

# KENT COUNTY COUNCIL – RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Rory Love,

Cabinet Member for Education and Skills

## DECISION NO:

23/00068

**For publication** [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

### Key decision: YES

Key decision criteria. The decision will:

- be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:
- the adoption or significant amendment of major strategies or frameworks;
- significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.

### Subject Matter / Title of Decision

Transport Policy for Children and Young People aged 4 to 16 with effect from 2024/25 Academic Year

### Decision:

As Cabinet Member for Education and Skills, I agree the Transport Policy for Children and Young People aged 4 to 16 with effect from the 2024/25 Academic Year.

### Reason(s) for decision:

#### Background

The new Home to School Transport Policy formalises how KCC identifies who meets the national criteria for free home to school transport for all mainstream and Special Educational Needs and Disabilities (SEND) pupils aged 4 to 16 and highlights KCC's commitment to providing suitable transport. It explains what additional transport support KCC will provide and how this will be achieved. The Policy is planned to come into effect from the 2024-25 academic year. There are no proposed changes to the current eligibility criteria.

This Policy will apply to all families living within KCC's administrative boundary, including those children and young people (CYP) who attend mainstream or special schools in other Local Authority areas. The Policy will apply to all CYP in this age range including those with a disability and where appropriate, those who have an Education, Health and Care Plan (EHCP).

#### Equality Impact Assessment

An EqIA has been completed and the outcome will be included in the report to the Children, Young People's and Education Cabinet Committee and the report presented to the Cabinet Member before the decision is taken.

#### Financial Implications

In 2022-23, the estimated total revenue costs to KCC of providing free transport to school for eligible Pre-16 learners was over £55m of which just over £9m was spent on transporting mainstream children and around £46m related to the transportation of eligible children with Special Educational Needs.

The proposed transport policy for CYP aged 4 to 16 is expected to have minimal financial impact. The proposed changes are intended to normalise several schemes, including Personal Transport Budgets and school led transport arrangements, which have been in operation for a number of years in a pilot capacity. It is also anticipated that there will be a reduction in the administration requirement of holding appeals when agreeing eligibility in specific circumstances. Associated costs with these schemes and eligibility criteria are already reflected in both the Mainstream and Special Educational Needs Home to School Transport budgets. The associated administration saving will be negligible.

The widening of the Personal Transport Budgets to include mainstream pupils, formalising school led transport and exploring the Cycle Bursary Scheme could lead to some future cost savings. The level of savings will be determined by future take-up of the schemes by parents & schools. A separate paper will be presented to CYPE Cabinet Committee at a future date to explore the further development of school led transport initiatives. Legal Implications Sections 508B and 508C of the Education Act 1996 explain how free school transport should operate across the UK. Under the Act, a parent is responsible for ensuring that their child attends school regularly. However, Section 444(3B) provides that a parent will have a defence in law against a prosecution by a Local Authority (Council) for their child's non-attendance at school, where the Local Authority has a duty to make travel arrangements in relation to the CYP under Section 508B and has failed to discharge that duty. Where there is a duty for KCC to provide travel arrangements we will assess applications to establish those who are eligible and where necessary provide free transport. Section 2 of the proposed Transport Policy explains these circumstances (eligibility criteria) and the arrangements for transport assistance. No changes are being proposed to the eligibility criteria in the new Policy. This means children will be assessed in the same way as current applications.

Data Protection Impact Assessment The Transport privacy statement can be found here (School transport privacy notice - Kent County Council) and advises parents that they are consenting to the use of their submitted data, how the data will be used, who it will be shared with and how long it will be held, in line with KCC's duties. Changes associated with this decision do not affect the data that is collected or how it is used, so previous DPIAs remain valid and do not require revision.

**Cabinet Committee recommendations and other consultation:**

The Children's and Young People Cabinet Committee considered the decision on 18 July 2023.

**Any alternatives considered and rejected:**

Alternatives were provided in the report to Children, Young People and Education Cabinet Committee on 18 July 2023

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:** None



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signed

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date