

From: Sarah Hammond, Corporate Director for Children, Young People and Education

To: Rory Love, Cabinet Member for Education and Skills

Subject: Post 16 Transport Policy Statement including Post 19 for 2024/25

Classification: Unrestricted

Past Pathway of Paper: Children, Young People and Education Cabinet Committee – 18 July 2023

Future Pathway of Paper: Cabinet Member Decision

Summary: Each year KCC has a legal duty to consult on its policy for Post 16 Transport and publish a Post 16 Transport Policy Statement.

Recommendation(s):

The Cabinet Member for Education and Skills is asked to take the proposed decision: to agree the Post 16 Transport Policy Statement including Post 19 for the 2024/25 academic year.

1. Introduction

- 1.1 Local authorities do not have a general obligation to provide free or subsidised post 16 travel support but do have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or other support that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training.
- 1.2 The requirements placed on a local authority are defined in the Education Act 1996 (as amended), Education and Skills Act 2008, Education and Inspections Act 2006, Apprenticeships, Skills, Children and Learning Act 2009 and the Equality Act 2010.
- 1.3 All young people carrying on their education post 16 must reapply for travel support annually.
- 1.4 The attached policy statement (Appendix A) makes it clear that in the first instance there is an expectation that learners will make use of the Kent 16+ Travel Saver. This is a generous discretionary scheme which aids access to both education and employment with training. This provides up to a 50% reduction in travel costs for the average user. Learning providers, at their discretion, can further subsidise this using bursary funding and we would expect bursary to be provided for up to 50% of the cost for low-income families.

Because schools and colleges use bursary funding at their discretion, some choose to subsidise other localised bus travel cards as opposed to the KCC scheme which offers a broader transport offer.

- 1.5 The policy statement also sets out the duties on the LA to consider requests for transport support. KCC is required to enable access to education and will consider applications for support where a Kent 16+ Travel Saver pass is not suitable. Where support is agreed, the policy makes clear that learners will initially be assessed for Travel Training and alternative transport arrangements will only be provided where this training is not appropriate. Where additional support is refused learners can appeal to the Transport Regulation Committee Appeal Panel.
- 1.6 Local authorities also have a duty to encourage, enable and assist young people with Special Educational Needs and/or Disabilities (SEND) to participate in education and training, up to the age of 25.
- 1.7 The policy statement provides information about the travel provision put in place for young adult learners aged 19 – 25 with an Education, Health and Care (EHCP).
- 1.8 KCC currently provides a Kent 16+ Travel Saver to 4,765 pupils. 1,334 Post 16 pupils receive support via a KCC provided vehicle. 148 Post 16 pupils are provided a Personal Transport Budget. The number of young people using KCC arranged transport to FE colleges has nearly doubled in the past 5 years, in line with the extension of duties for SEN up to 25, with the average cost of transport increasing by around 40% over the same period.

2. Consultation

- 2.1 KCC has a duty to consult on and publish its Post 16 Transport Policy Statement every year. Whilst there is no statutory duty to provide transport for Post 16 Learners, there is a duty to consider applications for assistance with transport and to enable access to education and training. The transport policy sets out how KCC will meet this duty and what learners can expect by way of support.
- 2.2 KCC consulted with current and future service users between 25 January and 21 March 2023 on a Post 16 Transport Policy Statement including Post 19 for 2024/25. As changes were being proposed for the 2024/25 academic year, the consultation was held a year earlier than usual to ensure that pupils that would be affected by the potential changes had sufficient opportunity to consider the implications before future educational decisions are made. The consultation also included a new 4 - 16 Transport Policy (effective from 2024-25 Academic Year) which will be discussed in a separate paper.
- 2.3 It was necessary to consider changes to Kent's Post 16 offer for 2024/25 for the following reasons:

Parity – The proposed changes will align the Post 16 offer to ensure it is the same for both SEND and mainstream learners. Consideration will still be given to each learner's individual need and reasonable adjustments made, including for families of learners from low-income backgrounds.

Need - Kent has seen over an 80% increase in the number of children aged 16 and above with an EHCP since 2018. The provision of transport for this group is inevitably more complex. Based on this, we need to ensure that our policy and transport services are both appropriate to meet the specific travel needs of learners and is sustainable to meet predicted levels of need in the future.

Promoting independence - Priority 2 of the [SEND Strategy](#) sets out Kent's ambition to 'Ensure children, young people and their families have positive experiences at each stage of their journey including a well-planned and smooth transition to adulthood.' Developing independence is a key outcome of a young person's education journey and young people need to be adequately prepared for adulthood by encouraging and enabling them to access education. The proposed policy ensures that transport remains available to all pupils that require direct support, but in a way that mirrors the growing responsibility that all students will experience with age.

