

HAMPSHIRE COUNTY COUNCIL

Decision Report

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

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Purpose of this Report.

1. The purpose of this report is to finalise the County Council's 2020 Post 16 Transport Policy Statement (the Policy). The Policy was originally determined on 27 May 2020. However, following receipt of a pre-action protocol letter, it was thought advisable to withdraw the Policy and reconsider certain matters. The Policy has now been reviewed and amended and is being presented for approval to the Executive Lead Member for Children's Services and Young People.

Recommendations

2. 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 years 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.

3. 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.

Executive Summary

4. 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.
5. Changes were introduced into the proposed Post 16 Transport Policy Statement for September 2020 determined on 27 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 27 May 2020 Policy Statement and review it.
6. Based on the consultation responses and the pre-action protocol letter it has been understood that the circumstances suggested by the 27 May 2020 Policy Statement 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.

7. 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.

Contextual Information

8. This report presents the outcome of the annual public consultation on the Post 16 Transport Policy that is required by statutory guidance. The consultation particularly sought comments from schools, post-16 providers and young people; responses have been taken into account when proposing the content of the Policy Statement.
9. The changes proposed for the Post 16 Transport Policy Statement detail the offer for sixth form age students and adult students with an Education Health and Care Plan up 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.
10. If agreed, the changes would be incorporated into the Post 16 Transport Policy Statement from September 2020. The Policy Statement is determined annually. Parents and young adults make a new application each year and eligibility for support is decided each academic year. The newly determined policy statement will be used for all new applications for assistance for the 2020/21 academic year.
11. Included within the proposed Policy Statement is updated wording in relation to the rates of parental contribution, including how and when they apply. The wording within the proposed Policy Statement provides a clear explanation of current practice, including confirmation that families with low income (but not in receipt of named benefits) or with exceptional circumstances may apply for a discretionary waiver or a reduction in charge and each application will be assessed based on its own merit and evidence.

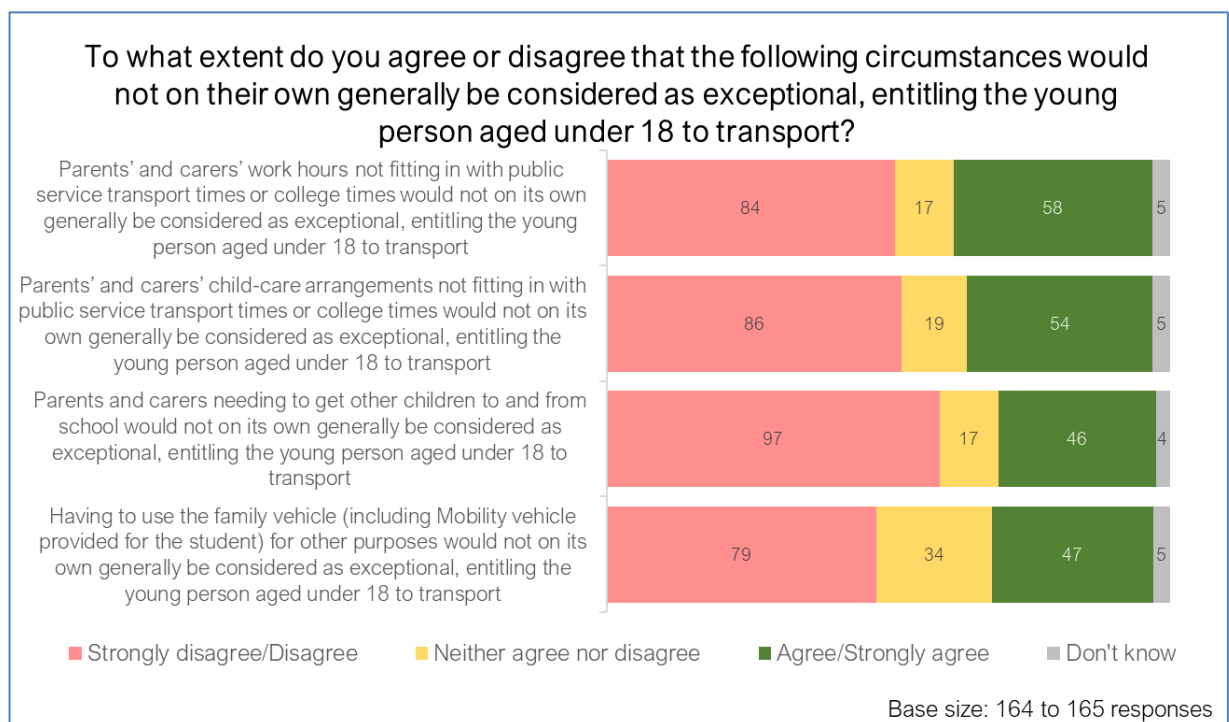
12. In 2018 the Policy Statement was modified to reduce local authority funded provision so that transport was provided only when necessary to facilitate attendance. The amended Policy Statement was promoted as one of a number of measures seeking to reduce costs in providing transport services. In the summer of 2018 that change had only a small impact on provision. In the summer of 2019 (the policy largely being carried forward from 2018) the approach led to a legal challenge as implementing the new Policy Statement relied on published information in the application process that was not included in the Policy Statement. Following advice, the County Council reverted to its previous approach. The proposed 2020 Policy provides a clearer policy position.
13. There are proposed revenue budget savings arising from to these changes. Other projects endeavouring to reduce costs include: the use of school minibuses for home to school transport; major procurement exercises looking at sole provider tendering, route 'bundling' and longer term contracts; and restructuring the home to school transport team and its use of technology.
14. The Policy Statement recommended for approval enables Hampshire County Council to continue to meet its statutory requirements.

Finance

15. Current expenditure on the home to school transport service is approximately £32million, of which £1.3million was spent on Post 16 transport assistance. The Children's Services departmental transformation 2021 programme has an approved target of £3million of savings from this budget.
16. The 27 May decision paper referenced possible savings of £680k in establishing the Policy. These potential savings were highlighted in the consultation exercises which helped to influence the 2018 and 2019 Post 16 Home to School Transport Policies.
17. Further analysis of the Post 16 cohort and the impact of the proposed policy changes led to a revised saving estimate of £170k. This is based on the potential for 30% of an estimated 128 Year 12 local authority funded travellers no longer receiving transport because their parents/carers are able to transport them and an average cost (using 2019/2020 actual costs) for transporting a Post 16 student of £4,864 per annum. However, this is an estimate and the savings may, depending on the particular circumstances of the applicants, vary from this.

Consultation and Equalities

18. The public consultation on the 2020/21 Post-16 Transport Policy Statement ran from 13 January 2020 to 23 February 2020. Responses were invited by completing a dedicated online survey.
19. There were 168 responses to the consultation, all of which have been taken into consideration when compiling the statement for publication. A summary of the key consultation questions and responses is provided in paragraphs 19 to 24. For the Post 16 Transport Policy Statement the following questions were asked and responses received.
20. The proposals for changes to the Post 16 Transport Policy Statement explained the expectation of the County Council that parents/carers arrange transport for their child to their Post 16 education setting until they become an adult. The consultation sought opinions on specific circumstances which the County Council advised they did not consider to constitute exceptional circumstances which would automatically render transport necessary. The summary responses to that request are as follows:



21. None of the circumstances were agreed with by the majority of respondents.
22. The highest level of disagreement (97 of the 164 responses) was with the proposal that parents and carers who need to get other children to school would not automatically entitle a young person under 18 to Post 16

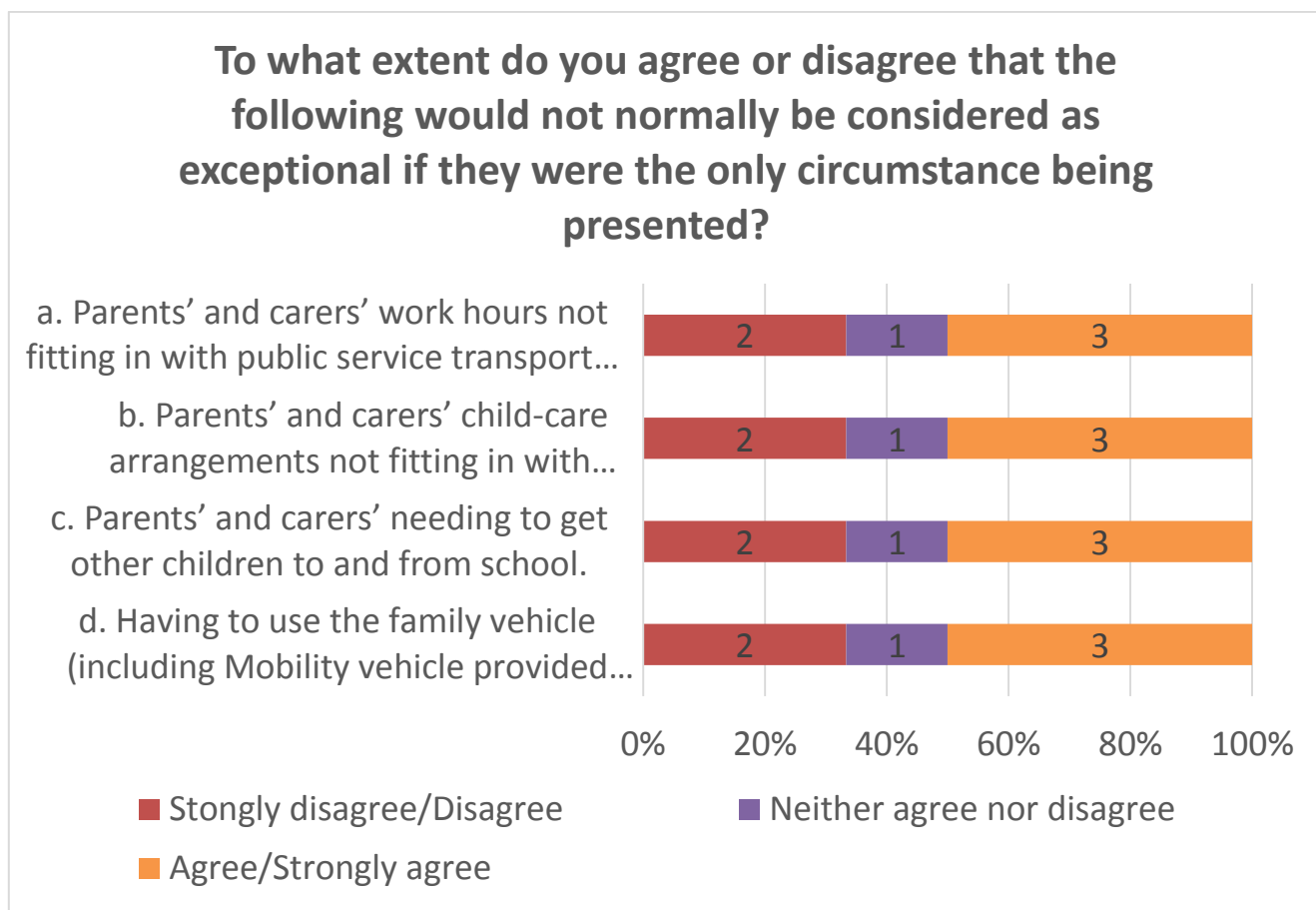
Transport.

23. The lowest level of disagreement (79 of 165 responses) was with the proposal that needing to use the family vehicle for other reasons would not automatically entitle a young person under 18 to Post 16 Transport.
24. Three unstructured responses were submitted (not using the Response Form), comments included reference that the Easy Read consultation document was hard to understand; that policies should be written in plain English; that families on low income or in rural areas could be disproportionately affected; that changes may make it harder for families with children in multiple schools; that proposals, if agreed, could impact on other services or on children and young people and their families; that absenteeism could rise; that all cases should be reviewed on their individual merits; and that the County Council should undertake impact assessments to understand impacts at a local level.
25. Respondents were also asked to describe impacts of the proposed changes, with 37 responses submitted. The three most common themes are shown in the table below:

Impacts on parents and carers (26 mentions)	These comments mentioned that parents and carers may need to give up work; may need to change or reduce their working hours; may find themselves unemployable; could suffer negative impacts their mental health; would need to travel more to transport children to education, and could struggle to get other children to school on time
Impacts on children and young people (20 mentions)	These comments mentioned that the proposed changes may prevent children and young people from attending Post 16 education; may offer children and young people with Special Educational Needs or Disabilities (SEND) fewer opportunities than available to those without SEND; may restrict the choice of colleges for children and young people with SEND; and may create a barrier to education for children and young people who are unable to take public transport independently
Impact on family finances (11 mentions)	These comments mentioned the financial impact on parents and carers who may need to give up work and the financial impact of additional childcare that may be needed to support families if the proposed changes to Post 16 Transport policy were implemented

26. To augment the public consultation the County Council directly approached 21 Post-16 education providers to request their views on the consultation.
27. Six Post 16 education providers responded to the consultation. A summary of the key consultation questions and responses is provided here. For the Post-16 Transport Policy Statement, the following questions were asked

and responses received. There was a small majority in agreement with all the proposals.



28. Although some Post 16 education providers were of the opinion that if just one of the circumstances were presented then transport should be awarded, the majority believed this should not be the case. Of those education providers in agreement with the proposal, the overall response was that these circumstances should be taken into consideration, but along with any other circumstances being presented on a case by case basis.

29. Post 16 education providers were also asked to describe the transport needs of students attending their education provision and how efficiencies and savings could be generated by working together with the County Council. A summary of the feedback from the six education providers is as follows:

<p>Q2 – The Post 16 Transport Policy Statement has focused the Council’s support on students with Learning Difficulties and Disabilities (LDD) students, usually they have an EHCP. Please provide any comments on their</p>	<p>These responses mentioned that Hampshire County Council transport provision would benefit learners if it was arranged to reflect individual study timetables. For some learners, if County Council support wasn’t</p>
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<p>transport needs when attending your setting.</p>	<p>available for transport then they would not be able to attend their study programme. For other learners travelling independently on public transport may not be appropriate given the distance they travel and/or their personal safety due to their additional needs and social vulnerabilities. With more young learners using public transport this has resulted in extra support being provided by the Post 16 education provider. County Council provided Transport is a vital service for many young people.</p>
<p>Q3 – The cohort of students aged over 19 for whom the Children’s Services Department provides transport is increasing in numbers. Please provide any comments on their transport needs, if different from above, when attending your setting.</p>	<p>The needs of learners over the age of 19 is the same as those 18 years and younger and any support continues to reflect their individual needs. Education providers do offer travel training, but this is not appropriate for everyone.</p>
<p>Q4 - The forecast growth in the Post 16 sector, particularly over 19 students, is bringing unprecedented pressure on the service and its budget. Do you have any comments on how providers and the County Council can work together to generate efficiencies and savings for both providers and the service?</p>	<p>Improve co-ordination of transport, increasing vehicle size and number of passengers transported on each route where necessary/possible. The County Council could provide comprehensive travel training whilst young people are at school, so when they reach Post 16 education some may be able to travel independently, improvements are needed to ensure this is both robust and delivers positive outcomes.</p>

30. As is evident in the Equality Impact Assessment (EIA) (Appendix D), there is likely potential adverse impact on individuals’ with the protected characteristics of age and, disability and rurality if some or all of the changes to the Policy Statement are approved. The EIA highlights the possible scale of impact for the age groups that may be affected. With respect to age and disability, when a child/young person is refused transport under the Policy Statement there is an opportunity for this decision to be appealed.

31. To mitigate the impact of the proposed changes to the Policy Statement, taking into consideration feedback from the consultation, it is evident that individual circumstances should be considered by the County Council on a case by case basis, and transport provided where evidence clearly

indicates that it is necessary in order to facilitate attendance at the young person's education placement or training.

The Pre-action Protocol letter

32. Appendix E is a pre-action protocol letter sent in response to the 27 May 2020 Policy. This letter raises eight grounds of challenge. The amendments made to the May 2020 Policy and the EIA meet the various criticisms made therein. Two grounds concern an alleged failure to have regard to certain statutory provisions. As the decision maker is aware, she is required to have regard to the various matters set out in section 509AB Education Act 1996 when considering what transport arrangements are necessary. Further, section 11 of the Children Act 2004 requires the Council, when considering whether to adopt the proposed Policy "to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children". The amendments to the Policy mean that the welfare of children is safeguarded and promoted. The decision-maker is asked to consider the pre-action protocol letter in full.

Conclusion

33. The proposed Policy Statement will aid parents/carers and users of the service to understand the service available and who may be entitled to support.

Supporting information

Public Consultation Findings & Analysis – [Appendix A](#)

Education Provider Consultation Findings & Analysis – [Appendix B](#)

Equality Assessment – [Appendix C](#)

Proposed Post 16 Transport Policy Statement – [Appendix D](#)

The pre-action protocol letter of 2 June 2020 – [Appendix E](#)

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:	Yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> Proposed Changes to the Home to School Transport Policy (2021)	<u>Date</u> 18 March 2020
Direct links to specific legislation or Government Directives	
<u>Title</u> https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772913/Post16_transport_guidance.pdf	<u>Date</u> January 2019

Section 100 D - Local Government Act 1972 - background documents

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.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

Equalities Impact Assessment: [Appendix](#)

Consultation on proposed changes to the Home to School Transport Policy and Post-16 Transport Policy

Findings Report

March 2020

Contents

Introduction	4
Context	4
Consultation aims	5
Responses to the consultation	6
Who responded?.....	6
Findings from the consultation.....	7
Summary of Key Findings.....	7
Analysis of consultation responses	8
Proposed changes to the Home to School Transport Policy	8
Using the nearest available entrance from the child’s home to the school grounds for distance calculations.....	9
Using the nearest available road route, passable for a suitable motorised vehicle, for distance calculations.....	11
To not remove school transport from children attending a non-catchment school if a place at their catchment school, or a school closer to their home, becomes available.....	13
Changing the administration of how appeals are processed.....	15
Suggested changes to the Home to School Transport Policy	18
Proposed changes to the Post-16 Transport Policy	20
Parents’ and carers’ work hours not fitting in with public service transport times or college times.....	21
Parents’ and carers’ child-care arrangements not fitting in with public service transport times or college times	23
Parents and carers of Post-16 students with SEND needing to get other children to and from school	25
Parents and carers of Post-16 students with SEND having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes	27
Suggested changes to the Post-16 Transport Policy	29
Impacts of the proposed changes	31
Responses from organisations and groups using the Response Form	36
Unstructured responses.....	38
Appendices	39
Appendix one – Research approach.....	39
Appendix two – Interpreting the data	40

Appendix three – Consultation Response Form.....	41
Appendix four – List of organisations or groups who responded to the consultation.....	50
Appendix five – Consultation participant profile	51
Appendix six – Data Tables	53
Non-Easy Read response form data tables	53
Easy Read response form data tables.....	69

Introduction

Context

Between 13 January 2020 and 23 February 2020, Hampshire County Council ran a public consultation seeking residents' and stakeholders' views on proposals to update its Home to School Transport (HtST) and Post-16 (P16T) Transport policies. Key findings from the consultation are set out on this report.

The County Council is seeking to update its HtST Policy to provide greater alignment between the policy and existing practice, as well as to improve clarity for parents and carers on the criteria used to reach decisions about HtST.

Local authorities are also required to consult on their P16T Policy Statement every year. The County Council is proposing to update its P16T Policy Statement to set out the responsibilities of parents and carers of children and young people who receive P16T. It is anticipated that this update could result in potential savings to the County Council of approximately £680,000 per year.

Any changes to these policies would only affect new applications for transport made after the date of implementation.

Consultation aims

The consultation sought to understand respondents' views about, and the potential impacts of, amending the HtST Policy to:

- clarify that the distance from a child's home to their school is calculated using the nearest available entrance to the school grounds;
- clarify that the route to a school is measured using the nearest available road route, passable for a suitable motorised vehicle, when determining whether a non-catchment school qualifies as a nearer school (if all of the routes to the schools in question are beyond statutory walking distances);
- clarify that school transport would not be removed from children attending a non-catchment school if a place at their catchment school, or a school closer to their home, becomes available; and
- reflect a change in the administration of how appeals are processed.

The consultation also sought to understand respondents' views about, and the potential impacts of, updating the P16T Policy for 2020/21 to set out the responsibilities of parents and carers of children and young people who receive P16T.

Feedback received through this consultation will be considered alongside wider evidence to inform the County Council's decision on proposed changes to the HtST and P16T Policies. This decision will be taken by the Executive Lead Member for Children's Services and Young People.

The approach taken in the running and analysis of this consultation is described in Appendices one and two.

Responses to the consultation

Who responded?

There were 165 responses to the consultation questionnaire, all of which were submitted online, which breaks down as follows:

- 160 were from individuals,
- four were from organisations or groups, and
- one did not indicate either way.

A copy of the consultation questionnaire is provided in Appendix three.

There were also three separate unstructured responses. Two were from organisations and one from an individual. These responses are also included in this report.

A list of the organisations or groups that took part in the consultation is provided in Appendix four.

A detailed participant profile is provided in Appendix five.

Specific analysis was undertaken of the views of respondents from households:

- with children;
- that currently receive HtST or P16T provided by the County Council;
- with children with Special Educational Needs or Disabilities (SEND); and
- households with an annual income of up to £20,000.

The analyses would also have looked at the responses of organisations and groups that provided a response. However, as the sample size for this segment was small (four responses) this segment's views have not been analysed as their own grouping.

Findings from the consultation

Summary of Key Findings

There was overall agreement with proposed changes to the HtST Policy, including for:

- the distance from a child's home to their school to be calculated using the nearest available entrance from the child's home to the school grounds;
- the route to a school to be measured using the nearest available road route, passable for a suitable motorised vehicle, when determining whether a non-catchment school qualifies as a nearer school; and
- school transport to not be removed from children attending a non-catchment school if a place at their catchment school, or a school closer to their home, becomes available.

There was no overall agreement or disagreement on the proposed amendment to the HtST Policy that would change the administration of appeal decisions. The most common suggestion was that appeal decisions should be independent of the County Council.

Suggestions of changes to the HtST Policy most frequently mentioned applying an automatic entitlement to transport for children with SEND, and all cases being judged on their unique merits.

There was overall disagreement with proposed changes to the P16T Policy, intended to clarify that young people aged under 18 would not be automatically entitled to transport if the following did not fit with public service transport times or college times:

- parents' and carers' working hours;
- parents' and carers' child-care arrangements; or
- parents' and carers' need to get other children to and from school.

Almost half of respondents disagreed with the proposed change to the P16T intended to clarify that a young person would not automatically be entitled to transport if the family vehicle (including Mobility vehicle provided for the student) needed to be used for purposes other than transporting the young person to post-16 education.

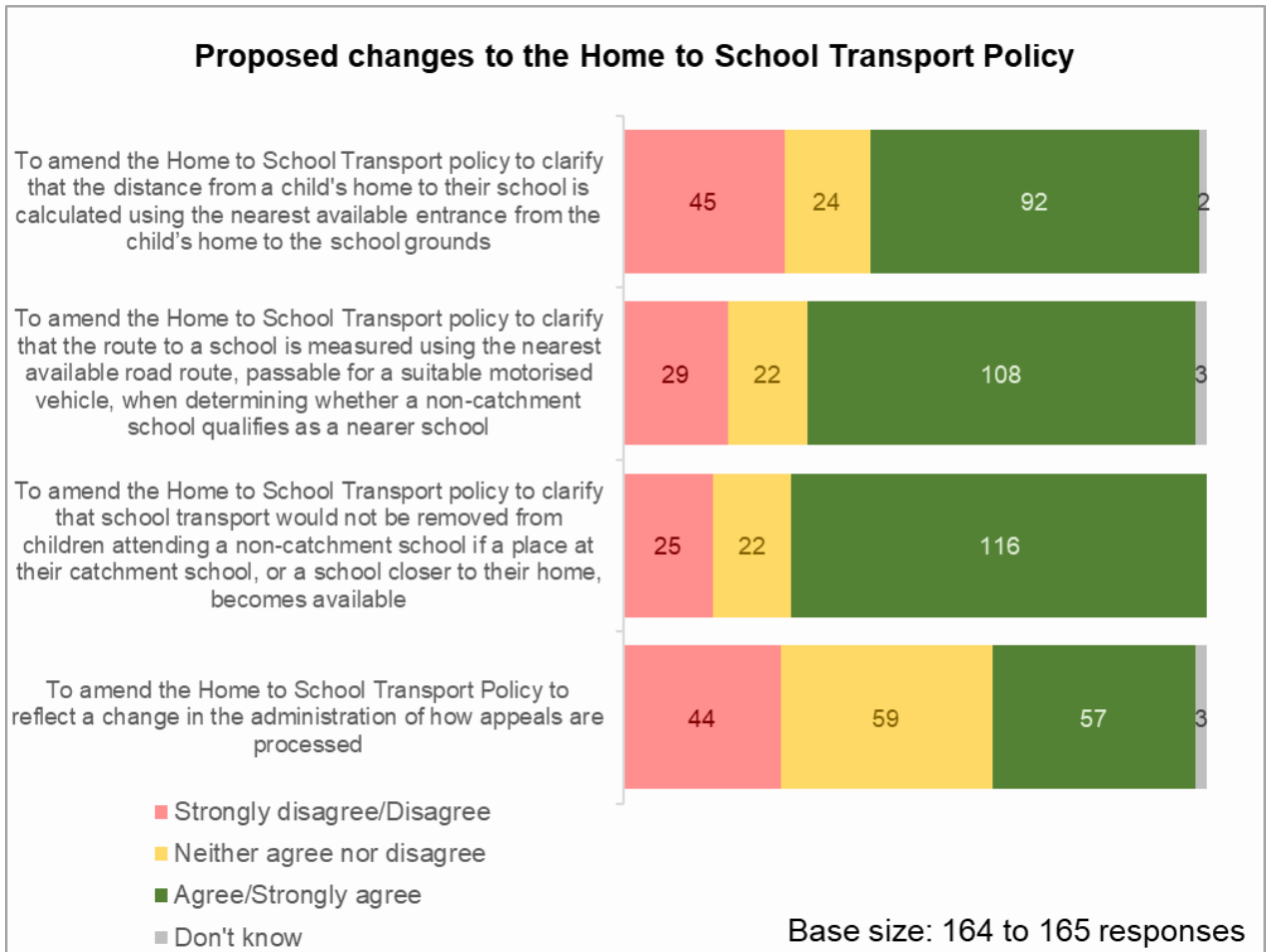
When asked to suggest other changes to the P16T Policy, respondents most frequently mentioned that the Policy should consider the other responsibilities of parents and carers when deciding if someone is eligible for transport, and that children and young people with SEND should be automatically entitled to P16T.

The most frequently cited impacts of the proposals related to negative impacts on parents and carers, particularly on their working patterns - and on children and young people, most commonly that it changes could reduce access to education.

