

Kent County Council

Home to School Transport Short Focused Inquiry Report

DRAFT

December 2021



Headline Findings

- Based on analysis of the most recent Section 251 budget and outturn statements, the total national spend on home to school transport increased from £1.02 billion in 2014-15 to £1.08 billion in 2017/18 – an overall increase of 6.5%. However, this figure masks different trends in expenditure for pupils eligible for home to school transport on the basis of ‘mainstream’ criteria (for example distance to school), and those eligible for home to school transport on the basis of their special educational needs and disabilities (SENDs).
- Expenditure on transport for children with SEND in this period increased by 13% for pre-16 children and by 68% for those who are post-16. This compares with a drop of 12% in spend on pre-16 mainstream transport and a drop of 27% in spend on post-16 mainstream transport. As a result, expenditure on home to school transport for children and young people with SEND increased from 62% of the total in 2014-15 to 69% in 2017-18.
- The number of SEND pupils receiving school travel support in Kent is relatively high. In December 2019, the figure was over 6,000, while in a comparable authority, such as Birmingham CC, it was around 5,400.
- It appears that the increasing number of children with an Education and Health Care Plan (EHCP) is a significant factor in explaining the growth of SEND school transport. Data from the Department for Education shows that, between 2014 and 2018, the number of children and young people with an EHCP or statement of SEND increased by 35% - from about 240,000 to about 320,000. This compares with an increase of only 4% in the previous 5 years.
- In Kent, the number of young people with EHCPs who are eligible for school transport assistance has increased significantly - from just over 4,500 in October 2018, to over 6,100 in October 2021.
- Special schools that are full present a particular challenge for counties because the distance to the next nearest suitable provision may be considerable. A number of counties described how difficult it was to even combine journeys for pupils because to do so would make journey times unacceptably long. They were left with few options other than solo taxi provision.
- Providing Personal Transport Budgets, rather than dedicated transport, saves KCC about £1.6 million per annum.
- There is an unresolved tension at the heart of home to school transport policy between the responsibility of parents to get their children to school, and the expectations parents have of the level and type of assistance that local authorities should provide.

1. Introduction and Scope

1.1. Introduction

1.1.1. When considering whether to assist with home to school transport, local authorities are under a statutory duty to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. Kent County Council is the largest local authority in England, and the demands placed on its educational transport reflect its size, population and proximity to London.

1.1.2. The provision of home to school transport is managed in two stages: firstly, the identification and assessment of pupil eligibility by KCC's Transport Eligibility team. Secondly, the creation and management of travel arrangements by KCC's Public Transport service.

1.1.3. The Council provides travel assistance in the form of:

- Public Bus & Rail Tickets
- Contracted Vehicles
- Personal Transport Budgets
- Independent Travel Training.

1.1.4. The Public Transport team plans and co-ordinates all transport provision to ensure that resources are used effectively. KCC does not operate its own fleet of vehicles to support school transport; it provides this service through the commercial market.

1.1.5. The aim of this inquiry was to review home to school transport arrangements in Kent and KCC's home to school travel assistance.

1.2. Committee Membership

1.2.1. The membership of the inquiry consisted of most KCC councillors who are members of KCC's Scrutiny Committee:

Mr Paul Barrington-King (Inquiry's Chairman, Conservative)

Mr Andy Booth (Conservative)

Mrs Rosalind Binks (Conservative)

Mr Ian Chittenden (Liberal Democrat)

Mr Nigel Collor (Conservative)

Mr Gary Cooke (Conservative)

Mr Antony Hook (Liberal Democrat)

Mrs Sarah Hudson (Conservative)

Mr Rory Love, OBE (Conservative)

Mr Oliver Richardson (Conservative)

Mr Paul Stepto (Green Party)

Mr Barry Lewis (Labour, substituting for Dr L Sullivan)

Mr John Wright (Conservative)

1.3. Scope

1.3.1. The scope of the inquiry was:

1. To define and briefly set out the context of home to school transport in Kent.

2. To explore the process for determining pupils' eligibility for school transport assistance, and the implementation and operation of school transport arrangements in the county.

3. To identify measures that KCC could take to enhance home to school transport in Kent.

2. Background

2.1. Definition

2.1.1. Home to school transport is a complex area of local authority statutory responsibility which involves teams in school admissions, special educational needs, transport, procurement and commissioning.¹

2.1.2. For the purpose of this inquiry, “Home to School Transport” refers to a general, statutory duty on local authorities to promote the use of sustainable school travel and transport. The duty applies to children and young people of compulsory school age who travel to receive education or training in a local authority’s area. The duty relates to journeys to and from the institutions where education or training is delivered.²

¹ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

² Department for Education (2014) Home to School Travel and Transport Guidance: Statutory Guidance for Local Authorities, London

2.2. National Context - Legislation

2.2.1. The provision of home to school transport is based on two sets of statutory guidance: one relates to school age pupils³, and the other to 16-25 year-olds.⁴ The guidance for school age pupils is based on broad eligibility criteria, last reviewed in 2014, but originating from the Education Act 1996. The guidance for the post-16 group was updated more recently in January 2019.^{5 6}

2.2.2. Provision of home to school transport for school-age pupils is based on age, special educational needs, distance criteria and additional extended rights based on free school meals and working tax credits. Local authorities are expected to adopt transport policies using discretion to interpret the eligibility of children beyond the statutory minimum. According to Schedule 35B of the 1996 Act, local authorities are required to:

- Provide free transport if a child is below 8 years old and is attending their nearest suitable school which is beyond a walking distance of 2 miles.
- Provide free transport if a child is aged between 8 to 16 and attends their nearest suitable school which is beyond a walking distance of 3 miles.
- Make transport arrangements if a child attends their nearest suitable school and cannot reasonably be expected to walk because the nature of the route is unsafe.
- Make transport arrangements if a child attends their nearest suitable school and cannot reasonably be expected to walk because of their special educational needs, disability or mobility problems.
- Provide free transport if a child is entitled to free school meals, or their parents are in receipt of maximum Working Tax Credit, and:
 - they attend their nearest suitable school, and it is beyond 2 miles from their home (and the child is aged between 8 and 11)
 - they attend one of their three nearest suitable schools, and it is between 2 and 6 miles from their home (and the child is aged 11 to 16)
 - they attend a school that is between 2 and 15 miles from their home if their parents have chosen it on the grounds of their religion or belief,

³ Department for Education (2014) Home to School Travel and Transport Guidance: Statutory Guidance for Local Authorities, London

⁴ Department for Education (2016) Post-16 Transport and Travel Support to Education and Training, London

⁵ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

⁶ Department for Education (2014) Home to School Travel and Transport Guidance: Statutory Guidance for Local Authorities, London

and having regard to that religion or belief, there is no nearer suitable school (and the child is aged 11 to 16).⁷

2.2.3. The statutory guidance for post-16 transport is more open to local authority discretion. The national guidance refers to two main groups – adult learners and young adults – that are linked to the age-groups 16-19 and 19-25, with and without an Education and Health Care Plan (EHCP).⁸

2.2.4. The EHCP is a document which sets out the education, healthcare and social care needs of a child or young person for whom extra support is needed in school, beyond that which the school can normally provide. It was formerly known as a 'statement of special educational needs'.^{9 10}

2.2.5. Within these age-groups, a distinction is made between young people who are continuing a course that was started before their 19th birthday and those who started a course after their 19th birthday. The guidance covers the eligibility criteria for these groups, and the ability of a local authority to charge individuals for the use of transport.¹¹

2.2.6. There is wide-ranging discretion for a local authority to adopt their own transport policies, but the thresholds they set must be easily understood in their post-16 transport policies. Overall, the eligibility of these groups for transport is determined by the local authority, but underpinning its decisions is the duty to ensure that learners can access the education and training of their choice.¹²

2.2.7. For learners with EHCPs, these arrangements must be reviewed when a young person moves from compulsory schooling to post-16, even if s/he remains at the same educational institution.¹³

⁷ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

⁸ Ibid

⁹ Gov.UK (2021) Children with Special Educational Needs and Disabilities (SEND), online, <https://www.gov.uk/children-with-special-educational-needs/extra-SEN-help>

¹⁰ Department for Education (2018) Education, Health and Care Plans: A Qualitative Investigation into Service User Experiences of the Planning Process, Research Report, London

¹¹ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹² Ibid

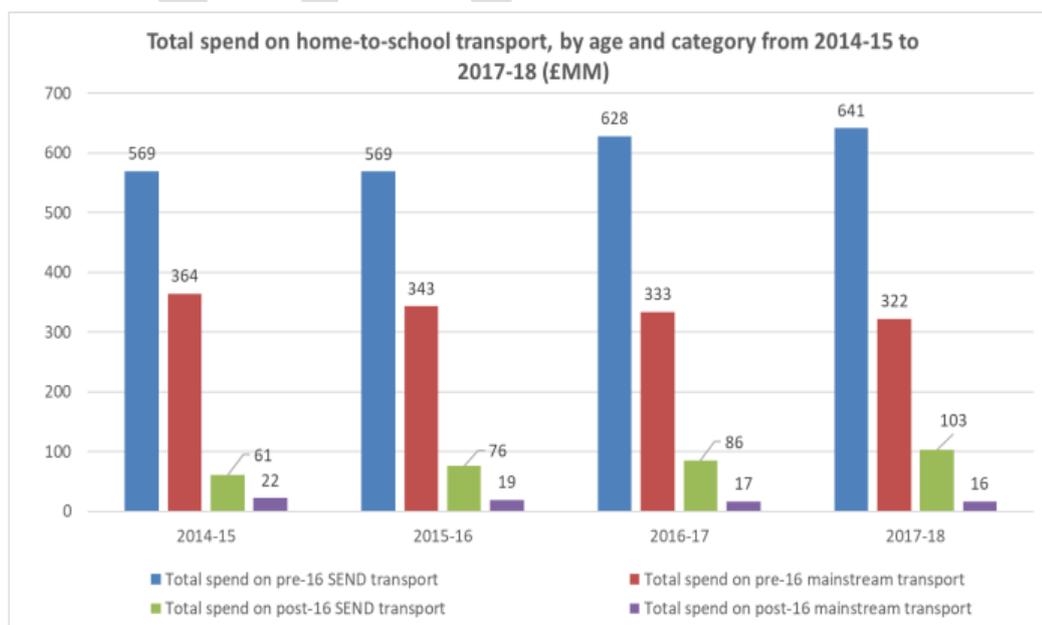
¹³ Ibid

2.3. National Context – School Transport Provision

2.3.1. Based on the most recent analysis of Section 251 budget and outturn statements, the total national spend on home to school transport has increased from £1.02 billion in 2014-15 to £1.08 billion in 2017/18 – an overall increase of 6.5%. However, this figure masks different trends in terms of expenditure for pupils eligible for home to school transport on the basis of ‘mainstream’ criteria (for example distance to school), and those eligible for home to school transport on the basis of their special educational needs and disabilities (SENDS).¹⁴

2.3.2. Expenditure on transport for children with SEND in this period has increased by 13% for pre-16 children and by 68% for those who are post-16. This compares with a drop of 12% in spend on pre-16 mainstream transport and a drop of 27% in spend on post-16 mainstream transport. As a result, the expenditure on home to school transport for children and young people with SEND has increased from 62% of the total in 2014-15 to 69% in 2017-18.¹⁵

Figure 1: Total spend on home to school transport from 2014-15 to 2017-18



Source: LGA (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁴ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁵ Ibid

- 2.3.3. This is in line with the Association of Directors of Children's Services (ADCS) 'Survey of Local Authority Spend, 2015/16' (2017), which found that, in 2015/16, local authorities spent almost £1 billion on home to school transport, and that 64% of that total (based on the local authorities that responded to their survey) was on SEND transport.¹⁶
- 2.3.4. The rising costs of home to school transport have made it difficult for local authorities to manage within the budgets they have allocated for this area of provision. An analysis of S251 budget and outturn statements from 2015-16 to 2017-18 shows that the overspend, nationally, for SEND transport has increased considerably since 2015-16. The percentage deficit for spend on pre-16 SEND transport increased from 5% to 17%, and the percentage deficit for spend on post-16 SEND transport increased from 16% to 29%.¹⁷
- 2.3.5. To understand what is driving these overall trends in expenditure, it is important to appreciate the relationship between the numbers of children and young people eligible for school transport and the costs associated with transporting them. As there is no nationally published data on the number of children receiving home to school transport, or on the unit costs of travel, the evidence is based on returns by local authorities to surveys conducted by both the Local Government Association (LGA) and the Association of Transport Co-ordinating Officers (ATCO).¹⁸
- 2.3.6. The LGA's survey shows that the total number of children and young people receiving pre-16 mainstream or SEND home to school transport in the local authorities that responded decreased from 133,051 in 2014-15 to 124,758 in 2018-19.¹⁹
- 2.3.7. As a percentage of the population aged 0-25 years, total numbers receiving home to school transport (both SEND and mainstream) declined from 3.9% in 2015-16 to 3.2% in 2018-19.²⁰
- 2.3.8. Data provided by ATCO corroborates this trend. In the period between 2016 and 2018, the number of those who received mainstream transport dropped from 102,000 to 96,000, while the number of those who received SEND transport increased from 16,000 to 19,000, for the 18 local authorities that consistently responded.²¹

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Ibid

²⁰ Ibid

²¹ Ibid

2.3.9. The LGA has estimated that, nationally, in 2018/19 there were around 550,00 children and young people receiving home to school transport across pre-16 SEND, mainstream and post-16 SEND.²²

2.3.10. It appears that the overall reduction in the numbers of children and young people receiving home to school transport is being driven by falling numbers of children receiving mainstream transport or post-16 SEND transport, partially offset by increasing numbers of children receiving pre-16 SEND transport.