Financial sustainability - The cost of providing Post 16 transport has more than doubled since 2018 and continue to increase. The government does not provide any dedicated funding for this area of the duty. Even with changes to practice and improving how we use transport resources, if we carry on as we are then we will continue to exceed the available finances owing to increasing demand and pressures against the current policy provision. More information on the financial implications can be found in section 5.

2.4 KCC remains one of the last councils to offer a high level of discretionary support in their Post 16 travel policy, over and above what is required by law (see section 4). While we have fought to continue this position for many years, it cannot be maintained at the expense of fulfilling our statutory duties to all learners. Proposals are intended to ensure that available resources are targeted to those pupils with the highest need and entitlement, while also ensuring statutory duties are met.

2.5 The consultation sought feedback from consultees on the following proposals:

Removal of the discretionary provision of wholly free Post 16 transport for learners with Special Educational Needs and/or a disability and/or mobility problems - As is the case with mainstream pupils, these pupils would be expected to pay a contribution consistent with the subsidies under the Kent 16+ Travel Saver pass, which is currently £500 per year. A higher subsidy option would be made available to families who qualify for low-income support, requiring a £250 per year contribution. It is intended that an instalment option will be provided to all families.

This would mean that KCC still provide a greater level of support in many cases for pupils with SEND as a result of their increased need. The average cost of

transport for Post 16 pupils with an EHCP is £8,098. However, all pupils will be expected to make the same initial contribution regardless of total overall cost. This means on average KCC will continue to provide a subsidy of 94% of the total cost of transport for all affected pupils and 97% for families from low income backgrounds.

Removal the discretionary provision of additional drop off and collection times for Post 16 learners to accommodate partial attendance. This would mean that drop off and collections would only be at beginning and end of a normal full academic day.

Introduction of qualifying criteria for learners seeking transport support for new education courses started after their 19th birthday. This means that when assessing the need for transport support for learners aged 19 to 25 who did not start a course before their 19th birthday, we would not consider it necessary, other than in exceptional circumstances, to provide transport for a learner to attend an additional Further Education course, at the same level or equivalent, where the learner had previously attended and completed a course within the Further Education sector.

Due to the differing legislation that applies to pupils with EHCP aged 19 who are not undertaking courses that started before their 18th birthday, transport must be provided free of charge for these pupils. The contribution detailed above will therefore not apply to pupils who continue to qualify for KCC support after their 19th birthday.

The consultation also included changes to both the 4 - 16 Transport Policy (effective from 2024-25 Academic Year) and Post 16 Transport Policy Statement including Post 19 for 2024/25, which will be referenced in both papers:

Automatic approval of transport to alternative addresses where there is zero cost to the council. Currently applicants must appeal to KCC Members if they need transport to more than one address, but this change will allow decisions to be made more quickly if the extra transport doesn't require more public money to be used.

Formalise KCC's Personal Transport Budget pilot scheme, which provides parents of eligible learners with a fund to make their own transport arrangements. The scheme currently operates as an ongoing pilot, but will now feature directly in the Post 16 Transport Policy Statement and the 4 to 16 Transport Policy. It does not affect the availability or implementation of the scheme.

2.6 The remainder of the Post 16 transport offer remains unchanged.

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

3. Consultation outcomes

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

- Emails to stakeholders including head teachers, FE providers, bus operators and other school transport providers, such as taxis.
- Email/letter to all parents of year 10, 11 and post 16 students with an EHCP.
- Invite on the launch of the consultation to 8,957 Let's talk Kent registered users who have expressed an interest in being kept informed of consultation regarding transport, education, young people and children and families and a reminder email to 9,480 users on 13 March.
- Media release - <https://news.kent.gov.uk/articles/consultation-opens-on-kccs-home-to-school-transport-policy>
- Reviewed consultation materials and policy with Kent PACT and developed parental engagement strategy through their communication channels.
- Promoted by Kent Association of Local Councils (KALC) through their newsletter, website and Facebook page.
- Promoted through KCC's resident e-newsletter, SEND newsletter and Kelsi e-bulletin and intranet.
- Posters provided to bus operators to display on buses.
- Posters displayed in libraries and Gateways and feature on home screen of public computers in libraries.
- Promotional banners added to Kent.gov homepage and relevant service pages.
- Social media via KCC's corporate Facebook, Twitter, Instagram, LinkedIn and Nextdoor accounts and paid targeted Facebook adverts.
- Promotion through KCC's intranet.
- All consultation material included details of how people could contact KCC to ask a question, request hard copies or alternative format.
- A Word version of the questionnaire was provided on the consultation webpage for people who did not wish to complete the online version. A Freepost address was provided for any hard copy responses.
- Large print, easy read and audio versions of the consultation material were available from the consultation webpage and on request.

