

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker	Executive Lead Member for Children's Services
Title	Determination of Post 16 Transport Policy Statement 2021
Date	7 July 2021
Report From	Director of Children's Services

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Purpose of this Report.

1. The purpose of this report is to determine the County Council's 2021 Post 16 Transport Policy Statement (the Policy). As required by law the necessary consultation has been followed; no changes to the 2020 policy were proposed. The 2021 Policy is now being presented for approval to the Executive Lead Member for Children's Services.

Recommendation

2. That the Executive Lead Member for Children's Services approves the attached 2021 Post 16 Transport Policy Statement (Appendix D) which incorporates all elements of the previous year's Policy

Executive Summary

3. The proposed 2021 Policy was subject to a consultation running from 8th February 2021 until 22 March 2021. The consultation was carried out on the Council's public website and directly with schools and colleges. The consultation proposed no changes from the 2020 policy and invited comments.
4. The Post 16 Transport Policy Statement recommended for approval provides details of the service available to eligible Post 16 learners and enables Hampshire County Council to continue to meet its statutory requirements.

Contextual Information

5. This report includes the comment received in response to the annual consultation on the Post 16 Transport Policy that is required by statutory guidance. No changes to the 2020 Policy were proposed. As 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 2021/22 academic year.
6. The Policy details 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.
7. The Policy Statement recommended for approval enables Hampshire County Council to continue to meet its statutory requirements.
8. The Policy Statement is usually determined within a statutory timetable of the end of May. Due to the recent local government elections this is the first opportunity for its approval. It will be published for parents following the decision day; applications have been allowed for transport and will be processed in time for the new school year start in September.

Finance

9. Current expenditure on the home to school transport service is approximately £32million, of which £1.3million was spent on Post 16 transport assistance. The 2021 policy, unchanged from the previous year, is expected to have no specific impact on expenditure.

Consultation and Equalities

10. The public consultation on the 2021 Policy was subject to a consultation running from 8th February 2021 until 22 March 2021. Schools, colleges and the public were all invited to make comments via a publicly available website. Schools and colleges were contacted to draw the attention to the public webpage.
11. There was 1 response to the consultation which asked, on behalf of young people in the New Forest, if Post 16 students could be allowed to purchase spare seats on home to school contracted transport. This is a service that is provided for school age children who are not eligible to use LA transport for free and has the name 'privilege seats'. As Post 16 students become 18

during the sixth form phase of education, the service does not sell spare seats to allow them to travel with school age children.

12. As already discussed, there are no proposed changes to the Policy Statement. An Equality Impact Assessment has been submitted for the 2021 policy and is provided in Appendix 1.

Climate Change Impact Assessment

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

Conclusion

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

Supporting information

Equality Assessment – Appendix 1

Proposed Post 16 Transport Policy Statement – Appendix 2

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) https://democracy.hants.gov.uk/documents/s53625/Report.pdf	<u>Date</u> 18 March 2020 8 July 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.)

Document

Location

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 1

Appendix 1

Equality Impact Assessment

Name of project or proposal (required): Post 16 Transport Policy Statement 2021

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):

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): The 2021 Post 16 Transport Policy Statement has no changes from the 2020 Policy. 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 was 1 response. The consultation ran between 8 February and 22 March 2021.

Age (required): Medium

Impact (required): The established policy and legislation affect learners at specific ages differently, particularly those aged 16 on 1st September 2021 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

2021 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 2021/2022 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 2021/2022 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 when published; this includes school and college organised transport. The information is supplied directly by schools and colleges and will not be amended.

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 2021:

- (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 2021 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.

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.