

From: Rory Love, Cabinet Member for Education and Skills
Sarah Hammond, Corporate Director for Children, Young People and Education

To: Children, Young People and Education Cabinet Committee
– 18 July 2023

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

Classification: Unrestricted

Future Pathway of Paper: Cabinet Member Decision

Summary: The report is designed to update Members in regard to decisions to be taken relating to the Transport Policy for Children and Young People aged 4 to 16 for September 2024 intake.

Recommendation(s): The Children, Young People and Education Cabinet Committee is asked to CONSIDER and ENDORSE, or MAKE RECOMMENDATIONS to the Cabinet Member for Education and Skills on the proposed decision to: agree the Transport Policy for Children and Young People aged 4 to 16 with effect from 2024/25 Academic Year.

1. Introduction

- 1.1 The report is designed to update Members in regard to decisions to be taken relating to the Transport Policy for Children and Young People aged 4 to 16 for September 2024 intake.
- 1.2 The Home to School Transport Policy (Appendix A) explains how KCC will identify 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 provide suitable transport. It also explains what additional transport support KCC will provide and how we will do it. The Policy is planned to come into effect from the 2024-25 academic year.
- 1.3 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).
- 1.4 The Policy:

- brings together existing guidance and provides information on how procedures work so that we are being as transparent as possible
 - reinforces the support that we provide to children in our care (looked after children), ensuring that we fulfil the full extent of our corporate parenting responsibilities
 - aims to reduce the administrative burden that parents may face when securing transport for their children, which in turn will help make better use of resources as we can make the right decision more quickly, freeing staff to support other families
 - incorporates how we will fulfil our legal duties to identify pupils aged between 4 to 16 who are entitled to free school transport and provide them with suitable arrangements to get to school, ready to learn
 - explains how and where we can take a family's personal circumstances into account and how decisions for additional support will be considered
 - highlights alternatives to placing entitled children in KCC provided vehicles
 - explains the appeals process for when applicants disagree with their child's assessment.
- 1.5 Sections 508B and 508C of the Education Act 1996 explain how free school transport should operate across the UK.
- 1.6 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.
- 1.7 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.
- 1.8 KCC has no legal responsibility to provide transport support for pupils who are not eligible. At its discretion, KCC does make available subsidised support for non-entitled pupils via the KCC Travel Saver. This non-statutory scheme is not covered by the scope of this paper.
- 1.9 KCC currently provides support to 12,664 pupils aged 4 to 16 who are eligible for free school transport. This figure includes 6,633 pupils with Education Health and Care Plans, of which nearly 800 pupils are provided a Personal Transport Budget. 1,124 families qualify for free transport under low-income criteria (including both mainstream and SEN pupils).

2. Consultation

- 2.1 KCC consulted with current and future service users between 25 January and 21 March 2023 on a 4 - 16 Transport Policy (effective from 2024-25 Academic Year). The consultation also included a Post 16 Transport Policy Statement including Post 19 for 2024/25, which will be discussed in a separate paper.

2.2 The below table provides a summary of each section of the Transport Policy, highlighting any revisions being proposed. The full Home to School Transport Policy can be found in Appendix A

Section	Summary of what is covered	Changes to current provision
1.0 Introduction	<ul style="list-style-type: none"> • Purpose of the Policy and what it covers • Who the policy applies to • Legal duties / requirements • Details of appendices that should be read in conjunction with the Policy 	<ul style="list-style-type: none"> • No proposed changes
2.0 Transport Eligibility Definitions for Learners of Statutory School Age 4-16	<ul style="list-style-type: none"> • Criteria that need to be met for CYP to receive free school transport including all statutory categories • Definitions of how each criterion will be measured • How admission applications affect transport entitlement • Support available to CYP in the care of KCC (looked after children) 	<ul style="list-style-type: none"> • Additional support will be available for children for whom KCC has corporate parenting responsibilities by explaining how transport will be provided where a child is not automatically entitled under national criteria”.
3.0 Transport Arrangements for Eligible Children and Young People	<ul style="list-style-type: none"> • Explanations about how transport will be provided to entitled pupils • Transport arrangements that are not covered by entitlement • Alternatives to the provision of a vehicle 	<ul style="list-style-type: none"> • Formalising KCC’s Personal Transport Budget Scheme which is currently a pilot project and make it available to eligible mainstream pupils. This scheme provides parents of eligible learners a fund to make their own transport arrangements
4.0 Options for Non-Eligible Children and Young People	<ul style="list-style-type: none"> • Explanations of alternative discretionary support provided by KCC 	<ul style="list-style-type: none"> • No proposed changes
Annex 1 General Processes, Explanations and Definitions	<ul style="list-style-type: none"> • Explanations of key processes and decision making based on applicant’s personal circumstances • Definitions of key transport principles • Transport arrangements that are not covered by entitlement 	<ul style="list-style-type: none"> • Provide automatic eligibility for a younger sibling who attends the same school as an older entitled sibling who secured a place through the In Year Admissions process, who would otherwise not be entitled to free school transport. This tends to occur where an older child secures a place at the nearest school to their home with a space via an In Year Admission, but younger siblings could name a closer school to their home that did not have a space when the older child applied • Providing automatic eligibility for younger siblings where KCC Members have upheld an appeal