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

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

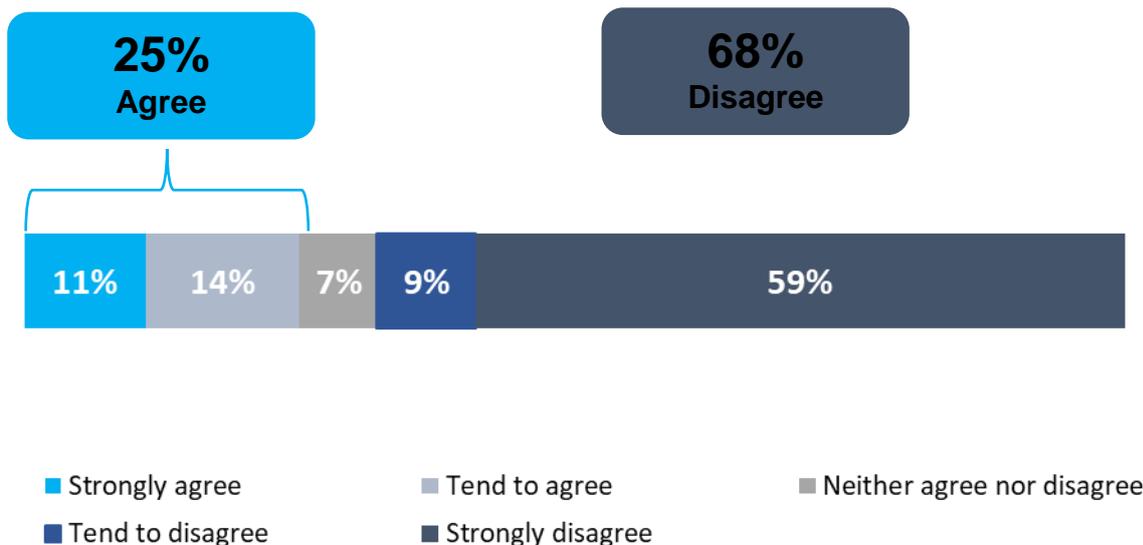
provide a less generous offer to some families, these changes had been designed to minimise this impact.

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

- 7,510 visits to the consultation webpage, by 6,748 visitors.
- 2,018 document downloads, including 1,219 downloads of the Consultation Document
- 97 downloads of the 2024-25 Statement
- Organic posts had a reach of 21,531 on Facebook and 939 on Instagram. There were 8,572 impressions on Twitter and 1,242 on LinkedIn. Reach refers to the number of people who saw a post at least once and impressions are the number of times the post is displayed on someone's screen. The posts generated approximately 760 clicks through to the consultation webpage. (Not all social media platforms report the same statistics.)
- Paid Facebook advertising had a reach of 27,320, which resulted in 784 clicks on the link to consultation webpage. Post impressions totalled 115,730.
- 260 responses to 2024-25 Post 16 Transport Policy Statement sections of the consultation

3.3 A breakdown of demographics of respondents and a more detailed analysis of responses can be found in the full consultation report in Appendix B. However, it is important to highlight here that 43% of respondents indicated that they receive free school transport from Kent. As these policy changes relate solely to pupils that current receive free school transport, this metric should be noted when considering aggregate analyses.