Analysis of consultation responses

Proposed changes to the Home to School Transport Policy

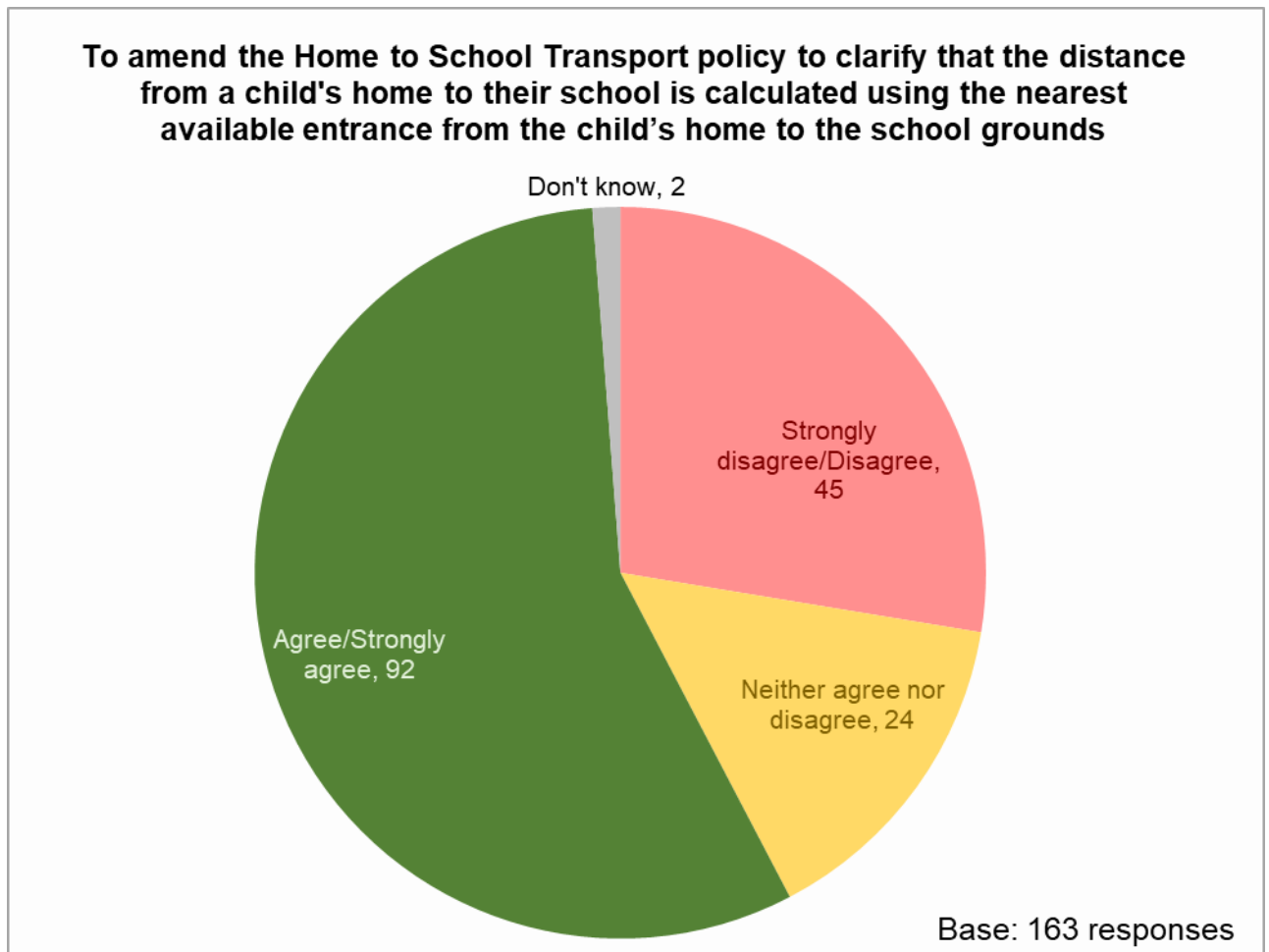
There was majority agreement with three of the four proposals, with one proposal (to amend the HtST Policy to reflect a change in the administration of how appeals are processed) receiving a mixed response overall.



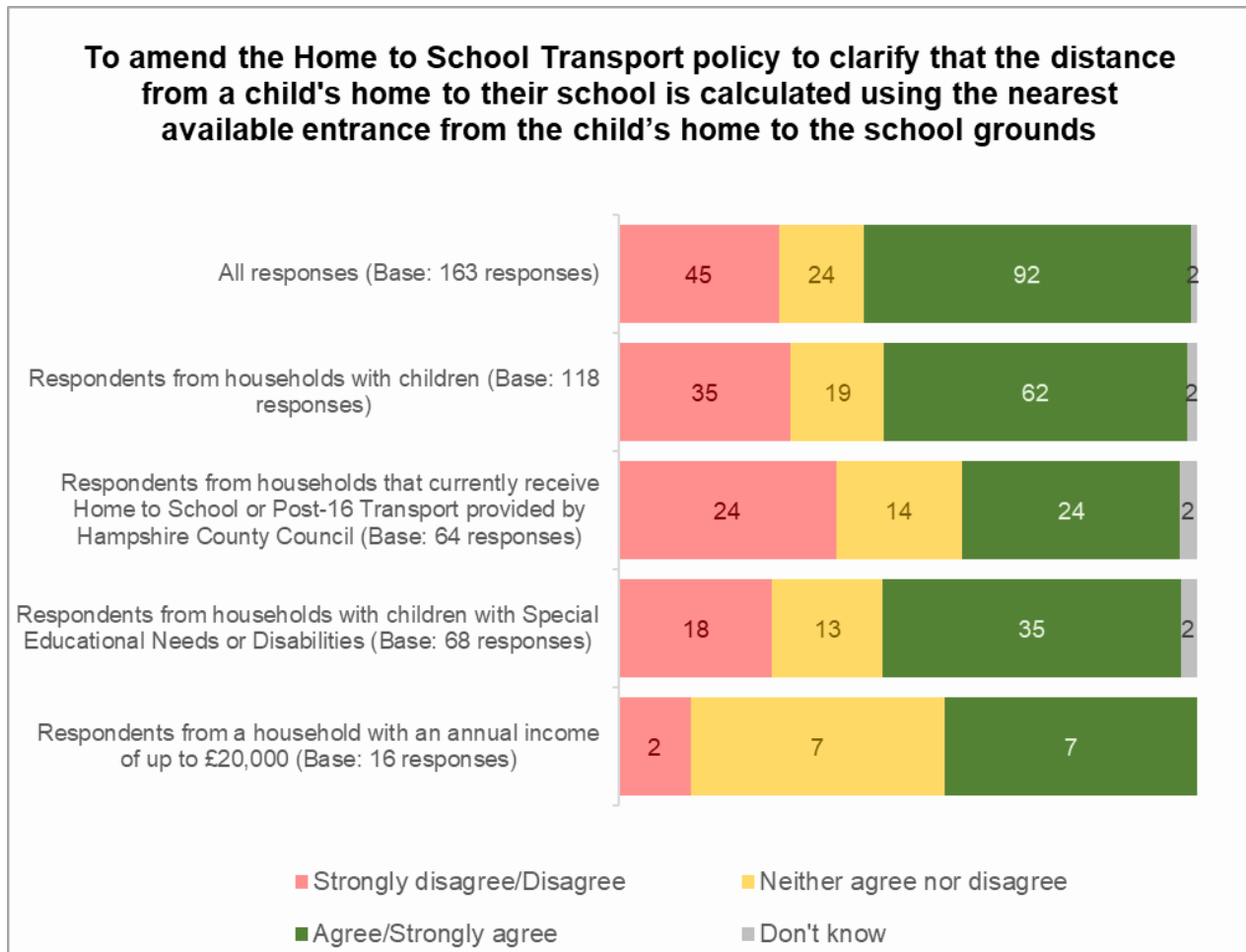
Using the nearest available entrance from the child's home to the school grounds for distance calculations

The County Council proposed to amend the Home to School Transport policy to clarify that the distance from a child's home to their school is calculated using the nearest available entrance from the child's home to the school grounds

The majority of respondents agreed or strongly agreed with this proposal, with double the number of respondents agreeing or strongly agreeing compared with those who disagreed or strongly disagreed.



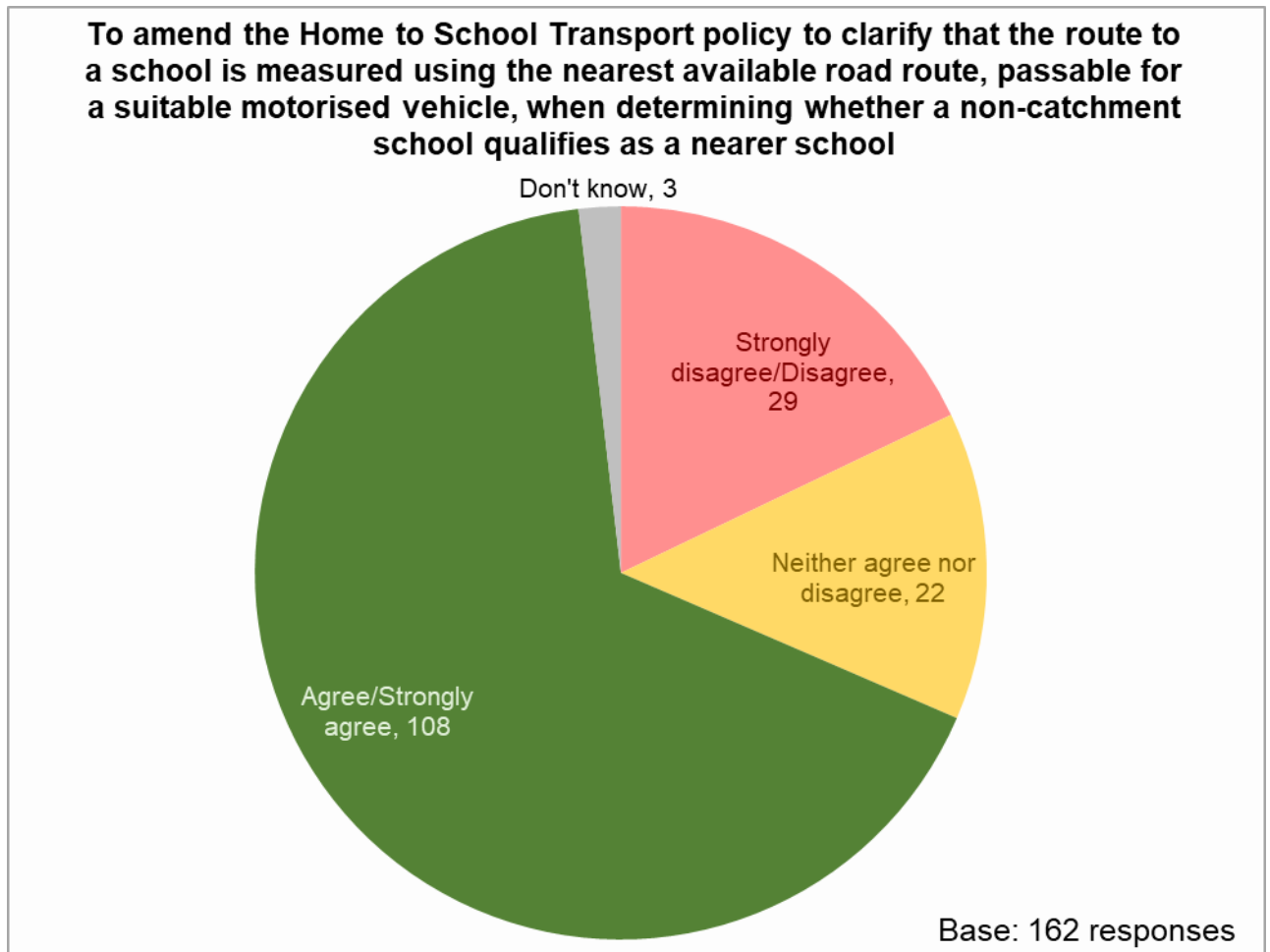
Similarly, no one group opposed the proposal as a majority. However, respondents from households that currently receive HtST or P16T were more mixed in their views - with the same number agreeing as disagreeing. In addition, respondents from households with incomes of up to £20,000 were as likely to have no overall view as they were to agree with the proposal.



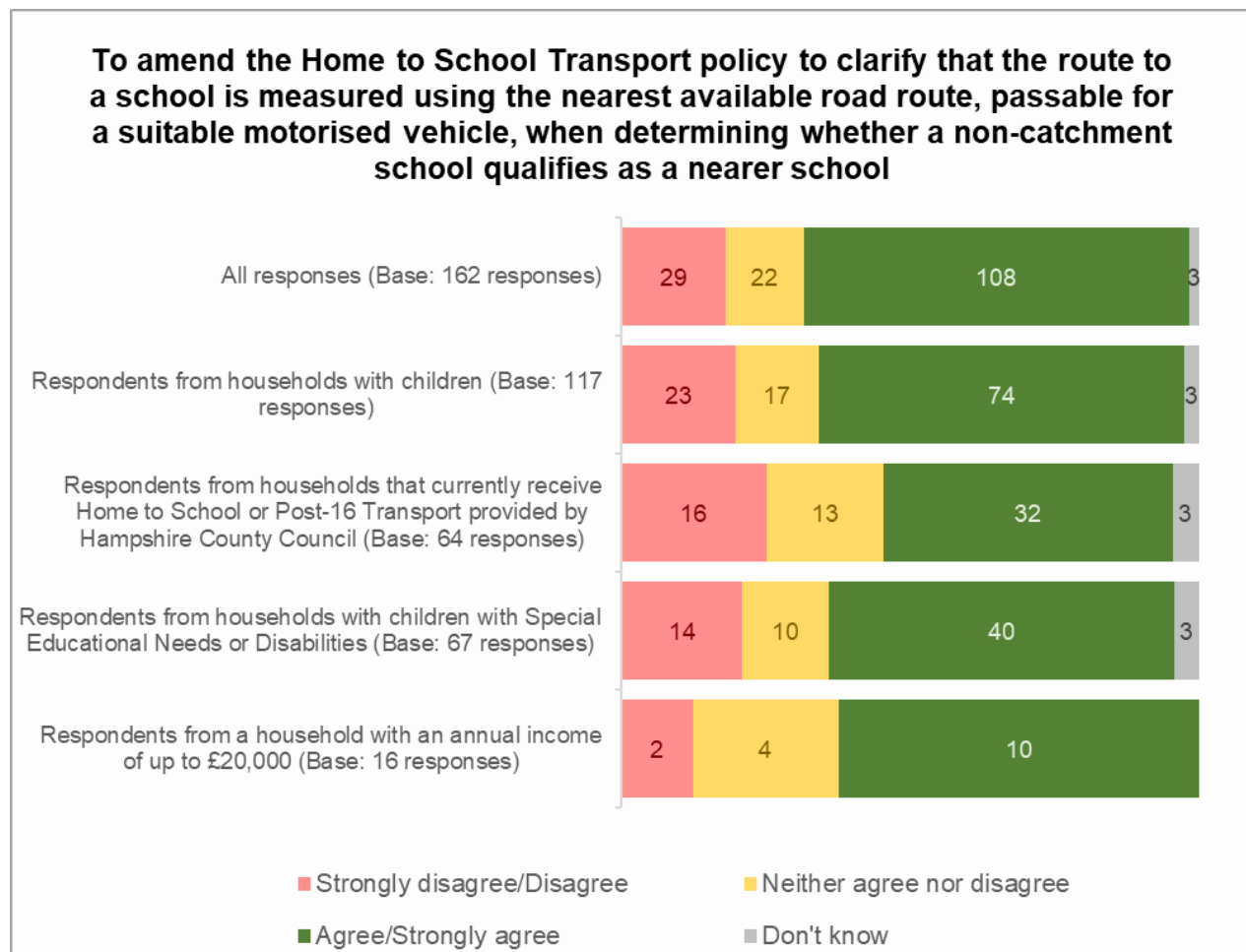
Using the nearest available road route, passable for a suitable motorised vehicle, for distance calculations

The County Council proposed to amend the Home to School Transport policy to clarify that the route to a school is measured using the nearest available road route, passable for a suitable motorised vehicle, when determining whether a non-catchment school qualifies as a nearer school

Two thirds of respondents either agreed or strongly agreed with this proposal, compared with just over one sixth of respondents who disagreed or strongly disagreed.



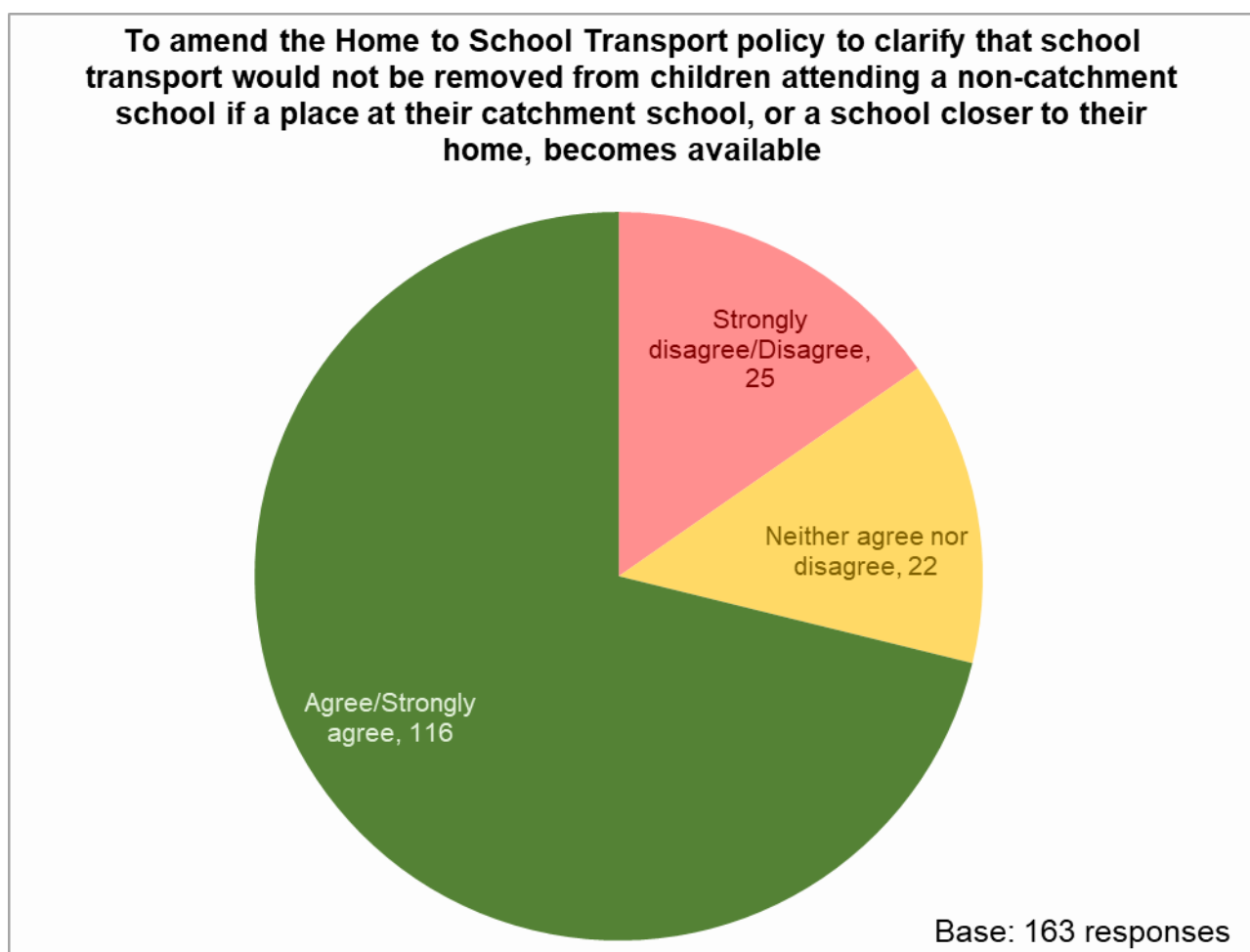
Three of the four groups potentially impacted by the proposal agreed with the proposal. The lowest level of agreement was amongst respondents from households that currently receive HtST or P16T provided by the County Council - half of whom agreed or strongly agreed with the proposal and a quarter of whom strongly disagreed or disagreed with the proposal.



To not remove school transport from children attending a non- catchment school if a place at their catchment school, or a school closer to their home, becomes available

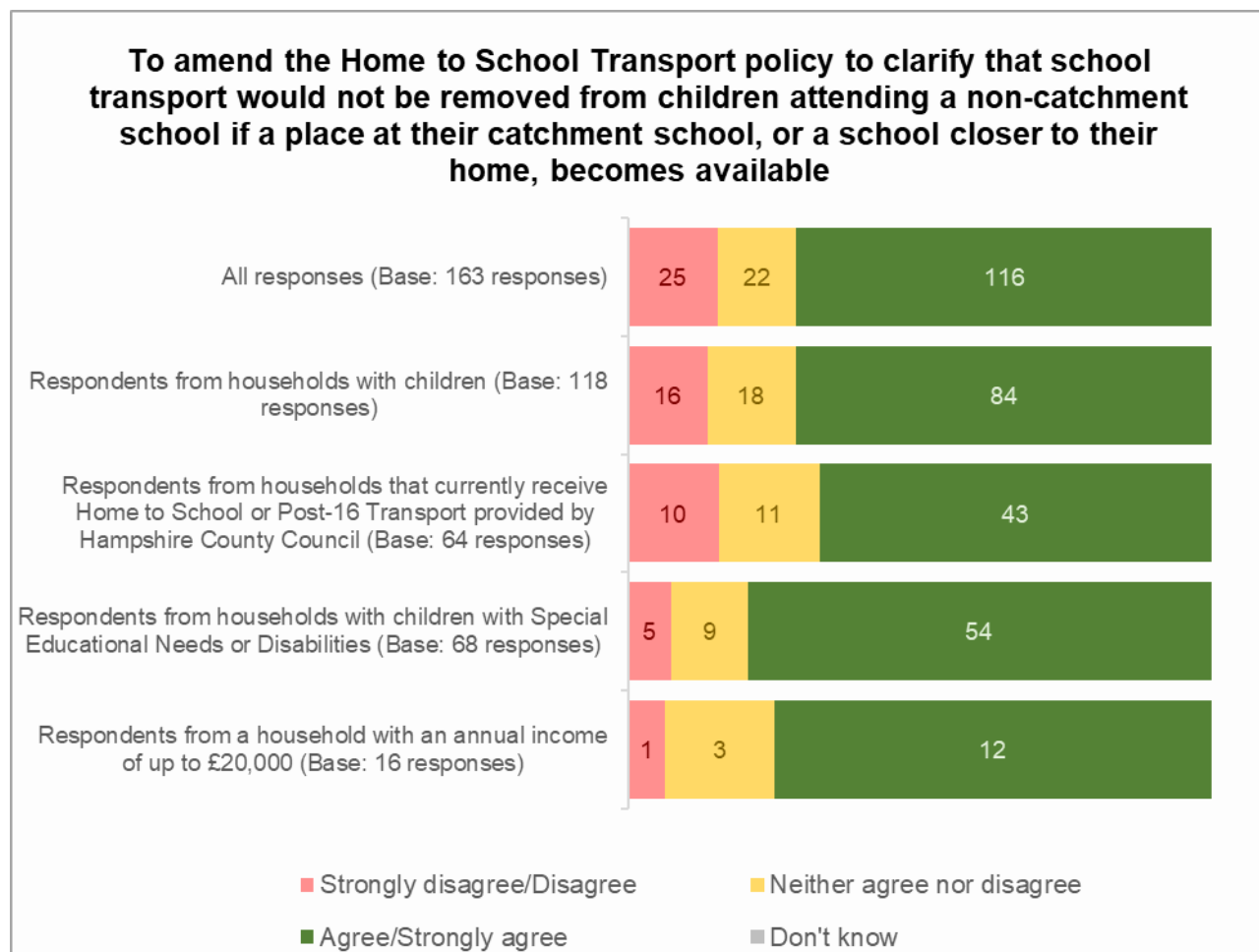
The County Council proposed to amend the Home to School Transport policy to clarify that school transport would not be removed from children attending a non-catchment school if a place at their catchment school, or a school closer to their home, becomes available

Two thirds of respondents either agreed or strongly agreed with this proposal, compared with just under one sixth of respondents who disagreed or strongly disagreed.



When analysed by group, all agreed with the proposal overall.

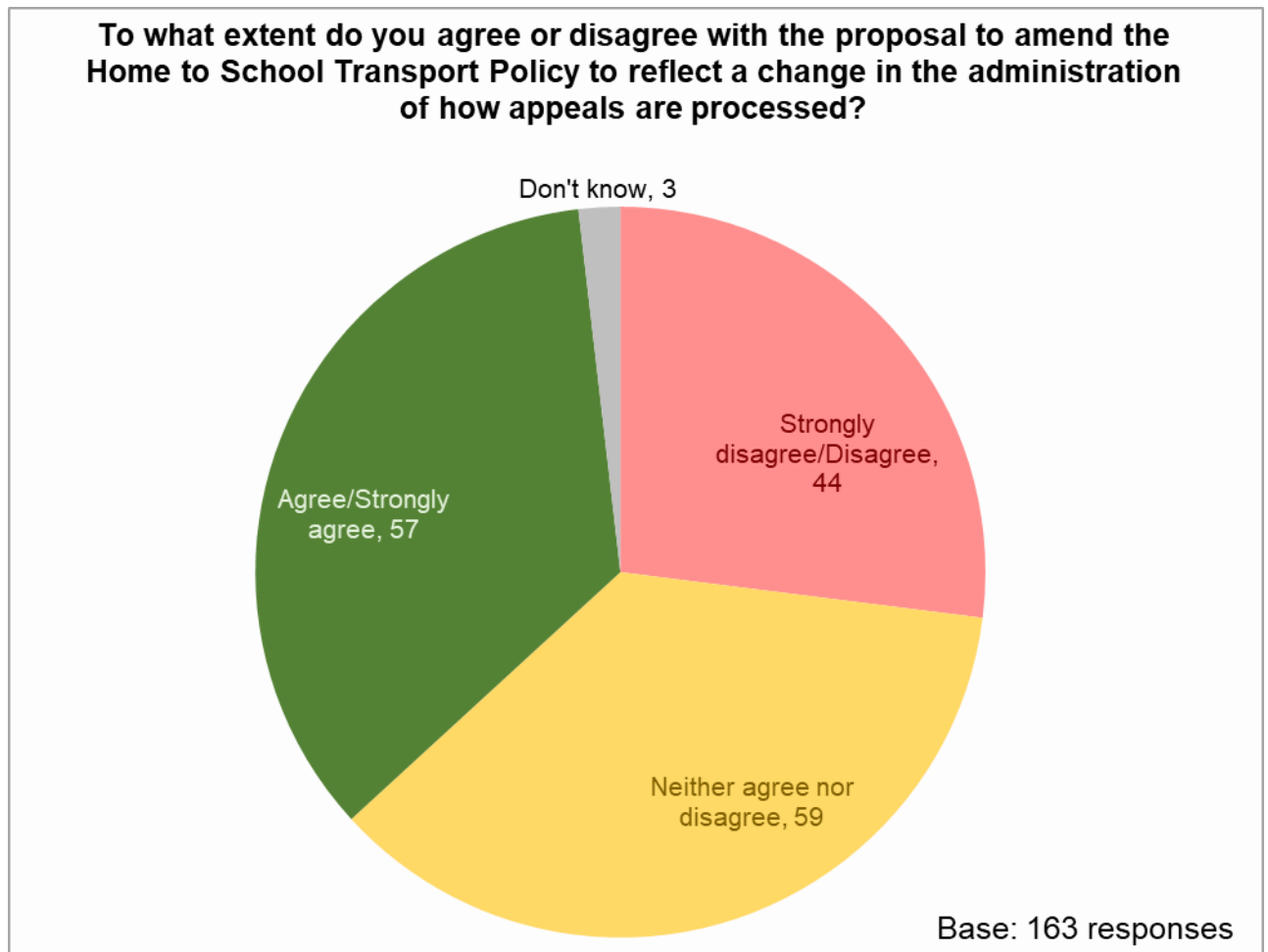
Respondents from households with children with SEND showed the highest level of agreement (around eight in 10 responses agreeing or strongly agreeing), whilst the lowest level of agreement was amongst respondents from households that currently receive HtST or P16T - of whom two thirds agreed or strongly agreed with the proposal.