		<p>for an older sibling with the same circumstances. This will reduce the need for an additional appeal to be heard to provide equivalent support.</p> <ul style="list-style-type: none"> Automatically approve transport to alternative addresses where there is zero cost to KCC. Applicants currently have to appeal to KCC Members if they need transport to more than one address, but this proposal would allow decisions to be made more quickly if the extra transport doesn't require more public money to be used
Annex 2 Eligibility Examples Based on Preference Selection	<ul style="list-style-type: none"> Examples that show how admissions applications affect transport entitlement 	<ul style="list-style-type: none"> No proposed changes
Annex 3 Home to School Transport Appeals	<ul style="list-style-type: none"> Explanation of the appeals process available to challenge assessment decisions and transport offers 	<ul style="list-style-type: none"> No proposed changes
Annex 4 Health, Safety and CYP protection	<ul style="list-style-type: none"> Additional considerations to ensure pupils travel in a safe manner 	<ul style="list-style-type: none"> No proposed changes
Annex 5 Guidelines for Assessing Hazardous Routes	<ul style="list-style-type: none"> The framework KCC will use when deciding whether a particular journey to school would be considered as hazardous 	<ul style="list-style-type: none"> No proposed changes
Annex 6 Link to Code of Conduct	<ul style="list-style-type: none"> An explanation of expected behaviours for travelling pupils and how inappropriate conduct will be managed 	<ul style="list-style-type: none"> No proposed changes
Annex 7 Home to School and Post-16 Transport Retendering Procedure for Pupils with an EHCP and/or SEND	<ul style="list-style-type: none"> A description of the process that will be used where KCC is required to re-tender a school transport contract. 	

2.3 A copy of the consultation documentation including Equality Impact Assessments can be found at www.kent.gov.uk/schooltransportpolicy

3. Consultation outcomes

3.1 To raise awareness of the consultation and encourage participation, the following activity was undertaken:

- Emails to stakeholders including head teachers, FE providers, bus operators and other school transport providers, such as taxis.
- Invite on the launch of the consultation to 8,957 Let's talk Kent registered users who have expressed an interest in being kept informed of consultation regarding transport, education, young people and children and families and a reminder email to 9,480 users on 13 March.
- Media release - <https://news.kent.gov.uk/articles/consultation-opens-on-kccs-home-to-school-transport-policy>
- Reviewed consultation materials and policy with Kent PACT and developed parental engagement strategy through their communication channels.
- Promoted by Kent Association of Local Councils (KALC) through their newsletter, website and Facebook page.
- Promoted through KCC's resident e-newsletter, SEND newsletter and Kelsi e-bulletin and intranet.
- Posters provided to bus operators to display on buses.
- Posters displayed in libraries and Gateways and feature on home screen of public computers in libraries.
- Promotional banners added to Kent.gov homepage and relevant service pages.
- Social media via KCC's corporate Facebook, Twitter, Instagram, LinkedIn and Nextdoor accounts and paid targeted Facebook adverts.
- Promotion through KCC's intranet.
- All consultation material included details of how people could contact KCC to ask a question, request hard copies or alternative format.
- A Word version of the questionnaire was provided on the consultation webpage for people who did not wish to complete the online version. A Freepost address was provided for any hard copy responses.
- Large print, easy read and audio versions of the consultation material were available from the consultation webpage and on request.