2.3.11. The increasing number and percentage of children eligible for pre-16 SEND transport explains why expenditure on home to school transport is rising at a time when overall pupil numbers are falling. The average cost of providing transport for a school-age child with special educational needs is £5,400 per year, compared with £1,200 per year for the average child eligible for mainstream transport.²³

2.3.12. The effect of unit costs on expenditure is particularly acute for post-16 SEND transport. The expenditure on this group increased by over £40 million between 2014 and 2018, even though the size of this group declined slightly. This highlights the complexity of the needs of these young people, and the high unit cost of making suitable transport arrangements for them. By comparison, the year-on-year percentage decrease in the number of children and young people receiving mainstream transport pre-16 reflects the percentage decrease in spend on their transport, with a 10% and 12% drop respectively since 2014-15.²⁴

Differences between local authorities

2.3.13. There are significant variations between local authorities in the amount they spend per head of population on home to school transport and in the percentage of children eligible for transport. In 2017-18 the spend per head of population by local authority ranged from £9 to £164.²⁵

2.3.14. The most important factor behind these variations in expenditure appears to be the size and rurality of different authorities. A study by the University of Plymouth (2017), and reports by the Campaign for Better Transport Report (2016) and by the County Councils Network (2018), show that pupils in rural areas tend to travel longer distances to get to

²² Ibid

²³ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

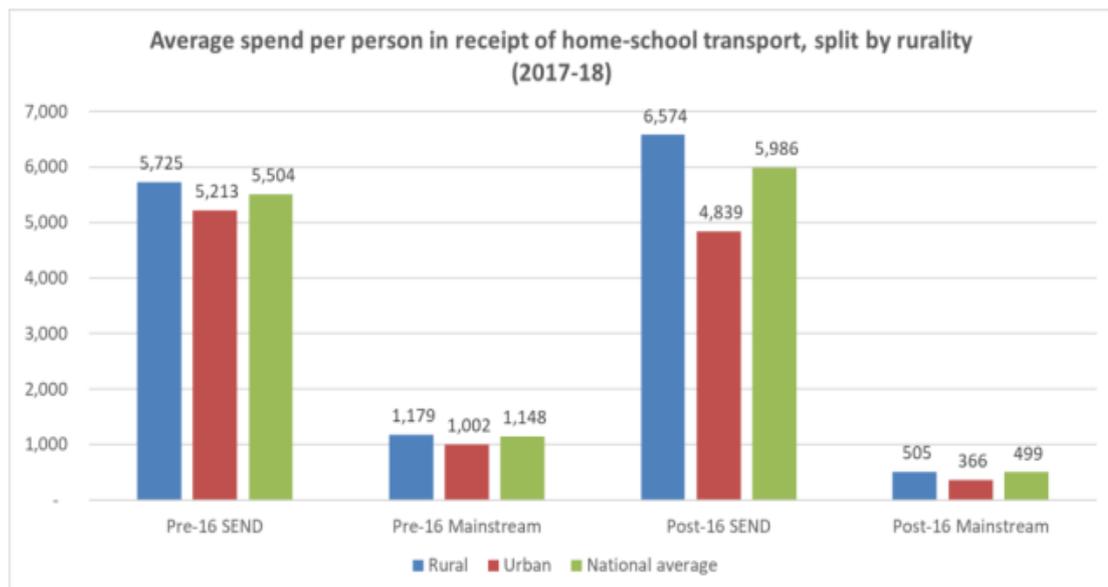
²⁴ Ibid

²⁵ Ibid

school. The County Councils Network report emphasises this point; if part of the eligibility criteria is based on pupils under 8 receiving free transport if they live 2 or more miles away from the most suitable school, and 3 miles for those over 8 years, there will inevitably be higher numbers of pupils who are eligible in rural areas. The University of Plymouth study (2017) suggests that, although pupils in urban areas are more likely to attend a school other than their nearest, they still tend to travel shorter distances than those in rural areas.²⁶

2.3.15. A survey by the LGA shows that rural authorities transport proportionately more children and young people for both SEND and mainstream provision and for longer distances than predominantly urban authorities. The survey also shows that, for every type of pupil eligible for school transport (pre- and post-16, SEND and mainstream), rural areas spend more per head for those receiving it than their urban counterparts and the national average.²⁷

Figure 2: Average spend per person in receipt of home to school transport, urban and rural areas, 2017-18



Source: LGA (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

²⁶ Ibid

²⁷ Ibid

Factors influencing mainstream home to school transport

2.3.16. There are several factors that can affect the number of children receiving mainstream home to school transport. These include: population growth, housing, the changing pattern of schools, and the changing characteristics of the underlying population.

Population growth

2.3.17. Between 2014 and 2019, the number of 5 to 16-year-olds educated in maintained schools in England grew by 485,000 (around 6%),²⁸ creating a larger pool of pupils who might be eligible for home to school transport. However, population growth is not evenly distributed; in some areas it is a far more pressing issue than in others.²⁹

Housing

2.3.18. Population growth has also led to an increase in new housing developments, which pose their own unique challenges to local authorities providing home to school transport. After a period of limited building between 2010 and 2014, England has experienced a large increase in the number of new housing developments. Between 2014 and 2019, the number of permanent dwellings being built per year grew by 40%, from about 118,000 to about 165,000.³⁰

2.3.19. The private sector accounts for 82% of these builds. The evidence describes how these developments can be located without due regard for access to schooling and the consequential implications for home to school transport budgets.³¹

2.3.20. At the other end of the spectrum, insufficiency of housing is also creating pressures. The growth in the number of families held in temporary housing for longer periods of time is leading to an increased demand for transport. When families are housed within a commutable distance every effort is made to ensure that the children remain in their

²⁸ Gov.UK (2014, 2019) Schools, Pupils and Their Characteristics, January 2014 and January 2019

²⁹ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

³⁰ Ministry of Housing, Communities and Local Government (2019) Live Tables on House Building: New Build Dwellings

³¹ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

original school to provide continuity, but this may still be a considerable distance from their new address.³²

The changing pattern of schools

2.3.21. The building of new schools is another factor contributing to changing demand for home to school transport. On the other hand, the closure of schools can also lead to increases in school transport demand. This seems to be a particular issue for the larger rural counties. Pressure on school budgets in recent years have led some local authorities to close small rural schools that have become financially unsustainable. This creates pressure on transport budgets, as more children then have to travel farther to school.³³

The changing characteristics of the population

2.3.22. Changes to the underlying characteristics of their pupil populations can also affect the numbers eligible for home to school transport. A survey by the LGA shows that the growing number of looked-after children is a significant issue. For many of these children and young people every effort is made to maintain their educational provision if their foster or residential placement changes, but this can often result in long, costly and often individual transport arrangements.³⁴

2.3.23. Another changing dynamic for local authorities has been the changing numbers of children and young people who qualify for transport on the basis of free school meals. While the national population of secondary age children receiving free school meals has remained largely stable at between 12% and 14%,³⁵ the variation between local authorities can be dramatic. Between 2014 and 2018 there was a fall of 3.2% in one local authority and an increase of 11.7% in another.³⁶

³² House of Commons Library (2019) Households in Temporary Accommodation

³³ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

³⁴ Ibid

³⁵ Gov.UK (2014, 2019) Schools, Pupils and Their Characteristics, January 2014 and January 2019

³⁶ Ibid

Actions taken by local authorities to address pressures on school transport

Changing eligibility criteria

2.3.24. Given the range of the inflationary pressures outlined above, it may seem surprising that the number of students accessing pre-16 mainstream transport appears to be consistently falling. This can be largely explained by changes local authorities have made to the eligibility criteria for mainstream home to school transport.

2.3.25. The Campaign for Better Transport claims that, since 2010, many local authorities have reduced their provision of mainstream home to school transport to the statutory minimum, thus reducing the overall number of pupils entitled to free transport. In total, the organisation estimates that 27% fewer pupils are receiving home to school transport than was the case in 2008.³⁷

2.3.26. Some of the main ways in which authorities have reduced the number of children eligible for home to school transport, or the number of routes commissioned, included:

- Making physical changes to walking routes previously considered unsafe by, for example, installing bridges, traffic crossings or pedestrian walkways to make them safe.
- Removing discretionary elements from their transport policies, such as transport provided for parents who choose Faith Schools or Grammar Schools.
- Changing travel policies so that travel is only provided 'to the nearest school' rather than a wider definition such as schools within a designated geographical area.
- Removing provision for travel to multiple sites (for pupils who attend more than one provision).
- Removing provision for travel from more than one home address (for example, pupils who live for part of the week with their mother and for part of the week with their father).
- Tightening up criteria for collecting children from central pick-up points.³⁸

³⁷ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

³⁸ Ibid

Factors affecting the unit costs for mainstream school transport

2.3.27. The trends in expenditure on home to school transport depend not just on the numbers of children receiving transport but also on the unit costs of providing it. Research shows that the average unit cost per child receiving mainstream home to school transport has increased slowly but consistently, across different forms of transport over the last four years.³⁹

2.3.28. Across all forms of transport, the average unit cost per child receiving mainstream transport has increased from £1,045 in 2014-15 to £1,163 in 2018-19.⁴⁰

Market pressures

2.3.29. A key factor is the financial pressure on commercial bus services, that can lead to the ending of unsustainable public transport routes. This is a particularly acute issue in rural areas. The Campaign for Better Transport indicates that, between 2010 and 2016, local authorities in England and Wales cut £78 million in funding for bus services and that about 2,400 bus routes were reduced or withdrawn.⁴¹ With fewer public transport routes available, more children and young people may need to be transported on specially commissioned school bus routes rather than subsidised on existing public transport. This comes at a higher cost per child.⁴²

2.3.30. A second related factor is the number of bus companies that have ceased trading. Where fewer providers are competing for contracts, the ability of commissioners to negotiate on price can be limited.⁴³

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Campaign for Better Transport (2015) Buses in Crisis

⁴² Ibid

⁴³ Ibid

Actions that can help to mitigate cost pressures for mainstream school transport

Sharper commissioning

2.3.31. Local authorities have used a wide range of commissioning mechanisms to gain maximum value for money from mainstream transport contracts. They include the following:

- Carrying out regular reviews of routes to make sure that they are achieving maximum efficiency in filling buses, reducing transport distances where possible, and combining pick-ups and drop-offs in a strategic way. A number of authorities had invested in mapping software that enables route reviews to be carried out more frequently and with fewer person-hours than traditional more manual methods.
- Tendering contracts in a flexible way to enable local authorities to make sensible adjustments to the number of buses, journeys or routes a provider is asked to make.
- In many London local authorities, boroughs work together to commission transport.
- Experimenting with different contract lengths. Longer contracts can provide an opportunity to lock-in a better price by giving providers more certainty of future income, but they can also lead to authorities being tied into a particular pattern of provision which may become less efficient over time, as the journeys pupils make may need to change. Shorter contracts offer more opportunity for review but can also lead to instability being 'priced in'.⁴⁴

Income generation

2.3.32. Alongside sharper commissioning, a trend increasingly seen in local authorities is the growth in income generated by charging children and young people who do not qualify for free transport. Some arrange this on a termly bus-pass basis, while others operate a walk-on set-up for any seats that are not used that day.