Changing the administration of how appeals are processed

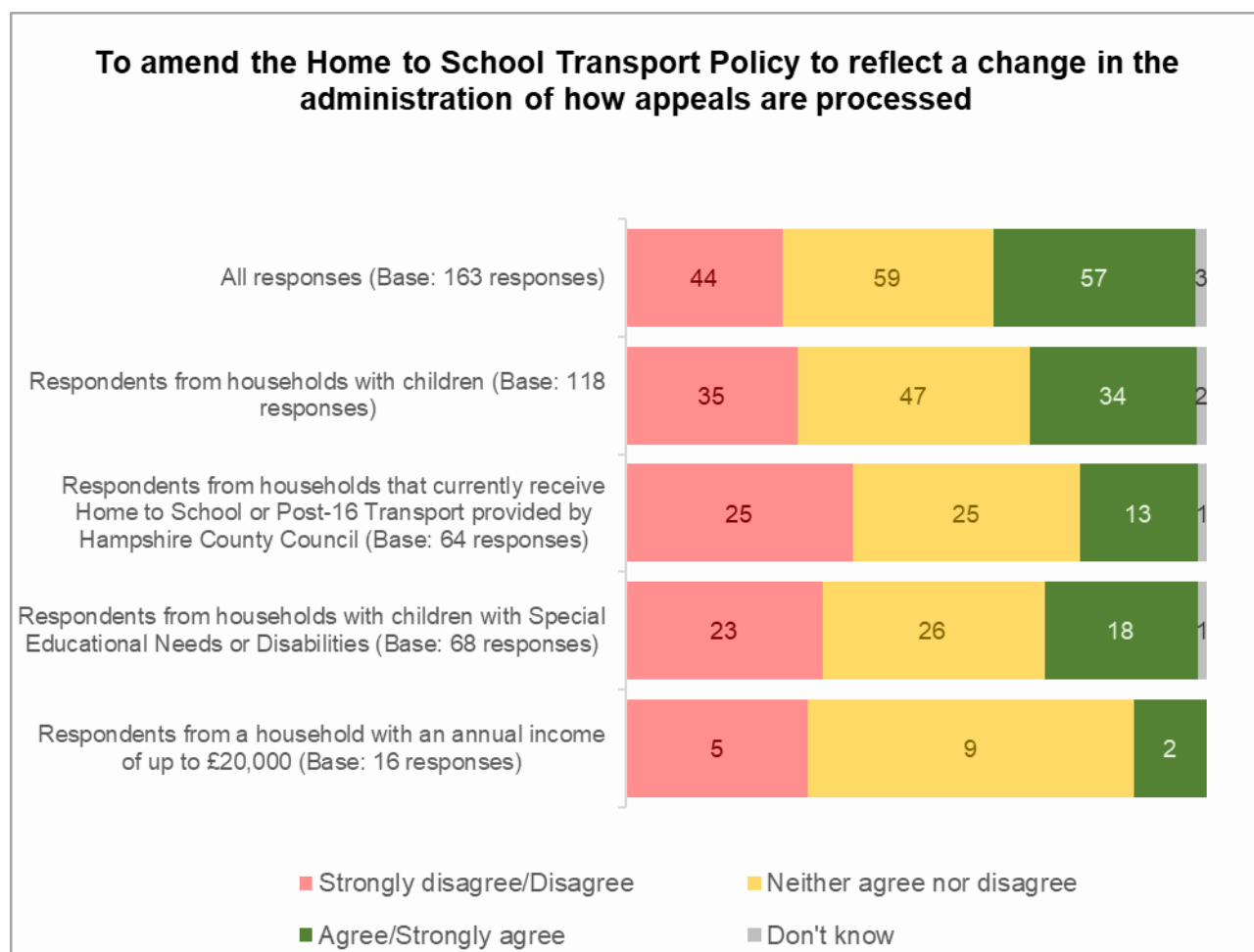
The County Council proposed to amend the Home to School Transport Policy to reflect a change in the administration of how appeals are processed

Respondents most frequently indicated that they neither agreed nor disagreed with the proposal. Of those who specified a preference, more respondents agreed or strongly agreed with this proposal than those who strongly disagreed or disagreed.



A breakdown of the different groups that could be impacted showed that they were all more likely to disagree with the proposal than agree. However, none of these groups showed a majority strongly disagreeing or disagreeing with the proposal, with respondents generally more likely to neither agree nor disagree than oppose the proposal.

The lowest level of agreement was amongst respondents from households that currently receive HtST or P16T. Of these, one in five agreed or strongly agreed with the proposal, compared with two in five who strongly disagreed or disagreed and two in five who neither agreed nor disagreed.



In order to help the County Council to understand who respondents felt would be the most appropriate person to make decisions on appeals regarding offers of transport, respondents were asked *'If you have any suggestions on who should make decisions on appeals against offers of transport, please describe them below'*.

37 respondents answered this question.

13 comments related specifically to individuals deciding on appeals regarding offers of transport for children with SEND. Of these:

- 6 mentioned that the individual deciding on appeals relating to SEND should be independent of the team where the decision was made,
- 3 mentioned that the individual deciding on appeals relating to SEND should be independent of the County Council,
- 3 mentioned that the individual deciding on appeals relating to SEND should have a strong understanding of transport systems, networks, and safety,
- 1 mentioned that the individual should be a representative of the Special Educational Needs Transport Advocacy Service (SENTAS)
- 1 mentioned that the individual should have a strong understanding of SEND and mobility issues, and
- 1 mentioned that schools and parents should be involved in the appeals process relating to SEND.

15 comments were provided about individuals deciding on appeals, without reference to SEND. Of these:

- 11 mentioned that the Officer deciding on appeals should be independent of the County Council,
- 3 mentioned that the School Transport Team should be involved in appeals on offers for transport,
- 2 mentioned that a parent panel should make decisions on appeals,
- 2 mentioned that the job title of the individual involved should reflect their role in the appeals process,
- 1 mentioned that the individual should be a senior County Council employee, and
- 1 mentioned that the individual is not important, as long as appeals are heard fairly.

In addition to comments on who would decide on appeals, 9 comments related to other issues. These included:

- 3 mentioned concerns that the aim of changes was to save money or to reject more appeals,
- 1 mentioned that all children with SEND should receive transport,
- 1 mentioned that all appeals should be heard on the individual merits of the case,
- 1 mentioned difficulties finding the relevant information on this proposal in the consultation Information Pack,
- 1 mentioned that responses to appeals should be presented in written form and not presented verbally,
- 1 mentioned that it was unclear whether appeals would be heard by a single person or by a team, and
- 1 mentioned that walking routes should be safe to use in all weather.

Suggested changes to the Home to School Transport Policy

Respondents were asked *'If you have any other suggestions for changes to the Home to School Transport Policy then please describe these below'*.

41 respondents provided an answer to this question.

Suggestions for policy changes, or changes to services, that were provided included that:

- all children with SEND should receive free transport (mentioned 8 times);
- cases should be looked at on individual merits (mentioned 5 times);
- the catchment areas of schools could be changed to make savings in transport costs (mentioned once);
- school escorts should be trained to deal with medical problems rather than needing to call an ambulance (mentioned once);
- there should be charges for parents who drive children to school (mentioned once);
- transport should be provided using the public transport network, to reduce costs (mentioned once);
- there should be greater consideration of a child's mobility as well as their travelling distance (mentioned once);
- charges for parents should not be calculated using a tiered mechanism (mentioned once);
- travel routes should be organised to serve more than one school per route, where possible (mentioned once); and
- pick-up points should be organised to minimise the need for stops (mentioned once).

12 respondents commented on the proposal to clarify that the route to a school is measured using the nearest available road route, passable for a suitable motorised vehicle, when determining whether a non-catchment school qualifies as a nearer school. Of these:

- 9 mentioned concerns that 'safe' routes should be carefully identified, for example with safe walking areas, appropriate road crossings, and well-lit paths;
- 2 mentioned that a walking route distance may not recognise the complexity of a route, particularly for children with SEND; and
- 1 mentioned that children with disabilities should not be expected to use a walking route.

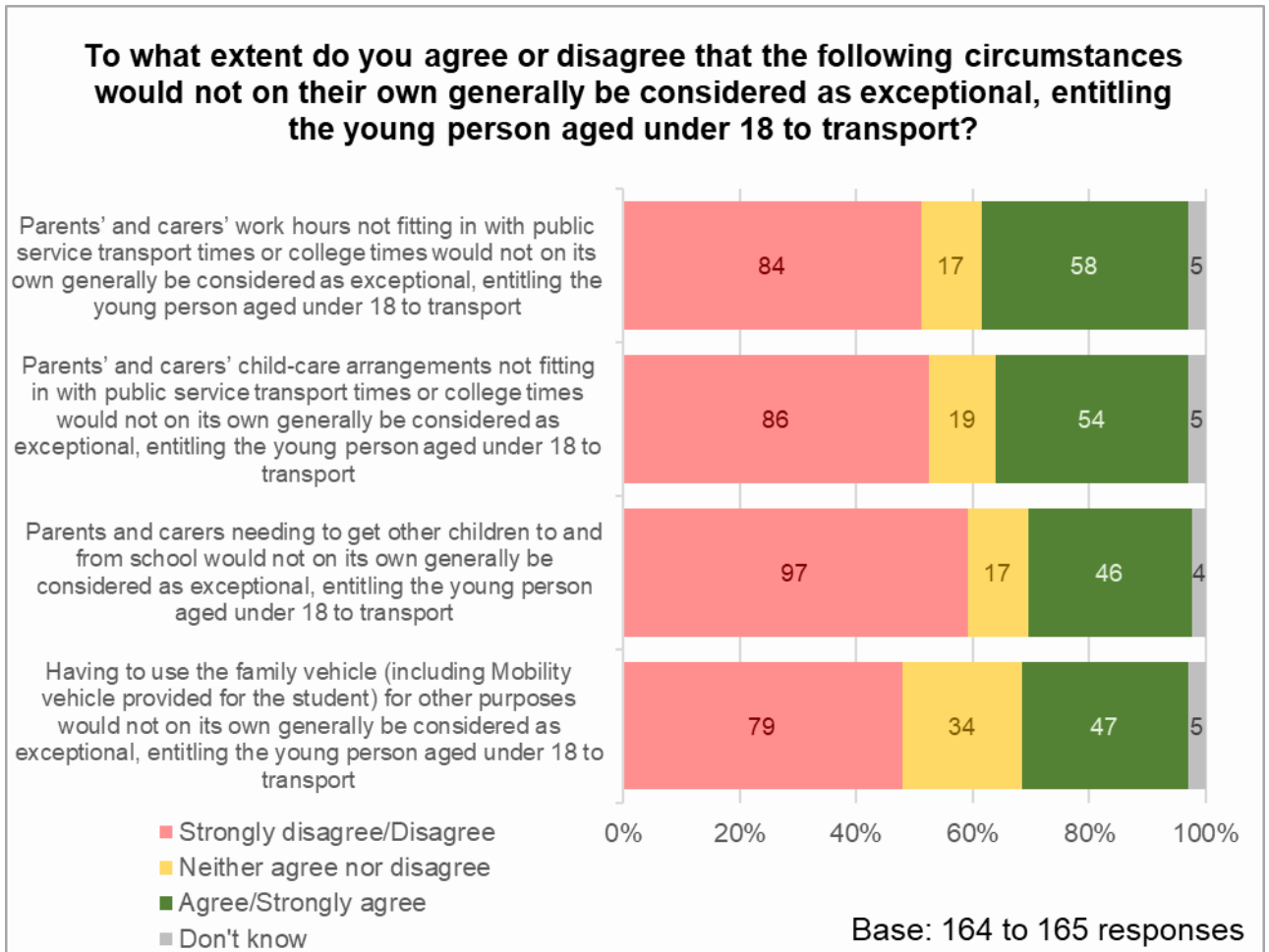
9 respondents commented on the proposal to clarify that the distance from a child's home to their school is calculated using the nearest available entrance from the child's home to the school grounds. Of these:

- 4 mentioned that the school's main entrance should be used as the point of measurement;
- 2 mentioned that there may be security risks if schools add entrances to their premises;
- 1 mentioned that the 'nearest entrance' should only be used if it is accessible by a disabled person;
- 1 mentioned a concern that this proposal would lead to new school entrances being installed as a cost saving measure; and
- 1 mentioned that the start and end points in measurements should be 'safe' locations.

2 respondents commented on the proposal to clarify that school transport would not be removed from children attending a non-catchment school if a place at their catchment school, or a school closer to their home, becomes available. Of these, 1 mentioned that this change should also apply to P16T offers to prevent any disruption of their education. The other 1 mentioned that the policy should be applied differently for children with and without SEND, as children with SEND require specialist provision that may not be met in mainstream education.

Proposed changes to the Post-16 Transport Policy

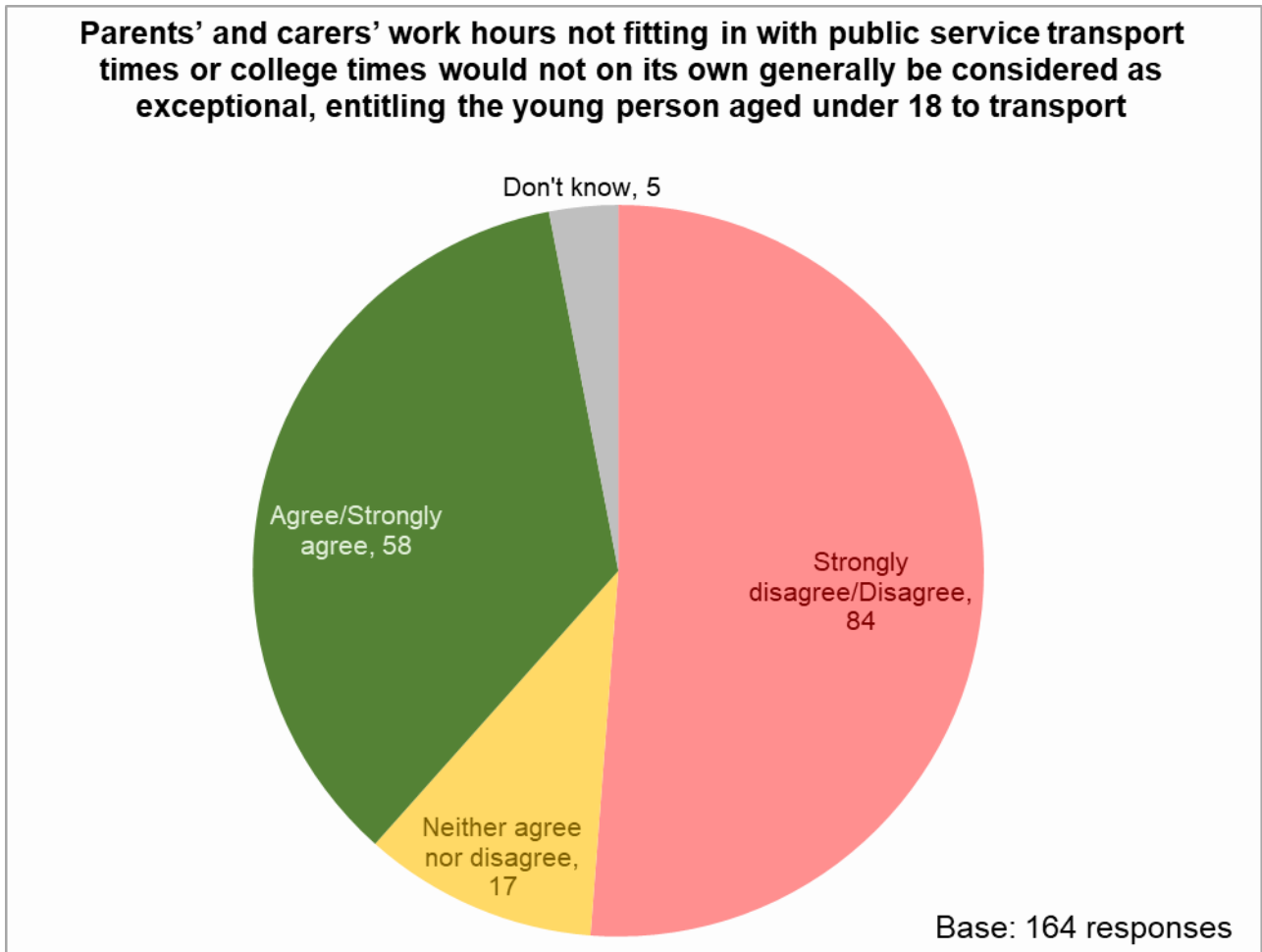
There was majority disagreement with three of the four proposed amendments to the P16T policy. Just under half of respondents (79 of 165) disagreed or strongly disagreed with the proposal that having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes would not on its own entitle the young person aged under 18 to transport.



Parents' and carers' work hours not fitting in with public service transport times or college times

The County Council proposed to amend the Post-16 Transport Policy to state that parents' and carers' work hours not fitting in with public service transport times or college times would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport

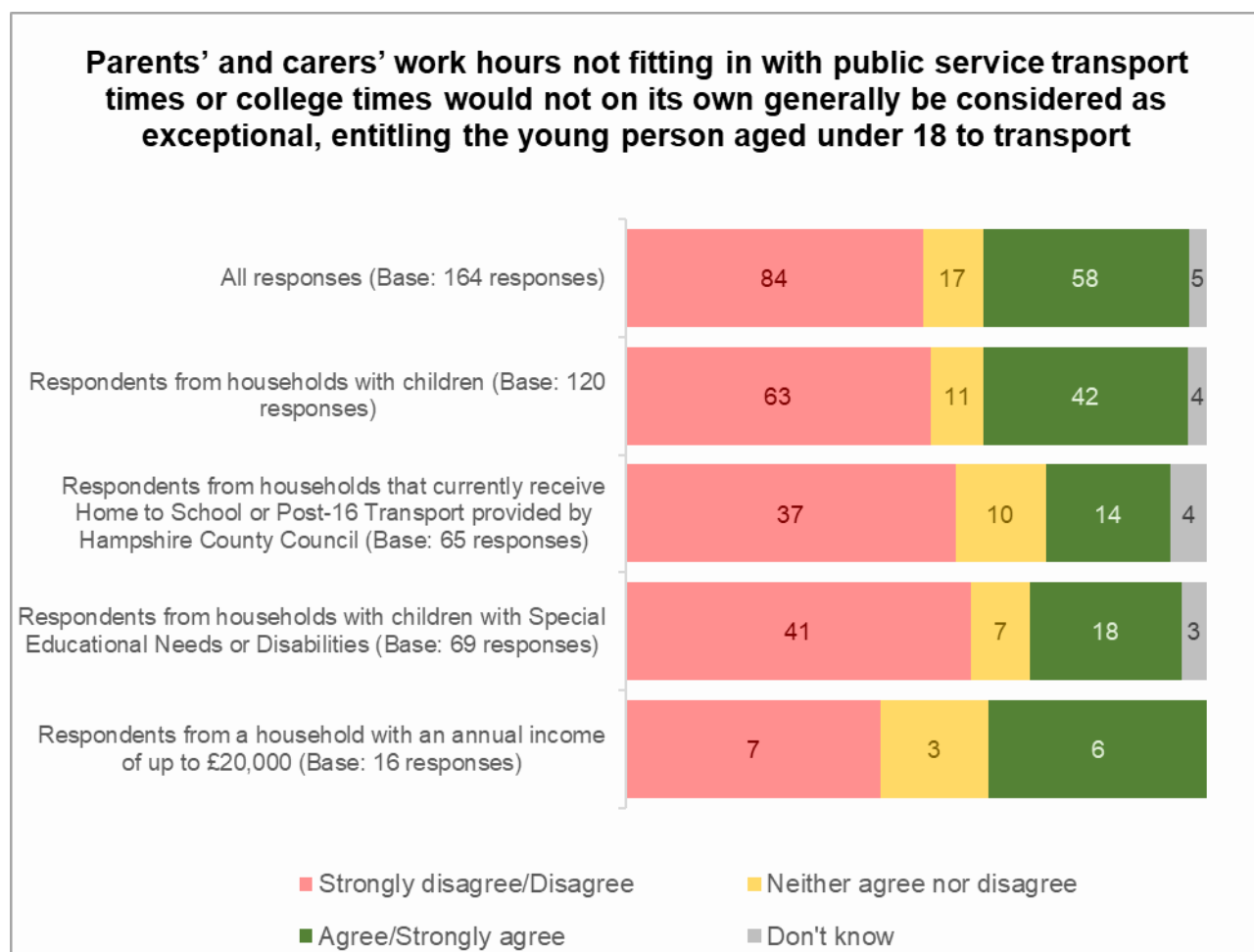
Overall, just over half of respondents disagreed or strongly disagreed with this proposal, whilst just over one third of respondents agreed or strongly agreed.



Groups that could be impacted by changes to the HtST and P16T policies, were also more likely to disagree with the proposal than agree.

The groups most likely to disagree with the proposal were respondents from households that currently receive HtST or P16T p, and those from households with children with SEND.

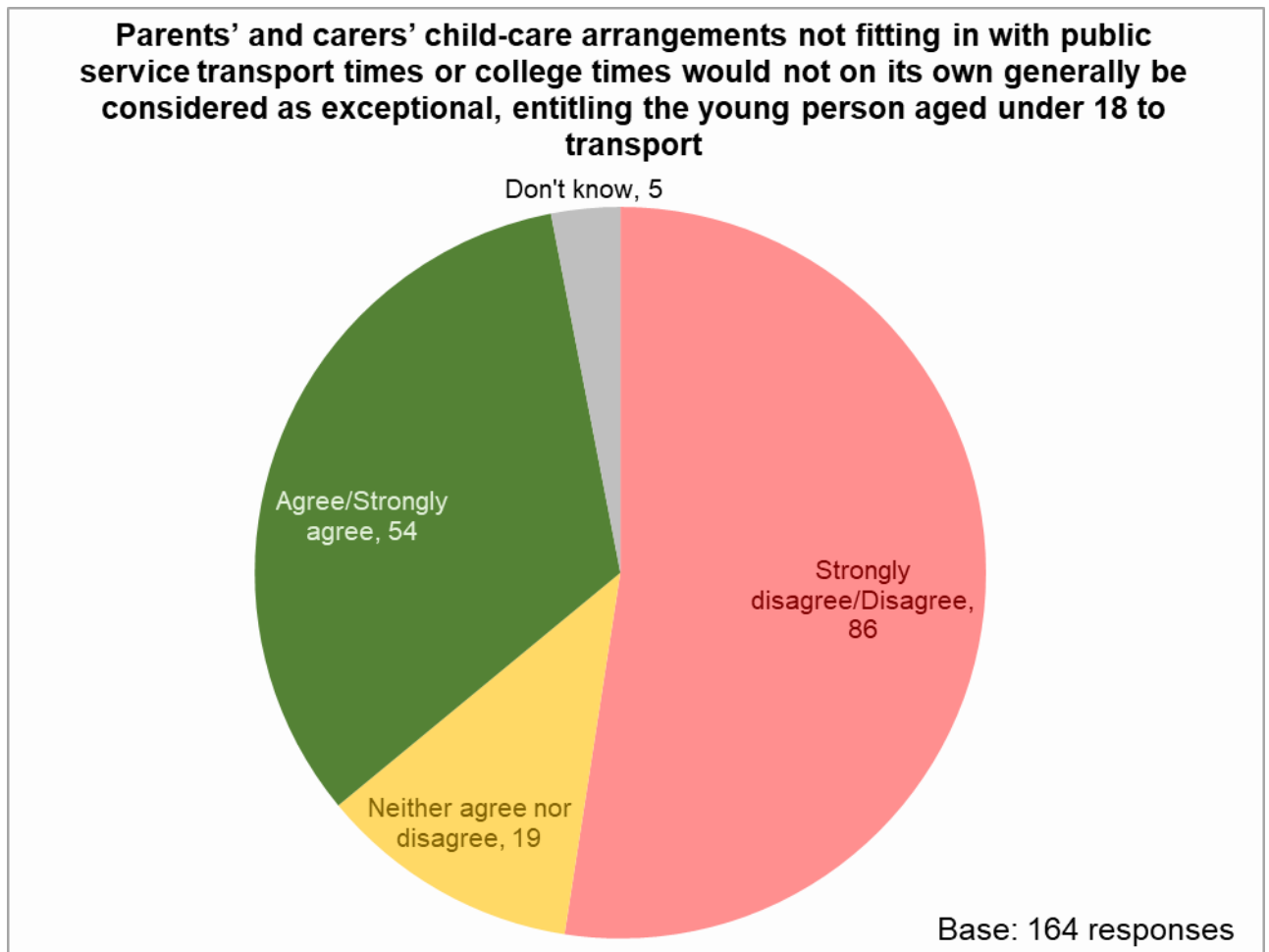
Households with an income of up to £20,000 had a more mixed view of the proposal. Just under half (7 of 16) disagreed or strongly disagreed, whilst a similar number (6 of 16) agreed or strongly agreed.