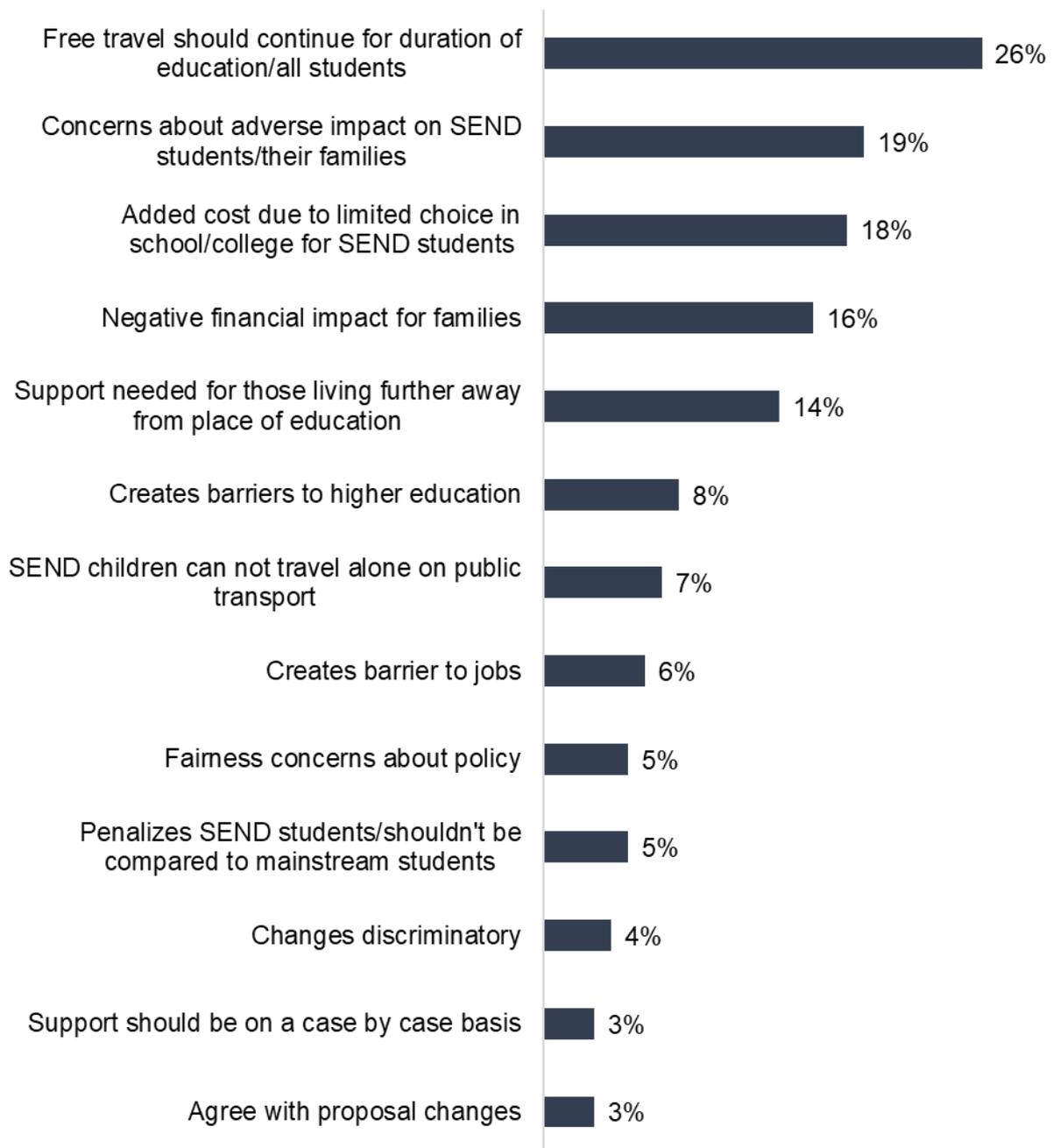
3.4 **Removal of the discretionary provision of wholly free Post 16 transport for learners with Special Educational Needs and/or a disability and/or mobility problems:** A quarter (25%) of respondents agree with the introduction of a mandatory contribution for all KCC provided transport for Post 16 learners, including those with SEND, with 11% strongly agreeing. 68% disagree with this proposal, with over half (59%) strongly disagreeing.



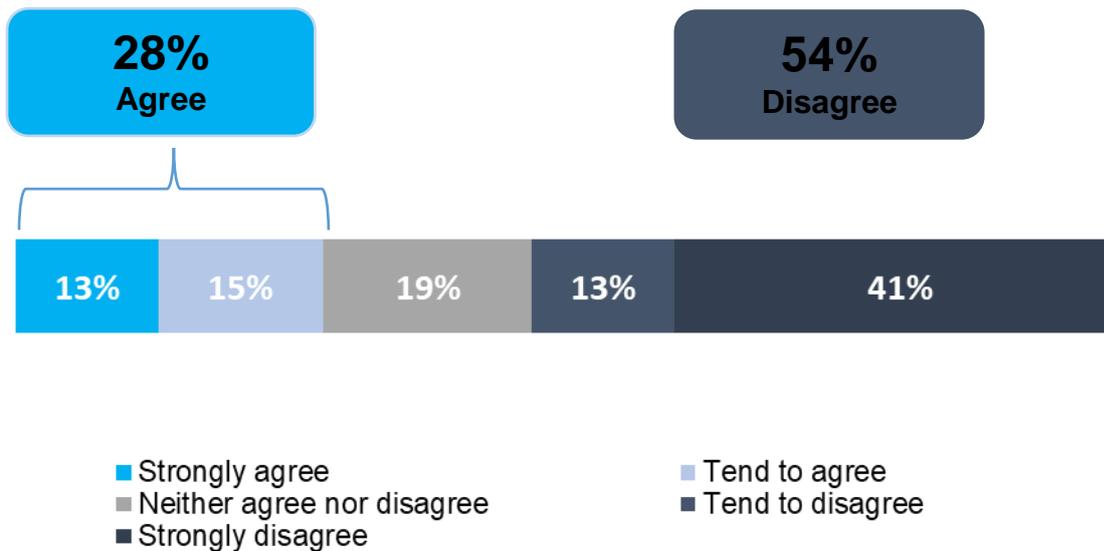
Key variations in support are summarised below:

- Those responding in another capacity (not student or parent/carer) are significantly more likely to agree with this proposal compared to parents/carers (40% cf. 22%).
- Respondents who have a child in secondary school with a KCC Travel Saver pass are significantly less likely to disagree with the introduction of a mandatory contribution for all KCC provided transport for Post 16 learners, including those with SEND compared to those with a child in secondary schools who do not have a KCC Travel Saver pass (46% cf. 79%).
- Respondents with a child in secondary school who does not receive free KCC transport are significantly more likely to agree with this measure compared to those who do receive free transport (41% cf. 15%).
- Those without a disability are significantly more likely to agree with these proposals compared to those with a disability (32% cf. 13%).

Analysis of the comments given in relation to this proposals show that 26% felt that free travel should continue for the duration of education for all students. 19% raised concerns about the adverse impact the proposal will have on SEND students and their families, whilst 18% commented on the added cost due to limited choice in education establishments for SEND students.



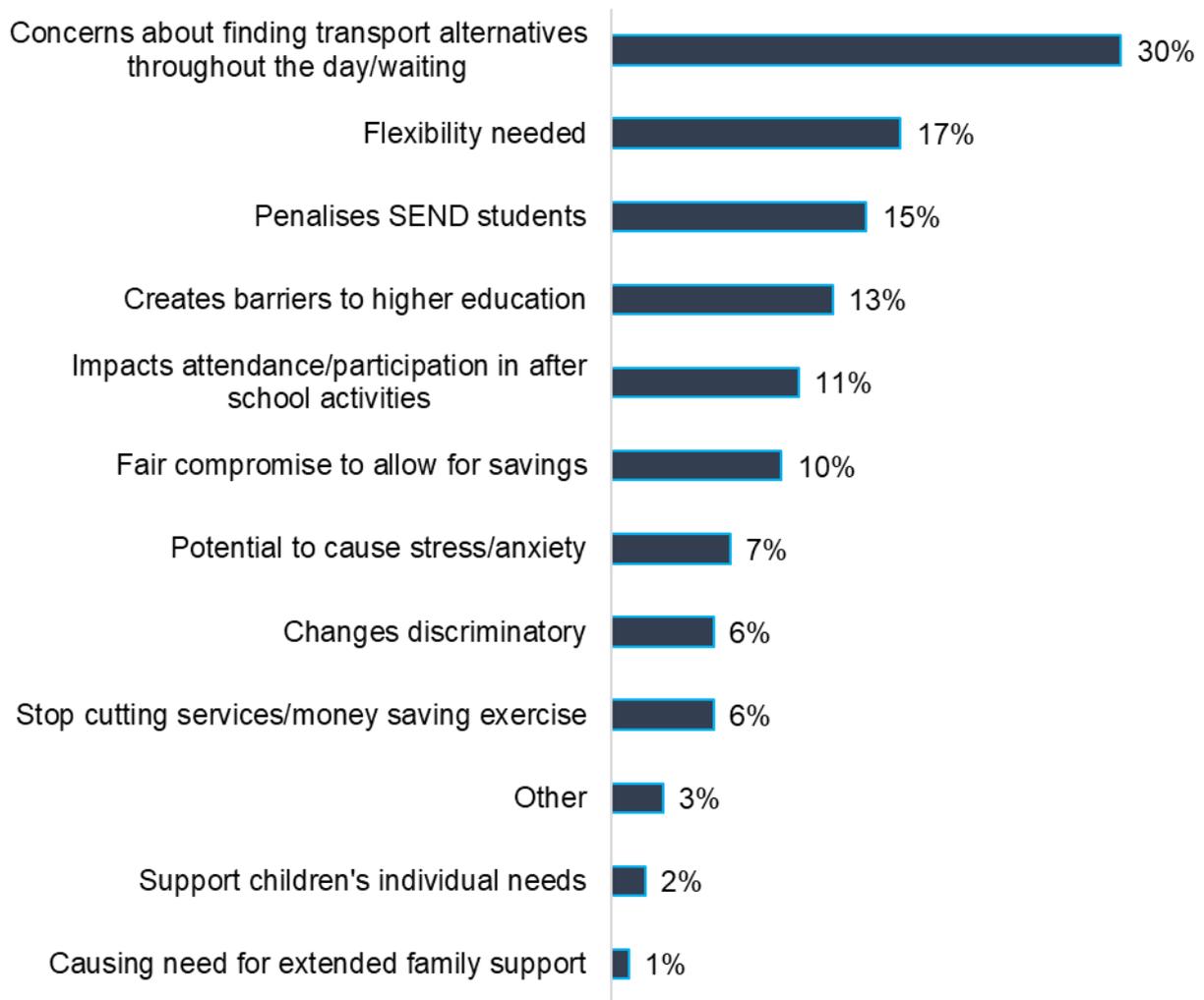
3.5 Removal the discretionary provision of additional drop off and collection times for Post 16 learners to accommodate partial attendance: Over a quarter (28%) of respondents agree with the removal of additional drop off and collection times for Post 16 pupils, with 13% strongly agreeing. Over half (54%) disagree with this statement, with 41% strongly disagreeing.