⁴⁴ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

Factors influencing SEND home to school transport

2.3.33. Mainstream home to school transport has been characterised by moderate inflationary pressures affecting the demand for transport and the costs of providing it, which have been offset by tightening discretionary local eligibility criteria and a strong focus on achieving value for money through contracting and income generation. The picture for SEND home to school transport is very different. There has been a significant rise in both the numbers of children receiving transport and in the year-on-year costs of providing it.⁴⁵

Increasing numbers of children with Education Health and Care Plans (EHCPs)

2.3.34. It appears that the increasing number of children with an Education and Health Care Plan (EHCP) is a significant contributory factor in explaining the growth of SEND school transport. Data by the Department for Education shows that, between 2014 and 2018, the number of children and young people with an EHCP or statement of SEND increased by 35% from about 237,000 to about 320,000.⁴⁶ This compares with an increase of only 4% in the previous 5 years.⁴⁷

2.3.35. Although the guidance is clear that the fact of having an EHCP does not, in itself, provide entitlement to assistance with transport, many local authorities have pointed to the impact of the Children and Families Act (2014) in raising parental expectations of what local authorities should provide. These raised expectations can often apply to transport as much as to educational provision. Working with parents constructively and collaboratively to determine the extent of parental and local authority responsibilities for transporting children with SEND remains an ongoing challenge.⁴⁸

Increasing complexity of needs

2.3.36. Another key factor behind the growth in expenditure on SEND home to school transport is the increasing complexity of needs experienced by children and young people.

⁴⁵ Ibid

⁴⁶ Statements of SEN and EHC Plans: England, 2018

⁴⁷ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

⁴⁸ Ibid

2.3.37. Local authorities are dealing with greater numbers of children and young people with more complex needs. They often require transport solutions that are more bespoke and more expensive. Local authorities have identified two particular groups of children for whom this is the case: children with very complex medical needs, and children and young people with very challenging behaviour.⁴⁹

2.3.38. For those with complex medical needs, physical adaptations may need to be made to vehicles to keep children and young people safe and comfortable during their journeys to school. For those with life threatening medical conditions, much more highly skilled and trained Passenger Assistants need to be provided (either on buses or in taxis) in order to offer appropriate care in the case of a medical emergency.⁵⁰

2.3.39. The second group of pupils identified by local authorities as contributing to increasing costs of school transport are those exhibiting challenging behaviour. Since 2012/13, the number of permanent exclusions has risen by 67% and the number of fixed-term exclusions by 43%.⁵¹ Of the children and young people permanently excluded in 2016-17 with a special educational need, 61% had social, emotional and mental health as a primary need. For the fixed-term excluded the comparable figure was 54%.⁵² There has been a general rise in more complex social, emotional and mental health (SEMH) needs; the numbers of those with either SEN Support or an EHCP with a primary need of SEMH or ASD, have increased by 22% and 46% respectively since 2015.⁵³

2.3.40. The impact of these trends on transport are many. Firstly, more permanent exclusions create more demand for placements in a local area's Pupil Referral Unit (PRU) or alternative provision. The locations of such provision are likely to be further afield than a child's previous local school and more children will therefore become eligible for transport.⁵⁴

2.3.41. Local authorities also face particular challenges for those young people whose alternative provision is carried out on multiple sites. Providing individual and bespoke transport to these settings increases the chance of the young person attending but comes at a significant financial cost.⁵⁵

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Permanent and Fixed Period Exclusions in England: 2016 to 2017

⁵² Ibid

⁵³ SEN in England: January 2015 and SEN in England: January 2019

⁵⁴ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

⁵⁵ Ibid

2.3.42. Finally, local authorities also need to make provision for a growing cohort of young people whose extreme behaviour on transport puts either themselves, the driver or other road users at risk. In those cases, local authorities have little choice but to commission individual taxis, with one or more Passenger Assistants, at a very high unit cost.⁵⁶

Increasing distance travelled due to school occupancy and distribution of specialist provision

2.3.43. Both the increasing number of children and young people with EHCPs, and the increased complexity of their needs, are requiring changes to where children and young people with SEND are placed, and this is itself having a major impact on expenditure on transport. More children with EHCPs are being educated in special schools and, when local special schools are full, the 'nearest suitable school' is necessarily further afield. This is particularly acute if no available local special schools are deemed adequate and the child is sent to an independent or non-maintained special school, possibly out-of-county or borough.⁵⁷

2.3.44. The effect of special schools that are full is particularly challenging for counties because the distance to the next nearest suitable provision may be considerable. A number of counties described how difficult it was to even combine journeys for pupils because to do so would make journey times unacceptably long, again leaving them with few options other than solo taxi provision.⁵⁸

2.3.45. Rural areas use taxis for transporting children and young people with SEND much more frequently than urban areas and the average unit cost per child is considerably higher in rural areas for taxi transport than for other forms of transport.⁵⁹

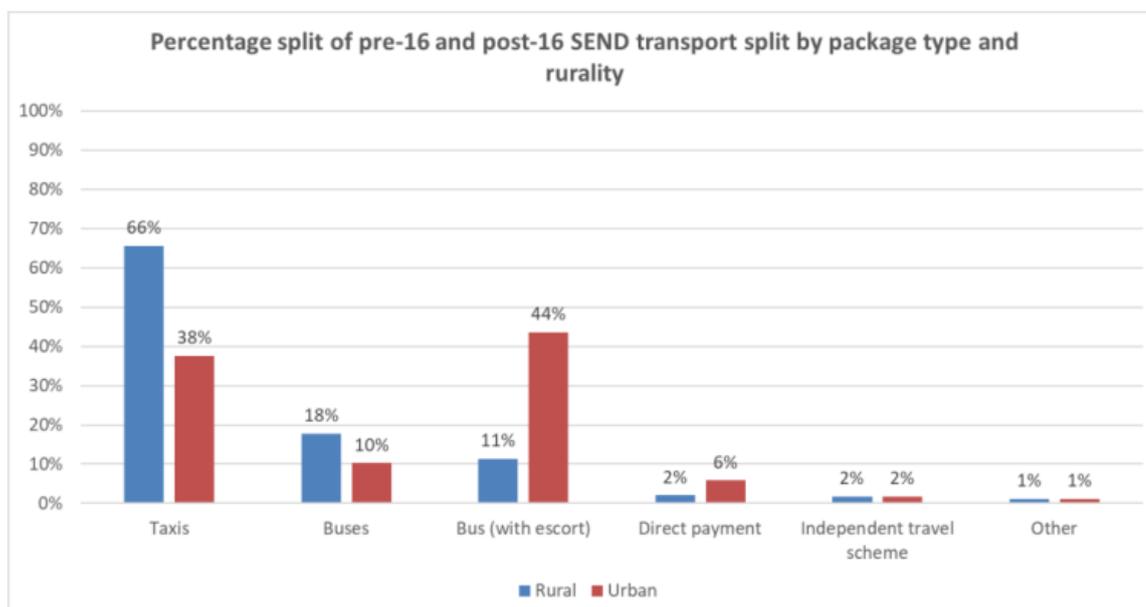
⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Ibid

Figure 3: Percentage split of package types used in provision of SEND transport, urban and rural areas, 2018-19



Source: LGA (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

2.3.46. For local authorities that place many more pupils in special schools than the number of places they formally commission, the average annual spend per child or young person in receipt of SEND transport in 2018-19 was £7,738. This compares with £3,440 per child in local authorities in which the number of commissioned places was much closer to the actual number of children in special schools.⁶⁰ This variation is likely to be because local authorities with more special schools at, or over, capacity have to transport children further afield. Similarly, spend on SEND transport is somewhat higher per child for local authorities that have higher proportions of placements in independent or non-maintained special schools (INMSS). For local authorities with high proportions of children with EHCPs placed in INMSS, the average spend per child on SEND transport in 2018-19 was £5,842, compared to £5,428 for local authorities with low proportions.⁶¹

⁶⁰ High Needs: Place Allocations for 2017-2018 and Schools, Pupils and Their Characteristics: January 2018

⁶¹ Statements of SEN and EHC Plans, England, 2018 and Section 251: Outturn, 2017-18

Market forces within the SEND transport sector

- 2.3.47. As is the case for mainstream transport, the average unit cost (per child per annum) for SEND transport increased, from £4,561 in 2014-15 to £5,379 in 2018-19. Within this overall trend, there were some significant increases for certain types of transport, in particular the unit cost per child of bus travel (both with and without an escort). Taxi unit costs also increased substantially in this period.⁶²
- 2.3.48. There are a number of possible reasons for these increases. In terms of transport by taxi, some local authorities described the difficulties they experienced in commissioning sufficient taxi capacity, because some companies choose not to bid for the work. With a smaller pool of providers it is harder to limit cost increases. This point is echoed by the ATCO survey which found that, for SEND transport, the average number of tenderers per contract decreased from 7 to 5 between 2017 and 2019.⁶³
- 2.3.49. Many authorities also report that the requirement on providers to be compliant with the Public Service Vehicle Accessibility Regulations (PSVAR, 2016), though very important, forces up unit cost. PSVAR-compliance applies to buses with capacity for more than 22 passengers and requires that, amongst other things, there is sufficient space for a wheelchair, priority seats for disabled passengers, and audible and visible signals to stop a vehicle. This has led to increased unit costs for many authorities as the pool of suitable, fully compliant buses has reduced, and because the process to become compliant requires costly alterations.⁶⁴

Actions that help to mitigate cost pressures for SEND home-to-school transport

- 2.3.50. The local authorities that appear to have been most successful in limiting the rising expenditure for home to school transport for children with SEND have taken a very strategic approach to the commissioning and provision of home to school transport, placed the long-term needs of the child at the heart of their strategy, and have been disciplined in the implementation of their policies.⁶⁵

⁶² Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

⁶³ Ibid

⁶⁴ SEN in England: January 2014 and SEN in England: January 2019

⁶⁵ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

A strategic approach to SEND and inclusion

2.3.51. Successful local authorities were clear that managing the costs of SEND transport must start with a strategy on how to ensure that as many children with SEND as possible are educated successfully in their local schools in a way that meets their needs and enables them to thrive. This means developing an effective mechanism in mainstream education to support children with SEND. This helps to alleviate pressure on maintained special schools, and creates more opportunities to place children in special schools close to home and reduce reliance on more distant or INMSS provision.⁶⁶

Clear leadership of SEND transport planning

2.3.52. The second strategic consideration is how well local authorities are able to establish coherent and joined-up ways of working between those who set the SEND transport policy, those who make decisions about individual pupil placements, those who make decisions about the award of transport assistance, and those who commission the transport.⁶⁷

2.3.53. It appears to be a feature of the delivery of SEND transport that strategy, commissioning and budget holding functions tend to be split between multiple teams. This split of key functions can cause a lack in strategic coherence, unless it is united through a strong central leadership function.⁶⁸

Travel assistance options

2.3.54. Managing SEND transport budgets successfully within the current policy and funding context depends on the quality of the initial conversations with young people and families. A number of authorities have emphasised the critical importance of having effective transport advisers who are able to accurately assess and moderate applications for transport, and discuss with both young people and parents how travel assistance might be provided and how it might evolve over time.⁶⁹