The Assistant Director – Fair Access and (Interim) SEN Processes also attended Kent Youth County Council (KYCC) on 11 March 2023. KYCC members were given an overview of the legislation that informs each Council's formal responsibilities for home to school transport and how this is delivered in Kent. The content and scope of the consultation was then discussed.

Following this session, a number of young people took part in a focus group with the Assistant Director – Fair Access and (Interim) SEN Processes to discuss their thoughts in more detail. Suggestions for further changes to KCC's transport policies were explored, including discussions about how legislation limits some potential for adaptation. The delivery of the consultation was also covered, which provided some helpful suggestions on how to encourage more young people to take part. Participants acknowledged that while the proposals had the potential to provide a less generous offer to some families, these changes had been designed to minimise this impact.

3.2 Engagement with the consultation webpage, material and social media:

- 7,510 visits to the consultation webpage, by 6,748 visitors.

- 2,018 document downloads, including 1,219 downloads of the Consultation Document
- 381 downloads of the Home to School Policy
- Organic posts had a reach of 21,531 on Facebook and 939 on Instagram. There were 8,572 impressions on Twitter and 1,242 on LinkedIn. Reach refers to the number of people who saw a post at least once and impressions are the number of times the post is displayed on someone's screen. The posts generated approximately 760 clicks through to the consultation webpage. (Not all social media platforms report the same statistics.)
- Paid Facebook advertising had a reach of 27,320, which resulted in 784 clicks on the link to consultation webpage. Post impressions totalled 115,730.