Parents' and carers' child-care arrangements not fitting in with public service transport times or college times

The County Council proposed to amend the Post-16 Transport Policy to state that parents' and carers' child-care arrangements not fitting in with public service transport times or college times would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport

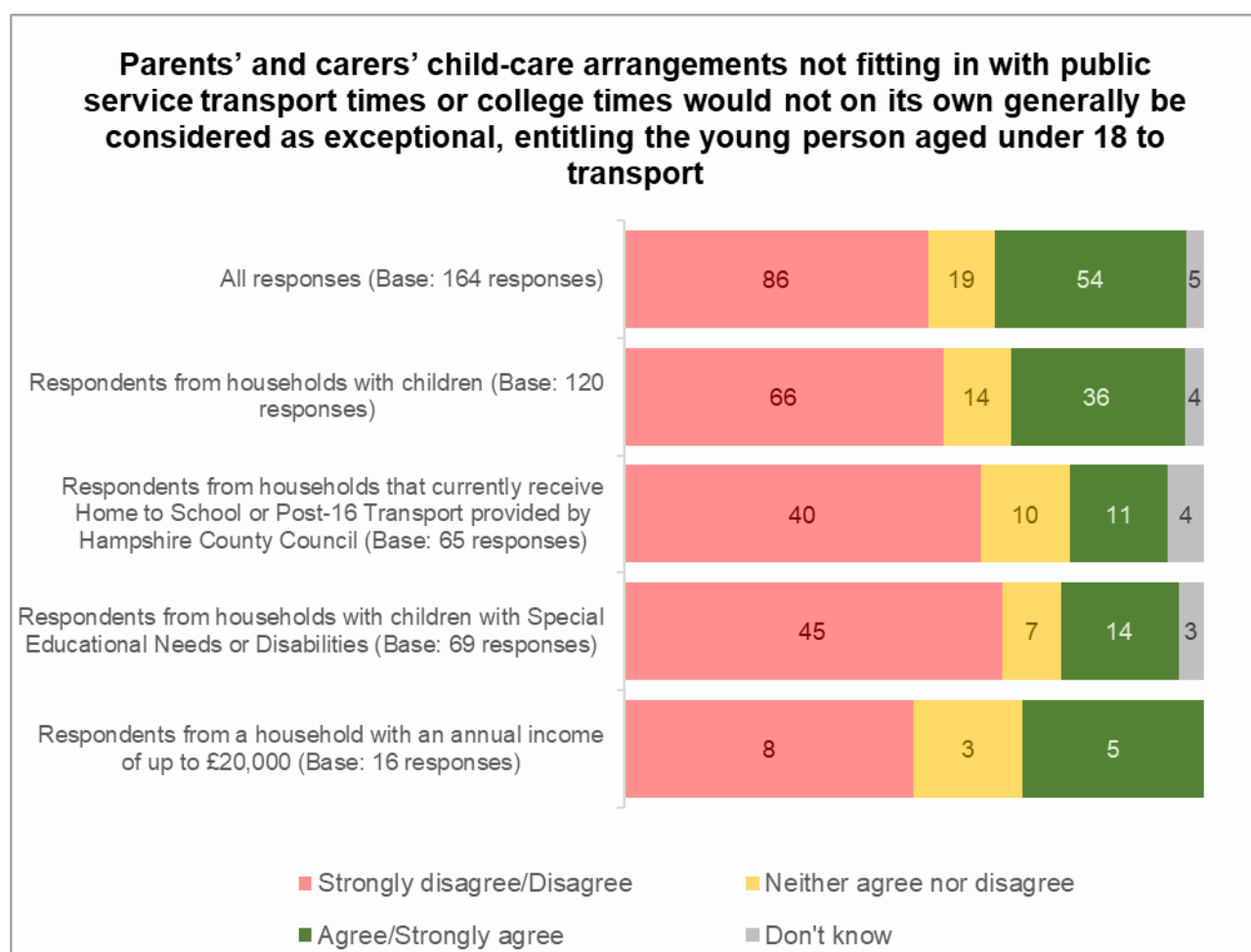
Overall, over half of respondents disagreed or strongly disagreed with this proposal, whilst one third of respondents agreed or strongly agreed.



When broken down by group, there was generally greater disagreement than agreement.

The groups most likely to disagree with the proposal were respondents from households that currently receive HtST or P16T, and those from households with children with SEND, where around two thirds of respondents disagreed or strongly disagreed with the proposal.

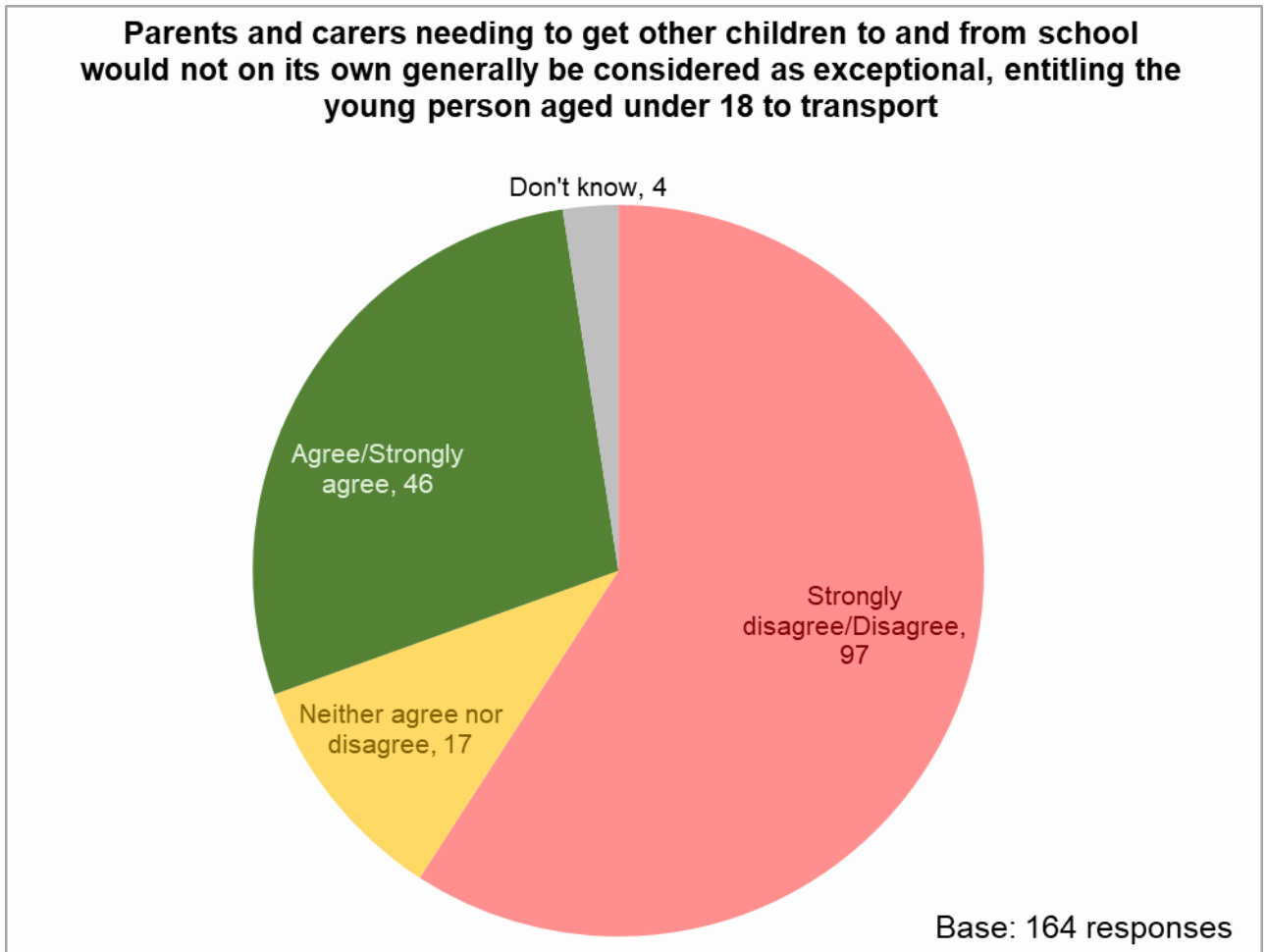
Half of respondents from households with an income of up to £20,000 disagreed or strongly disagreed with the proposal, compared to around 5 of the 16 who agreed or strongly agreed.



Parents and carers of Post-16 students with SEND needing to get other children to and from school

The County Council proposed to amend the Post-16 Transport Policy to state that parents and carers needing to get other children to and from school would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport.

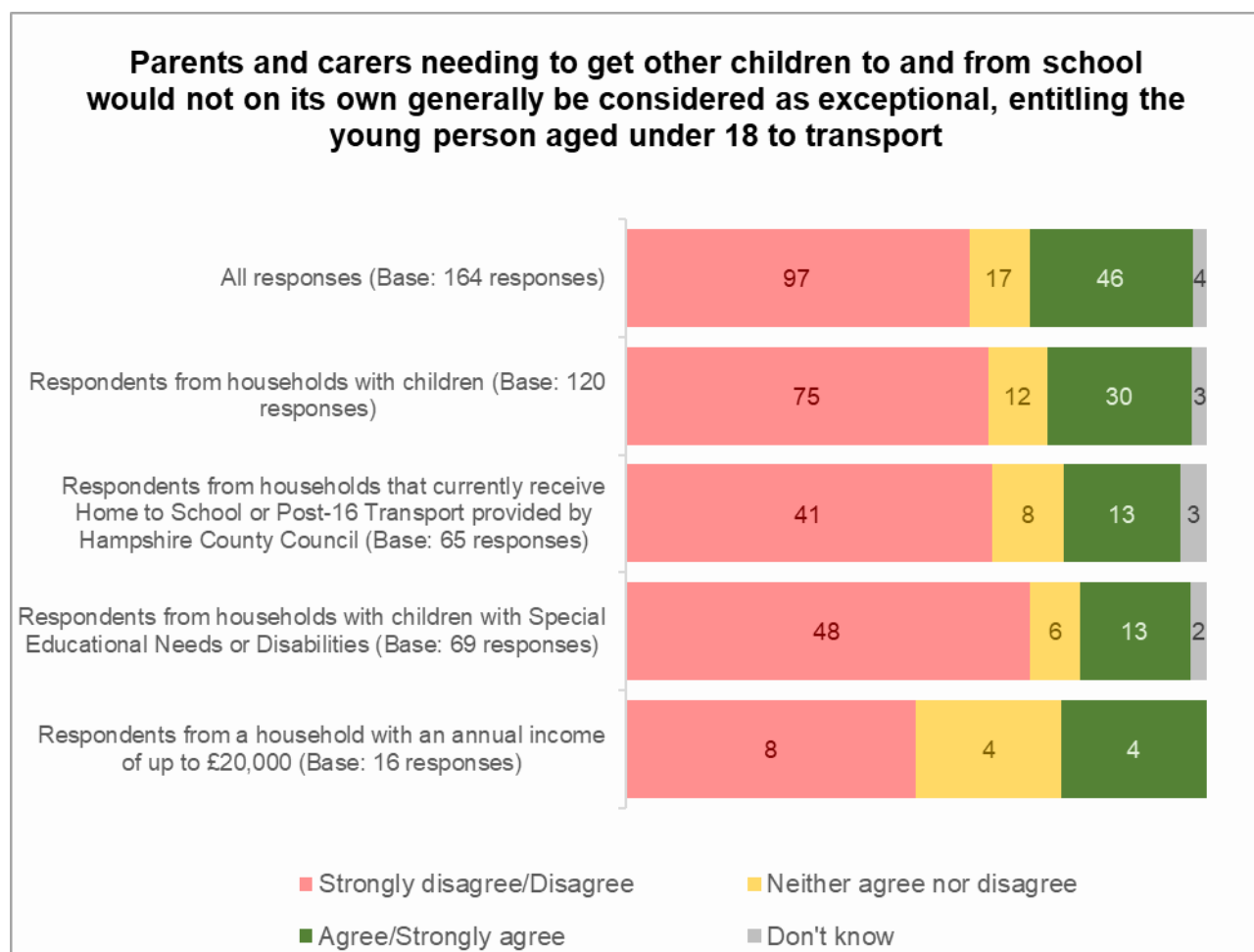
Overall, around six in ten respondents disagreed or strongly disagreed with this proposal, whilst around three in ten respondents agreed or strongly agreed.



When broken down by group, there was generally greater disagreement than agreement.

The groups most likely to disagree with the proposal were respondents from households with children with SEND, where seven in ten respondents disagreed or strongly disagreed with the proposal.

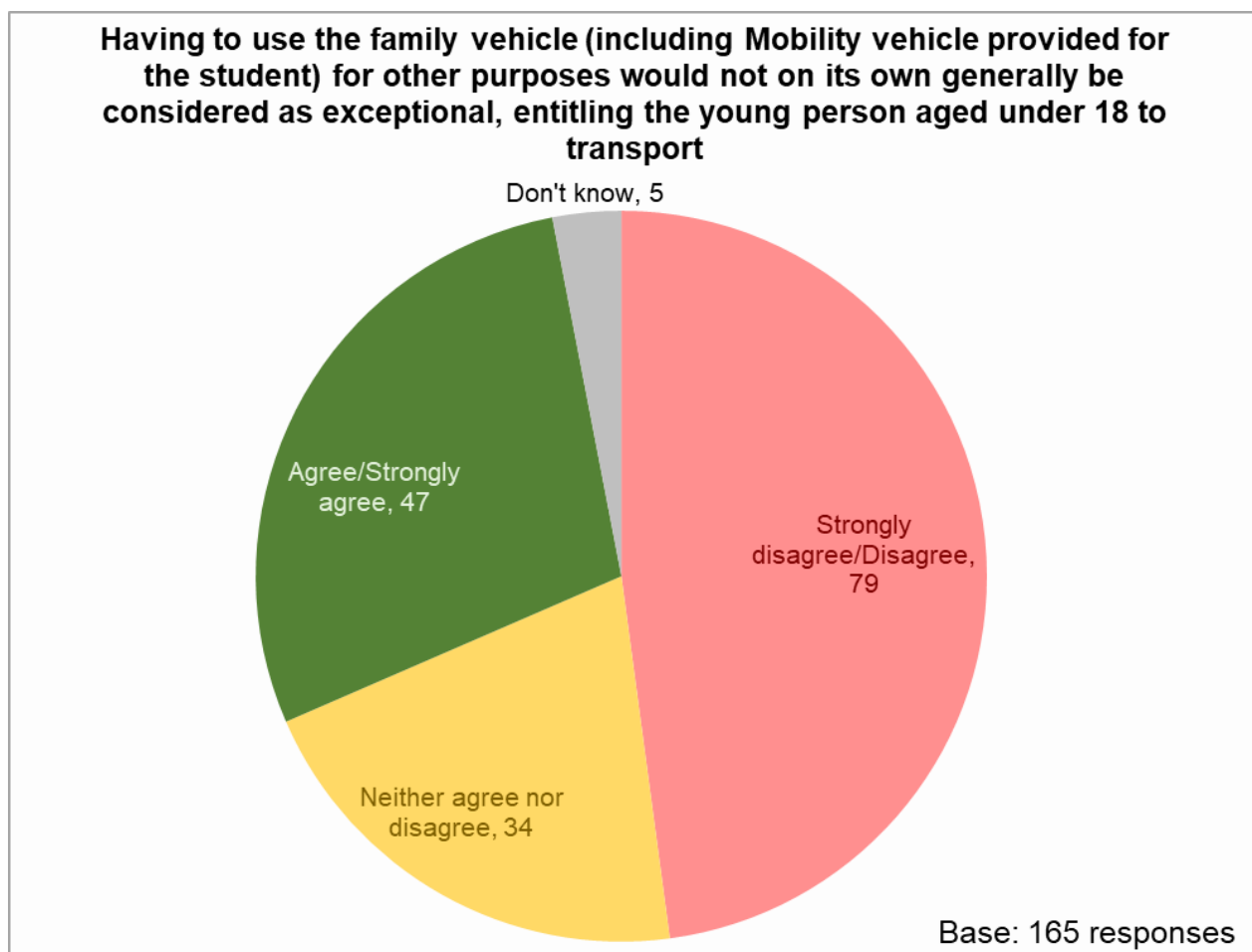
Half of respondents from households with an income of up to £20,000 disagreed or strongly disagreed with the proposal, a quarter agreed or strongly agreed, and a quarter neither agreed nor disagreed.



Parents and carers of Post-16 students with SEND having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes

The County Council proposed to amend the Post-16 Transport Policy to state that having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport.

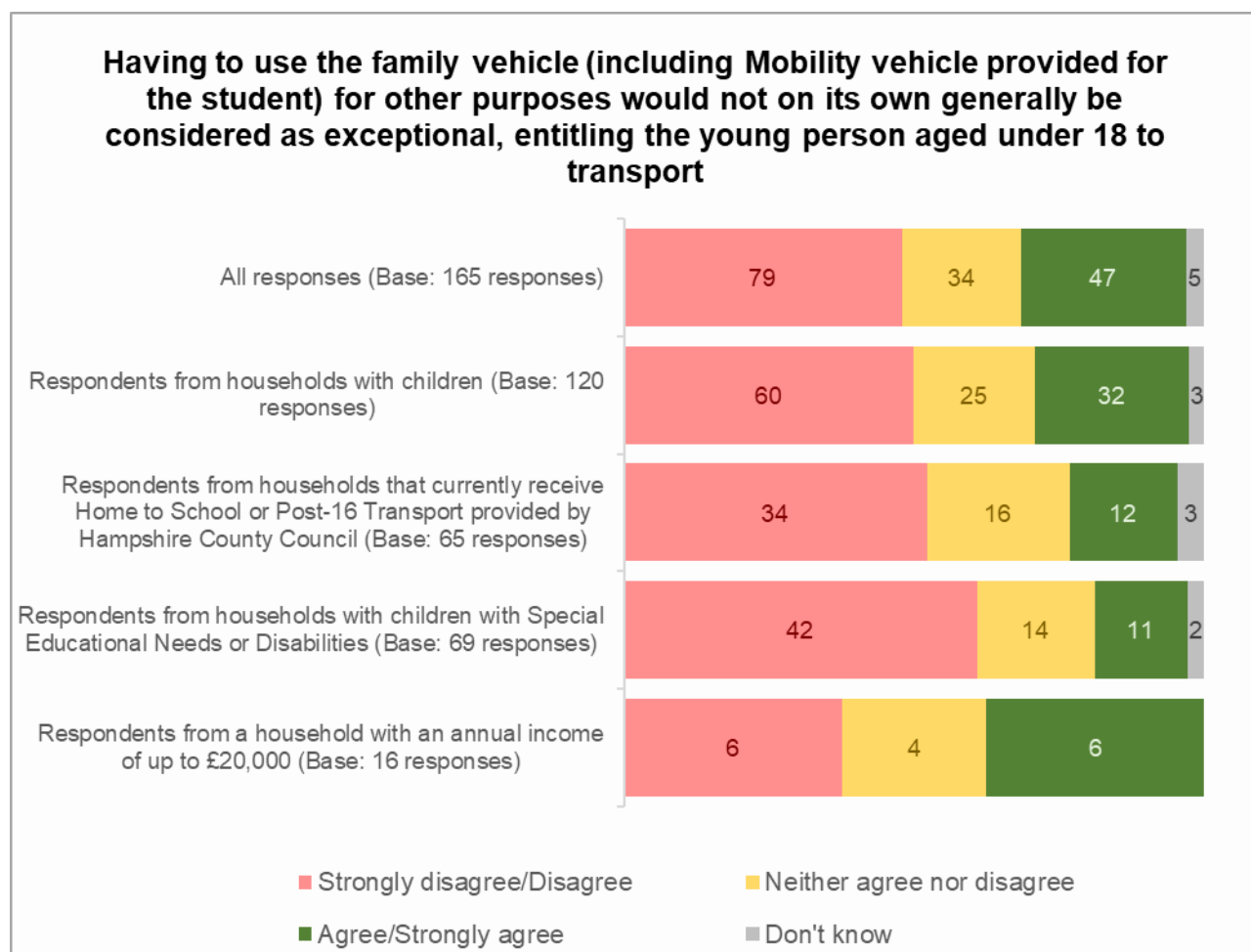
Overall, just under half of respondents disagreed or strongly disagreed with this proposal, whilst just under three in ten respondents agreed or strongly agreed.



Different groups that could be impacted were generally more likely to disagree with the proposal than agree.

The groups most likely to disagree with the proposal were respondents from households with children with SEND, where six in ten respondents disagreed or strongly disagreed with the proposal.

Households with an income of up to £20,000 were mixed in their views. Of the 16 responses from this group, 6 disagreed or strongly disagreed with the proposal, 4 neither agreed nor disagreed, and 6 agreed or strongly agreed.



Suggested changes to the Post-16 Transport Policy

Respondents were asked *'If you have any other suggestions for changes to the Post-16 Transport Policy then please describe these below'*.

61 respondents provided an answer to this question.

19 comments described additional criteria that should be classed as 'exceptional' circumstances when deciding on eligibility for P16T. These included:

- 9 mentioned the working hours and commitments of parents and carers,
- 8 mentioned parents and carers having additional carer responsibilities,
- 3 mentioned situations where there is no suitable public transport available in the area,
- 2 mentioned the distance travelled to Post-16 education, and
- 1 mentioned the journey time to Post-16 education.

12 respondents mentioned that all children and young people with SEND should receive transport for Post-16 education.

11 respondents mentioned that, when applying for P16T, no circumstances should exempt from being classed as 'exceptional' reasons necessitating the need for transport.

5 respondents mentioned that P16T should only be offered to children and young people who need to travel a distance that is too far for them to walk.

2 respondents mentioned that transport should not be removed from children or young people already in Post-16 education.

2 respondents mentioned that family vehicles and mobility vehicles should be used to transport children and young people to Post-16 education wherever possible.

2 respondents mentioned that the criteria used to decide on P16T applications should focus on the mobility of the children and young people in question.

2 respondents mentioned that they did not feel that the County Council should tell services users' parents and carers that mobility vehicles should be used to transport children and young people to Post-16 education.

2 respondents mentioned that criteria for eligibility should be based on individual need.

1 respondent expressed surprise that income level was not used as a criteria for assessing the need for P16T.

1 respondent mentioned that disability should not be the sole measure of whether a child or young person requires P16T.

1 respondent mentioned that the charge for P16T for families with more than one child using the service is expensive.

1 respondent mentioned that services should look at how transport to education is managed in other countries around the world, where these services are provided.

16 respondents commented on the potential impacts of the proposed changes to the P16T policy. These included:

- 15 mentioned the ability for parents and carers to meet their working commitments if the new policy clauses were introduced, and
- 5 mentioned that young people may struggle to access Post-16 education if the new policy clauses were introduced.

12 respondents mentioned that they found the proposal on the change to the P16T policy, or the question relating to it, confusing.

Impacts of the proposed changes

Respondents were asked: *'Please describe what, if any, impact the proposals in this consultation could have on you or your family, or people you know or work with'*.

81 respondents provided an answer to this question.

16 comments related directly to the proposed changes to the HtST Policy. The themes of these responses are shown below:

- 7 mentioned the potential impacts on parents and carers, specifically:
 - 4 mentioned that parents and carers may need to give up their work or change their working hours,
 - 1 mentioned that it may require driving their child to school,
 - 1 mentioned that they may need to move home, and
 - 1 mentioned that it may be difficult to get their child to school on time.
- 5 mentioned impacts on children, in particular:
 - 3 mentioned that children may be unable to get to school,
 - 2 mentioned of an increased risk to children's safety if needing to walk on unsafe routes, and
 - 1 mentioned that children with SEND may not have the same opportunities as those without SEND.
- 2 mentioned that a change to measuring distances could have an impact, with 1 mentioned that there could be an impact on parents being able to send their child to Westgate school, and 1 mentioned that it is unreasonable to expect children to walk up to 3 miles to school.
- 2 mentioned that there could be a negative environmental impact, as a result of more people using cars to take their children to school.
- 2 mentioned negative financial impacts on families, as parents and carers may be forced to give up work to take their children to school.
- 1 mentioned that the changes would have no significant impact, as the respondent felt that parents or carers should be responsible for taking their child to school.

37 comments related directly to the proposed changes to the P16T Policy. The themes of these responses are shown below:

- 26 mentioned impacts on parents and carers, in particular:
 - 15 mentioned that parents and carers may need to give up work in order to take their child to their post-16 education,
 - 9 mentioned that the changes may have a negative impact on parents' and carers' mental health,

- 4 mentioned that parents and carers may need to change, or reduce, their working hours in order to take their child to their post-16 education,
- 3 mentioned that parents and carers may need to travel more to get their child to their post-16 education,
- 3 mentioned that parents and carers may find it difficult to get other children to school on time,
- 1 mentioned that parents and carers may become unemployable if they have to take on responsibility for taking their child to their post-16 education.
- 20 mentioned impacts on children and young people, specifically:
 - 12 mentioned that it may prevent children and young people from attending post-16 education,
 - 7 mentioned that it may offer children and young people with SEND fewer opportunities than available to those without SEND,
 - 3 mentioned that it may restrict the choice of colleges for children and young people with SEND, and
 - 2 mentioned that it would create a barrier to education to children and young people who are unable to take public transport independently.
- 11 mentioned financial impacts on families, where:
 - 9 mentioned the financial impact of parents and carers giving up work, and
 - 2 mentioned the financial impact of additional childcare needed to support families if the proposed changes to the P16T Policy are implemented.
- 2 mentioned that there would be no impact, or a minimal impact, to them as a result of the proposed changes to the P16T Policy.
- 3 mentioned risks to the safety of children and young people, as they were concerned that walking routes pose a risk to children and young people.
- 2 mentioned that the changes would penalise children and young people who live a significant distance from their place of post-16 education.
- 1 mentioned a negative environmental impact as a result of increased congestion if parents and carers were required to take their children to post-16 education.

29 comments did not specify whether they related to HtST or P16T. Of these:

- 11 mentioned potential impacts on parents and carers, including:
 - 5 mentioned that parents and carers may need to give up their jobs,
 - 3 mentioned potential impacts on parents' and carers' mental wellbeing,
 - 2 mentioned that parents and carers may need to reduce their working hours,

- 2 mentioned that parents and carers may struggle to get all of their children to school on time, and
- 1 mentioned that the changes may result in a loss of childcare arrangements if their childminder could not accommodate the changes.
- 8 mentioned potential impacts on children and young people, specifically:
 - 5 mentioned that it would make it harder for children and young people to attend education,
 - 2 mentioned that it would mean that children and young people with SEND would have fewer opportunities than those without SEND,
 - 1 mentioned that children and young people could suffer from a loss of continuity in their education, and
 - 1 mentioned that it would impact children and young people who are unable to use public transport independently.
- 4 mentioned that there would be no impact, or minimal impact, as a result of these changes.
- 4 mentioned a negative environmental impact, as a result of increased congestion and car usage.
- 3 mentioned a financial impact, where:
 - 2 mentioned that families would be under increased financial pressure if parents or carers needed to give up work, and
 - 1 mentioned that families with children or young people with SEND are already financially disadvantaged.
- 3 mentioned risks to children and young people's safety, of which:
 - 2 mentioned that it would be dangerous for children and young people to walk beside roads, and
 - 1 mentioned that they would need to take their child to and from school to ensure they were travelling safely.

Further comments and suggestions

Respondents were asked: *'If you have any further comments on the proposals in this consultation, or alternative suggestions on how the County Council could make savings from its Children's Services budget, then please provide these in the box below'*. 56 respondents provided an answer to this question.

12 comments mentioned that there should be no savings made to the services in question or the Children's Services Department.

10 comments mentioned impacts of the proposed changes to the P16T Policy, where:

- 4 mentioned that the changes could result in less independence for children and young people with SEND,
- 4 mentioned that there could be financial impacts as a result of giving up work or changing working patterns,
- 3 mentioned that it may be harder to get other children to school on time, and
- 2 mentioned that there could be environmental impacts if parents and carers need to use their own cars to get their child to post-16 education.

8 comments gave suggestions on how to deliver HtST and P16T services more efficiently, including:

- 3 mentioned a greater use of shared journeys to reduce costs,
- 2 mentioned renegotiating contracts with suppliers to reduce costs,
- 1 mentioned that paperwork and the EHCP process could be reduced,
- 1 mentioned that mainstream schools should take more children with SEND so that they would not need to travel so far,
- 1 mentioned making greater use of public transport, and
- 1 mentioned that the County Council should learn how these services are provided in other countries to see if a more efficient way is possible.