⁶⁶ Ibid

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Ibid

2.3.55. If a meaningful dialogue with parents and young people is not embedded in the process for determining transport arrangements, this can lead to very expensive packages emerging as a result of limited assessments of a child's needs, adversarial relationships with families, or more formal challenges through tribunals or other legal processes.⁷⁰

2.3.56. Importantly, some local authorities have been successful in setting out and communicating effectively what 'assistance with travel' means in local policy terms, and moving expectations away from the assumption that bus or taxi transport would be provided for children with SEND as a matter of course. One local authority set out a very clear hierarchy of transport offers which they would discuss with parents. They started from the assumption that, wherever possible, the parent would be able to support the child or young person in travelling to school. If this was not possible, they would explore options involving independent travel training or providing a parental allowance. Only if these options had been considered and found to be unfeasible, would commissioning a place on a bus be considered. Taxi travel was seen as the option of last resort.⁷¹

Independent travel training

2.3.57. The aim of independent travel training (ITT) is to provide young people with SEND with the skills to enable them to travel to school safely on their own using public transport. This depends on having an adequate public transport infrastructure in place to allow the journey to be made simply and on time.⁷²

2.3.58. While this is likely to be used more widely in more urban areas where the density of public transport is greater, it has also been adopted successfully by a number of counties. ITT is likely to be more effective when the decision is made in partnership with both families and schools, and where the emphasis is on promoting independence and developing life opportunities rather than cutting costs.⁷³

Personal allowances

2.3.59. The objective of personal allowances is to provide financial assistance to parents or carers to enable them to take responsibility for transporting their child to school. These arrangements tend to achieve greater take-up among parents, and deliver greater cost-savings to the local authority, when parents are able to set the scope of the allowance

⁷⁰ Ibid

⁷¹ Ibid

⁷² Ibid

⁷³ Ibid

and how they would want to use it, and when there are clearly defined parameters for the upper limit that might apply. Parents can choose to use the allowances in a number of ways, from covering their own direct costs of transporting the child to school through to making their own taxi arrangements.⁷⁴

Working in partnership with schools and across services

2.3.60. Finally, a number of local authorities are working in partnership with schools and across services to explore alternative ways of providing transport. One option that has been used successfully in some areas is devolving transport budgets to schools to enable them either to make their own commissioning arrangements, or to develop and run their own transport. In some cases, local authorities found that, if schools commissioned all of their transport from one provider, they were able to negotiate better contract prices than the local authority could.⁷⁵

2.3.61. In some local authorities, SEMH special schools were particularly keen to take up the offer of devolved transport budgets because they found that, by having greater control over the choice of drivers and passenger assistants, and by employing people who were skilled in working with young people in these roles, there was less disruption on journeys to school and better attendance. However, in other areas, schools were reluctant to take on both the administrative burden and the financial risk of organising transport for their pupils.⁷⁶

2.3.62. Another way in which local authorities work with their special schools on the transport agenda, is in negotiating staggered school start and finish times that might enable buses to operate more effectively by serving multiple schools. Some local authorities have also offered to support special schools in the provision of Breakfast Clubs to enable flexible drop-off and pick-up times.⁷⁷

2.3.63. Finally, local authorities are also working across services to maximise the use of, and in some cases increase, their in-house fleet provision. For example, one local authority described how it is considering working across SEND and adults social care to explore how existing local authority minibuses could be deployed more cost effectively

⁷⁴ Ibid

⁷⁵ Ibid

⁷⁶ Ibid

⁷⁷ Ibid

if adjustments were made to school starting times and to the timing of transport to adult day care provision.⁷⁸

Factors that limit local authorities' capacity to contain spending pressures on school transport

- 2.3.64. By focusing on eligibility criteria, smart commissioning, strong strategic leadership of the SEND agenda, effective working across service boundaries and with schools, and more creative dialogue with parents, local authorities are able to mitigate some of the increased spending pressures on home to school transport. However, there is a limit to what they can achieve. Nationally, expenditure on home to school transport has increased by £66 million in four years, and the national deficit – the extent to which local authorities collectively overspent their budgets – stood at £111 million in 2017-18. It is therefore worth discussing briefly what limits the capacity of local authorities to control spending pressures on this activity.⁷⁹
- 2.3.65. As pointed out earlier, the growth in home to school transport expenditure is currently being driven by increases in expenditure on SEND transport. There are considerable policy, funding, demographic and societal pressures which, in combination, are fuelling the unprecedented rise in the number of children with EHCPs, the increasingly complex presentation of their needs, and the crisis in special school capacity. These have been well documented in a number of research studies and all, to a greater or lesser extent, are outside the control of individual authorities. All these factors are contributing to the increased expenditure on SEND transport.⁸⁰
- 2.3.66. Secondly, there is an unresolved tension at the heart of home to school transport policy between the responsibility of parents to get their children to school, and the expectations parents have of the level and type of assistance that local authorities can provide. There have been several high-profile judicial reviews that have found in favour of parents and against local authorities that have tried to reduce transport entitlements. Similarly, some local authorities reported examples of reforms and cost reductions that they had attempted to introduce but had abandoned in the face of strong parental opposition.⁸¹

⁷⁸ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ Ibid

2.3.67. Ambiguities in the guidance, and mismatches between statutory requirements for SEND and statutory requirements for transport, can make these disputes more difficult to resolve. For example, while there is no legal obligation to provide transport to children below statutory school age, some local authorities have come under very strong pressure from parents to provide transport assistance to nursery schools named on a child's EHCP if they were beyond the statutory walking distance.⁸²

2.3.68. Thirdly, there are further unresolved tensions between some of the broader strategic aims of local authorities and schools, and the need to limit expenditure on home to school transport. For example, putting in place a good transport offer for young people at risk of poor attendance, attending multiple alternative provision sites, or getting back into college post-16 after a period of being NEET can all help to further the educational outcomes and life-chances for those young people, but they all require investment in transport on the part of the local authority over and above statutory requirements.⁸³

2.3.69. In addition to these common pressures, rural local authorities - as a result of longer distances, lower population densities, limited public transport networks and more sparsely distributed schools - bear a disproportionate financial burden in terms of both the relative number of children and young people who are eligible for transport and the cost per head of providing it.⁸⁴

2.3.70. Finally, mainstream home to school transport costs are relatively stable for the moment, and reductions in the past have helped to offset the increased spend elsewhere. However, this position cannot be expected to last indefinitely. Evidence suggests that many local authorities are now at, or close to, the statutory minimum for mainstream transport provision, and the market may not sustain greater efficiencies driven through commissioning. This suggests that local authorities might be approaching a limit to the reductions that can be made in mainstream transport expenditure; if so, this will exacerbate the pressures on SEND transport spending.⁸⁵

⁸² Ibid

⁸³ Ibid

⁸⁴ Ibid

⁸⁵ Ibid

2.4. Local Context – Overview

2.4.1. Under the Education Act (1996) there is a statutory duty on local authorities to provide travel assistance to students who are deemed eligible. Following national guidance, KCC has established its own criteria for assessing eligibility for transport assistance.⁸⁶

2.4.2. The provision of home to school transport in Kent is managed in two stages: firstly, the identification and assessment of pupil eligibility by KCC's Transport Eligibility team, and secondly, the creation and management of travel arrangements by the Public Transport service. KCC's Children, Young People and Education directorate holds the budget for all home to school transport services.⁸⁷

2.4.3. The Council provides travel assistance in the form of the following arrangements:

- Public Bus & Rail Tickets
- Contracted Vehicles
- Personal Transport Budgets
- Independent Travel Training.⁸⁸

2.4.4. The Public Transport team plans and co-ordinates all transport provision to ensure resources are used effectively. KCC does not have its own fleet of school transport vehicles, so it provides this service through the commercial market. Transport services are currently supplied by over 350 approved providers. Approximately 250 of them are currently operating routes on behalf of the Council.⁸⁹

⁸⁶ The Education Act (1996), available at <https://www.legislation.gov.uk/ukpga/1996/56/contents>

⁸⁷ Kent County Council, Home to School Transport SFI, Background Briefing

⁸⁸ Ibid

⁸⁹ Ibid

2.5. Local Context – Eligibility Assessment

- 2.5.1. All applications for transport assistance are assessed individually in accordance with Kent’s transport criteria.⁹⁰ As criteria are based on statutory requirements, at this stage Transport Officers apply the policy without discretion to each application. Wider circumstances can be considered at a later stage by members of Kent’s Transport Regulation Committee Appeals Panel.⁹¹
- 2.5.2. To qualify for free school transport a child must attend their “nearest appropriate school” for transport purposes, *and* that school must be over the statutory distance from their home. Free school transport is not provided where a child meets only one of these criteria.⁹²
- 2.5.3. The nearest appropriate school for transport purposes is the nearest school that is considered by the Department for Education to provide education suitable for the child’s age and ability. This includes all academies, Free schools, and faith schools, even if a family is not of the same faith. In some areas of the county, a child nearest appropriate school may be located outside Kent.⁹³
- 2.5.4. When determining the nearest appropriate school for transport purposes, KCC does not consider a parent’s preference for a single-sex, mixed, specialist or other particular type of school. This means that children will not automatically receive transport assistance to any school that offers them a place. Children assessed as suitable for a Grammar school are not automatically eligible for transport assistance to that school. A Grammar school is considered a parental preference and, where it is not the nearest school, there may be no eligibility for free transport. No transport is provided for a child attending a fee-paying mainstream independent school.⁹⁴
- 2.5.5. Statutory school distances are set in legislation and depend on the child’s age. A child’s school must be over the statutory school distance for them to be considered for free school transport. For a child under the age of 8, the school must be over 2 miles from their home. For children over 8, the school must be over 3 miles. This means that where a child lives between 2 and 3 miles from their nearest school, they will only be

⁹⁰ Kent County Council (2021) Home to School Transport Guidance 2021-22

⁹¹ Ibid

⁹² Kent County Council (2021) Home to School Transport Guidance 2021-22

⁹³ Ibid

⁹⁴ Ibid

eligible for free school transport assistance until the end of the term in which they become 8 years of age.⁹⁵

2.5.6. KCC initially identifies the nearest appropriate school via the shortest available route. School transport distances are calculated between the child's permanent main residence and the school. Route assessments may consider public footpaths, bridleways, other footpaths as well as recognised roads where they are available. In line with legislation, where the distance to a school is over 6 miles, vehicular road routes may be favoured regardless of whether there may be shorter walking routes. This initial assessment does not consider whether the chosen route is of a hazardous nature as there is no expectation that children will necessarily use it to access their place of education. This stage simply establishes which school is the closest to their home.⁹⁶

2.5.7. Where a safe walking route is available to the nearest appropriate school that is shorter than the statutory walking distance, transport will not be provided as it is expected that the child would be able to walk to school. Where no safe walking route is available, or where the shortest available safe walking route it is over the statutory distance, free school transport will be provided to the nearest appropriate school. A safe walking route is one where a child can walk safely accompanied as necessary by a responsible adult. Once the nearest school has been established, KCC will not consider the route a child may take to any other school, as they will not be eligible to receive free school transport to that school. If parents live within the statutory walking distance, and consider the route to their child's school to be hazardous, they can ask that it be assessed by KCC's Transport Officers.⁹⁷

2.5.8. KCC's transport assessment criteria for applications from low-income families are different, although again based on the requirements of transport legislation. A child is assessed under Low Income criteria if they are entitled to receive free school meals, or where their parents are in receipt of one of the following benefits:

- Income Support
- Income-based Jobseeker's Allowance
- Child Tax Credit (without Working Tax Credit and with an annual income of no more than £16,385)
- Guaranteed element of state pension credit
- Income-related employment and support allowance
- Maximum level of Working Tax Credit

⁹⁵ Ibid

⁹⁶ Kent County Council (2021) Home to School Transport Guidance 2021-22

⁹⁷ Kent County Council, Home to School Transport SFI, Background Briefing

- Universal Credit (provided applicants have an annual net earned income of no more than £7,400, as assessed by earnings from up to three of their most recent assessment periods). When parents receive Child Tax Credit but not Working Tax Credit, the level of yearly income (currently £16,190) would be taken into account when assessing the child's eligibility. If parents receive both Child Tax Credit and Working Tax Credit, then the Working Tax Credit element overrides the Child Tax Credit element, and parents must receive the maximum level of Working Tax Credit to qualify for transport assistance on Low Income grounds.⁹⁸