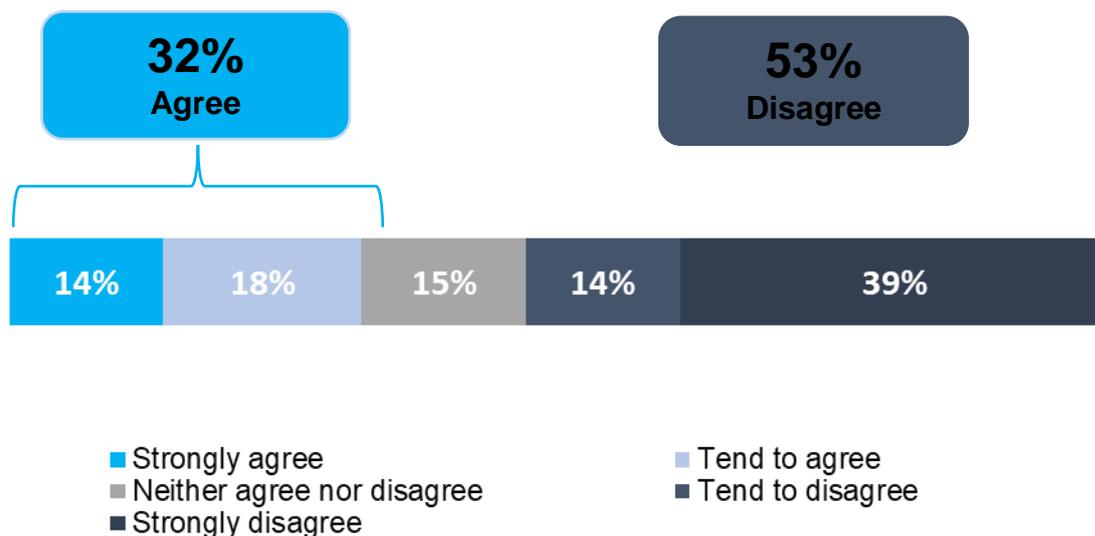
Key variations in support are summarised below:

- Those responding in another capacity (not student or parent/carer) are significantly more likely to agree with this proposal compared to parents/carers (48% cf. 23%).
- Respondents who have a child in secondary school with a KCC Travel Saver pass are significantly more likely to agree with this statement compared to the total average (41% cf. 28%).
- Respondents with a child in secondary school who receives free KCC transport are significantly more likely to disagree with this measure compared to those who do not receive free KCC transport (64 cf. 41%).

In regard to this proposal , 30% raised concerns about finding transport alternatives throughout the day, whilst a further 28% felt that flexibility was needed. A further 15% also made comments on the fact they felt this policy penalises SEND students.