7 comments suggested additional considerations that should be made when deciding whether a child or young person is eligible for P16T, such as:

- 2 mentioned that parents' and carers' working commitments should be considered,
- 2 mentioned that consideration should be given to ensure that a child or young person has access to an education in the most appropriate setting for their needs,
- 1 mentioned that family commitments (such as childcare and taking other children to education) should be considered,
- 1 mentioned that use of accessible public transport should be considered, and
- 1 mentioned that decisions should be based on the child or young person's individual needs, reviewed annually.

4 comments mentioned that P16T provision for children and young people with SEND should be increased.

4 comments mentioned that charges could be introduced or increased, with 2 suggestions that charges be made for transport provided and 2 suggestions that parents and carers who use their cars to take children to school should be charged.

3 comments mentioned that savings should be made within the County Council, with two comments specifying that the staff pay budget should be targeted for efficiencies.

3 comments mentioned that child safety may be put at risk by the proposed changes.

2 comments mentioned that there should be income generation to reduce the need for service efficiencies, with specific suggestions that local businesses be asked to sponsor transport schemes (mentioned once), and that minibuses be used for other purposes as well as school transport (mentioned once).

2 comments mentioned the use of mobility vehicles, where:

- 1 mentioned that parents with mobility vehicles should be expected to take their child or young person to school or post-16 education, and
- 1 mentioned that the County Council should not tell mobility vehicle users that they should take their child or young person to school or post-16 education.

Each of the following comments was mentioned 1 time:

- Reducing the number of school buses could increase the number of cars on the road, affecting congestion and pollutions levels.
- Children with SEND should automatically be entitled to receive HtST.
- Children placed in schools outside Hampshire by the Local Authority should automatically be entitled to receive HtST.
- Children should not be charged if they travel to school or college by bus.
- The County Council should lobby Central Government for more funding.
- The savings would not generate savings, as costs would increase elsewhere.
- It is not fair for parents and carers to be asked to suggest ways that the County Council can make savings to its budget.
- There should be more engagement with the public to look for innovative ways for savings to be made.
- Savings could be made by reducing the use of direct payments.
- The walking route proposed for a specific school, Robert Mays, is not considered by the respondent to be a safe walking route.
- The respondent felt that what was being proposed in the consultation was unclear.

Responses from organisations and groups using the Response Form

There were four responses from organisations and groups using the Response Form. These responses are part of the collective analysis of responses in this report, and the free text responses provided by this group are also summarised below.

Regarding changes to the HtST Policy, these respondents mentioned that distance calculations should reflect more than simply the journey length, also considering rurality, local public transport facilities, and the complexity of journeys from the perspective of children with SEND.

When commenting on who should decide on appeals relating to offers of transport, the respondents mentioned the need for impartiality, transparency in the reasons for their decisions, and having a good understanding of both the needs of children with SEND and the legal framework in which the HtST Service operates. They also mentioned the need for decisions to be made without undue delay.

Respondents made suggestions for changes to the P16T Policy, where they mentioned that:

- there should be a understanding in the Policy of the needs of students with SEND;
- transport should be offered as a long-term commitment to the student, not as short-term provision; and
- the Policy should not contradict the County Council's statutory duty to provide transport for Post-16 students.

Respondents highlighted potential impacts on families where charges are applied, and risks to the independence of children and young people if they have less access to education as a result of the proposed changes. In addition, there was mention of risks to the safety of children and young people walking to school beside roads which may not have adequate footpaths or lighting, and the impact of increased congestion and pollution if more parents drive their children to school or college. The risks to students' mental health was also mentioned, if they were no longer to receive the support or supervision they require to travel to education.

When asked to provide further comments, organisations and groups mentioned the need to encourage independence and ensure equal access to education for all students. It was felt this was particularly important for families with children and young people with SEND as they can face greater challenges around transport compared to other families.

Comments also highlighted the waiting time during journeys and the additional support, and associated costs, needed to assist children and young people when waiting for transport, as well as when using it.

It was also commented that the County Council should be mindful of legislative requirements when planning savings to the Children's Services budget, and ensure that services for children with SEND have the funding they need when allocating resources.

Unstructured responses

The consultation received three 'unstructured' responses, all of which were submitted via email. These are responses that were made within the consultation period but were not submitted using the consultation questionnaire. One of these was submitted by an individual, and two were submitted by organisations.

The unstructured responses made the following comments:

- That the proposed changes to the P16T Policy were hard to understand in the Easy Read document.
- That the policies should be written in simple English to ensure that parents, carers and service users can understand them.
- That families in rural areas and on low incomes could be impacted by the proposed changes to the P16T Policy in addition to the impacts of reduced public transport services in rural areas and the introduction of Universal Credit.
- Families with children at different schools may find it hard to take their children to school if they no longer received HtST or P16T.
- In the event that transport was not offered and a child or young person was unable to access education, there would be impacts on other services and on the child or young person and their family.
- There was a concern that absenteeism could rise, and that parents or carers could be fined for their child or young person's non-attendance in education in this scenario.
- That it is important for all cases to be assessed on their individual merits.
- That impact assessments should be produced to understand the effects of the proposed changes at a local level.

Appendices

Appendix one – Research approach

The County Council carried out an open consultation designed to give all Hampshire residents and wider stakeholders the opportunity to have their say about proposed changes to the Home to School Transport Policy and Post-16 Transport Policy. The general public living outside Hampshire were also able to respond. In total there were 168 responses to the consultation, all of which were submitted online. The consultation ran between 13 January 2020 and 23 February 2020.

Responses could be submitted through an online Response Form, available at www.hants.gov.uk/aboutthecouncil/haveyoursay/consultations/schooltransport or as a paper form, which was made available on request. An Easy Read version was also produced. Alternative formats were also made available on request. Unstructured responses sent through other means, such as via email or as written letters, and received by the consultation's closing date were also accepted. A summary of these findings is included as part of the consultation findings.

An Information Pack was produced alongside the consultation, providing information about each of the options presented. The Information Pack was also available in Easy Read format.

In addition to being made available via the consultation web page (www.hants.gov.uk/aboutthecouncil/haveyoursay/consultations), the consultation was communicated via:

- a media release, forwarded to the media, Hampshire MPs, and all Hampshire County Councillors;
- an article published on hants.gov.uk (www.hants.gov.uk/News/Jan15HtSTConsultation2020);
- the County Council's newsletter to town and parish councils, which was distributed in January;
- social media posts on Twitter, Facebook and LinkedIn; and
- internal online channels at the County Council, and using digital screens in County Council premises, to inform the County Council's staff of this consultation.

Appendix two – Interpreting the data

The analysis only takes into account actual responses – where ‘no response’ was provided to a question, this was not included in the analysis. As such, the totals for each question may add up to less than 165 (the total number of respondents who replied to the consultation questionnaire). As the consultation was an open exercise, its findings cannot be considered to be a ‘sample’ or representative of the Hampshire population. All consultation questions were optional.

Of the 165 responses received to the consultation questionnaire, seven responded using the Easy Read Response Form and 158 responded using the non-Easy Read Response Form.

In addition, three responses were received during the consultation via email.

Open-ended responses were analysed by theme, using an inductive approach. This means that the themes were developed from the responses themselves, not pre-determined based on expectations, to avoid any bias in the analysis of these responses. These themes, brought together into code frames, were reviewed by the researchers throughout their analysis of the findings to ensure that they were accurate and comprehensive. The report refers to all codes that were produced through this analysis.

Publication of data

All data is processed according to the General Data Protection Regulations as detailed below:

Hampshire County Council adheres to the requirements of the UK Data Protection legislation. Hampshire County Council is registered on the public register of data controllers which is looked after by the Information Commissioner. The information that was provided through the questionnaire will only be used to understand views on the proposals set out for this consultation. All individuals’ responses will be kept confidential and will not be shared with third parties, but responses from organisations may be published in full. Responses will be stored securely and retained for one year following the end of the consultation before being deleted or destroyed.

Where the information provided is personal information, there are certain legal rights. Respondents to the consultation may ask us for the information we hold about you, to rectify inaccurate information the County Council holds about you, to restrict our use of your personal information and to erase your personal data. When the County Council uses your personal information on the basis of your consent, you will also have the right to withdraw your consent to our use of your personal information at any time.

Consultation on proposed changes to the Home to School Transport Policy and Post-16 Transport Policy



Introduction

Hampshire County Council is seeking residents' and stakeholders' views on proposals to change its Home to School and Post-16 Transport policies.

Service users with existing transport arrangements would continue to receive the service that has been offered, unless there were to be a change in the circumstances of the service user (such as a change in school, moving home, or the transport meeting the end date that was set when the transport was offered). Any changes in policies would only affect new applications for transport following a change in policy.

The consultation opens on Monday 13 January 2020 and closes at midnight on Sunday 23 February 2020. Any responses received after the closing date will not be included in the findings report that will be presented to the Executive Member for Education and Skills later in 2020, along with a final recommendation on changes to the Home to School Transport Policy and Post-16 Transport Policy.

More information on these proposals and the consultation can be found on the web page at www.hants.gov.uk/school-transport-consultation. It is strongly advised that you read the information pack, which can be found on this web page, before completing this consultation.

If you have any questions about this consultation, please contact Hampshire County Council via email at school.transport@hants.gov.uk, or by telephone on 0300 555 1384.

When you have finished providing your response with this form, please return it to the County Council in the pre-paid envelope that you may have been provided.

If you do not have a pre-paid envelope, please post your response to: **Freepost HAMPSHIRE**

Please also write **School Transport Consultation** on the back of the envelope. You do not need to use a stamp.

You can request this consultation document in other formats, such as easy read, Braille, audio or large print, by emailing school.transport@hants.gov.uk, or by calling 0300 555 1384.

Consultation on proposed changes to the Home to School Transport Policy and Post-16 Transport Policy



Your data

Privacy notice

Hampshire County Council is collecting information about you through this questionnaire in order to understand views on the proposals to change the Home to School Transport Policy and Post-16 Transport Policy. We will use the information to understand your views and the perceived impact of the proposed changes. All data will remain within the UK, and will not be shared with third parties. We will keep your personal information securely for one year, after which it will be deleted or destroyed.

You have some legal rights in respect of the personal information we collect from you. Please see our website Data Protection page at www.hants.gov.uk/aboutthecouncil/strategiesplansandpolicies/dataprotection for further details. You can contact the County Council's Data Protection Officer at data.protection@hants.gov.uk. If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns>.

About this consultation

This questionnaire is divided into four sections:

Section 1: Proposed changes to the Home to School Transport Policy

Section 2: Proposed change to the Post-16 Transport Policy

Section 3: Further comments

Section 4: About You

The consultation results and analysis of the findings will be published and presented to the Executive Member for Education and Skills later in 2020, along with a final recommendation on changes to the Home to School Transport Policy and Post-16 Transport Policy.

Consultation on proposed changes to the Home to School Transport Policy and Post-16 Transport Policy



Section 1: Proposed changes to the Home to School Transport Policy

The County Council is proposing changes to the Home to School Transport Policy, to provide greater clarity on how eligibility for transport is assessed and to bring the policy in line with expected changes in legislation.

These proposed changes are explained on pages 8 to 13 of the consultation Information Pack, which can be found at www.hants.gov.uk/school-transport-consultation.

Question 1: Please indicate how strongly you agree or disagree with the following proposed changes to the School Transport Policy:

Please select one option for each proposal

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
To amend the Home to School Transport policy to clarify that the distance from a child's home to their school is calculated using the nearest available entrance from the child's home to the school grounds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To amend the Home to School Transport policy to clarify that the route to a school is measured using the nearest available road route, passable for a suitable motorised vehicle, when determining whether a non-catchment school qualifies as a nearer school (if all of the routes to the schools in question are beyond statutory walking distances)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To amend the Home to School Transport policy to clarify that school transport would not be removed from children attending a non-catchment school if a place at their catchment school, or a school closer to their home, becomes available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 2: If you have any other suggestions for changes to the Home to School Transport Policy then please describe these below:

Consultation on proposed changes to the Home to School Transport Policy and Post-16 Transport Policy



Section 1: Proposed changes to the Home to School Transport Policy

The County Council is proposing that a senior officer outside of the School Transport Team, for example a Principal Admissions Officer, would make decisions on appeals against offers of transport.

This proposed change is explained on page 14 of the consultation Information Pack, which can be found at www.hants.gov.uk/school-transport-consultation.

Question 3: To what extent do you agree or disagree with the proposal to amend the Home to School Transport Policy to reflect a change in the administration of how appeals are processed?

Please select one option

Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 4: If you have any suggestions on who should make decisions on appeals against offers of transport, please describe them below:

Consultation on proposed changes to the Home to School Transport Policy and Post-16 Transport Policy



Section 2: Proposed change to the Post-16 Transport Policy

The County Council is proposing to add new clauses to the Post-16 Transport Policy, clarifying the responsibilities of parents and carers to for arrange transport for their children to their place of Post-16 education or training up until they become an adult at 18.

These proposed new clauses would set out what the County Council would consider when making decisions about whether to provide transport.

This proposed change is explained on pages 15 to 16 of the consultation Information Pack, which can be found at www.hants.gov.uk/school-transport-consultation.

Question 5: To what extent do you agree or disagree that the following circumstances would not on their own generally be considered as exceptional, entitling the young person aged under 18 to transport?

Please select one option

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Parents' and carers' work hours not fitting in with public service transport times or college times	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parents' and carers' child-care arrangements not fitting in with public service transport times or college times	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parents and carers needing to get other children to and from school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 6: If you have any other suggestions for changes to the Post-16 Transport Policy then please describe these below:

**Consultation on proposed changes to the
Home to School Transport Policy and
Post-16 Transport Policy**



Section 3: Further comments

Question 7: If you have any further comments on the proposals in this consultation, or alternative suggestions on how the County Council could make savings from its Children's Services budget, then please provide these in the box below.

Please do not include any personal details in your response

Question 8: Please describe what, if any, impact the proposals in this consultation could have on you or your family, or people you know or work with.

Please do not include any personal details in your response

**Consultation on proposed changes to the
Home to School Transport Policy and
Post-16 Transport Policy**



Section 4: About you

Hampshire County Council is committed to improving its services, eliminating unlawful discrimination, and promoting equality of opportunity for all people.

We would be grateful if you could answer the following questions so that we can analyse the results overall and by different groups of people. This will help us to understand the impacts of the consultation proposals and the views on them by different groups.

Is this a personal response, or are you responding on behalf of an organisation or group that you represent?

Please select one option

This is a personal response.....

This response is on behalf of an organisation or group that I represent.....

If this is a personal response, please now go to the next page and ignore the remainder of the questions on this page.

If this response is on behalf of an organisation or group that you represent, please answer the questions below.

Please tell us a little bit about the organisation or group that you represent

The name of the organisation or group

The address of the organisation or group

Your name

Your position in the organisation or group

If this response is on behalf of an organisation or group that you represent, please go to last page of this response form.

Consultation on proposed changes to the Home to School Transport Policy and Post-16 Transport Policy



How old are you?

Please select one option

Under 18.....	<input type="checkbox"/>	35 to 44.....	<input type="checkbox"/>	65 to 74.....	<input type="checkbox"/>
18 to 24.....	<input type="checkbox"/>	45 to 54.....	<input type="checkbox"/>	75 or over.....	<input type="checkbox"/>
25 to 34.....	<input type="checkbox"/>	55 to 64.....	<input type="checkbox"/>	Prefer not to say.....	<input type="checkbox"/>

How would you describe your gender?

Please select one option

Female	Male	Other	Prefer not to say
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For 'other', please describe in the box below:

Are there any children or young people up to the age of 18 living in your household (including yourself)?

Please select one option

Yes	No	Prefer not to say
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do any of the children or young people in your household currently receive Home to School or Post-16 Transport provided by Hampshire County Council?

Please select one option

Yes	No	Don't know	Prefer not to say
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do any of the children or young people in your household have either of the following?

Please select all that apply

Special Educational Needs	Physical disabilities	Neither of these	Prefer not to say
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What is your total annual household income, from all sources, before tax and other deductions?

Up to £10,000.....	<input type="checkbox"/>	£70,001 to £80,000.....	<input type="checkbox"/>
£10,001 to £20,000.....	<input type="checkbox"/>	£80,001 to £90,000.....	<input type="checkbox"/>
£20,001 to £30,000.....	<input type="checkbox"/>	£90,001 to £100,000.....	<input type="checkbox"/>
£30,001 to £40,000.....	<input type="checkbox"/>	£100,001 or over.....	<input type="checkbox"/>
£40,001 to £50,000.....	<input type="checkbox"/>	Don't know.....	<input type="checkbox"/>
£50,001 to £60,000.....	<input type="checkbox"/>	Prefer not to say.....	<input type="checkbox"/>
£60,001 to £70,000.....	<input type="checkbox"/>		

Consultation on proposed changes to the Home to School Transport Policy and Post-16 Transport Policy



Section 4: About you

Finally, to help us improve access to future consultations, please tell us where you first heard about this consultation:

Please select one option

- Online
- Consultation letter.....
- On social media (e.g. Facebook, Twitter, etc)
- Word of mouth.....
- Reported in the press (e.g. radio, newspaper)
- Other.....

For 'other', please describe in the box below:

End of questionnaire

Thank you for taking the time to complete this questionnaire.

This consultation closes at midnight on **Sunday 23 February 2020**. The consultation results and analysis of the findings will be published and presented to the Executive Member for Education and Skills later in 2020, along with a final recommendation on changes to the Home to School Transport Policy and Post-16 Transport Policy.

If you have any questions about this consultation, please contact Hampshire County Council via email at school.transport@hants.gov.uk, or by telephone on 0300 555 1384.

When you have finished providing your response with this form, please return it to the County Council in the pre-paid envelope that you may have been provided.

If you do not have a pre-paid envelope, please post your response to: **Freepost HAMPSHIRE**

Please also write **Transport Consultation** on the back of the envelope. You do not need to use a stamp.

You can request this consultation document in other formats, such as easy read, Braille, audio or large print, by emailing school.transport@hants.gov.uk, or by calling 0300 555 1384.

Appendix four – List of organisations or groups who responded to the consultation

The consultation questionnaire asked whether the respondent was responding on behalf of an organisation or group. There was a total of four responses to the consultation questionnaire on behalf of an organisation, group or community representative body, and two responses on behalf of an organisation as unstructured responses, via email.

Organisation or groups who responded to the consultation, that provided details, are listed below:

- Basingstoke and Deane Borough Council
- Eastleigh College
- Icknield School
- Queen Mary's College, Basingstoke
- Selborne Parish Council

Appendix five – Consultation participant profile

The breakdown of the 168 consultation respondents by category is shown below:

- Respondent type:
 - Individual: 161
 - Organisation or Group: 6
 - No response given to this question: 1

The breakdown of the 161 individuals who responded to the consultation is shown below:

- Age:
 - Under 18:0
 - 18 to 24: 4
 - 25 to 34: 9
 - 35 to 44:37
 - 45 to 54:62
 - 55 to 64: 29
 - 65 to 74: 1
 - 75 or over: 1
 - Prefer not to say/ No response given to this question: 6
- Gender:
 - Female: 104
 - Male: 38
 - Other: 0
 - Prefer not to say/No response given to this question: 19
- Did the respondent have any children or young people up to the age of 18 living in their household at the time of responding to the consultation (including themselves)?
 - Yes: 120
 - No: 30
 - Unsure: 1
 - Prefer not to say/No response given to this question: 10

- Of the 120 respondents with a child or young person up to the age of 18 living in their household at the time of responding to the consultation: Did any of children or young people in the respondent's household receive Home to School or Post-16 Transport provided by Hampshire County Council at the time of responding to the consultation?
 - Yes: 65
 - No: 44
 - Unsure: 1
 - Prefer not to say/No response given to this question: 10

- Of the 120 respondents with a child or young person up to the age of 18 living in their household at the time of responding to the consultation: Did any of the children or young people in the respondent's household have either of the following at the time of responding to the consultation: (multi choice)
 - Special Educational Needs: 65
 - Physical disabilities: 23
 - Neither of these: 43
 - Prefer not to say/No response given to this question: 8

- Total annual household income, from all sources, before tax and other deductions:
 - Up to £10,000: 4
 - £10,001 to £20,000: 12
 - £20,001 to £30,000: 17
 - £30,001 to £40,000: 8
 - £40,001 to £50,000: 8
 - £50,001 to £60,000: 11
 - £60,001 to £70,000: 8
 - £70,001 to £80,000: 8
 - £80,001 to £90,000: 3
 - £90,001 to £100,000: 4
 - £100,001 or over: 6
 - Don't know: 5
 - Prefer not to say/No response given to this question: 54

Appendix six – Data Tables

Please note that the data tables for the Easy Read and non-Easy Read Response Forms are presented separately, as different answer options were provided for the two formats to improve accessibility for Easy Read users.

Where sample sizes are below 10, these figures are suppressed in the results. This is to preserve anonymity, and because of the risks of interpreting small sample sizes as representative. Where figures are suppressed, these are shown as an asterisk (*) in the data tables.

Non-Easy Read response form data tables

	Base	Question 1: Please indicate how strongly you agree or disagree with the following proposed changes to the School Transport Policy: To amend the Home to School Transport policy to clarify that the distance from a child's home to their school is calculated using the nearest available entrance from the child's home to the school grounds					
		Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	155	22	17	22	54	38	2
Is this a personal response, or are you responding on behalf of an organisation or group that you represent?							
This is a personal response	151	22	17	22	51	37	2
This response is on behalf of an organisation or group that I represent	4	*	*	*	*	*	*
How old are you?							
Under 18	-	*	*	*	*	*	*
18 to 24	4	*	*	*	*	*	*
25 to 34	9	*	*	*	*	*	*
35 to 44	36	7	3	3	13	8	2
45 to 54	61	8	8	11	19	15	-
55 to 64	29	4	4	5	10	6	-
65 to 74	1	*	*	*	*	*	*
75 or over	1	*	*	*	*	*	*
Prefer not to say	6	*	*	*	*	*	*
How would you describe your gender?							
Female	97	13	13	12	36	21	2
Male	38	7	3	8	8	12	-
Other	-	*	*	*	*	*	*
Prefer not to say	11	2	1	2	4	2	-

	Question 1: Please indicate how strongly you agree or disagree with the following proposed changes to the School Transport Policy: To amend the Home to School Transport policy to clarify that the distance from a child's home to their school is calculated using the nearest available entrance from the child's home to the school grounds						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	148	22	17	22	49	36	2
Are there any children or young people up to the age of 18 living in your household (including yourself)?							
Yes	111	19	11	17	38	24	2
No	30	-	5	5	9	11	-
Prefer not to say	6	*	*	*	*	*	*
Do any of the children or young people in your household currently receive Home to School or Post-16 Transport provided by Hampshire County Council?							
Yes	60	15	7	12	19	5	2
No	44	3	3	5	16	17	-
Don't know	1	*	*	*	*	*	*
Prefer not to say	3	*	*	*	*	*	*
Do any of the children or young people in your household have either of the following?							
Special Educational Needs	60	8	5	11	23	11	2
Physical disabilities	21	4	3	3	11	-	-
Neither of these	42	9	5	5	11	12	-
Prefer not to say	5	*	*	*	*	*	*
What is your total annual household income, from all sources, before tax and other deductions?							
Up to £10,000	4	*	*	*	*	*	*
£10,001 to £20,000	12	1	-	5	3	3	-
£20,001 to £30,000	17	1	2	2	10	2	-
£30,001 to £40,000	7	*	*	*	*	*	*
£40,001 to £50,000	8	*	*	*	*	*	*
£50,001 to £60,000	11	-	-	-	5	6	-
£60,001 to £70,000	8	*	*	*	*	*	*
£70,001 to £80,000	7	*	*	*	*	*	*
£80,001 to £90,000	3	*	*	*	*	*	*
£90,001 to £100,000	4	*	*	*	*	*	*
£100,001 or over	6	*	*	*	*	*	*
Don't know	5	*	*	*	*	*	*
Prefer not to say	53	11	11	5	15	9	2

	Question 1: Please indicate how strongly you agree or disagree with the following proposed changes to the School Transport Policy: To amend the Home to School Transport policy to clarify that the route to a school is measured using the nearest available road route, passable for a suitable motorised vehicle, when determining whether a non-catchment school qualifies as a nearer school						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	154	13	14	20	70	34	3
Is this a personal response, or are you responding on behalf of an organisation or group that you represent?							
This is a personal response	150	13	13	20	68	33	3
This response is on behalf of an organisation or group that I represent	4	*	*	*	*	*	*
How old are you?							
Under 18	-	*	*	*	*	*	*
18 to 24	4	*	*	*	*	*	*
25 to 34	8	*	*	*	*	*	*
35 to 44	36	3	4	3	17	6	3
45 to 54	61	4	4	12	26	15	-
55 to 64	29	4	5	2	12	6	-
65 to 74	1	*	*	*	*	*	*
75 or over	1	*	*	*	*	*	*
Prefer not to say	6	*	*	*	*	*	*
How would you describe your gender?							
Female	97	9	8	13	46	19	2
Male	38	3	5	4	15	10	1
Other	-	*	*	*	*	*	*
Prefer not to say	11	1	-	3	5	2	-

	Question 1: Please indicate how strongly you agree or disagree with the following proposed changes to the School Transport Policy: To amend the Home to School Transport policy to clarify that the route to a school is measured using the nearest available road route, passable for a suitable motorised vehicle, when determining whether a non-catchment school qualifies as a nearer school						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	147	13	13	20	66	32	3
Are there any children or young people up to the age of 18 living in your household (including yourself)?							
Yes	110	11	10	16	50	20	3
No	30	-	3	2	14	11	-
Prefer not to say	6	*	*	*	*	*	*
Do any of the children or young people in your household currently receive Home to School or Post-16 Transport provided by Hampshire County Council?							
Yes	60	9	7	12	23	6	3
No	43	2	2	3	23	13	-
Don't know	1	*	*	*	*	*	*
Prefer not to say	3	*	*	*	*	*	*
Do any of the children or young people in your household have either of the following?							
Special Educational Needs	59	5	7	9	24	11	3
Physical disabilities	21	1	4	6	9	1	-
Neither of these	42	5	2	6	22	7	-
Prefer not to say	5	*	*	*	*	*	*
What is your total annual household income, from all sources, before tax and other deductions?							
Up to £10,000	4	*	*	*	*	*	*
£10,001 to £20,000	12	1	1	2	6	2	-
£20,001 to £30,000	17	2	1	3	8	3	-
£30,001 to £40,000	7	*	*	*	*	*	*
£40,001 to £50,000	8	*	*	*	*	*	*
£50,001 to £60,000	11	-	2	-	4	5	-
£60,001 to £70,000	8	*	*	*	*	*	*
£70,001 to £80,000	7	*	*	*	*	*	*
£80,001 to £90,000	3	*	*	*	*	*	*
£90,001 to £100,000	4	*	*	*	*	*	*
£100,001 or over	6	*	*	*	*	*	*
Don't know	5	*	*	*	*	*	*
Prefer not to say	52	5	6	10	20	8	3