2.5.9. When children are assessed under Low Income criteria, eligibility depends on the child's age. Children from low-income families who attend a primary school and who are aged 8 years and over but less than 11 years, and who attend their nearest appropriate school as outlined above, are eligible for free school transport, as long as they live between 2 and 6 miles from the school. In most cases this means that a low-income child would not lose free transport eligibility when they turn 8 years of age and live less than three miles from their nearest school.⁹⁹

2.5.10. Low Income children over 11 years of age but under 16 are given transport eligibility to any one of their three nearest appropriate schools as explained above, where their home is between 2 and 6 miles from the school.¹⁰⁰

2.5.11. Children from low-income families aged between 4 and 16 who are attending the nearest faith school between 2 and 15 miles from their home, are eligible for free school transport if they can produce an application form signed by a vicar/priest of the same denomination stating that the child is a regular and practising member of a church of the same denomination as the school.¹⁰¹

2.5.12. Children from low-income families also receive transport assistance to their nearest Grammar school, if they have met the entry requirements and been offered a place there, and the school is between 2 and 15 miles from their home. This is a *discretionary* offer under Kent's Transport criteria.¹⁰²

⁹⁸ Ibid

⁹⁹ Ibid

¹⁰⁰ Kent County Council (2021) Home to School Transport Guidance 2021-22

¹⁰¹ Ibid

¹⁰² Ibid

- 2.5.13. Transport that is provided under the low-income criteria is reviewed annually. Renewal forms are sent out in April to remind families to re-apply.¹⁰³
- 2.5.14. KCC's transport arrangements make *additional* provisions for children in the care of KCC. Children in Local Authority Care are children under the age of 18 years who are (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions.¹⁰⁴
- 2.5.15. Children in the care of KCC will receive transport assistance to their nearest Grammar school if they have met the entry requirements, been offered a place at the school, and the school is between 2 and 15 miles from their home.¹⁰⁵
- 2.5.16. They do not have an automatic right to free home to school transport. They are assessed in accordance with Kent's transport criteria in the same way as any other child. However, Children in Care and Young Carers can apply for a KCC Travel Saver card. This pass is free for all children in care and young carers until the age of 21.¹⁰⁶
- 2.5.17. When considering eligibility for free transport for a child who has special educational needs or disability or mobility problems, but who does not have an EHCP, KCC will regard the child's nearest appropriate school as the closest school to their home, via the shortest available route, that can meet their specific needs.¹⁰⁷
- 2.5.18. Where a child has an EHCP, their nearest appropriate school will usually be named in their EHCP. Where a parent asks for transport to be provided to a school that is not the nearest appropriate school, it is unlikely that their child will be eligible for free school transport.¹⁰⁸
- 2.5.19. Similarly, transport assistance will not be provided if attendance at the school is conditional on the parent agreeing to pay part or all the transport costs. In accordance with the above principles, the Transport Eligibility Team will work with colleagues in KCC's special educational needs and disabilities teams to identify which school could be considered a child's nearest appropriate school. Where a parent asks that transport should be provided to a school that is not the nearest appropriate school, it is unlikely that their child will be eligible for free school transport unless

¹⁰³ Ibid

¹⁰⁴ Kent County Council, Home to School Transport SFI, Background Briefing

¹⁰⁵ Ibid

¹⁰⁶ Ibid

¹⁰⁷ Ibid

¹⁰⁸ Ibid

it can be demonstrated that any associated or additional costs would represent an efficient use of KCC's resources or are negligible.¹⁰⁹

- 2.5.20. Statutory distances do not apply to children with an EHCP. Parents are asked to provide evidence showing that their child's needs may inhibit their ability to walk to and from school and/or access public transport.¹¹⁰
- 2.5.21. Free school transport is not available in the same way for pupils in post-16 education. KCC considers that, in most cases, the provision of a subsidised KCC 16+ Travel Saver card should be sufficient to facilitate the attendance of those aged 16–19 at their chosen education or training provider.¹¹¹
- 2.5.22. The KCC 16+ Travel Saver card is usually available at a lower rate for young people with parents on a low income, via learning provider subsidies. Applications for cards at this lower rate are therefore made directly through the young person's education provider.¹¹²
- 2.5.23. Students who have an EHCP which has either lapsed or stopped, and are continuing their education by attending a college, school or other learning establishment, can firstly apply for a KCC 16+ Travel Saver.¹¹³
- 2.5.24. If, however, the young adult has mobility problems or disabilities that inhibit their ability to access public transport, they can ask KCC for additional support. KCC will assess the application and, if the student is eligible for transport assistance, several options can be considered:
- KCC will initially consider all applicants for travel training.
 - KCC may consider providing transport directly where there is a particular need and/or disability.
 - KCC may consider granting a student a Personal Transport Budget.¹¹⁴

¹⁰⁹ Ibid

¹¹⁰ Ibid

¹¹¹ Kent County Council, Home to School Transport SFI, Background Briefing

¹¹² Ibid

¹¹³ Ibid

¹¹⁴ Ibid

2.6. Local Context – Implementation of Transport Arrangements

- 2.6.1. Statutory guidance states how local authorities are required to make specific school transport arrangements. These include: specifying journey times; assessment policies; and the reasonableness of the arrangements.¹¹⁵
- 2.6.2. Journey times play a key role in the determination of travel arrangements across the county. The statutory guidance requires local authorities to ensure that primary school children do not have a journey time exceeding 45 minutes, and those in secondary school do not exceed more than 75 minutes. However, the guidance acknowledges this may not be possible in all circumstances, especially for students attending specialist provision, such as special needs establishments.¹¹⁶
- 2.6.3. The reasonableness of travel arrangements is determined by: the distance a student may have to walk to a collection point; whether the student has mobility difficulties; whether a passenger assistant is required to be onboard and; whether the route is safe.¹¹⁷
- 2.6.4. When the Public Transport service receives an application or request for travel assistance, the following steps are applied, in order, moving on to the next step if the mode of transport is unavailable.¹¹⁸
- 2.6.5. Identify whether the student is able to use the public transport network (a bus or train), taking account of their needs. Public transport is normally considered to be the cheapest form of transport. Season ticket agreements are in place with bus and train operators.¹¹⁹
- 2.6.6. If they are unable to use public transport, KCC will consider whether the student can be allocated to a contracted service. The form of transport may be a coach, minibus or taxi.¹²⁰
- 2.6.7. If the above options are unavailable, the last step is tendering for a new contracted service.¹²¹

¹¹⁵ Kent County Council, Home to School Transport SFI, Background Briefing

¹¹⁶ Ibid

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ Ibid

¹²⁰ Ibid

¹²¹ Ibid

2.6.8. When securing provision via a new tender, KCC purchases services from the commercial market using an approved list of suppliers, in accordance with the Public Contract Regulation (2015). A transparent and systematic tendering process is undertaken.¹²²

2.6.9. If a tender response is too high, or no bids are received, KCC officers liaise with transport operator companies that are close to the client's residence in an effort to source a service – with a consideration of transport costs and viability. Ultimately, KCC is legally required to provide transport arrangements for all eligible pupils.¹²³

2.7. Local Context - Contract Management

2.7.1. Contract management is critical to the successful operation of home to school transport services. The management of services includes various elements, from operator performance through to the cleanliness of the transport network. Transport inspectors are responsible for monitoring the performance of transport operators.¹²⁴

2.7.2. The Public Transport team, as part of its contractual agreement with approved suppliers, raises all identified performance issues via the Service Failure Enquiries (SFE) process. The Council requests a response from the supplier to the concern or complaint that has been raised. If an operator is considered to have breached the contract, a variety of sanctions can be applied, depending on the severity of the issue.¹²⁵

2.7.3. Other forms of performance review include the analysis of the capacity rates of vehicles, and contracts across the entire network. There can be significant annual variation in the demand for specific school transport services; for SEN transport provision, this can peak at 2,500 students every year. These variations result from changing pupil circumstances and requirements, such as changes in need or school/home address.¹²⁶

¹²² Ibid

¹²³ Ibid

¹²⁴ Kent County Council, Home to School Transport SFI, Background Briefing

¹²⁵ Ibid

¹²⁶ Ibid

2.8. Local Context – School Transport Delivery

2.8.1. Kent County Council is the largest county authority in England, and the demands on its educational transport reflect its size, population and its proximity to London. These factors should be taken into account when reviewing KCC's performance on school transport, and when comparing it with other local authorities.¹²⁷

2.8.2. It is also important to note that, since 2011, the county has limited its eligibility criteria for mainstream transport; those who are travelling to a selective or denominational school are no longer automatically entitled to free home to school transport. However, students who are not entitled to free school transport can buy concessionary travel products, such as the Young Persons Travel Pass and Kent Travel Saver.¹²⁸

2.8.3. The table below shows the number of pupils who have been provided with free home to school transport in Kent since 2011.

Figure 4: Number of pupils who have been provided with free home to school transport in Kent, 2011-21

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
MS	18419	17703	11267	9237	7571	6057	5749	5628	5325	5242	5399
SEN	3962	4068	4010	3826	3840	3864	3971	4325	4602	4845	5499
SEN FE			348	204	291	361	350	385	457	575	695

Source: Kent County Council, Home to School Transport SFI, Background Briefing

2.8.4. The steady reduction in the number of Mainstream (MS) pupils receiving free school transport since 2011 is largely due to the removal of most of the discretionary criteria. Pupils who received discretionary support prior to 2011 continued to receive it until their circumstances changed and required a reassessment (for example, a change of residence or school). This is a key factor in the slow decline of free school travel provision. If this trend continues, it is estimated that the provision of free school transport for SEN pupils will soon exceed that for mainstream pupils.¹²⁹

¹²⁷ Kent County Council, Home to School Transport SFI, Background Briefing

¹²⁸ Ibid

¹²⁹ Kent County Council, Home to School Transport SFI, Background Briefing

2.8.5. The table below shows KCC's current expenditure on mainstream home to school transport in comparison with other local authorities.

Figure 5: Expenditure on mainstream home to school transport by local authority, 2019-20

Local Authority	LA Grouping	Out-turn net expenditure on mainstream education transport for entitled pupils in 2019-20	Predicted net expenditure for the provision of mainstream education transport for entitled pupils in 2020-21	Percentage Change
Aberdeen City Council	SC	£1,299,551	£1,304,720	0.40%
Aberdeenshire Council	SC	£15,085,196	£14,841,590	-1.61%
Angus Council	SC	£2,600,000	£2,650,000	1.92%
Argyll and Bute Council	SC	£6,623,934		
Bracknell Forest Council	EUU	£299,000	£300,000	0.33%
Cambridgeshire county Council	EC	£9,141,006	£9,421,314	3.07%
Cheshire East Borough Council	ERU	£2,671,533	£2,422,241	-9.33%
Cheshire West and Chester	ERU	£2,661,547	£2,726,000	2.42%
Clackmannanshire Council	SC	£1,135,208	£1,102,684	-2.87%
Cumbria County Council	EC	£10,949,572	£9,674,654	-11.64%
Cumbria County Council	EC	£10,948,619	£10,746,654	-1.84%
Derby City Council	EUU	£100,000	£100,000	0.00%
Devon County Council	EC	£14,106,867	£13,926,143	-1.28%
Dorset Council	ERU		£9,000,000	
Essex County Council	EC	£11,043,944	£13,299,142	20.42%
Fife Council	SC	£10,911,000	£10,939,000	0.26%
Halton Borough Council	EUU	£54,073	£44,484	-17.73%
Hartlepool Borough Council	EUU	£239,311	£214,756	-10.26%
Herefordshire Council	ERU	£2,820,000	£3,400,000	20.57%
Hertfordshire County Council	EC			
Kent CC	EC	£6,531,611	£6,365,972	-2.54%
Lancashire County Council	EC	£4,211,000	£5,559,000	32.01%
Leicestershire County Council	EC	£3,468,741	£3,575,768	3.09%
Medway Council	EUU	£997,875	£1,275,000	27.77%
Middlesbrough Council	EUU	£450,000	£620,000	37.78%
Norfolk County Council	EC	£13,611,407	£13,388,542	-1.64%
North Somerset Council	ERU	£1,663,677	£1,372,440	-17.51%
North Yorkshire County Council	EC	£14,124,168	£13,615,736	-3.60%
Northumberland County Council	EUU	£9,647,146	£9,021,133	-6.49%
Oxfordshire County Council	EC	£7,080,246	£7,177,089	1.37%
Perth & Kinross Council	SC	£5,030,000	£6,770,000	34.59%
Shropshire Council	ERU			
Solihull MBC	MBC	£411,055	£560,000	36.23%