- 261 responses to the Transport Policy for Children and Young People aged 4 to 16

3.3 A breakdown of demographics of respondents and a more detailed analysis of responses can be found in the full consultation report in Appendix B. However, it is important to highlight here that 25% of respondents with Primary aged pupils and 49% with Secondary aged pupils indicated that they receive free school transport from Kent. As these policies relate solely to pupils that receive free school transport, this metric should be noted when considering aggregate analyses.

3.4 Respondents were asked to what extent they agree or disagree with specific proposed improvements that are proposed to be incorporated into the new policy.

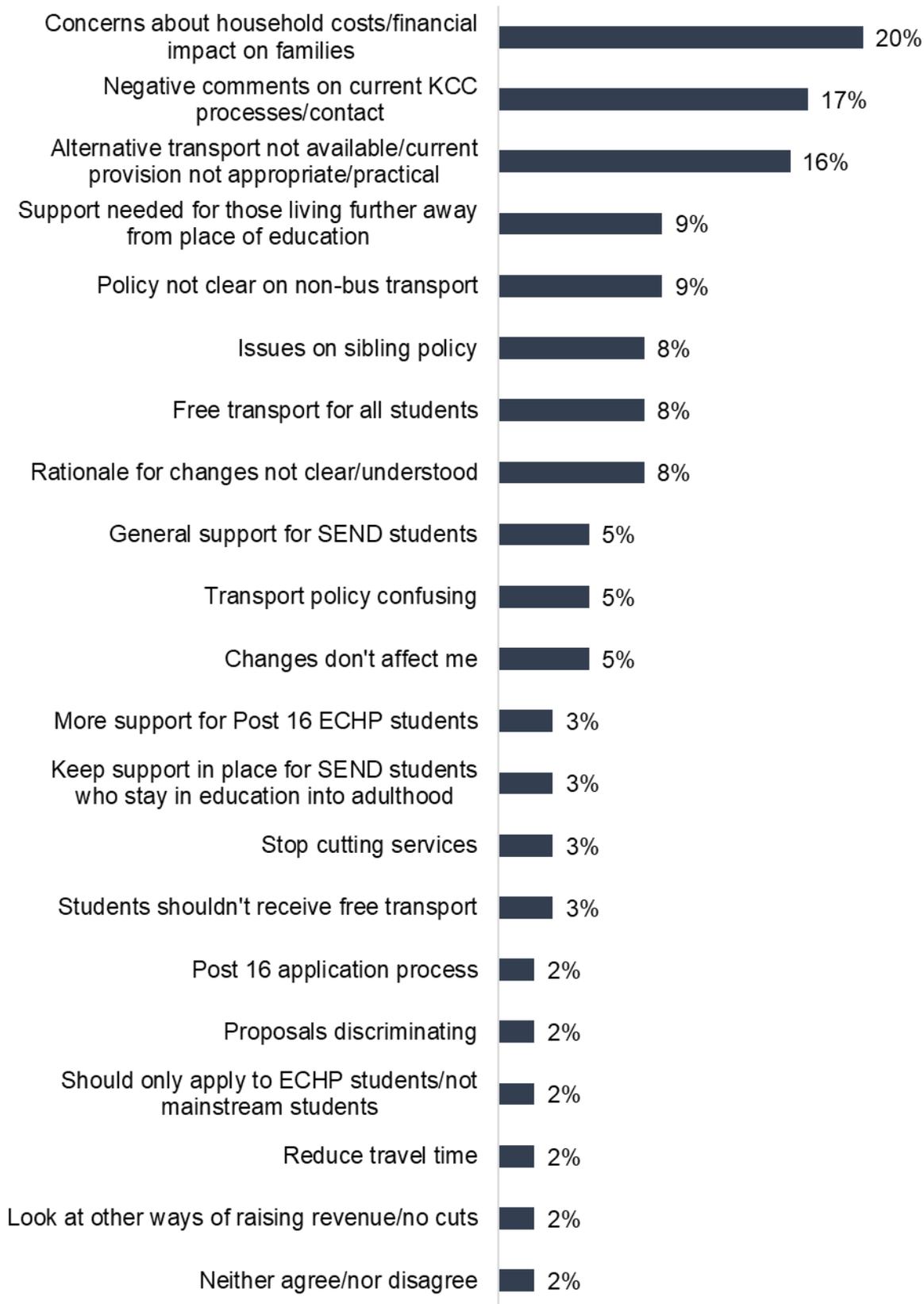
- 78% of respondents agree that KCC should automatically approve transport to alternative addresses where there is zero cost to KCC, with over half (55%) strongly agreeing. Only 7% disagree with this.
- Three quarters (75%) agree with ensuring full support for pupils where KCC as the corporate parent has responsibility for providing the best possible care, with just over half (51%) strongly agreeing.
- Two thirds (68%) are in agreement that KCC should provide automatic eligibility for younger siblings where KCC Members have upheld an appeal for an older sibling with the same circumstances, with 39% strongly agreeing. Just under one in ten (9%) disagree with this statement.
- 71% agree that KCC should formalise the Personal Transport Budget scheme and make it available to eligible mainstream students, with 8% disagreeing.
- 68% agree that KCC should provide automatic eligibility for a younger sibling who attends the same school as an older entitled sibling, but otherwise would not be entitled to free school transport. However, 15% disagree, the highest proportion against any of the statements asked.