	Question 1: Please indicate how strongly you agree or disagree with the following proposed changes to the School Transport Policy: To amend the Home to School Transport policy to clarify that school transport would not be removed from children attending a non-catchment school if a place at their catchment school, or a school closer to their home, becomes available						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	155	15	10	20	55	55	-
Is this a personal response, or are you responding on behalf of an organisation or group that you represent?							
This is a personal response	151	15	10	20	53	53	-
This response is on behalf of an organisation or group that I represent	4	*	*	*	*	*	*
How old are you?							
Under 18	-	*	*	*	*	*	*
18 to 24	4	*	*	*	*	*	*
25 to 34	9	*	*	*	*	*	*
35 to 44	36	5	5	3	14	9	-
45 to 54	61	4	3	10	21	23	-
55 to 64	29	3	2	4	10	10	-
65 to 74	1	*	*	*	*	*	*
75 or over	1	*	*	*	*	*	*
Prefer not to say	6	*	*	*	*	*	*
How would you describe your gender?							
Female	97	7	7	14	35	34	-
Male	38	5	3	5	11	14	-
Other	-	*	*	*	*	*	*
Prefer not to say	11	2	-	1	5	3	-

	Question 1: Please indicate how strongly you agree or disagree with the following proposed changes to the School Transport Policy: To amend the Home to School Transport policy to clarify that school transport would not be removed from children attending a non-catchment school if a place at their catchment school, or a school closer to their home, becomes available						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	148	14	10	20	52	52	-
Are there any children or young people up to the age of 18 living in your household (including yourself)?							
Yes	111	10	6	17	39	39	-
No	30	4	4	2	10	10	-
Prefer not to say	6	*	*	*	*	*	*
Do any of the children or young people in your household currently receive Home to School or Post-16 Transport provided by Hampshire County Council?							
Yes	60	6	4	10	23	17	-
No	44	4	2	7	13	18	-
Don't know	1	*	*	*	*	*	*
Prefer not to say	3	*	*	*	*	*	*
Do any of the children or young people in your household have either of the following?							
Special Educational Needs	60	3	2	7	26	22	-
Physical disabilities	21	-	-	4	7	10	-
Neither of these	42	5	3	8	10	16	-
Prefer not to say	5	*	*	*	*	*	*
What is your total annual household income, from all sources, before tax and other deductions?							
Up to £10,000	4	*	*	*	*	*	*
£10,001 to £20,000	12	1	-	2	4	5	-
£20,001 to £30,000	17	2	2	3	6	4	-
£30,001 to £40,000	7	*	*	*	*	*	*
£40,001 to £50,000	8	*	*	*	*	*	*
£50,001 to £60,000	11	-	1	-	2	8	-
£60,001 to £70,000	8	*	*	*	*	*	*
£70,001 to £80,000	7	*	*	*	*	*	*
£80,001 to £90,000	3	*	*	*	*	*	*
£90,001 to £100,000	4	*	*	*	*	*	*
£100,001 or over	6	*	*	*	*	*	*
Don't know	5	*	*	*	*	*	*
Prefer not to say	53	3	4	12	21	13	-

	Base	To what extent do you agree or disagree with the proposal to amend the Home to School Transport Policy to reflect a change in the administration of how appeals are processed?					
		Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	155	17	19	59	36	21	3
Is this a personal response, or are you responding on behalf of an organisation or group that you represent?							
This is a personal response	151	17	19	57	36	20	2
This response is on behalf of an organisation or group that I represent	4	*	*	*	*	*	*
How old are you?							
Under 18	-	*	*	*	*	*	*
18 to 24	4	*	*	*	*	*	*
25 to 34	9	*	*	*	*	*	*
35 to 44	36	3	6	15	11	-	1
45 to 54	61	5	9	25	11	11	-
55 to 64	29	2	3	13	9	2	-
65 to 74	1	*	*	*	*	*	*
75 or over	1	*	*	*	*	*	*
Prefer not to say	6	*	*	*	*	*	*
How would you describe your gender?							
Female	97	7	15	42	21	11	1
Male	38	4	2	11	13	7	1
Other	-	*	*	*	*	*	*
Prefer not to say	11	5	2	2	1	1	-

	Base	To what extent do you agree or disagree with the proposal to amend the Home to School Transport Policy to reflect a change in the administration of how appeals are processed?					
		Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	148	17	19	56	35	19	2
Are there any children or young people up to the age of 18 living in your household (including yourself)?							
Yes	111	12	16	47	21	13	2
No	30	-	3	9	13	5	-
Prefer not to say	6	*	*	*	*	*	*
Do any of the children or young people in your household currently receive Home to School or Post-16 Transport provided by Hampshire County Council?							
Yes	60	9	12	25	8	5	1
No	44	2	2	20	12	7	1
Don't know	1	*	*	*	*	*	*
Prefer not to say	3	*	*	*	*	*	*
Do any of the children or young people in your household have either of the following?							
Special Educational Needs	60	6	10	25	11	7	1
Physical disabilities	21	1	3	7	7	3	-
Neither of these	42	5	4	17	9	6	1
Prefer not to say	5	*	*	*	*	*	*
What is your total annual household income, from all sources, before tax and other deductions?							
Up to £10,000	4	*	*	*	*	*	*
£10,001 to £20,000	12	2	2	6	1	1	-
£20,001 to £30,000	17	1	5	3	7	1	-
£30,001 to £40,000	7	*	*	*	*	*	*
£40,001 to £50,000	8	*	*	*	*	*	*
£50,001 to £60,000	11	-	-	6	3	2	-
£60,001 to £70,000	8	*	*	*	*	*	*
£70,001 to £80,000	7	*	*	*	*	*	*
£80,001 to £90,000	3	*	*	*	*	*	*
£90,001 to £100,000	4	*	*	*	*	*	*
£100,001 or over	6	*	*	*	*	*	*
Don't know	5	*	*	*	*	*	*
Prefer not to say	53	9	9	17	8	9	1

	Question 5: To what extent do you agree or disagree that the following circumstances would not on their own generally be considered as exceptional, entitling the young person aged under 18 to transport? Parents' and carers' work hours not fitting in with public service transport times or college times would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	156	52	28	14	27	30	5
Is this a personal response, or are you responding on behalf of an organisation or group that you represent?							
This is a personal response	152	50	27	14	26	30	5
This response is on behalf of an organisation or group that I represent	4	*	*	*	*	*	*
How old are you?							
Under 18	-	*	*	*	*	*	*
18 to 24	4	*	*	*	*	*	*
25 to 34	9	*	*	*	*	*	*
35 to 44	37	11	6	2	7	10	1
45 to 54	61	25	10	8	6	9	3
55 to 64	29	7	6	3	9	4	-
65 to 74	1	*	*	*	*	*	*
75 or over	1	*	*	*	*	*	*
Prefer not to say	6	*	*	*	*	*	*
How would you describe your gender?							
Female	96	32	17	10	16	19	2
Male	38	9	7	3	8	9	2
Other	-	*	*	*	*	*	*
Prefer not to say	12	6	2	-	2	1	1

	Question 5: To what extent do you agree or disagree that the following circumstances would not on their own generally be considered as exceptional, entitling the young person aged under 18 to transport? Parents' and carers' work hours not fitting in with public service transport times or college times would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	149	49	26	13	26	30	5
Are there any children or young people up to the age of 18 living in your household (including yourself)?							
Yes	113	39	20	9	17	24	4
No	29	7	5	4	8	5	-
Prefer not to say	6	*	*	*	*	*	*
Do any of the children or young people in your household currently receive Home to School or Post-16 Transport provided by Hampshire County Council?							
Yes	61	26	9	8	6	8	4
No	44	10	9	1	9	15	-
Don't know	1	*	*	*	*	*	*
Prefer not to say	3	*	*	*	*	*	*
Do any of the children or young people in your household have either of the following?							
Special Educational Needs	61	26	10	5	9	8	3
Physical disabilities	21	9	4	2	2	3	1
Neither of these	42	10	8	3	6	14	1
Prefer not to say	6	*	*	*	*	*	*
What is your total annual household income, from all sources, before tax and other deductions?							
Up to £10,000	4	*	*	*	*	*	*
£10,001 to £20,000	12	5	2	2	2	1	-
£20,001 to £30,000	17	5	5	2	1	4	-
£30,001 to £40,000	7	*	*	*	*	*	*
£40,001 to £50,000	8	*	*	*	*	*	*
£50,001 to £60,000	11	2	3	-	2	3	1
£60,001 to £70,000	8	*	*	*	*	*	*
£70,001 to £80,000	8	*	*	*	*	*	*
£80,001 to £90,000	3	*	*	*	*	*	*
£90,001 to £100,000	4	*	*	*	*	*	*
£100,001 or over	6	*	*	*	*	*	*
Don't know	5	*	*	*	*	*	*
Prefer not to say	53	22	10	3	8	6	4

	Question 5: To what extent do you agree or disagree that the following circumstances would not on their own generally be considered as exceptional, entitling the young person aged under 18 to transport? Parents' and carers' child-care arrangements not fitting in with public service transport times or college times would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	156	47	33	18	26	27	5
Is this a personal response, or are you responding on behalf of an organisation or group that you represent?							
This is a personal response	152	45	32	18	25	27	5
This response is on behalf of an organisation or group that I represent	4	*	*	*	*	*	*
How old are you?							
Under 18	-	*	*	*	*	*	*
18 to 24	4	*	*	*	*	*	*
25 to 34	9	*	*	*	*	*	*
35 to 44	37	9	10	2	7	8	1
45 to 54	61	23	10	10	6	9	3
55 to 64	29	7	7	3	8	4	-
65 to 74	1	*	*	*	*	*	*
75 or over	1	*	*	*	*	*	*
Prefer not to say	6	*	*	*	*	*	*
How would you describe your gender?							
Female	96	28	20	14	15	17	2
Male	38	8	10	3	7	8	2
Other	-	*	*	*	*	*	*
Prefer not to say	12	6	2	-	2	1	1

	Question 5: To what extent do you agree or disagree that the following circumstances would not on their own generally be considered as exceptional, entitling the young person aged under 18 to transport? Parents' and carers' child-care arrangements not fitting in with public service transport times or college times would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	149	44	32	17	24	27	5
Are there any children or young people up to the age of 18 living in your household (including yourself)?							
Yes	113	34	26	13	15	21	4
No	29	7	5	4	8	5	-
Prefer not to say	6	*	*	*	*	*	*
Do any of the children or young people in your household currently receive Home to School or Post-16 Transport provided by Hampshire County Council?							
Yes	61	23	14	9	4	7	4
No	44	8	10	3	10	13	-
Don't know	1	*	*	*	*	*	*
Prefer not to say	3	*	*	*	*	*	*
Do any of the children or young people in your household have either of the following?							
Special Educational Needs	61	25	14	6	6	7	3
Physical disabilities	21	8	5	2	2	3	1
Neither of these	42	6	9	6	7	13	1
Prefer not to say	6	*	*	*	*	*	*
What is your total annual household income, from all sources, before tax and other deductions?							
Up to £10,000	4	*	*	*	*	*	*
£10,001 to £20,000	12	5	3	2	1	1	-
£20,001 to £30,000	17	4	5	2	2	4	-
£30,001 to £40,000	7	*	*	*	*	*	*
£40,001 to £50,000	8	*	*	*	*	*	*
£50,001 to £60,000	11	2	2	-	3	3	1
£60,001 to £70,000	8	*	*	*	*	*	*
£70,001 to £80,000	8	*	*	*	*	*	*
£80,001 to £90,000	3	*	*	*	*	*	*
£90,001 to £100,000	4	*	*	*	*	*	*
£100,001 or over	6	*	*	*	*	*	*
Don't know	5	*	*	*	*	*	*
Prefer not to say	53	19	11	6	7	6	4

	Question 5: To what extent do you agree or disagree that the following circumstances would not on their own generally be considered as exceptional, entitling the young person aged under 18 to transport? Parents and carers needing to get other children to and from school would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	156	55	37	16	13	31	4
Is this a personal response, or are you responding on behalf of an organisation or group that you represent?							
This is a personal response	152	53	36	16	12	31	4
This response is on behalf of an organisation or group that I represent	4	*	*	*	*	*	*
How old are you?							
Under 18	-	*	*	*	*	*	*
18 to 24	4	*	*	*	*	*	*
25 to 34	9	*	*	*	*	*	*
35 to 44	37	12	8	3	3	10	1
45 to 54	61	26	12	9	3	9	2
55 to 64	29	9	8	2	5	5	-
65 to 74	1	*	*	*	*	*	*
75 or over	1	*	*	*	*	*	*
Prefer not to say	6	*	*	*	*	*	*
How would you describe your gender?							
Female	96	32	24	10	7	21	2
Male	38	12	9	5	3	8	1
Other	-	*	*	*	*	*	*
Prefer not to say	12	6	2	-	2	1	1

	Question 5: To what extent do you agree or disagree that the following circumstances would not on their own generally be considered as exceptional, entitling the young person aged under 18 to transport? Parents and carers needing to get other children to and from school would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	149	52	35	15	12	31	4
Are there any children or young people up to the age of 18 living in your household (including yourself)?							
Yes	113	42	28	11	6	23	3
No	29	7	6	4	5	7	-
Prefer not to say	6	*	*	*	*	*	*
Do any of the children or young people in your household currently receive Home to School or Post-16 Transport provided by Hampshire County Council?							
Yes	61	30	8	7	3	10	3
No	44	9	17	3	3	12	-
Don't know	1	*	*	*	*	*	*
Prefer not to say	3	*	*	*	*	*	*
Do any of the children or young people in your household have either of the following?							
Special Educational Needs	61	31	11	5	2	10	2
Physical disabilities	21	10	4	1	1	4	1
Neither of these	42	8	14	4	4	11	1
Prefer not to say	6	*	*	*	*	*	*
What is your total annual household income, from all sources, before tax and other deductions?							
Up to £10,000	4	*	*	*	*	*	*
£10,001 to £20,000	12	6	2	2	1	1	-
£20,001 to £30,000	17	7	2	1	-	7	-
£30,001 to £40,000	7	*	*	*	*	*	*
£40,001 to £50,000	8	*	*	*	*	*	*
£50,001 to £60,000	11	3	5	-	1	2	-
£60,001 to £70,000	8	*	*	*	*	*	*
£70,001 to £80,000	8	*	*	*	*	*	*
£80,001 to £90,000	3	*	*	*	*	*	*
£90,001 to £100,000	4	*	*	*	*	*	*
£100,001 or over	6	*	*	*	*	*	*
Don't know	5	*	*	*	*	*	*
Prefer not to say	53	21	11	5	5	7	4

	Question 5: To what extent do you agree or disagree that the following circumstances would not on their own generally be considered as exceptional, entitling the young person aged under 18 to transport? Having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	157	47	29	30	19	27	5
Is this a personal response, or are you responding on behalf of an organisation or group that you represent?							
This is a personal response	153	46	28	30	18	27	4
This response is on behalf of an organisation or group that I represent	4	*	*	*	*	*	*
How old are you?							
Under 18	-	*	*	*	*	*	*
18 to 24	4	*	*	*	*	*	*
25 to 34	9	*	*	*	*	*	*
35 to 44	37	10	9	4	4	9	1
45 to 54	62	22	11	18	3	6	2
55 to 64	29	6	6	2	8	7	-
65 to 74	1	*	*	*	*	*	*
75 or over	1	*	*	*	*	*	*
Prefer not to say	6	*	*	*	*	*	*
How would you describe your gender?							
Female	97	27	20	21	11	16	2
Male	38	10	6	6	6	9	1
Other	-	*	*	*	*	*	*
Prefer not to say	12	7	1	1	1	1	1

	Question 5: To what extent do you agree or disagree that the following circumstances would not on their own generally be considered as exceptional, entitling the young person aged under 18 to transport? Having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes would not on its own generally be considered as exceptional, entitling the young person aged under 18 to transport						
	Base	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Total	150	46	27	28	18	27	4
Are there any children or young people up to the age of 18 living in your household (including yourself)?							
Yes	113	35	22	22	11	20	3
No	30	7	5	5	7	6	-
Prefer not to say	6	*	*	*	*	*	*
Do any of the children or young people in your household currently receive Home to School or Post-16 Transport provided by Hampshire County Council?							
Yes	61	23	9	14	4	8	3
No	44	10	11	5	7	11	-
Don't know	1	*	*	*	*	*	*
Prefer not to say	3	*	*	*	*	*	*
Do any of the children or young people in your household have either of the following?							
Special Educational Needs	61	25	13	11	3	7	2
Physical disabilities	21	9	5	3	1	2	1
Neither of these	42	7	6	10	6	12	1
Prefer not to say	6	*	*	*	*	*	*
What is your total annual household income, from all sources, before tax and other deductions?							
Up to £10,000	4	*	*	*	*	*	*
£10,001 to £20,000	12	4	2	2	2	2	-
£20,001 to £30,000	17	4	3	4	2	4	-
£30,001 to £40,000	7	*	*	*	*	*	*
£40,001 to £50,000	8	*	*	*	*	*	*
£50,001 to £60,000	11	2	3	1	1	4	-
£60,001 to £70,000	8	*	*	*	*	*	*
£70,001 to £80,000	8	*	*	*	*	*	*
£80,001 to £90,000	3	*	*	*	*	*	*
£90,001 to £100,000	4	*	*	*	*	*	*
£100,001 or over	6	*	*	*	*	*	*
Don't know	5	*	*	*	*	*	*
Prefer not to say	54	22	7	9	6	6	4

Easy Read response form data tables

	Base	Question 1 – Do you agree or disagree with the following idea? How far it is from a child's home to their school should be measured from their home to the nearest school entrance.			
		Agree	Not sure	Disagree	Don't know
Total	7	-	2	5	-
Have you completed this survey:					
For yourself?	7	*	*	*	*
For an organisation?	-	*	*	*	*
How old are you?					
Under 16	-	*	*	*	*
16-24	-	*	*	*	*
25-34	-	*	*	*	*
35-44	1	*	*	*	*
45-54	6	*	*	*	*
55-64	-	*	*	*	*
65-74	-	*	*	*	*
75-84	-	*	*	*	*
85+	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Are you?					
Male?	-	*	*	*	*
Female?	7	*	*	*	*
Other	-	*	*	*	*
Prefer not to say	-	*	*	*	*

	Base	Question 1 – Do you agree or disagree with the following idea? How far it is from a child's home to their school should be measured from their home to the nearest school entrance.			
		Agree	Not sure	Disagree	Don't know
Total	7	-	2	5	-
Do any children or young people aged up to 18 years old live in your household?					
Yes	7	*	*	*	*
No - no-one under 16 years old live in my household.	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any of the children or young people in your household currently use Hampshire County Council's school transport?					
Yes - they get school transport for free	3	*	*	*	*
Yes - they pay for school transport	1	*	*	*	*
No	3	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any children or young people in your household have:					
Special Education Needs	4	*	*	*	*
A disability, illness or problem that makes it difficult for them to walk.	2	*	*	*	*
None of the above	1	*	*	*	*
Prefer not to say	-	*	*	*	*
Do you know the total income of your household?					
Yes	1	*	*	*	*
I do not know	1	*	*	*	*
Prefer not to say	5	*	*	*	*

	Base	Question 1 – Do you agree or disagree with the following idea? How far it is from a child's home to their school should be measured using the nearest road that most cars can use.			
		Agree	Not sure	Disagree	Don't know
Total	7	4	1	2	-
Have you completed this survey:					
For yourself?	7	*	*	*	*
For an organisation?	-	*	*	*	*
How old are you?					
Under 16	-	*	*	*	*
16-24	-	*	*	*	*
25-34	-	*	*	*	*
35-44	1	*	*	*	*
45-54	6	*	*	*	*
55-64	-	*	*	*	*
65-74	-	*	*	*	*
75-84	-	*	*	*	*
85+	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Are you?					
Male?	-	*	*	*	*
Female?	7	*	*	*	*
Other	-	*	*	*	*
Prefer not to say	-	*	*	*	*

	Base	Question 1 – Do you agree or disagree with the following idea? How far it is from a child's home to their school should be measured using the nearest road that most cars can use.			
		Agree	Not sure	Disagree	Don't know
Total	7	4	1	2	-
Do any children or young people aged up to 18 years old live in your household?					
Yes	7	*	*	*	*
No - no-one under 16 years old live in my household.	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any of the children or young people in your household currently use Hampshire County Council's school transport?					
Yes - they get school transport for free	3	*	*	*	*
Yes - they pay for school transport	1	*	*	*	*
No	3	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any children or young people in your household have:					
Special Education Needs	4	*	*	*	*
A disability, illness or problem that makes it difficult for them to walk.	2	*	*	*	*
None of the above	1	*	*	*	*
Prefer not to say	-	*	*	*	*
Do you know the total income of your household?					
Yes	1	*	*	*	*
I do not know	1	*	*	*	*
Prefer not to say	5	*	*	*	*

	Base	Question 1 – Do you agree or disagree with the following idea? School transport should not be stopped if a place is available at a school nearer to the young person's home.			
		Agree	Not sure	Disagree	Don't know
Total	7	6	1	-	-
Have you completed this survey:					
For yourself?	7	*	*	*	*
For an organisation?	-	*	*	*	*
How old are you?					
Under 16	-	*	*	*	*
16-24	-	*	*	*	*
25-34	-	*	*	*	*
35-44	1	*	*	*	*
45-54	6	*	*	*	*
55-64	-	*	*	*	*
65-74	-	*	*	*	*
75-84	-	*	*	*	*
85+	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Are you?					
Male?	-	*	*	*	*
Female?	7	*	*	*	*
Other	-	*	*	*	*
Prefer not to say	-	*	*	*	*

	Base	Question 1 – Do you agree or disagree with the following idea? School transport should not be stopped if a place is available at a school nearer to the young person's home.			
		Agree	Not sure	Disagree	Don't know
Total	7	6	1	-	-
Do any children or young people aged up to 18 years old live in your household?					
Yes	7	*	*	*	*
No - no-one under 16 years old live in my household.	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any of the children or young people in your household currently use Hampshire County Council's school transport?					
Yes - they get school transport for free	3	*	*	*	*
Yes - they pay for school transport	1	*	*	*	*
No	3	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any children or young people in your household have:					
Special Education Needs	4	*	*	*	*
A disability, illness or problem that makes it difficult for them to walk.	2	*	*	*	*
None of the above	1	*	*	*	*
Prefer not to say	-	*	*	*	*
Do you know the total income of your household?					
Yes	1	*	*	*	*
I do not know	1	*	*	*	*
Prefer not to say	5	*	*	*	*

	Base	Question 3 – Do you agree or disagree that the Home to School Transport Policy should change to explain how appeals are now made?			
		Disagree	Not Sure	Agree	Don't know
Total	7	-	-	7	-
Have you completed this survey:					
For yourself?	7	*	*	*	*
For an organisation?	-	*	*	*	*
How old are you?					
Under 16	-	*	*	*	*
16-24	-	*	*	*	*
25-34	-	*	*	*	*
35-44	1	*	*	*	*
45-54	6	*	*	*	*
55-64	-	*	*	*	*
65-74	-	*	*	*	*
75-84	-	*	*	*	*
85+	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Are you?					
Male?	-	*	*	*	*
Female?	7	*	*	*	*
Other	-	*	*	*	*
Prefer not to say	-	*	*	*	*

	Base	Question 3 – Do you agree or disagree that the Home to School Transport Policy should change to explain how appeals are now made?			
		Disagree	Not Sure	Agree	Don't know
Total	7	-	-	7	-
Do any children or young people aged up to 18 years old live in your household?					
Yes	7	*	*	*	*
No - no-one under 16 years old live in my household.	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any of the children or young people in your household currently use Hampshire County Council's school transport?					
Yes - they get school transport for free	3	*	*	*	*
Yes - they pay for school transport	1	*	*	*	*
No	3	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any children or young people in your household have:					
Special Education Needs	4	*	*	*	*
A disability, illness or problem that makes it difficult for them to walk.	2	*	*	*	*
None of the above	1	*	*	*	*
Prefer not to say	-	*	*	*	*
Do you know the total income of your household?					
Yes	1	*	*	*	*
I do not know	1	*	*	*	*
Prefer not to say	5	*	*	*	*

	Base	Question 5 – Do you agree or disagree that this reason could give under 18-year-olds the chance to use school transport? A young person may not get transport if their parent or carer's working hours do not fit in with public transport times or college times.			
		Agree	Not sure	Disagree	Don't know
Total	7	1	2	4	-
Have you completed this survey:					
For yourself?	7	*	*	*	*
For an organisation?	-	*	*	*	*
How old are you?					
Under 16	-	*	*	*	*
16-24	-	*	*	*	*
25-34	-	*	*	*	*
35-44	1	*	*	*	*
45-54	6	*	*	*	*
55-64	-	*	*	*	*
65-74	-	*	*	*	*
75-84	-	*	*	*	*
85+	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Are you?					
Male?	-	*	*	*	*
Female?	7	*	*	*	*
Other	-	*	*	*	*
Prefer not to say	-	*	*	*	*

	Base	Question 5 – Do you agree or disagree that this reason could give under 18-year-olds the chance to use school transport? A young person may not get transport if their parent or carer's working hours do not fit in with public transport times or college times.			
		Agree	Not sure	Disagree	Don't know
Total	7	1	2	4	-
Do any children or young people aged up to 18 years old live in your household?					
Yes	7	*	*	*	*
No - no-one under 16 years old live in my household.	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any of the children or young people in your household currently use Hampshire County Council's school transport?					
Yes - they get school transport for free	3	*	*	*	*
Yes - they pay for school transport	1	*	*	*	*
No	3	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any children or young people in your household have:					
Special Education Needs	4	*	*	*	*
A disability, illness or problem that makes it difficult for them to walk.	2	*	*	*	*
None of the above	1	*	*	*	*
Prefer not to say	-	*	*	*	*
Do you know the total income of your household?					
Yes	1	*	*	*	*
I do not know	1	*	*	*	*
Prefer not to say	5	*	*	*	*

	Base	Question 5 – Do you agree or disagree that this reason could give under 18-year-olds the chance to use school transport? A young person may not get transport if their parent or carer's child care hours do not fit in with public transport times or college times.			
		Agree	Not sure	Disagree	Don't know
Total	7	-	1	6	-
Have you completed this survey:					
For yourself?	7	*	*	*	*
For an organisation?	-	*	*	*	*
How old are you?					
Under 16	-	*	*	*	*
16-24	-	*	*	*	*
25-34	-	*	*	*	*
35-44	1	*	*	*	*
45-54	6	*	*	*	*
55-64	-	*	*	*	*
65-74	-	*	*	*	*
75-84	-	*	*	*	*
85+	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Are you?					
Male?	-	*	*	*	*
Female?	7	*	*	*	*
Other	-	*	*	*	*
Prefer not to say	-	*	*	*	*

	Base	Question 5 – Do you agree or disagree that this reason could give under 18-year-olds the chance to use school transport? A young person may not get transport if their parent or carer's child care hours do not fit in with public transport times or college times.			
		Agree	Not sure	Disagree	Don't know
Total	7	-	1	6	-
Do any children or young people aged up to 18 years old live in your household?					
Yes	7	*	*	*	*
No - no-one under 16 years old live in my household.	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any of the children or young people in your household currently use Hampshire County Council's school transport?					
Yes - they get school transport for free	3	*	*	*	*
Yes - they pay for school transport	1	*	*	*	*
No	3	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any children or young people in your household have:					
Special Education Needs	4	*	*	*	*
A disability, illness or problem that makes it difficult for them to walk.	2	*	*	*	*
None of the above	1	*	*	*	*
Prefer not to say	-	*	*	*	*
Do you know the total income of your household?					
Yes	1	*	*	*	*
I do not know	1	*	*	*	*
Prefer not to say	5	*	*	*	*

