of what to expect from the service.

### **Disability**

**Impact on public:** Neutral

**Impact on staff:** Neutral

### **Rationale**

The Council acknowledge that people with disabilities may find it harder to engage with the consultation and will put in place measures to enable those with disabilities to take part. These include the consultation response form and information pack being available in an easy read format, a copy in another language or format (such as audio, large print, or Braille), or if they have any queries about the consultation, they would be able to request this by either raising an online enquiry or calling the School Transport team.

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 County Council proposes to update the information in the policy to provide improved clarity of how the policy is already applied and how the service is currently delivered. Whilst these specific changes would not have an impact on how the service is delivered to this group, they could help all groups to gain a better understanding of what to expect from the service.

### **Gender Reassignment**

**Impact on public:** Neutral

**Impact on staff:** Neutral

#### **Rationale**

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**

There is no identified impact based on pregnancy and maternity and therefore the impact has been assessed as neutral.

### **Race**

**Impact on public:** Neutral

**Impact on staff:** Neutral

#### **Rationale**

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**

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**

There is no identified impact based on sex and therefore the impact has been assessed as neutral.

**Sexual Orientation**

**Impact on public:** Neutral

**Impact on staff:** Neutral

**Rationale**

There is no identified impact based on sexual orientation and therefore the impact has been assessed as neutral.

**Marriage and Civil Partnerships**

**Impact on public:** Neutral

**Impact on staff:** Neutral

**Rationale**

There is no identified impact based on marriage and civil partnership and therefore the impact has been assessed as neutral.

**Poverty**

**Impact on public:** Neutral

**Impact on staff:** Neutral

**Rationale**

There is no identified impact based on poverty and therefore the impact has been assessed as neutral.

**Rurality**

**Impact on public:** Neutral

**Impact on staff:** Neutral

**Rationale**

There is no identified impact based on rurality and therefore the impact has been assessed as neutral.

**Geographical Impact:** All Hampshire

**Additional Information:**

The updates to wording will improve the clarity of the policy and will not change how the service is delivered.

This EIA accompanies an Executive Lead Member for Children's Services decision report on the 25 October 2024.

This EIA principally focusses on considering the potential impact of the proposed changes on the Public rather than Staff as there are no proposed changes to staff terms and conditions. Therefore, the impact has been assessed as neutral for Staff throughout.

A further EIA will be undertaken following the public consultation.

EIA reference number: 00702