Somerset County Council	EC	£9,174,152	£9,497,166	3.52%
Southend Borough Council	EC	£48,000	£60,000	25.00%
Staffordshire County Council	EC	£5,574,649	£5,653,837	1.42%
Stirling Council	SC	£1,914,998	£1,933,558	0.97%
Suffolk County Council	EC	£12,172,086	£12,499,568	2.69%
Surrey County Council	EC	£8,355,000	£6,118,000	-26.77%
Thurrock Council	EUU			
Warrington Borough Council	EUU	£255,573	£201,460	-21.17%
Warwickshire County Council	EC	£8,328,000	£8,280,000	-0.58%
West Sussex County Council	EC	£4,101,000	£4,420,000	7.78%
Wiltshire Council	ERU	£8,097,865	£8,250,454	1.88%
Wokingham Borough Council	EUU	£1,280,000	£1,340,000	4.69%

Source: Kent County Council, Home to School Transport SFI, Background Briefing

2.8.6. When the above figures were provided, the number of mainstream home to school transport clients in Kent was 4,976. The number of students making use of the Kent Travel Saver, and its 16+ version, was 24,101.¹³⁰

2.8.7. While the numbers entitled to free mainstream home to school transport have dropped, those for SEN (and Further Education SEN) school travel have increased significantly. As the table below shows, Kent has one of the largest numbers of SEN students receiving school transport assistance.¹³¹

¹³⁰ Kent County Council, Home to School Transport SFI, Background Briefing

¹³¹ Ibid

Figure 6: Expenditure on SEN home to school transport by local authority, 2019-20

Local Authority	LA Grouping	Out-turn net expenditure on SEN transport for entitled pupils in 2019-20	Number of entitled SEND pupils / students in total receiving transport or travel support in December 2019.	Expenditure per pupil
Aberdeen City Council	SC	£1,471,673	445	£3,307
Aberdeenshire Council	SC	£2,755,461	732	£3,764
Argyll and Bute Council	SC	£884,000	119	£7,429
Bedford Borough Council	ERU		430	
Birmingham City Council	MCC	£25,364,491	5,410	£4,688
Blackpool Council	EUU	£2,182,614	362	£6,029
Bracknell Forest	EUU	£1,708,398	318	£5,372
Cambridgeshire County Council	EC	£10,811,276	1,537	£7,034
Cheshire East Borough Council	ERU	£4,537,596	744	£6,099
Cheshire West & Chester Council	ERU	£4,730,887	804	£5,884
City of York Council	EUU			
Clackmannanshire Council	SC			
Cumbria County Council	EC	£8,306,258	1,022	£8,127
Derby City Council	EUU	£4,000,000	750	£5,333
Devon County Council	EC	£13,352,240	1,645	£8,117
Essex County Council	EC	£13,811,117	3,009	£4,590
Fife Council	SC	£4,559,000	870	£5,240
Halton Borough Council	EUU	£1,839,790	380	£4,842
Hartlepool Borough Council	EUU	£1,328,795	359	£3,701
Herefordshire Council	ERU	£1,555,425	344	£4,522
Hertfordshire County Council	EC		2,509	
Highland Council	SC	£1,471,748	433	£3,399
Kent CC	EC	£33,885,043	6,086	£5,568
Lancashire County Council	EC	£19,198,288		
Leicestershire County Council	EC	£13,125,740	1,910	£6,872
Medway Council	EUU	£5,572,596	1,364	£4,085
Middlesbrough Council	EUU	£2,500,000	703	£3,556
Norfolk County Council	EC	£21,384,842	2,627	£8,140
North Somerset Council	ERU	£2,144,506	446	£4,808
North Yorkshire County Council	EC	£11,454,703	1,293	£8,859
Northumberland County Council	ERU	£5,574,839	1,128	£4,942
Oxfordshire County Council	EC	£11,136,272	1,239	£8,988
Perth & Kinross Council	SC	£2,148,000	302	£7,113
Plymouth	EUU	£4,300,000	800	£5,375
Sandwell Metropolitan Borough Council	MBC	£5,178,896	784	£6,606

Solihull MBC	MBC	£2,821,083	565	£4,993
Somerset County Council	EC	£4,871,471	633	£7,696
Southend on Sea Borough Council	EUU	£1,554,000	364	£4,269
Staffordshire County Council	EC	£13,460,994	1,907	£7,059
Stirling Council	SC			
Suffolk County Council	EC	£8,648,677	1,369	£6,318
Surrey County Council	EC	£34,325,000	3,489	£9,838
Thurrock Council	EUU		477	
Walsall MBC	MBC	£3,460,000	705	£4,908
Warrington Borough Council	EUU	£1,924,401	441	£4,364
Warwickshire County Council	EC	£10,418,000	1,683	£6,190
West Sussex County Council	EC	£13,013,000	1,903	£6,838
Wiltshire Council	ERU	£8,930,423	1,092	£8,178
Wokingham Borough Council	EUU	£2,000,000	302	£6,623
Wolverhampton City Council	MBC		1,212	

Source: Kent County Council, Home to School Transport SFI, Background Briefing

2.8.8. It should be noted that, in Kent, there is a significant variation in the costs for different groups of pupils. While the cost per person for mainstream school transport is about £1,250, and that for SEN transport about £5,500, provision for those with complex needs can be as high as £40,000 per year. These average costs also do not reflect the variation in the distances travelled by individual students.¹³²

¹³² Kent County Council, Home to School Transport SFI, Background Briefing

2.8.9. The table below shows the forecast change in SEN school travel expenditure between 2019-20 and 2020-21.

Figure 7: Change in net SEN school transport expenditure between 2019-20 and 2020-21, by local authority

Local Authority	LA Grouping	Out-turn net expenditure on SEND transport and travel support for entitled pupils in 2019-20	Budget for provision of SEND transport and travel support for entitled pupils in 2020-21	Forecast net expenditure for the provision of SEND transport and travel support for entitled pupils in 2020-21	% Change in net expenditure between 2019-20 and 2020-21 (forecast)
Aberdeen City Council	SC	£1,471,673	£1,219,000	£1,471,280	-0.03%
Aberdeenshire Council	SC	£2,755,461	£2,943,000	£32,828,000	1091.38%
Argyll and Bute Council	SC	£884,000		£931,000	5.32%
Bedford Borough Council	ERU		£1,424,310	£1,715,330	
Birmingham City Council	MCC	£25,364,491	£24,600,542	£25,013,367	-1.38%
Blackpool Council	EUU	£2,182,614	£1,496,522	£2,371,146	8.64%
Bracknell Forest	EUU	£1,708,398		£1,800,000	5.36%
Cambridgeshire County Council	EC	£10,811,276	£11,814,541	£12,941,665	19.71%
Cheshire East Borough Council	ERU	£4,537,596	£4,546,853	£5,058,243	11.47%
Cheshire West & Chester Council	ERU	£4,730,887	£4,855,646	£5,312,000	12.28%
Clackmannanshire Council	SC	£1,126,674	£1,168,343	£1,095,684	-2.75%
Cumbria County Council	EC	£8,306,258	£8,549,728	£7,676,953	-7.58%
Derby City Council	EUU	£4,000,000	£3,750,000	£4,000,000	0.00%
Devon County Council	EC	£13,352,240	£15,412,000	£17,296,180	29.54%
Essex County Council	EC	£13,811,117	£16,761,875	£16,761,875	21.37%
Fife Council	SC	£4,559,000	£4,677,000	£4,437,000	-2.68%
Halton Borough Council	EUU	£1,839,790	£1,388,594	£1,545,174	-16.01%
Hartlepool Borough Council	EUU	£1,328,795	£1,113,810	£1,323,629	-0.39%
Herefordshire Council	ERU	£1,555,425	£1,740,000	£1,800,000	15.72%
Highland Council	SC	£1,471,748	£1,331,151	£1,608,350	9.28%
Kent CC	EC	£33,885,043	£35,993,700	£31,416,588	-7.28%
Lancashire County Council	EC	£19,198,288	£20,983,729		
Leicestershire County Council	EC	£13,125,740	£14,284,945	£15,628,781	19.07%
Medway Council	EUU	£5,572,596	£5,884,555	£5,390,909	-3.26%
Middlesbrough Council	EUU	£2,500,000	£2,500,000	£2,500,000	0.00%
Norfolk County Council	EC	£21,384,842	£21,775,500	£21,972,481	2.75%
North Somerset Council	ERU	£2,144,506	£2,139,510	£2,252,627	5.04%
North Yorkshire County Council	EC	£11,454,703	£12,061,600	£11,366,306	-0.77%
Northumberland County Council	ERU	£5,574,839	£5,564,540	£5,753,732	3.21%

Oxfordshire County Council	EC	£11,136,272	£13,671,900	£12,480,040	12.07%
Perth & Kinross Council	SC	£2,148,000	£2,558,600.00	£2,777,100	29.29%
Plymouth	EUU	£4,300,000	£4,300,000	£4,700,000	9.30%
Sandwell MBC	MBC	£5,178,896	£2,550,000	£5,832,000	12.61%
Solihull MBC	MBC	£2,821,083	£2,627,910	£2,976,800	5.52%
Somerset County Council	EC	£4,871,471	£4,442,900	£5,372,122	10.28%
Southend on Sea Borough Council	EUU	£1,554,000	£1,188,000	£1,500,000	-3.47%
Staffordshire County Council	EC	£13,460,994	£11,886,290	£14,997,168	11.41%
Stirling Council	SC	£1,914,977	£1,971,520	£1,933,558	0.97%
Suffolk County Council	EC	£8,648,677	£9,000,000	£10,766,701	24.49%
Surrey County Council	EC	£34,325,000	£32,366,000	£26,844,000	-21.79%
Walsall MBC	MBC	£3,460,000	£3,580,000	£4,390,000	26.88%
Warrington Borough Council	EUU	£1,924,401	£2,015,539	£2,013,692	4.64%
Warwickshire County Council	EC	£10,418,000	£10,157,000	£10,761,000	3.29%
West Sussex County Council	EC	£13,013,000	£13,284,000	£13,642,000	4.83%
Wiltshire Council	ERU	£8,930,423	£9,803,711	£7,494,364	-16.08%
Wokingham Borough Council	EUU	£2,000,000	£2,375,000	£2,735,000	36.75%

Source: Kent County Council, Home to School Transport SFI, Background Briefing

2.8.10. Between September 2020 and September 2021, there were over 5,000 requests for new or adjusted transport for SEN students.¹³³

2.8.11. Kent normally provides hired transport for about 5,300 students over a school year. The adjustments and new contracts that were required in 2021 included:

- New applications: 3,874
- Changes of address: 559
- Changes of school: 311
- Other (such as change of pupil needs. For instance, wheelchair now required, passenger assistant approved, etc): 261.¹³⁴

2.8.12. Minibuses are used wherever possible but, unless they can collect a number of students from the same locality, they can be logistically difficult because of longer journey times. In such cases, KCC has to use taxis. Taxis/private hire/Multi-Purpose Vessels provide the bulk of vehicles for cross-boundary and cross-county travel, and for specialist timetables.¹³⁵