	Base	Question 5 – Do you agree or disagree that this reasons could give under 18-year-olds the chance to use school transport? A young person may not get transport if their parent or carer needs to take other children to and from school.			
		Agree	Not sure	Disagree	Don't know
Total	7	1	1	5	-
Have you completed this survey:					
For yourself?	7	*	*	*	*
For an organisation?	-	*	*	*	*
How old are you?					
Under 16	-	*	*	*	*
16-24	-	*	*	*	*
25-34	-	*	*	*	*
35-44	1	*	*	*	*
45-54	6	*	*	*	*
55-64	-	*	*	*	*
65-74	-	*	*	*	*
75-84	-	*	*	*	*
85+	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Are you?					
Male?	-	*	*	*	*
Female?	7	*	*	*	*
Other	-	*	*	*	*
Prefer not to say	-	*	*	*	*

	Base	Question 5 – Do you agree or disagree that this reasons could give under 18-year-olds the chance to use school transport? A young person may not get transport if their parent or carer needs to take other children to and from school.			
		Agree	Not sure	Disagree	Don't know
Total	7	1	1	5	-
Do any children or young people aged up to 18 years old live in your household?					
Yes	7	*	*	*	*
No - no-one under 16 years old live in my household.	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any of the children or young people in your household currently use Hampshire County Council's school transport?					
Yes - they get school transport for free	3	*	*	*	*
Yes - they pay for school transport	1	*	*	*	*
No	3	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any children or young people in your household have:					
Special Education Needs	4	*	*	*	*
A disability, illness or problem that makes it difficult for them to walk.	2	*	*	*	*
None of the above	1	*	*	*	*
Prefer not to say	-	*	*	*	*
Do you know the total income of your household?					
Yes	1	*	*	*	*
I do not know	1	*	*	*	*
Prefer not to say	5	*	*	*	*

	Base	Question 5 – Do you agree or disagree that this reason could give under 18-year-olds the chance to use school transport? A young person may not get transport if their parent or carer have other reasons to use the family car.			
		Agree	Not sure	Disagree	Don't know
Total	7	1	3	3	-
Have you completed this survey:					
For yourself?	7	*	*	*	*
For an organisation?	-	*	*	*	*
How old are you?					
Under 16	-	*	*	*	*
16-24	-	*	*	*	*
25-34	-	*	*	*	*
35-44	1	*	*	*	*
45-54	6	*	*	*	*
55-64	-	*	*	*	*
65-74	-	*	*	*	*
75-84	-	*	*	*	*
85+	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Are you?					
Male?	-	*	*	*	*
Female?	7	*	*	*	*
Other	-	*	*	*	*
Prefer not to say	-	*	*	*	*

	Base	Question 5 – Do you agree or disagree that this reason could give under 18-year-olds the chance to use school transport? A young person may not get transport if their parent or carer have other reasons to use the family car.			
		Agree	Not sure	Disagree	Don't know
Total	7	1	3	3	-
Do any children or young people aged up to 18 years old live in your household?					
Yes	7	*	*	*	*
No - no-one under 16 years old live in my household.	-	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any of the children or young people in your household currently use Hampshire County Council's school transport?					
Yes - they get school transport for free	3	*	*	*	*
Yes - they pay for school transport	1	*	*	*	*
No	3	*	*	*	*
Prefer not to say	-	*	*	*	*
Do any children or young people in your household have:					
Special Education Needs	4	*	*	*	*
A disability, illness or problem that makes it difficult for them to walk.	2	*	*	*	*
None of the above	1	*	*	*	*
Prefer not to say	-	*	*	*	*
Do you know the total income of your household?					
Yes	1	*	*	*	*
I do not know	1	*	*	*	*
Prefer not to say	5	*	*	*	*

Education Provider Consultation Findings & Analysis

SUMMARY OF PROVIDER CONSULTATION

Responses to the consultation with Post 16 Education Providers

Who responded?

There were 6 responses to the consultation questionnaire sent directly to 21 Post 16 Education Providers.

A copy of the consultation questionnaire is provided in Appendix one.

Findings from the consultation with Post 16 Education Providers

Summary of Key Findings

There was overall agreement with proposed statement that the listed scenarios should not ordinarily warrant the award of transport if this was the only scenario being presented when applying for support with transport, scenarios included:

- Parents' and carers' work hours not fitting in with public service transport times or college times;
- Parents' and carers' child-care arrangements not fitting in with public service transport times or college times;
- Parents' and carers' needing to get other children to and from school;
- Having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes, e.g. travel to and from work, or transporting siblings to school/college;

Although not formally requested, respondents provided an additional unstructured response which confirmed that although the scenarios may not be considered as warranting transport support on their own, they should however be taken into consideration alongside other circumstances to establish if transport support is necessary for the individual and that assessments should be undertaken on a case by case basis.

Responding Education Providers also identified that some of their learners would not be able to access their provision⁸⁵ if support with transport was not

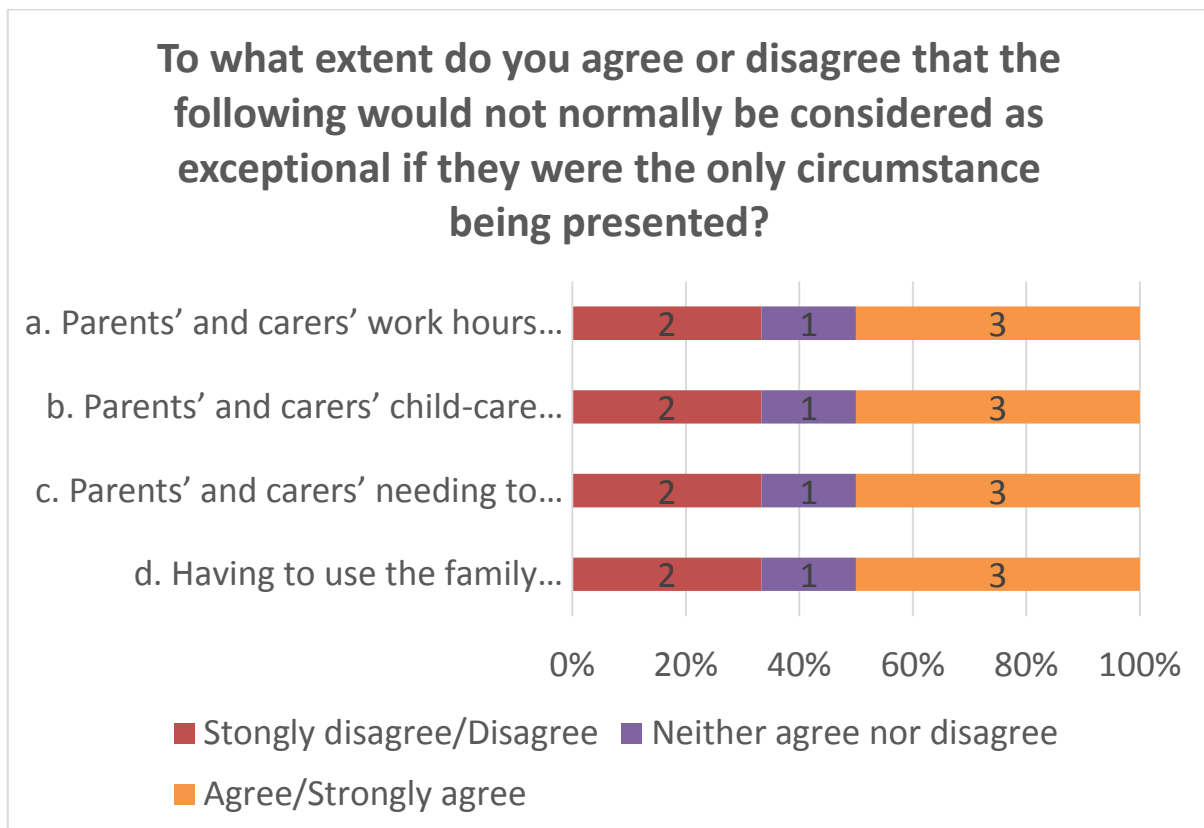
provided by the Council. Confirming that transport can be a significant barrier to some young learners. For many young learners, either the distance they were expected to travel or their vulnerability in the community would mean travelling independently on public transport was not a reasonable option and that in general, learners with SEND typically have to travel further than learners without SEND to access education appropriate and as a result the financial impact to support/facilitate education was higher.

Most of the respondents identified that comprehensive training to enable a young person to travel independently would be beneficial, supporting the development of their independence and reducing pressure on budgets to meet future growing demand.

It was also identified that improved support in the community at evenings and weekends would also reduce pressure on educational services as young learners have limited options to access services in the evenings or weekends, whilst adult day services have been significantly reduced. This could be a significant factor in relation to the growing demand for education services post 19.

Analysis of Consultation Responses

There was majority agreement that the presented scenarios should not automatically warrant support with transport on their own but should be considered alongside other scenarios/circumstances presented in a learners application for support with transport.



Post 16 Education Provider Consultation Questionnaire

The Council expects the majority of young people aged over 16 to make their own travel arrangements in order to attend their education placement. The Council acknowledges that there will be some young people (exceptions) where they are unable to make their own travel arrangements (even if they are supported by a parent/carer), the Council, in these circumstances it would provide assistance.

Q1 - When assessing the needs & circumstances of young people to identify if exceptional circumstances exist and warrant assistance with their travel arrangements, to what extent do you agree or disagree that the following would not normally be considered as exceptional if they were the only circumstance being presented? Please put a X against your response.

- a. Parents' and carers' work hours not fitting in with public service transport times or college times
Strongly Disagree
Disagree
Neither Agree Nor Disagree
Agree
Strongly Agree
Don't Know
- b. Parents' and carers' child-care arrangements not fitting in with public service transport times or college times.
Strongly Disagree
Disagree
Neither Agree Nor Disagree
Agree
Strongly Agree
Don't Know
- c. Parents' and carers' needing to get other children to and from school.
Strongly Disagree
Disagree
Neither Agree Nor Disagree
Agree
Strongly Agree
Don't Know
- d. Having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes, e.g. travel to and from work, or transporting siblings to school/college
Strongly Disagree
Disagree
Neither Agree Nor Disagree
Agree
Strongly Agree
Don't Know

Q2 – The Post-16 Transport Policy Statement has focused the Council’s support on LDD students, usually they have an EHCP. Please provide any comments on their transport needs when attending your setting.

Q3 – The cohort of students aged over 19 for whom the Children’s Services Department provides transport, is increasing in numbers. Please provide any comments on their transport needs, if different from above, when attending your setting.

Q4 - The forecast growth in the Post 16 sector, particularly over 19 students, is bringing unprecedented pressure on the service and its budget. Do you have any comments on how providers and the Council can work together to generate efficiencies and savings for both providers and the service?

Appendix

Equality Impact Assessment

Name of project or proposal (required): Proposed Changes to Post 16 Transport Policy Statement 2020

Is this project a Transformation project? (required): Neither

Name of accountable officer (required): Martin Goff

Email (required): martin.goff@hants.gov.uk

Department (required): Children's Services

Date of assessment (required): 29/06/2020

Is this a detailed or overview EIA? (required): Detailed

Describe the current service or policy. This question has a limit of 700 characters; approximately 100 words (required): The Post 16 Transport service provides transport for about 330 users each day and costs £1.3m p.a. 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 and in education may be eligible for a local authority funded transport service.

Geographical impact (required): All Hampshire

Describe the proposed change. This question has a limit of 700 characters; approximately 100 words (required): To amend the Post 16 Transport Policy Statement and provide greater clarity through improved wording and understanding so that those reading the policy are able to identify who may be eligible to benefit from the service. It details the duty to provide transport where necessary to facilitate assistance but explains to parents that for those young people under 18 the Council has an expectation that parents will provide transport assistance themselves.

Who does this impact assessment cover? (required): Service users

Has engagement or consultation been carried out? (required): Yes

Describe the consultation or engagement you have performed or are intending to perform. This question has a limit of 700 characters; approximately 100 words (required): The Council carried out an open consultation designed to give Hampshire residents and wider stakeholders including those living outside Hampshire the opportunity to have their say about proposed changes to the Home to School Transport Policy and Post-16 Transport Policy. In total there were 165 responses to the consultation, including paper and online responses. The consultation ran between 13 January 2020 and 23 February 2020. 21 Education Providers of Post 16 education were also consulted directly with 6 responses being received. The feedback from both Post 16 Education Providers and the public in relation has been reflected in the amended policy statement that is being recommended.

Age (required): Medium

Impact (required): The established policy and legislation affect learners at specific ages differently, particularly those aged 16 on 1st September 2020 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 the Council when deciding on what support is 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, the Council 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 (required): 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.

Disability (required): Medium

Impact (required): 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 SEND, a health issue/concern, or disability this may make accessing an education placement difficult or impossible without the Council providing support with travel/transport arrangements. The proposed policy concerns provision for this cohort of learners (and their families) who fall into this category and ensures 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, the Council will support young people to use public transport and make their own journeys independently, and will expect parents to provide transport assistance.

Mitigation (required): 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. Where support is necessary to facilitate attendance due to the needs/circumstances of the young person and or their families, then appropriate provision will be made. The possible savings identified allows for 70% of 16 year olds still retaining access to LA funded transport support.

Sexual orientation (required): Neutral

Race (required): Neutral

Religion or belief (required): Neutral

Gender reassignment (required): Neutral

Gender (required): Neutral

Marriage or civil partnership (required): Neutral

Pregnancy and maternity (required): Neutral

Poverty (required): Neutral

Rurality (required): Medium

Impact (required): Families living in rural areas often face a longer journey and journey time 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.

Mitigation (required): 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.

Any other brief information which you feel is pertinent to this assessment (optional): The changes to the Policy Statement are designed to explain to parents / carers that when the Council considers whether it is necessary to provide transport assistance to a young person aged under 18, the Council expects that parents

will provide transport assistance unless the specific circumstances mean that the Council need to provide transport assistance to facilitate attendance. The changes also make it clear that when a young person is aged 18, parents will not be expected to provide transport assistance.

Please confirm that the accountable officer has agreed the contents of this form (required): Yes

2020 Transport policy statement for students in further education aged 16–18 and continuing students aged 19.

Name of LEA : Hampshire

Department Responsible: Education

Hampshire County Council 2020/2021 Transport policy statement for students in further education aged 16-19, continuing students and young people aged 19-24 with learning disabilities

1. Commitment

Hampshire County Council (HCC) and its post 16 providers are committed to ensuring transport is available to enable students to access education and training as set out in this policy statement. Support is provided either by the County Council or post 16 providers. This policy statement applies for 2020/2021 only and sets out the support available.

There is no automatic entitlement to free home to school or college transport once a student is over 16. The County Council has considered its resources and the travel to college opportunities for students. Students can attend a college of choice and, if needed, apply to their college's student support for assistance. The cost and mechanical process of transporting young people with special educational needs is greater and more complex. HCC 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, under discretionary powers, a transport service that requires an annual parental contribution.

2. General transport available

There are a number of public transport service providers in Hampshire. Colleges and schools in Hampshire have their own transport arrangements but the situation does vary. Students should check with their setting about the transport arrangements and ticketing prices that can apply to both bus and train travel. The following link provides the information supplied by colleges and sixth form establishments.

College and School Details

Other transport support

Post 16 education providers and other agencies provide support with transport in certain cases, for example:

- Cycle schemes
- Care to Learn - <https://www.gov.uk/care-to-learn/overview>
- Wheels to Work - <http://www3.hants.gov.uk/wheels-to-work>
- Brain in Hand - <http://braininhand.co.uk/>

3. Qualification for support from Hampshire County Council for students attending colleges and

schools with sixth forms (including academies)

HCC will assist with travel expenses for post-16 students with special educational needs or a disability. A parental contribution towards the cost of this transport will be required; the cost will be decided by applying the following charging schedule:

Distance to travel	Annual charge
Up to 5 miles	£600
5.01 miles to 7.5 miles	£831
7.51 miles to 10 miles	£1,164
Over 10 miles	£1,330

Transport will normally only be offered if the student has an Education, Health and Care Plan (EHCP) or if the student has a disability which means he/she requires transport arrangements to be provided. The student or their parents will need to apply for transport and evidence that HCC must provide transport to facilitate attendance, and evidence that without transport assistance, the student will be unable to attend the educational placement.

When assessing an application, HCC will refer to the criteria provided in Appendix 1.

4. Post 16 training providers and apprenticeships

The same qualifications as set out in paragraph 3 apply for students attending post 16 training providers. Students in apprenticeships with employed status do not qualify for any assistance with travel costs.

5. Qualification for support from colleges and schools with sixth forms including academies

In addition to the support available from HCC, post 16 providers may also provide financial support towards transport costs for certain students such as young parents, those from low income families, those at risk of being Not in Education, Employment or Training (NEETs). This is determined by the provider and is often based on how they have locally determined to use 'hardship' funds.

Please follow the link below to information provided by post-16 providers regarding transport services.

[College and School Details](#)

6. Assistance with transport for students over the age of 19 with learning difficulties or disabilities

Students over the age of 19 may qualify for transport assistance if they are subject to an Education, Health and Care Plan.

It will then be provided either up until the age of 24 or until the student completes the course, whichever is the earliest.

The student or their parents will need to apply for transport and evidence that HCC must provide transport to facilitate attendance and evidence that without transport assistance, the student will be unable to attend the educational placement.

When assessing an application for transport assistance, the Council will refer to the criteria provided in Appendix 1.

7. Independent Travel Training

The County Council provides some mobility/independence training for students with learning difficulties or disabilities. Children in special schools will be subject to transition plans in year 9 and independence training can form part of that plan. Some colleges also provide mobility/independence training.

8. Students attending providers outside Hampshire

The County Council may provide assistance with transport to support students attending providers outside of the county, but students need to qualify for support against the criteria outlined in paragraph 3. The provider attended may also be able to provide some support, see paragraph 5

9. Students attending providers in Hampshire but living outside the county

Such students should apply to their home Local Authority for assistance. However, providers themselves may provide assistance and are not bound by county boundaries.

10. Applying for assistance with transport

Students wishing to apply for help with transport can do so by accessing the HCC website where further details are available:

<http://www3.hants.gov.uk/yourfuture.htm>

Students may also wish to apply to colleges direct for help. Paragraph 12 provides details of the colleges and their contact details together with an outline of the assistance they provide.

11. Appeals/Complaints

Complaints regarding any aspect of the policy statement must first be taken up with HCC. If these do not result in a satisfactory outcome, young people or their families may complain to the Secretary of State for Education.

Students wishing to make an appeal regarding a transport entitlement decision, or subsequent transport arrangements or a requirement to make a contribution to the cost of travel should write to the Head of Information Transport and Admissions, Children's Services Department, Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UG. The appeals process is provided in [Appendix 2](#).

12. College and School Details

To be added

Appendix 1.

Criteria applied to determine eligibility to transport to a Post 16 provider.

1. The following criteria apply to all students:

Necessity: The Council will provide transport assistance when it is necessary to facilitate the student's attendance at their educational setting.

Minimum distance: The journey from home to school/college must be more than three miles, measured by the nearest available walking route.

Eligible but living within walking distance? Transport may be provided within the walking distance if it is necessary to facilitate attendance. Factors that may be taken into account, include:

- The student's ability to walk
- The student's need to be accompanied by an adult.

Which college or school? Travel assistance will be given to the nearest school or college considered to be the most suitable placement for the student and which offers a course or programme which is designed specifically to meet the special needs of the student concerned. If the course or programme is not specifically designed to meet the needs of those with SEN, travel assistance will be given to the nearest college offering an appropriate course. A course is deemed appropriate where it enables a student to meet his or her career objectives.

A student attending their nearest special school or school with a sixth form named in his or her EHCP may qualify, subject to the other criteria detailed in this Appendix.

Pick-up and drop-off points: Where the distance between a nearest pick-up or drop-off point and home or college is less than 1.5 miles, HCC will not normally provide transport for that part of the journey. However, transport may be provided for students within these distances where this is recommended following an assessment of their individual needs. The criteria used to determine entitlement within walking distance apply in these circumstances.

Journeys to and from other destinations: Transport is not offered to or from points other than the college and home.

Waiting Time: where appropriate, the transport arrangement may include a waiting time at the start or end of the day.

Residential Placements: Some students with complex and/or severe needs are placed in a residential out of county special school or college because there is no appropriate provision available locally. Such students will receive transport at the start and end of each term, half term and at other school/college closures. Any additional transport will be the responsibility of parents/carers.

2. The following apply additionally to students aged 16 or 17 in September 2020:

- (a) **Parental Assistance:** The Council expects that parents and carers take responsibility for facilitating their child's attendance in education where they are able to do so.

Families/Applicants may apply for transport and explain their circumstances which make support from HCC with transport necessary to enable their child to attend their place of education or training. All requests for transport will be considered on a case by case basis.

(b) Charges: If transport is provided by HCC, a parental contribution may be levied.

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. Families in receipt of free school meals (due to low income) are not required to pay the contribution.

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.

3. The following apply to student's aged 18 when the transport starts in September 2020 or already 18 at the time of application or 19 or over and continuing on a course that they started before their 19th birthday:

a) Parental assistance: There will be no expectation that a parent will assist with their adult child's transport arrangement, although parents who wish to do so will be welcome to support their adult child's transport arrangement.

b) Charges: If transport is provided by HCC, a parental contribution may be levied.

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. Families in receipt of free school meals (due to low income) are not required to pay the contribution.

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.

4. The following applies to students aged 19 or over and starting a new course:

Charges: If transport is provided, no contribution towards the cost of transport applies.

Appendix 2

5. Home to School Transport - Review/Appeals Process

Parents and /or Young People who wish to challenge a decision about:

- the transport arrangements offered;
- their own or their child's eligibility;
- the distance measurement in relation to minimum distances; and
- the safety of the route
- cost

may do so by writing to The Transport Team, Elizabeth II Court North (2nd Floor), Children's Services Department, Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UG.

In the first instance a case will be reviewed by a Senior Officer of HCC.

In cases against refusal of a transport service, there is recourse to a further appeal to an Independent Appeal Panel.

For concerns about the transport arrangement offered, a senior officer outside of the School Transport Team and who holds a comprehensive understanding of the transport policy and legislative framework will make decisions on appeals.

The full Review/Appeals Process in relation to assistance with travel and eligibility is detailed within Hampshire County Council's Home to School Transport Policy, a link to which is included below:

[Home to School Transport Policy](#)

The process by which Home to School Transport appeals are handled for a young person attending a Post-16 provision matches that detailed in this Policy.

Appendix E: The pre-action protocol letter of 2 June 2020

Your Ref:
Our Ref:

Legal Services
Hampshire County Council

Address: Brunel House, 21 Brunswick Place, Southampton, SO15 2AQ

2 June 2020

FORMAL LETTER BEFORE CLAIM
PURSUANT TO THE JUDICIAL REVIEW PRE-ACTION PROTOCOL

Dear Madam

OUR CLIENTS:

Please note that due to the need to work from home in response to the coronavirus pandemic, this letter has been sent by email only. We request a formal response by email only.

This is a formal letter before action under the pre-action protocol for judicial review and a response is requested within 7 days, i.e. **by 12 noon on 9 June 2020**. We accept that this date for a response is an abridgment of the normal period provided for under the pre-action protocol for judicial review. We submit that this abridgment is reasonable in light of the urgency of the case. Applications for transport for September 2020 are now open and HCC will shortly be making decisions under the policy. There is insufficient time to provide for 14 days for a formal response and then issue a claim for judicial review, as a substantive hearing would not be reached until long after the academic year begins. Our clients require transport from September 2020 to access an education. As set out in section 8 below, we intend to apply for an expedited rolled up hearing due to the urgency of this case.

1. Proposed Defendant

Hampshire County Council ("HCC").

2. The Claimants

We are instructed by the following four clients:

We have also been contacted by numerous other families concerned about HCC's post-16 transport policy for 2020/21, who are prepared to instruct us if necessary.

3. Details of the matter being challenged

We seek to challenge:

- a. The lawfulness of HCC’s ‘2020 Transport policy statement for students in further education aged 16–18 and continuing students aged 19’ (the “Policy”); and
- b. The decision by the Director of Children’s Services to approve the Policy on 27 May 2020.

4. Limitation

It is our position that the limitation dates for a claim for judicial review are as follows:

- a. The Policy is a continuing act and for limitation purposes we are treating it as an ongoing breach; and
- b. Limitation to challenge the decision by the Director of Children’s Services to approve the Policy is 26 August 2020.

5. Background

Our clients

[REDACTED]

[REDACTED] is 17 years old and lives at home at [REDACTED] with family. [REDACTED] attends [REDACTED] School, [REDACTED] School is 10 miles away from home and is the nearest school that can provide the appropriate support and subjects to study.

[REDACTED] Due to [REDACTED] diagnoses, [REDACTED] requires full time support [REDACTED]

Due to the nature of [REDACTED] disabilities, [REDACTED] is unable to travel independently to school. There is no direct public transport available for [REDACTED] to travel from home to school. Even if there was direct public transport, [REDACTED] mean that [REDACTED] is unable to plan or manage how to travel to school safely.

[REDACTED]

[REDACTED]

[REDACTED] is 17 years old and lives at home [REDACTED] with family. [REDACTED] College [REDACTED] College is 13 miles from home and is the nearest college that can provide the appropriate support and subjects to study.

cannot use public transport because of [redacted] disabilities, [redacted]

[redacted]

[redacted]

[redacted] is 17 years old and lives at home [redacted]
[redacted] attends [redacted] College, which is
9 miles away from home. [redacted] College is the nearest college that can provide the appropriate support
and subjects to study.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted] is 17 years old and lives at home [redacted]
[redacted] attends [redacted] College,
[redacted] College is 4 miles away from home and is the nearest college
that can provide the appropriate support and subjects to study.

[redacted]

[redacted]

Background

Post-16 transport policy for 2019/20

As you are aware, we exchanged pre-action correspondence with HCC on behalf of a group of clients to challenge the post-16 policy for 2019/20. At that time, HCC set out that it was only implementing

changes that were introduced in 2018. However, many families who were granted transport in 2018 were denied transport for 2019. After receiving a letter before action on behalf of our clients, HCC agreed to withdraw the new policy. Instead, decisions regarding transport for 2019/20 were made under the 2018/19 policy. Families were subsequently granted transport.

2020 consultation process

HCC conducted a consultation between 13 January and 23 February regarding its proposed home to school transport policy and post-16 transport policy for 2020/21. Only the latter policy is under challenge in this claim.

The public consultation information pack summarises the changes to the (post-16) Policy as follows: *“The County Council proposes to update its Post-16 Transport Policy Statement to set out the responsibilities of parents and carers of children and young people who receive Post-16 transport. It is anticipated that this update could result in potential savings to the County Council of approximately £680,000 per year”* (page 2).