Differences in views amongst sub-groups are shown below:

- Respondents with no disability are significantly more likely than those with a disability to agree with ensuring full support for pupils where KCC as the corporate parent has responsibility for providing the best possible care (78% cf. 62%).

- Respondents who have a child in secondary school who receives free KCC transport are significantly less likely to agree that KCC should formalise their Personal Transport Budget scheme and make it available to eligible mainstream pupils compared to those with a secondary school student who does not receive free KCC transport (58% cf. 80%).
- Carers are significantly more likely to agree with automatically approving transport to alternative addresses where there is zero cost to KCC compared to those with no carer (85% cf. 71%).

3.5 Respondents were also offered the opportunity to give their views on any of the improvement statements. A fifth (20%) expressed concerns around household costs and the financial impact policy change will have on them. It should be noted that no policy changes were proposed that would increase cases where a family is more financially responsible for their child's home to school transport arrangements. It is likely that these comments related to the Post 16 Transport Policy Statement elements of the consultation, which is discussed in a separate paper. 17% commented negatively in regards to current KCC processes and contact, whilst 16% raised concerns around alternate travel not being available, and current provisions not being appropriate/practical. The full summary of responses can be seen below.



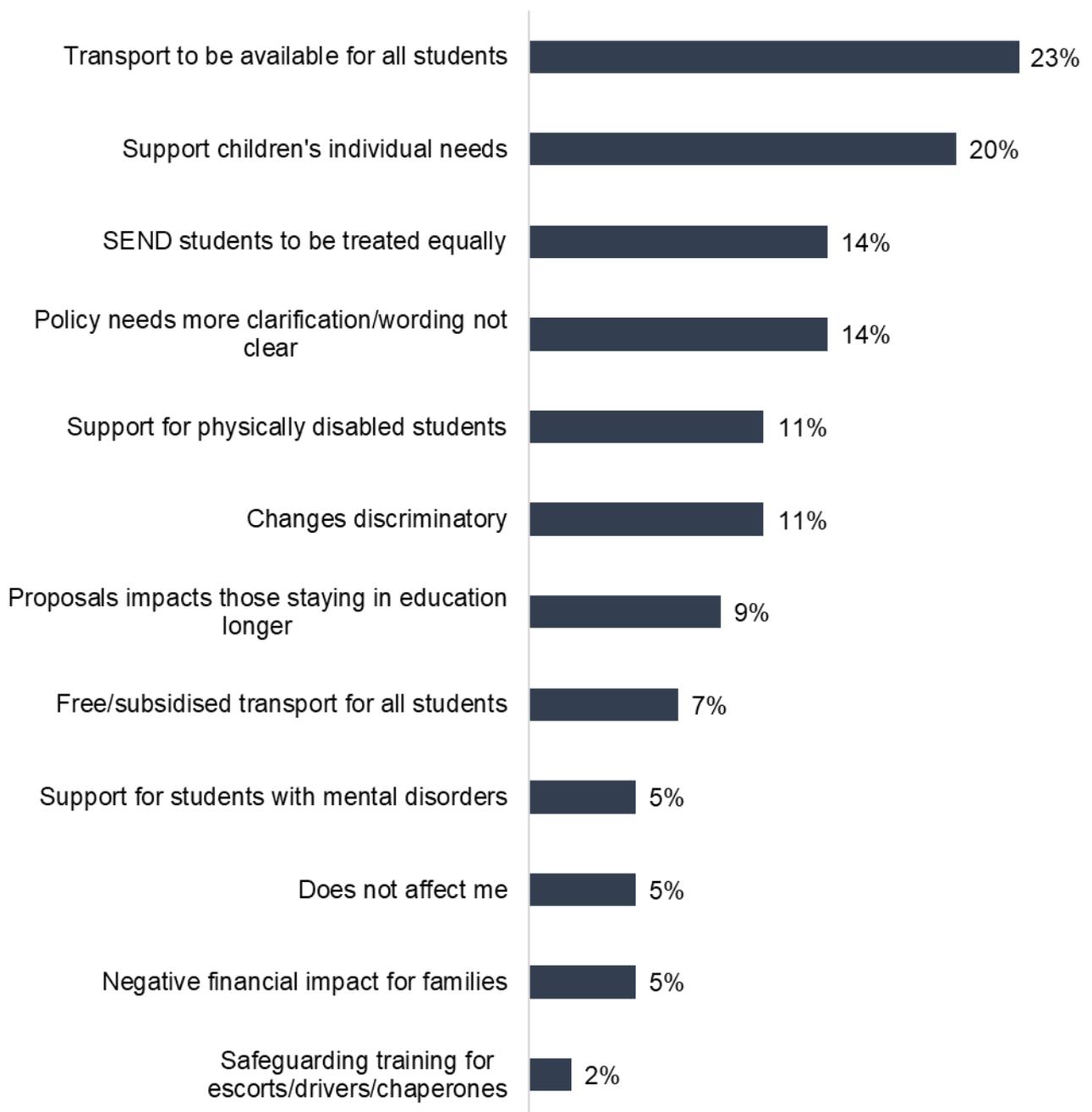
4. Cycle Bursary

4.1 Shortly before the start of the consultation, the Department for Education released their own consultation on new statutory guidance, which is expected to come into effect in the near future. Officers have ensured that the current policy will remain compliant with this new guidance when it comes into force.

- 4.2 One new area within that guidance was a suggestion that LAs may wish to consider the provision of a cycle bursary in lieu of vehicle based support for pupils entitled to free school transport. This scheme would be required to operate on a voluntary basis, with families electing to receive their entitlement via access to a bicycle and safety equipment.
- 4.3 Due to the short timeframe between the DfE's consultation and the start of our own, it was not possible to develop a potential policy for public review. However, it did provide an opportunity to consult parents to see if there would be sufficient interest in such a scheme to justify further analysis in the future. Consultees were advised that the scheme would likely cover safety equipment and some additional money for maintenance costs to ensure the bicycle remains safe and road worthy. This could be in the region of £300 to £500 and would likely cover three years of transport support. This was in line with examples of existing schemes in other local authority areas.
- 4.4 224 respondents commented on the potential introduction of a cycle scheme. 13% of respondents said the Cycle Bursary Scheme is something that would be of interest to them/their children. 71% of respondents were not interested, with the remaining respondents selecting either "maybe" or "don't know" options.
- 4.5 On the basis that there is a not insignificant interest in the potential introduction of a Cycle Bursary Scheme, it is proposed that further analysis is undertaken to ascertain whether it is a suitable option for future implementation.
- 4.6 A paper will be brought to CYPE Cabinet Committee once this investigative work has been completed.