¹³³ Kent County Council, Home to School Transport SFI, Background Briefing

¹³⁴ Ibid

¹³⁵ Ibid

- 2.8.13. SEN transport may require an operator to provide one or two passenger assistants. Specialist restraining equipment may be needed for wheelchairs. Some taxi operators/staff are not able to provide this support because they have not had the necessary training. Others have developed into specialist companies serving the SEN market.¹³⁶
- 2.8.14. As well as KCC's main ways of providing organised SEN school transport, it also offers two discretionary schemes: Personal Transport Budgets (PTBs) and Independent Travel Training (ITT).¹³⁷
- 2.8.15. PTBs are funds for eligible SEN learners, where parents make their own arrangements to transport their child to school. While this scheme usually attracts around 450 families, the impact of Covid-19 has led to an increase to more than 700 users. The scheme produces annual savings of about £1.6 million, when compared to the cost of KCC providing dedicated transport.¹³⁸
- 2.8.16. With ITT, a dedicated KCC team provides training to post-16 SEN learners to help them to make safe use of public transport, instead of bespoke travel arrangements. All applicants are assessed for suitability for travel training before this option is considered. Training is provided to about 100 learners per year. The scheme had to be suspended while Covid-19 transport restrictions were in place, but it is now being reinstated.¹³⁹

¹³⁶ Kent County Council, Home to School Transport SFI, Background Briefing

¹³⁷ Ibid

¹³⁸ Kent County Council, Home to School Transport SFI, Background Briefing

¹³⁹ Ibid

3. Key Issues and Recommendations

3.1. School Transport and EHCPs

- 3.1.1. As indicated earlier, an analysis of the most recent Section 251 budget and outturn statements shows that, between 2014 and 2018, the total national spend on home to school transport for children with SEND increased by 13% for pre-16 children and by 68% for those who were post-16. This compares with a drop of 12% in spending on pre-16 mainstream transport and a drop of 27% in spending on post-16 mainstream transport over the same period.¹⁴⁰
- 3.1.2. In Kent, the number of SEND pupils receiving transport support is particularly high. In December 2019 it was over 6,000, while in comparable authorities, such as Birmingham City Council, it was 5,400. KCC's total expenditure on SEN school transport in 2019-20 was almost £34 million.¹⁴¹
- 3.1.3. The evidence suggests that the increasing number of children with an Education and Health Care Plan (EHCP) is a significant factor in explaining the growth of SEND school transport. Data from the Department for Education shows that, between 2014 and 2018, the number of children and young people with an EHCP or statement of SEND increased by 35% - from about 240,000 to almost 320,000.¹⁴² This compares with an increase of only 4% in the previous 5 years.¹⁴³
- 3.1.4. In Kent, the number of young people with EHCPs who are eligible for school transport assistance has increased substantially, from just over 4,500 in October 2018, to over 6,100 in October 2021.¹⁴⁴
- 3.1.5. KCC's SEND Improvement Board recently commissioned an investigation into the reasons for the relatively high number of EHCP requests in Kent. After an examination of about 700 requests, the causes identified included:

¹⁴⁰ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁴¹ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 10 November 2021

¹⁴² Statements of SEN and EHC Plans: England, 2018

¹⁴³ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁴⁴ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 8 November 2021

- Parental anxiety - parents seeking specialist therapies and provision for their child.
- Insufficient inclusion in mainstream education.
- The promotion of EHCPs as ‘the answer’ by partner organisations.
- Children’s anxiety when they move from one phase of education to another.
- Parental lack of confidence in the education system.¹⁴⁵

3.1.6. The increase in EHCPs is putting pressure on school transport provision system in the county, as nearest appropriate schools for pupils with EHCPs tend to involve longer journeys.¹⁴⁶

3.1.7. Although the guidance makes it clear that having an EHCP does not, in itself, give entitlement to transport assistance, many local authorities believe that the Children and Families Act (2014) has played a key role in raising parental expectations of what local authorities should provide. These raised expectations can often apply to transport as much as to the educational provision itself.¹⁴⁷

3.1.8. Working constructively with parents to determine the extent of parental and local authority responsibilities for transporting children with SEND remains a challenge.¹⁴⁸ A recent report by the Parliamentary Public Accounts Committee (PAC) (2020) warned that EHCPs have become a “golden ticket that parents fight for to secure access to adequate support for their children”.^{149 150}

3.1.9. In a recent report, the LGA echoed this concern and recommended that the Government should review the policy and funding drivers which were contributing to the rapid rise in the number of children with EHCPs nationally.¹⁵¹

¹⁴⁵ Kent County Council (2021) Home to School Transport Short Focused Inquiry, written evidence

¹⁴⁶ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 10 November 2021

¹⁴⁷ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁴⁸ Ibid

¹⁴⁹ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 15 November 2021

¹⁵⁰ Kent County Council (2021) Home to School Transport Short Focused Inquiry, written evidence

¹⁵¹ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

3.1.10. The Committee supports the LGA's view and recommends the following:

Recommendation 1

KCC's Cabinet Member for Highways and Transport should write to the Under Secretary of State for Children and Families and ask him to review the policy and funding drivers which are contributing to the rapid rise in the number of children with EHCPs nationally.

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3.2. School Transport and Special Schools

- 3.2.1. A related issue to EHCPs is that of transport to special schools, as many children with EHCPs attend them and, when local special schools become full, the 'nearest suitable school' is necessarily further away.¹⁵²
- 3.2.2. Special schools that are full present a particular challenge for rural counties, such as Kent, because the distance to the next nearest suitable provision may be considerable.^{153 154}
- 3.2.3. The use of taxis for transporting children and young people with SEND is much more frequent in rural areas than in urban areas. The average cost per child for taxi transport is considerably higher in rural areas than it is for other forms of transport.¹⁵⁵
- 3.2.4. In Kent, minibuses are used wherever possible. However, unless they can collect several pupils from the same locality, their provision can be difficult because of longer journey times. In these cases, KCC is required to use taxis for SEN school transport.¹⁵⁶
- 3.2.5. SEN transport may require an operator to provide one or two passenger assistants. Specialist restraining equipment may be needed for wheelchairs.¹⁵⁷
- 3.2.6. Kent has one of the largest numbers of SEN students receiving school transport assistance in England.¹⁵⁸ It is estimated that, in Kent, the number of SEN pupils receiving free school transport will soon exceed that of pupils in mainstream education receiving free school transport.¹⁵⁹
- 3.2.7. The annual cost per person for mainstream school transport in the county is about £1,250. For SEN transport the figure is about £5,500, while provision for those with complex needs can be as high as £40,000.¹⁶⁰

¹⁵² Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁵³ Ibid

¹⁵⁴ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 10 November 2021

¹⁵⁵ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁵⁶ Kent County Council, Home to School Transport SFI, Background Briefing

¹⁵⁷ Ibid

¹⁵⁸ Ibid

¹⁵⁹ Ibid

¹⁶⁰ Kent County Council, Home to School Transport SFI, Background Briefing

- 3.2.8. There are several reasons for encouraging the inclusion of pupils with special educational needs in mainstream educational establishments, rather than in special schools.
- 3.2.9. Ofsted maintains that academic excellence is only possible if schools are truly inclusive. This, amongst other things, means making mainstream schools a strong part of local areas' provision for children and young people who have SEN and/or disabilities.¹⁶¹
- 3.2.10. Local authorities with successful school transport systems agree that it is crucial to ensure that, as many children with SEND as possible, are educated in mainstream schools in a way that meets their needs and enables them to thrive. This helps to relieve pressure on maintained special schools and to create more opportunities for children to attend special schools closer to their homes. It also reduces reliance on more distant independent or non-maintained special schools, and helps the local authority to manage the cost of SEND transport more efficiently.^{162 163}
- 3.2.11. Pupils with an EHCP in Kent are less likely to be educated in a mainstream school than would be expected nationally. Most school-aged children and young people with SEND in the county attend a special school; in a significant proportion of cases these are "out of county" special schools.¹⁶⁴
- 3.2.12. The evidence also suggests that, in order to provide the most effective support to SEN pupils in mainstream education, more teaching assistants (TAs) are needed. In Kent, when the evidence was gathered, there were over 160 vacancies for TAs and 40 for specialist TAs.¹⁶⁵
- 3.2.13. One of the strategies that local schools are exploring in order to make them more attractive to TAs, is to provide them with a career progression route that would enable them to be promoted to higher level jobs dealing with small groups of children rather than one-to-one.¹⁶⁶

¹⁶¹ Gov.UK (2018) Ofsted: Schools, Early Years, Further Education and Skills, High Standards – and Highly Inclusive, online, <https://educationinspection.blog.gov.uk/2018/09/10/inspecting-special-educational-needs-and-disabilities-provision/>

¹⁶² Ibid

¹⁶³ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁶⁴ Kent County Council (2021) Kent's Strategy for Children and Young People with Special Educational Needs and Disabilities 2021-2024, online, https://www.kent.gov.uk/__data/assets/pdf_file/0012/13323/Strategy-for-children-with-special-educational-needs-and-disabilities.pdf

¹⁶⁵ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 15 November 2021

¹⁶⁶ Ibid

3.2.14. KCC accepts the importance of the inclusion of students with special educational needs, and is already working to expand SEN provision in mainstream settings. KCC's SEN Inclusion Statement seeks to promote partnership working between local schools and KCC in developing a child-centred approach to SEND across Kent, where all partners are equally and effectively inclusive.¹⁶⁷

3.2.15. Kent's Strategy for Children and Young People with Special Educational Needs and Disabilities 2021-2024, amongst other things, commits to the following:

- Launching a new County Approach to Inclusive Education, working with Kent's schools, settings and colleges to ensure mainstream provision is more inclusive to SEND children and young people.
- Improving inclusive practice in Kent's schools so that children and young people with SEND feel they belong, are respected and valued and are supported to make progress and achieve their ambitions and aspirations through high-quality teaching and a challenging, wide-ranging curriculum.
- Understanding the outcomes that are important to children, young people and their families, and ensuring the right support is available at the right time to help them achieve the things they want.
- Supporting children and young people with SEND in their local communities. By attending local schools and colleges, children and young people will build local links and social networks.
- Developing effective forward planning to provide the range of high-quality school places that are needed in Kent to meet children and young people's needs locally (Commissioning Plan for Education Provision in Kent 2020-24).^{168 169}

3.2.16. The Committee is mindful of the particularly challenging current financial climate both for KCC and nationally. Nonetheless, the Committee believes that two additional issues may need to be considered in the future.

¹⁶⁷ Kent County Council (2021) SEN Inclusion Statement, online, https://www.kelsi.org.uk/__data/assets/pdf_file/0003/117174/SEN-Inclusion-Statement.pdf

¹⁶⁸ Kent County Council (2021) Kent's Strategy for Children and Young People with Special Educational Needs and Disabilities 2021-2024, online, https://www.kent.gov.uk/__data/assets/pdf_file/0012/13323/Strategy-for-children-with-special-educational-needs-and-disabilities.pdf

¹⁶⁹ Kent County Council (2021) Commissioning Plan for Education Provision in Kent 2021-2025, online, https://www.kent.gov.uk/__data/assets/pdf_file/0005/104675/Commissioning-Plan-for-Education-Provision-in-Kent-2021-to-2025.pdf

- 3.2.17. While it is crucial that as many children with SEND as possible are taught successfully in mainstream schools, building additional special provision may sometimes be necessary. If mainstream schools are full, even though wishing to be fully inclusive, they may not have the resources to provide the quality education that these children deserve.¹⁷⁰
¹⁷¹ Some children with complex educational needs can only be supported adequately in a special establishment.¹⁷²
- 3.2.18. Some areas of the county, such as the Isle of Sheppey, currently have no special provision. A special education establishment in areas such as Sheppey would significantly reduce the amount of travel and disruption for many local pupils. It would also reduce the congestion caused by transporting pupils to other areas of the county.¹⁷³
- 3.2.19. The second issue concerns transport assistance to children from low-income families who attend Grammar schools. KCC's policy states that they are entitled to transport assistance to their nearest Grammar school if they have been offered a place, and the school is between 2 and 15 miles from their home. If a child has been assessed as suitable for a specific Grammar school but it is not the nearest Grammar school to their home, they will only be eligible for free school transport if they have also taken the Kent Test, received a "High School Assessment", and their specific Grammar school is between 2 - 15 miles away.¹⁷⁴
- 3.2.20. There is evidence of cases where children from low-income families were refused school transport assistance because their parents did not appreciate that the support was not available to travel to the Grammar school of their choice. KCC is currently developing an online system that will provide real-time information on whether transport assistance is available to any chosen school and, if not, the reasons for it.¹⁷⁵