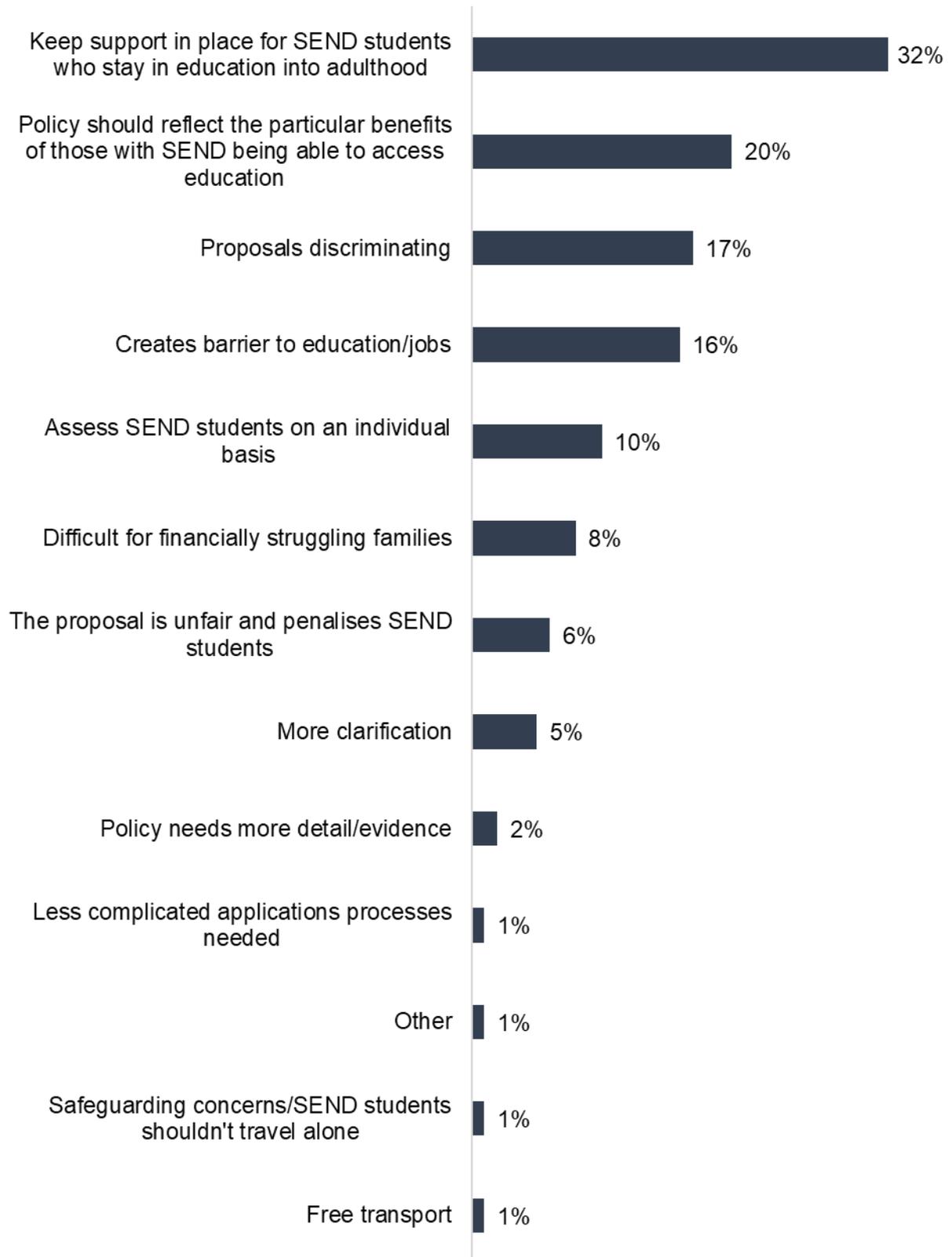
3.6 Introduction of qualifying criteria for learners seeking transport support for new education courses started after their 19th birthday: A third (32%) of respondents agree with the introduction of qualifying criteria for learners seeking transport support for new courses started after their 19th birthday, with 14% strongly agreeing. Just over half (53%) disagree with this statement, with 39% strongly disagreeing. 15% gave a neutral response.



Key variations in support are summarised below:

- Those responding in another capacity (not student or parent/carer) are significantly more likely to agree with this proposal compared to parents/carers (53% cf. 28%).
- Respondents who have a child in secondary school with a KCC Travel Saver pass are significantly more likely to agree with this statement compared to the total average (47% cf. 32%).
- Respondents with a child in secondary school who does receive free KCC transport are significantly more likely to agree with this measure compared to the total average (46% cf. 53%).

When asked for any other comments pertaining to this proposal, a third (32%) suggested KCC should keep support in place for SEND students who stay in education into adulthood, whilst 20% of respondents said that KCC's policy should reflect the benefit of those with SEND being able to access education.