5 Equality Impact Assessment

- 5.1 When asked whether KCC should consider anything else in terms of equality and diversity in relation to the draft Home to School Transport Policy, 23% felt that transport should be available for all students, whilst 20% of respondents stressed that support for children's individual needs should be taken into consideration.
- 5.2 Respondents were provided an opportunity highlight where they thought there were alternatives that could do to lessen the impacts on learners and their families:



5.3 Entitlement to free school transport is defined and funded at a national level via central legislation. As such, while respondents may understandably desire a higher level of support than that which is currently available, this exceeds KCC's duties. The Kent Travel Saver and Vacant Seat Payment scheme, which fall outside the scope of this consultation, are two discretionary areas of support that highlight KCC's desire to aid families above and beyond their statutory responsibility.

5.4 The 4 to 16 Transport Policy makes clear that provided transport will be suitable for the child's individual needs. Assessment processes ensure that pupils with a higher level of need, such as those with an Education, Health and Care plan, are provided adjustments to their offered transport to accommodate those needs. The policy fulfils KCC's legal requirements and no adjustments have been proposed in this area.

6. Financial Implications

- 6.1 In 2022-23, the estimated total revenue costs to KCC of providing free transport to school for eligible Pre-16 learners is over £55m of which just over £9m is spent on transporting mainstream children and around £46m relates to the transportation of eligible children with Special Educational Needs.
- 6.2 The proposed transport policy for children and young people aged 4 to 16 outlined above is expected to have minimal financial impact. The proposed changes are intended to normalise a number of schemes including personal transport budgets and school led transport arrangements, which have been in operation for a number of years in a pilot capacity, along with reducing 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. The associated administration saving will be negligible. The widening of the personal transport budgets to include mainstream pupils, formalising the 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.

7. Legal Implications

- 7.1 Sections 508B and 508C of the Education Act 1996 explain how free school transport should operate across the UK.
- 7.2 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.
- 7.3 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.

8. Data Protection Impact Assessment

- 8.1 The Transport privacy statement can be found here ([School transport privacy notice - Kent County Council](#)) and advised parents that they are consenting to the usage 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.
- 8.2 Changes associated with this consultation do not affect the data that is collected or how it is used, so previous DPIAs remain valid and do not require revision.

9. Draft Policy

9.1 The draft policy is available as an appendix A and Members are asked to note the following areas from the policy: KCC will:

	Policy	Policy paragraph
A	Additional support will be available for children for whom KCC has corporate parenting responsibilities.”	2.46 – 2.53
B	In circumstances where there is no cost to the council, officers can approve transport to an alternative address until such time it is no longer cost neutral.”	5.28
C	Provide automatic eligibility for younger siblings where KCC Members have upheld an appeal for an older sibling with the same circumstances	5.23
D	Provide automatic eligibility for a younger sibling who attends the same school as an older entitled sibling who secured a place through the In Year Admissions process, who would otherwise not be entitled to free school transport.	5.22
E	Formalise the Personal Transport Budget scheme and make it available to eligible mainstream students.	3.12-22

9.2 KCC will also investigate the potential implementation of a Cycle Bursary Scheme which offers eligible pupils an alternative to KCC provided vehicle support.

10. Recommendations

10.1 Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to CONSIDER and ENDORSE, or MAKE RECOMMENDATIONS to the Cabinet Member for Education and Skills on the proposed decision to: agree the Transport Policy for Children and Young People aged 4 to 16 with effect from 2024/25 Academic Year.

11. Background Documents

- Appendix A - 4 - 16 Transport Policy (Effective from 2024-25 Academic Year)
- Appendix B – Transport Consultation Report
- Consultation documents including EQIA can be found at www.kent.gov.uk/schooltransportpolicy

12. Contact details

Report Author

- Craig Chapman – Assistant Director – Fair Access and (Interim) SEN Processes
- 03000 415934
- Craig.Chapman@kent.gov.uk

Relevant Director

- Christine McInnes – Director of Education and SEN
- 03000 418913
- Christine.McInnes@kent.gov.uk