¹⁷⁰ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 15 November 2021

¹⁷¹ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 29 November 2021

¹⁷² Kent County Council (2021) Home to School Transport Short Focused Inquiry, 10 November 2021

¹⁷³ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 10 November 2021

¹⁷⁴ Kent County Council (2021) Home to School Transport Guidance 2021-22

¹⁷⁵ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 29 November 2021

3.2.21. The Committee commends KCC's current and planned work to promote the inclusion of pupils with SEND in mainstream settings, and the provision of appropriate, high-quality education for them. In order to maximise KCC's commitment, the Committee recommends the following:

Recommendation 2

KCC's relevant Cabinet Members should accelerate the local authority's work to:

- **Encourage, where appropriate, the inclusion of pupils with SEND in local, mainstream education establishments.**
- **Promote the recruitment and retention of teaching assistants in Kent by providing them with attractive career progression routes.**

3.3. Travel Assistance Options

- 3.3.1. As mentioned earlier, in addition to its main channels of SEN school transport provision, KCC offers two discretionary schemes: Personal Transport Budgets (PTBs) and Independent Travel Training (ITT).¹⁷⁶
- 3.3.2. PTBs are funds for children with an EHCP who have been assessed as eligible to receive home to school transport assistance. They are granted entirely at KCC's discretion, and are only offered when they are the most cost effective option for the Authority to meet its statutory duties.^{177 178}
- 3.3.3. PTBs are designed to help parents to make their own school transport arrangements, and can be used in any way to facilitate their child's journey to school. They are paid over 11 months directly into a parent's bank account, and are based on the distance between the pupil's home and the school. Where a child receives a PTB part-way through the school year, or attends school on a part-time basis, the PTB is offered on a pro-rata basis.¹⁷⁹
- 3.3.4. Where parents use a PTB to make their own transport arrangements, they often find that their child is more relaxed and ready to learn, compared to when they use transport organised by KCC.¹⁸⁰
- 3.3.5. While this scheme usually attracts around 450 families, the impact of Covid-19 has led to a recent increase to more than 700 users. The scheme produces annual savings of about £1.6 million, when compared to the cost of KCC providing dedicated transport.¹⁸¹
- 3.3.6. Discretionary arrangements such as PTBs tend to achieve greater take-up among parents, and deliver greater cost-savings to the Authority, when there is sufficient scope and creativity for parents to decide how they want to use them, and when there are clearly defined parameters for the upper budget limit that might apply.¹⁸²
- 3.3.7. With ITT, training is provided to post-16 SEN learners to help them to make safe use of public transport, instead of bespoke travel arrangements. All applicants are assessed for suitability before this option is considered.¹⁸³

¹⁷⁶ Kent County Council, Home to School Transport SFI, Background Briefing

¹⁷⁷ Kent County Council (2021) Home to School Transport Guidance 2021/22

¹⁷⁸ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 8 November 2021

¹⁷⁹ Ibid

¹⁸⁰ Kent County Council (2021) Personal Transport Budgets: An Information Guide for Parents

¹⁸¹ Kent County Council, Home to School Transport SFI, Background Briefing

¹⁸² Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁸³ Kent County Council, Home to School Transport SFI, Background Briefing

- 3.3.8. The training is delivered by a professional team on a 1:1 basis, and is tailored and delivered at a pace that suits the young person. It is available for all age-groups who meet the eligibility criteria for transport assistance and who have an EHCP.¹⁸⁴
- 3.3.9. ITT is given until the pupil is confident and competent on the journey from home to the learning provider and back. After passing an assessment, the student is given a bus pass (or train pass if this is the appropriate route) for the remainder of the academic year.¹⁸⁵
- 3.3.10. Training is provided to about 100 learners per year. The scheme had to be suspended while Covid-19 transport restrictions were in place, but it is now being reinstated.¹⁸⁶
- 3.3.11. ITT is likely to be more effective when the decision is made in partnership with both families and schools, and where the emphasis is on promoting independence and developing life opportunities.¹⁸⁷
- 3.3.12. The Committee believes that the adoption of these schemes – and PTBs in particular – should be encouraged and expanded. They provide freedom and flexibility for families to choose the travel arrangements that best fit their personal circumstances. They promote children’s independence and personal responsibility.
- 3.3.13. They also allow families to explore opportunities for their children to share transport with other students. This should be encouraged because it can bring about several, wider benefits, including:
- Environmental benefits, as collective school travel reduces carbon emissions and creates cleaner air.
 - Less traffic on the roads and reduced congestion.
 - More accessible parking, as a result of reduced traffic.
 - Social benefits, as vehicle-sharing promotes social interaction.¹⁸⁸

¹⁸⁴ Kent County Council (2021) Home to School Transport Guidance 2021/22

¹⁸⁵ Ibid

¹⁸⁶ Kent County Council, Home to School Transport SFI, Background Briefing

¹⁸⁷ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁸⁸ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 29 November 2021

3.3.14. Any discussion of the benefits of KCC's school transport arrangements needs to acknowledge its Travel Saver scheme. In addition to its well-known financial benefits – the pass can save families up to 50% of the cost of school transport – evidence submitted to the inquiry indicates that the scheme brings about benefits to the wider community. The success of the pass has led to increased bus service provision to meet growing student demand; some commercial bus services are available to all Kent residents only because their use for school transport makes them economically viable.¹⁸⁹

3.3.15. Following an exploration of PTBs and ITT, and their benefits, the Committee makes the following recommendation.

Recommendation 3

KCC should:

- **Encourage increased take-up of discretionary school transport schemes – such as Personal Transport Budgets and Independent Travel Training - that promote SEN learners' independence and develop their life opportunities.**
- **Explore the feasibility of extending the PTB offer to all Kent pupils who are eligible for school transport assistance.**

¹⁸⁹ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 18 November 2021

3.4. Guidance on Eligibility for Transport Assistance

3.4.1. There is an unresolved tension at the heart of home to school transport policy between parents' responsibility for getting their children to school, and their expectations of the level and type of transport assistance that local authorities can provide. There are ambiguities in eligibility guidance, and discrepancies between the statutory requirements for SEND and for transport, that can make disputes difficult to resolve.^{190 191}

3.4.2. Although an EHCP does not, by itself, provide an entitlement to assistance with school transport, evidence from a number of local authorities suggests that the Children and Families Act (2014) has played a key role in raising parental expectations of the transport assistance that local authorities should provide for children with SEND. For instance, although there is no legal obligation to provide free transport to children below statutory school age, some local authorities have come under very strong pressure from parents to provide transport assistance to nursery schools named on a child's EHCP, if these were beyond the statutory walking distance. There have been a number of high-profile judicial reviews which have been found in favour of parents, when local authorities have tried to restrict transport entitlements.^{192 193}

3.4.3. While the provision of home to school transport for school-age pupils is based on age, special educational needs, distance, and additional extended rights based on free school meals and working tax credits, that for post-16 transport is less clear and more open to local authority discretion.¹⁹⁴

3.4.4. Post-16 national guidance refers to two main groups – young adults and adult learners – who are linked to age-groups 16-19 and 19-25, with and without an EHCP. Within these age-groups, a distinction is made between those who are continuing a course that was started before their 19th birthday, and those who started a course after their 19th birthday. The guidance is split between an explanation of the eligibility criteria for these groups, and the ability of a local authority to charge individuals for the use of transport.¹⁹⁵

¹⁹⁰ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 15 November 2021

¹⁹¹ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁹² Kent County Council (2021) Home to School Transport Short Focused Inquiry, 15 November 2021

¹⁹³ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁹⁴ Ibid

¹⁹⁵ Ibid

- 3.4.5. Evidence from the LGA, and oral evidence submitted to the Committee, suggests that the post-16 transport guidance is complex and unclear, and that it needs to be simplified.^{196 197}
- 3.4.6. The Committee endorses the LGA's concerns about the ambiguities in the national guidance on EHCPs and post-16 school transport, and recommends the following:

Recommendation 4

KCC's relevant Cabinet Members should write to the Secretary of State for Education suggesting that the guidance on transport responsibilities for children below statutory school age with a named provision on their EHCP, and for post-16 provision, should be made clearer and more consistent.

¹⁹⁶ Local Government Association (2019) Understanding the Drivers for Rising Demand and Associated Costs for Home-to-School Transport, London

¹⁹⁷ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 15 November 2021

3.5. School Transport Logistics and Safety

- 3.5.1. When gathering evidence from both school transport providers and users, the Committee identified a number of logistical and safety issues that deserve attention and intervention.
- 3.5.2. Taxi operators reported that, when parents cancelled school transport at short notice, they were not paid in full for the run. Cancellations led to a loss of income to the drivers, as well as to the passenger assistants.¹⁹⁸
¹⁹⁹ The Committee believes that this is unfair, and that KCC's policies and school transport contractual arrangements should ensure that taxi operators are fully refunded.
- 3.5.3. Young people explained the financial benefits of the Kent Travel Saver scheme, and the positive impact that a flexible pass had on their social lives and independence. However, they pointed out that the pass did not cover all rural routes, and that they sometimes they had to buy separate bus cards.²⁰⁰
- 3.5.4. They also pointed out that transport provision with the pass is generally restricted. The scheme provides free at the point of use bus travel on Mondays to Fridays between 6am and 7pm all year round, excluding August. Only some bus operators accept the pass at other times, including evenings and weekends.^{201 202}
- 3.5.5. Young people and transport operators reported a number of other issues that could be addressed through the development of a single, clear channel of communication.
- 3.5.6. Students mentioned instances of overcrowded buses when travelling to and from school. They expressed concerns over their safety. They suggested that it would be helpful if KCC established a clear mechanism that would enable them to report overcrowding and other safety hazards on buses.²⁰³
- 3.5.7. Safety concerns resulting from overcrowding were echoed by BUSK. They pointed out that, where students were over the age of 14 years, no authority or transport operator was allowed to use the "three for two" seating arrangement rule on buses – since that rule only applied to those aged 14 and under. BUSK warned that, if KCC did not ensure that the

¹⁹⁸ Kent County Council (2021) Home to School Transport Short Focused Inquiry, written evidence

¹⁹⁹ Kent County Council (2021) Home to School Transport Short Focused Inquiry, written evidence

²⁰⁰ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 16 November 2021

²⁰¹ Ibid

²⁰² Kent County Council (2021) Home to School Transport Guidance 2021/22

²⁰³ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 16 November 2021

“three for two” rule was a condition for its school transport, it could be acting illegally, along with the transport operator.²⁰⁴

3.5.8. As well as acting as a reporting mechanism, the channel should also provide timely information when, for example, there are sudden and unexpected school transport delays.

3.5.9. Bus operators report that they are sometimes told about local roadworks at very short notice. This can cause school transport delays as well as additional costs to KCC, as more buses may be needed to serve both ends of road closures.²⁰⁵

3.5.10. Students point out that they are sometimes marked as “late” in the attendance record because buses are delayed. In some cases, they arrive late at school because of traffic congestion caused by unplanned protests and other events. The Committee believes that this issue should be drawn to the attention of the Kent Police and Crime Commissioner, in order to ensure that school transport is prioritised when managing large gatherings.²⁰⁶

Recommendation 5

KCC’s Public Transport team should review its school transport policy and contractual arrangements to ensure that taxi operators are fully compensated when their school transport service is cancelled at short notice.

Recommendation 6

KCC’s Public Transport team should investigate the viability of extending the times of travel allowed by the Kent Travel Saver scheme.

Recommendation 7

KCC should develop a single, easily identifiable channel of communication that provides timely information on, and a reporting mechanism for, school transport-related issues.

²⁰⁴ Kent County Council (2021) Home to School Transport Short Focused Inquiry, written evidence

²⁰⁵ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 16 November 2021

²⁰⁶ Kent County Council (2021) Home to School Transport Short Focused Inquiry, 16 November 2021