We note that the “necessity” test is set out on page 6: *“In law, the County Council is required to provide the support that it deems necessary to facilitate the attendance of young people of sixth form age who are in education or training.”* At pages 6 and 15, HCC sets out that currently transport is provided where “necessary”. It goes on to say that the changes to the Policy are to “clarify” the expectations on parents to arrange transport for their children and to evidence where there is not possible. Then it sets out HCC’s proposals that *“the County Council would not consider that the following circumstances are likely to be exceptional on their own:*

- *parents’ and carers’ work hours or child-care arrangements not fitting in with public service transport times or college times; or*
- *parents and carers needing to get other children to and from school; or*
- *Having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes”.*

The above is a proposal to apply an “exceptional circumstances” test, as opposed to a “necessity” test. However, the “necessity” test is referred to immediately afterwards: *“Transport would only be provided where it was necessary to facilitate attendance”* (page 15).

In the paragraphs justifying the changes on page 16, HCC again sets out anticipated savings: *“It is anticipated that this change could deliver an estimated saving of £680,000 per year, as a result of fewer offers for transport being made for students aged under 18”* (page 16). It is clear that these changes do not just provide clarity as to HCC’s existing policy but will mean that fewer families will be offered transport: *“Some service users may not be eligible for transport to their Post-16 provision under the new policy, as their parent or carer would be expected to arrange their transport until the age of 18”* (page 16).

We note that the total current cost of post-16 transport is £1.3m. Savings of £680,000 would amount to a massive 52.3% reduction.

The consultation document sets out questions as to whether particular circumstances should on their own be considered as “exceptional”, thereby “entitling” the young person to transport. The circumstances consulted on are those set out above, i.e. parent carers’ working hours, parent carers’ child-care arrangements, parent carers needing to get other children to and from school, and having to use the vehicle for other purposes. The consultation document therefore presumes the introduction of an exceptional circumstances test for 16 and 17 year olds and consults on what circumstances amount to “exceptional”. There are no questions within the consultation document about changes to the Policy for 18 year olds.

On 18 March the Executive Lead Member for Children’s Services and Young People took the decision to approve the home to school transport policy. However, no decision was taken regarding HCC’s post-16 transport policy. Instead, HCC set out that further stakeholder engagement was required.

The only “stakeholder engagement” which took place after the public consultation was approaching 21 post-16 education providers to request their views. The same questions in the public consultation were put to providers. In the same way as above, HCC presumes the application of an exceptional circumstances test. Six providers responded, three of which agreed *“that the presented scenarios should not automatically warrant support with transport on their own but should be considered alongside other scenarios/circumstances presented in a learners application for support with transport”* (page 86 of the Officer Decision Report).

The Policy

The changes to the Policy material to this challenge are those within Appendix 1.

At the top of the Appendix, it is set out that the necessity test applies to all students: *“The Council will provide transport assistance when it is necessary to facilitate the student’s attendance at their educational setting.”*

Whilst there is a distinction in the Education Act 1996 between sixth formers (learners over compulsory school age but under 19 or who began the course under the age of 19) and adult learners (learners aged 19 or over starting a new course), HCC’s Policy also distinguishes between 16 and 17 years on the one hand and 18 year olds on the other.

All four of our clients are sixth formers.

It appears that our clients [REDACTED] and [REDACTED] will be negatively affected by the changes to the Policy regarding 16 and 17 year olds at paragraph (c). In this section of Appendix 1, despite inserting the word “necessity” HCC has introduced an exceptional circumstances test:

“(c) Necessity: The Council expects, for children, that their parents and carers take responsibility for facilitating their child’s attendance in education unless there are exceptional circumstances which make support with transport necessary for their child to attend their place of education or training. All requests for assistance will be considered on a case by case basis. While they may be challenging for parents, the Council does not consider that the following circumstances are likely to be exceptional on their own:

- parents’ work hours or child-care arrangements not fitting in with public service transport times or college times; or*
- parents needing to get other children to and from school; or*
- Having to use the family vehicle (including Mobility vehicle provided for the student) for other purposes.”*

It appears our clients [REDACTED] and [REDACTED] will be affected by the changes to the Policy regarding 18 year olds, which is set out at paragraph (d). Here a contradictory policy is set out, which is that HCC expects parents to arrange transport, but HCC does not expect parents to arrange transport:

“(d) Necessity: The Council expects that parents and carers take responsibility for facilitating their child’s attendance in education. However, the authority will take into account that the authority cannot expect a parent to support their adult child’s transport arrangement.”

EIA

The EIA for the 27 May 2020 decision sets out that the proposed changes provide: *“greater clarity and understanding through improved wording.”*

In respect of disability, the impact is assessed as “low” because transport will be provided where “necessary”: *“This ensures that those that fall under this category are not adversely impacted by the proposed policy and are still able to access their education setting.”*

It is very difficult to reconcile this impact assessment with anticipated savings of 52.3%. There is no reference to an anticipated reduction in transport provision for families and no attempt to consider the impact this might have on disabled teenagers.

The EIA does not reflect the comments made by respondents in the consultation about potential negative impact, such as those summarised at para 24 of the Officer Decision Report. The feedback included, for example, concerns that: *“the proposed changes may prevent children and young people from attending post-16 education; may offer children and young people with Special Educational Needs or Disabilities (SEND) fewer opportunities than available to those without SEND; may restrict the choice of colleges for children and young people with SEND; and may create a barrier to education for children and young people who are unable to take public transport independently”*.

The EIA does not set out how to mitigate against potential negative impact because no negative impact is identified.

Officer Decision Report

The changes to the Policy are characterised in the report as:

- *“More detail and improved clarity for how the Council will consider applications and the type of travel support available for young persons under 18 years of age, those aged 18, and those 19 year of age and older (and considered under adult duty)*
- *The Council will only provide transport assistance where the child is aged under 18 and parents and carers evidence that there is no other means by which their child could get to their place of education.*

... the Council will not consider that the following circumstances are likely to be exceptional on their own:

- *Parents and carers work hours or childcare arrangements not fitting in with public service transport times or college times; or*
- *Parent and carers needing to get other children to and from school; or*
- *Having to use the family vehicle (including mobility vehicle provided for the student) for other purposes” (para 2 and 3)*

The report therefore sets out an exceptional circumstances test.

The report identifies the targeted savings of making these changes but does not explain how the figure of £680,000 has been arrived at. It is not clear in the report that transport provision will be reduced by the changes. Rather, it says that *“The proposals for changes to the Post 16 Transport Policy Statement were to include clauses that clarified the responsibility of parents/carers to arrange transport for their child to their Post-16 education setting until they become an adult”* (para 19).

The report conflates the necessity and the exceptional circumstances tests throughout. The necessity test is referred to numerous times, but the changes to the policy relate to exceptional circumstances. Nowhere in the report is the statutory framework referred to, the Education Act 1996, which sets out the necessity test. Whilst there is a link to the statutory guidance for post-16 transport, there is no explanation within the report as to what considerations apply under that statutory guidance.

Paragraphs 29 and 30 of the report fail to accurately summarise the EIA. The EIA does not actually identify that families could lose access to transport due to these changes.

Executive decision

On 14 May 2020 the Executive Lead Member for Children’s Services and Young People was due to take a decision regarding the implementation of this Policy, however it was postponed due to the coronavirus pandemic.

On 27 May 2020 the Director of Children's Services took the decision as recommended to approve the proposed Policy. The reasons for the decision are set out as follows:

“2.1. The proposed 2020 Policy Statement sought to clarify the circumstances which would normally not be considered as exceptional, and therefore would not warrant transport being provided.

2.2. A consultation on the proposed statement ran from January 2020 until April 2020. Based on the responses to the consultation it has been understood that the circumstances presented may, in some cases, be justified in warranting assistance with transport and that these should be considered on a case by case basis. This is reflected in the proposed Post 16 Transport Policy Statement.

2.3. The proposed Post 16 Transport Policy Statement for September 2020 also reflects the feedback from respondents for the policy to be clear and easy to understand. Phrasing and wording have been improved from previous policy statements to provide that clarity.

2.4. The Post 16 Transport Policy Statement recommended for approval ensures that Hampshire County Council would continue to meet its statutory requirements.”

The reasons for the executive decision relate mostly to the need for clarity. There is no reference here to the necessity tests, to potential detrimental impact, or a reduction in the provision of transport.

COVID-19 pandemic

It appears there is no reference to the coronavirus pandemic within any of the decision papers or within the Policy.

One family we are in contact with forwarded an email by a social worker setting out the following in response to their enquiry about transport for September 2020: *“all colleges/transport e.t.c are looking at how transport can fit in line with social distancing rules. This is across the board and is currently being examined as it stands at the moment transport would not be provided on the basis of the risk of transmission.”*

6. Relevant law

Part 3 of the Children and Families Act 2014 created a single SEN and disability system for children and young people aged 0-25.

Whilst there is a duty to provide school transport to “eligible” children aged 5-15 under section 508B and Schedule 35B of the Education Act 1996 (the “Act”), there is a power to provide school transport to other children under section 508C.

Section 15ZA(1) of Act requires *“A local authority in England must secure that enough suitable education and training is provided to meet the reasonable needs of—*

- (a) persons in their area who are over compulsory school age but under 19, and*
- (b) persons in their area who are aged 19 or over and for whom an EHC plan is maintained.”*

Under section 509AC(1) a person is of sixth form age if he is over compulsory school age but—

- “(a) is under the age of 19, or*
- (b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.”*

Section 508F(9) confirms that *“relevant young adult”* means an adult [for whom an EHC plan is maintained] and *“adult”* means a person who is neither a child nor a person of sixth form age.

Section 509AA(1) of the Act creates a mandatory requirement on local authorities to prepare a transport statement for those of sixth form age. Implicit within this duty is a discretion that the local authority will provide transport from home to school where it deems necessary.

Sub-section (2) prescribes that the statement “shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training...”

Sub-section (3) provides “The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).”

Sub-section 7(b) provides that “The authority shall... make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).”

The above can be termed the “necessity” statutory test.

Section 509AB deals with the application of section 509AA to pupils who have disabilities or learning difficulties. It proscribes under sub-section (1) that “A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties or disabilities.”

Sub-section (2) requires “A statement prepared under that section shall (a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the local authority which are no less favourable than the arrangements specified for pupils of the same age attending such schools.”

Sub-section (3) and (3A) then set out a list of factors the local authority must have regard to when “considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA.” These are as follows:

- (a) “the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,
- (b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,
- (ba) what they are required to do under section 15ZA(1) in relation to persons of sixth form age,
- (c) the distances, and journey times, between the homes of persons of sixth form age in their area and establishments such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided, and
- (d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.
- (3A) In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a local authority in England shall have regard (amongst other things) to the nature of the route, or alternative routes, which he could reasonably be expected to take.” (our emphasis)

Sub-section (5) proscribes that “In preparing a statement under section 509AA a local authority shall have regard to any guidance issued under this section by the Secretary of State.”

Statutory Guidance

Statutory guidance was published in January 2019 by the Department of Education entitled “Post-16 transport and travel support to education and training: Statutory guidance for local authorities” (the “Guidance”).

This states “Local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport, or otherwise that the authority considers necessary, to make to facilitate the attendance of all persons of sixth form age receiving education or training” (paragraph 4).

In goes on to set out that “*The legislation therefore gives local authorities the discretion to determine what transport and financial support are necessary to facilitate young people’s attendance. The local authority must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters*” (paragraph 16, our emphasis).

The Guidance provides “*In assessing what transport arrangements or financial support may be required, the local authority has flexibility over the decisions it makes but must have regard to the following:*

- a. *The needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made*” (paragraph 29)

Public Sector Equality Duty – section 149 of the Equality Act 2010

“Disability” is a “protected characteristic”, pursuant to s 6(1) Equality Act 2010, which defines a disability as a physical or mental impairment which has a substantial and long term adverse effect on an individual’s ability to carry out normal day to day activities. All four of our clients have disabilities.

The essential elements of the PSED as contained in section 149 are as follows:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons’ disabilities.”

In *R (Bracking) v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345, the Court of Appeal reviewed what the case law demonstrates to be the central requirements of the PSED at [25]. These included:

- a. “*The relevant duty is upon the Minister or other decision maker personally. What matters is what he or she took into account and what he or she knew. Thus, the Minister or decision maker cannot be taken to know what his or her officials know or what may have been in the minds of officials in proffering their advice*
- b. *A Minister must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy and not merely as a “rearguard action”, following a concluded decision*
- c. *[G]eneral regard to issues of equality is not the same as having specific regard, by way of conscious approach to the statutory criteria.”*

In *Bracking*, the Court of Appeal held that the decision to close the Independent Living Fund was unlawful because the Minister had not properly understood the likely consequences of this decision

when she reached her decision, and that there had not been sufficient focus on the precise statutory requirements under the PSED, for example the need to advance equality of opportunity for disabled people.

Section 11 of the Children Act 2004

Section 11(2)(a) of the Children Act 2004 sets out that “*Each person and body to whom this section applies must make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children*”.

7. Grounds of claim

We set out below our proposed grounds of challenge.

Misdirection as to applicable statutory test

We contend that the Officer Decision Report misdirected the decision maker, the Director of Children’s Services, as to the correct legal test for post-16 transport, rendering the decision of 27 May unlawful. The same error is set out in the Policy itself in respect of 16 and 17 year olds, rendering it unlawful.

As set out above the correct legal test under section 509AA(2) of the Act is to make transport provision “*that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training*”. The officer’s report refers at times to the correct legal test, which is whether HCC considers it necessary to provide transport in order to facilitate the sixth former’s to access an education. However, the report is misleading in that it also refers continually to exceptional circumstances and to “clarifying” what will not normally amount to exceptional circumstances. This confusion runs through the whole report, Appendix 1 of the Policy in respect of 16 and 17 year olds, and contaminates the decision take on 27 May by the Director of Children’s Services.

On 27 May the Director of Children’s Services, Mr Steve Crocker, had to reach a view as to whether he agreed with the views of officer as set out within the report, i.e. that the specified circumstances do not amount to exceptional circumstances on their own, thereby rendering the applicant ineligible for post-16 transport. However, “exceptional circumstances” is the wrong legal test.

This fundamental flaw in the report misled the executive decision maker, as is evident by the reproduction of the same confusion as to the legal test in the Officer Decision Record.

Given that this confusion regarding the correct legal test is present in the report, the executive decision, and within the Policy itself, it is impossible for families to know how the Policy will be applied in their individual cases. Will a necessity test be applied, or an exceptional circumstances test? It is also difficult to see how officers within HCC’s transport team will be able to take lawful decisions under this Policy to decide transport applications for 16 or 17 year olds in light of this fundamental confusion. Therefore there is a real risk that 16 and 17 year olds who require transport because it is necessary in order to access an education will be wrongly refused transport.

Failure to have regard to a mandatory consideration

Section 509AB sets out a list of mandatory considerations HCC must have regard to when considering what transport arrangements are necessary. At section 509AB(3)(a) the following mandatory consideration is set out: “*the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made*”.

All four of our clients fall within this category, in that it would not be reasonably practicable for them to attend their colleges to receive an education if no transport arrangements were made by HCC.

The following consideration at section 509AB(3)(ba) is also mandatory: “*what they are required to do*”

under section 15ZA(1) in relation to persons of sixth form age". Section 15ZA(1) sets out the duty on local authorities to secure suitable educational provision for sixth formers with SEND. Without transport, our clients will not be able to access an education.

Nowhere in the papers for the decision are the mandatory considerations at section 509AB(3)(a) set out. Nor is there any explanation of the considerations set out within the Guidance, which also requires HCC to consider "*The needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made*" (paragraph 29).

We consider that if the decision maker, the Director of Children's Services, had known about these mandatory considerations, and if his attention was drawn to the Guidance, he may have made a different decision regarding the changes to the Policy on 27 May.

Failing to promote the objects of the Act

HCC's Policy failing cuts across the objects of the 1996 Act (as per *Padfield v Minister of Agriculture* [1968] AC 997) by assuming that parents of 16 and 17 year olds should provide transport even if this would interfere with their ability to work or transport siblings to school, despite there being no legal duty on parents to do so once their children are above compulsory school age. This ignores the necessity test as imposed by statute, because where parents are unable or unwilling to provide transport (for any reason) then it will be necessary for the local authority to do so.

Paragraph 6 of the Guidance summarises the purpose of the Act: "*The overall intention of the sixth form age transport duty is to ensure that:*

- *learners of sixth form age are able to access the education and training of their choice; and*
- *if support for access is requested, this will be assessed and provided where necessary.*"

Rather than ensuring that all learners are able to access an education, and providing transport where necessary to access this education, HCC's Policy renders 16 and 17 years olds as ineligible for transport in many common circumstances, such as where parents cannot provide transport due to their working hours. Whilst HCC is entitled to reach its own view as to what transport is necessary to provide in individual cases, the Policy and decisions made under it must be compatible with the statutory scheme.

Irrationality

In *R (Law Society) v Lord Chancellor* [2018] EWHC 2094 (Admin), the Divisional Court described irrationality as follows (at [98]): "*The second ground on which the Lord Chancellor's Decision is challenged encompasses a number of arguments falling under the general head of "irrationality" or, as it is more accurately described, unreasonableness. This legal basis for judicial review has two aspects. The first is concerned with whether the decision under review is capable of being justified or whether in the classic Wednesbury formulation it is "so unreasonable that no reasonable authority could ever have come to it": see Associated Provincial Picture Houses Ltd v Wednesbury Corpn [1948] 1 KB 223 , 233–234. Another, simpler formulation of the test which avoids tautology is whether the decision is outside the range of reasonable decisions open to the decision-maker: see e g Boddington v British Transport Police [1999] 2 AC 143 , 175, per Lord Steyn. The second aspect of irrationality/unreasonableness is concerned with the process by which the decision was reached. A decision may be challenged on the basis that there is a demonstrable flaw in the reasoning which led to it—for example, that significant reliance was placed on an irrelevant consideration, or that there was no evidence to support an important step in the reasoning, or that the reasoning involved a serious logical or methodological error. ..."*

There are therefore two key aspects of irrationality / unreasonableness in public authority decision making for present purposes:

1. Taking a decision which is outside the range of reasonable decisions open to the decision maker; and
2. Taking a decision where there is a demonstrable flaw in the reasoning which led to it.

We contend that both aspects of irrationality / unreasonableness are present in this case. The Policy

presumes that parents have a responsibility to provide transport to their children even though there is no legal duty on them to do so (i.e. for children above compulsory school age) and in circumstances where they are in fact unable to do so (e.g. due to work commitments). The Policy applies the wrong legal test in respect of 16 and 17 year olds, which is unlawful for the reasons set out above. In *R (B) v Worcestershire CC* [2009] EWHC 2915 (Admin), a case concerning a local authority's decision to close a day care centre, at [98] the Judge (again Stadlen J) held that "*when this decision was taken the Council was not in a position at the time it took the decision to reach a rational conclusion that the staff availability and facilities under the new arrangement would be sufficient as reasonably to lead to the conclusion that they would meet the needs of the claimants. That being so, in my view, the decision should be quashed.*" The same applies in the present case, because without transport our clients cannot access their education. It is irrational to take the position that parent carers' work and/or other commitments will not alone make the 16 or 17 year old eligible for transport. The work and other commitments of parents is patently a critical consideration when determining whether it is necessary for HCC to provide transport and yet the Policy expressly excludes these circumstances.

The decision of 27 May was also irrational in that HCC failed to ask the right questions and take reasonable steps to gain the relevant information to answer them, breaching the well-known principle from *Secretary of State for Education and Science v Tameside MBC* [1977] AC 1014. HCC failed to ask a highly relevant question, which is whether without the provision of transport sixth formers will still be able to attend college. For the reasons set out above, this question goes to the heart of the legal framework regarding post-16 transport, and yet HCC failed to ask itself this question when the new Policy was adopted.

Breach of the Public Sector Equality Duty under the Equality Act 2010

HCC anticipates that the changes introduced by the Policy will result in the cost of post-16 transport reducing by more than half. It is clear that savings of this magnitude will not be achieved without many of the approximately 300 families who currently access transport losing that provision. Yet HCC has failed to identify any possible negative impact on disabled young people.

The executive decision to approve the Policy on 27 May 2019 is in breach of HCC's duty to have due regard to the needs mandated under the PSED, being the need to "*eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act*" and to "*advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it*" (sections 149(1)(a) and (b) of the Equality Act 2010).

Whilst HCC gathered relevant information from students and families as to how the changes would impact them through its consultation process, there was no attempt in the EIA (or anywhere else in the report) to quantify or analyse the impact of the Policy on disabled students or set out how this detrimental impact could be mitigated.

No analysis has been conducted regarding how many students will be affected or how they will be able to access an education without transport. Due to the failure by HCC to identify detrimental impact on disabled teenagers, on 27 May 2020 the Director for Children's Services did not have any of the information he required regarding what detrimental impact the Policy would have on disabled students.

As a result of the failings detailed above, the 27 May 2020 decision was in clear breach of the requirements of the PSED.

Failure to discharge section 11 of the Children Act 2004

HCC has a duty to comply with section 11 of the Children Act 2004 in respect of sixth formers who are under 18 (i.e. our first two clients).

In taking the decision on 27 May the Director for Children's Services failed to discharge his duty under section 11 of the 2004 Act given the omission to consider the impact on children's welfare of the changes to the Policy.

Section 11 of the 2004 Act requires HCC to ensure that its “*functions are discharged having regard to the need to safeguard and promote the welfare of children*”. It is not merely a target duty. As the Supreme Court has clarified, it applies “*not only to the formulation of general policies and practices, but also to their application in an individual case*” (Lady Hale at [24] in *Nzolameso v Westminster City Council* [2015] UKSC 22 at [37]). This requires that the welfare of children is “*actively promoted*” through decision-making (see Lady Hale in *R (HC) v Secretary of State for Work and Pensions* [2017] UKSC 73 at [46]).

Further, it is clear from *R (E) v Islington LBC* [2017] EWHC 1440 (Admin) (applying *Nzolameso*) that discharge of the duty in section 11(2)(a) must be properly evidenced, with the relevant public body “*required to record and provide evidence of the factors they have taken into account, and the process by which their decision was made*” (at [107]); similarly, it: “*must be in a position to demonstrate, by reference to written contemporaneous records, the process of reasoning by which it reached its decision. A court should not assume in favour of a local authority that it has performed its functions in a conscientious and lawful manner. Judicial scrutiny requires an objective and evidence-based analysis of the decision-making process*” (at [114] – Ben Emmerson QC sitting as a Deputy High Court Judge).

In this case there is no evidence whatsoever, whether in the decision-making documentation or otherwise, that any consideration was given to the implications for children’s welfare of the changes to the Policy. The likely effect of the changes to Appendix 1 of the Policy is to reduce transport provision to sixth formers with SEND. This can only have a negative impact these learners with SEND and their welfare. In order to discharge the duty in section 11 of the 2004 Act HCC was required to have regard to, and therefore acknowledge, this negative impact and consider how it might be addressed. HCC did not do so.

Failure to conduct a lawful consultation

We contend that the 8 May 2019 decision was unlawful because it was taken pursuant to an unfair and unlawful consultation process.

The Defendant conducted a consultation on the Policy and therefore it was obliged to consult fairly; see *R (Moseley) v LB Haringey* [2014] UKSC 56 per Lord Wilson at [23] where, as here, the proposal is to withdraw a benefit the requirements of fairness are higher; see *Moseley* at [26].

We contend that HCC’s consultation process was unfair and unlawful because the questions put to respondents concerned the wrong legal test. Families and SEND providers were asked to comment on what circumstances would not alone amount to exceptional circumstances. However the correct legal test for post-16 transport is that of necessity. The policy changes consulted on are unlawful for all the reasons set out in this letter before action, and a consultation process regarding an unlawful policy cannot itself be lawful.

HCC also failed to consult on the changes to Appendix 1 in respect of 18 year olds. There were no questions at all in the consultation document about these changes. Furthermore, the consultation information pack is misleading in that at page 15 it is said: “*When a child turns 18, they would be able to apply for transport to attend their place of education or training, with no expectation that their parent or carer would assist with arranging their transport.*” However, Appendix 1 of the Policy sets out in respect of 18 year olds that “*The Council expects that parents and carers take responsibility for facilitating their child’s attendance in education.*” Families affected by this change, such as our clients [REDACTED] and [REDACTED] were not consulted about this change at all.

Unlawful policy due to uncertainty

HCC’s Policy is unlawful due to the fundamental uncertainty created by the changes approved on 27 May, applying *R (Grogan) v Bexley NHS Care Trust* [2006] EWHC 44 (Admin) at 91, 94.

In the book ‘Judicial Review: Principles and Procedure’ by Jonathan Auburn, this error of law is described as follows “*A policy is likely to be unlawful if it is so uncertain that no ascertainable meaning can be ascribed to it or if it is so unclear in effect that it is incapable of certain application in any case*”

(page 475).

We contend that HCC's Policy in respect of 18 years is so unclear that it is incapable of certain application in any case. The Policy amounts to two sentences which are contradictory in meaning. The first sentence sets out an expectation that parents should provide transport, and the second sentence sets out that HCC does not expect parents to provide transport:

“(d) Necessity: The Council expects that parents and carers take responsibility for facilitating their child's attendance in education. However, the authority will take into account that the authority cannot expect a parent to support their adult child's transport arrangement.”

Despite the subheading 'necessity' this is not a description of the legal test of necessity.

This Policy is so unclear that families reading it would have no idea whether or not HCC would be likely to provide transport to their 18 year old child.

8. Steps which the defendant is required to take

In view of these submissions, we request that within 7 days, i.e. **by 12 noon on 9 June 2020**, the local authority provides a formal response under the pre-action protocol for judicial view, confirming that the local authority will:

1. Review the 2020/21 Policy and take a new decision on an urgent basis so that decisions for transport for September 2020 will be taken under a lawful post-16 transport policy;
2. Confirm that a copy of this letter before action will be provided to the executive decision maker when he/she comes to review HCC's post-16 transport policy;
3. Confirm whether and how the coronavirus pandemic will impact on HCC's post-16 transport provision.

If the above is not agreed, please confirm whether HCC agrees to an expedited court timetable for this matter including a rolled up hearing, so that the judicial review claim is determined as quickly as possible. We consider that this matter is very urgent as applications for transport for 2020 are now open and our clients require transport in order to access an education from September.

9. Details of information sought and documents considered relevant and necessary

Please provide the following information in accordance with the pre-action protocol:

- a. Any information or documents relating to the impact of the coronavirus pandemic on the Policy; and
- b. Any other document on which the local authority intends to rely.

10. Alternative dispute resolution

We confirm that we are willing to consider any form of ADR the local authority proposes, subject to legal aid funding being available for our clients and the local authority agreeing to take all the steps listed at 8 above.

11. Details of the legal advisors dealing with this matter and the address for reply and service of court documents

Brunel House
21 Brunswick Place
Southampton
SO15 2AQ



12. **Proposed reply date**

12 noon on 9 June 2020

In the absence of a satisfactory response within the above timescale, we may be instructed to take steps to issue judicial review proceedings and may seek interim relief. Should such steps be necessary, we also place you on notice of our intention to seek to recover our costs in accordance with the guidance in *M v London Borough of Croydon* [2012] EWCA Civ 595.

Yours faithfully



For and on behalf of Irwin Mitchell LLP