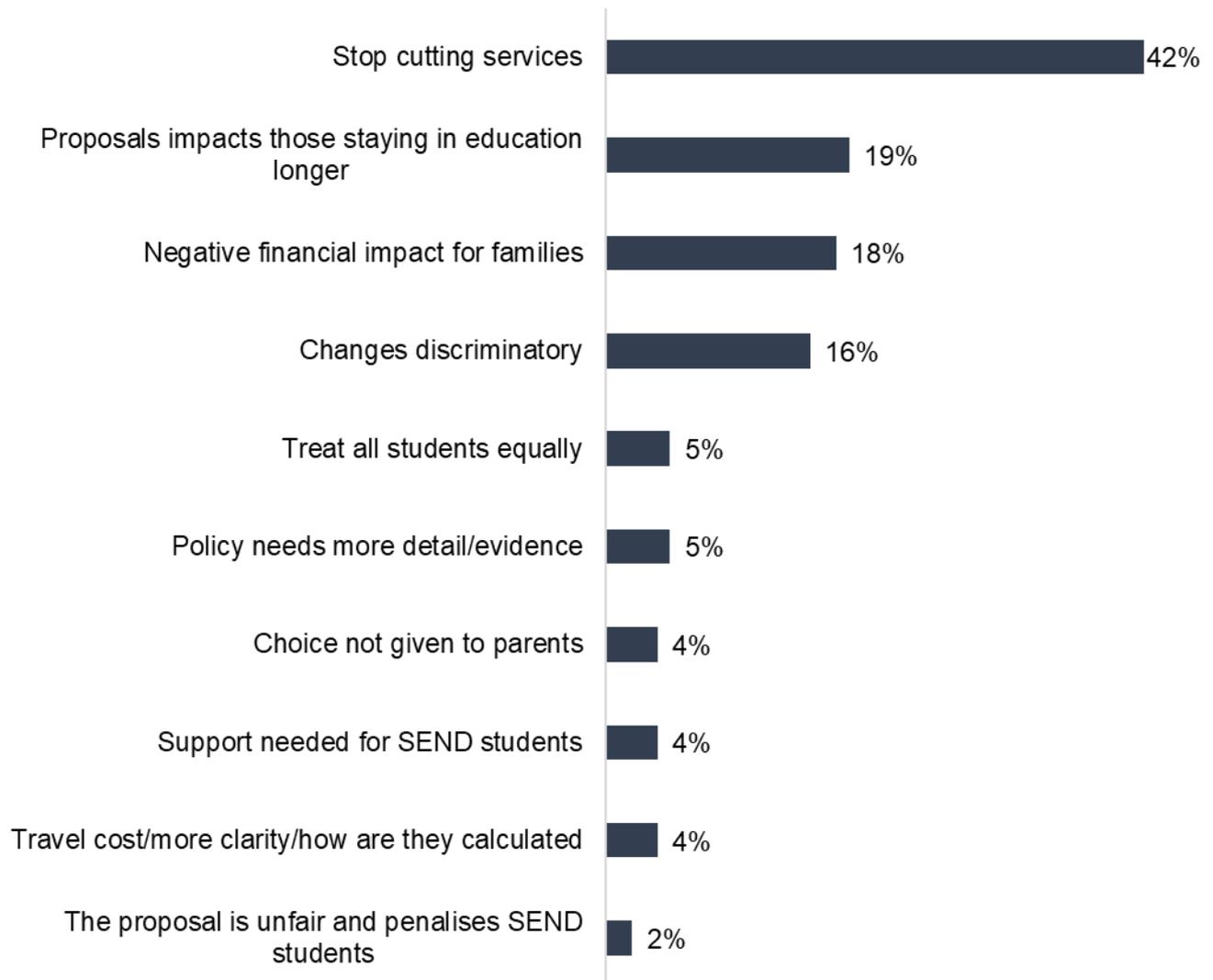
3.7 **Automatic approval of transport to alternative addresses where there is zero cost to the council:** 78% of respondents agree that KCC should automatically approve transport to alternative addresses where there is zero cost to KCC, with over half (55%) strongly agreeing. Only 7% disagree with this.

3.8 **Formalise KCC's Personal Transport Budget pilot scheme, which provides parents of eligible learners with a fund to make their own transport arrangements:** 71% agree that KCC should formalise the Personal Transport Budget scheme, with 8% disagreeing.

4. Equality Impact Assessment

4.1 When asked for views on the equality analysis for the draft 2024-25 Post 16 Transport Policy Statement, including how KCC can lessen the impact on learners and their families, the overwhelming sentiment was resistance to any changes. Over four in ten (42%) of the comments at this question suggested that KCC should stop cutting services in the area of post 16 transport.

4.2 Respondents were provided an opportunity highlight where they thought there were alternatives that could do to lessen the impacts on learners and their families:



4.3 While it is understood that any reduction in offer will have a detrimental impact on those affected families, Section 2 highlights why it has been necessary to consider these changes. It also highlights that parents of pupils with SEN have historically received additional support beyond that which has been made available to mainstream parents of children of the same age. KCC's current Post 16 provision significantly exceeds its statutory duties and will continue to do so in spite of proposed changes. This can be best evidenced by considering KCC's proposed offer for 2024/25 to those of similar and neighbouring Local Authorities.

5. Comparisons to other LAs

5.1 While it is for each Local Authority to decide what level of Post 16 transport support is appropriate for their local area, it is helpful to consider Kent's reviewed offer against those that are made available elsewhere in the country.

5.2 Appendix C details the equivalent Post 16 offer current available to residents of 18 Local Authorities. Key details from this analysis show:

- No LAs provide wholly free transport to pupils with SEN
- 8 LAs (44%) offer no Kent 16+ Travel saver equivalent subsidised transport support at all
- Only 2 LAs will offer transport at a lower price point than Kent's proposals (Bexley £400 and Derbyshire £438)
- The average cost across all LAs is £782.64
- The highest charge per year is £1736 (Hampshire for SEN pupils travelling over 10 miles)
- The highest fixed charge that does not account for distance is £990 (Suffolk).

6. Financial Implications –

6.1 The total estimated revenue costs for KCC of transporting Post 16 young people using either the KTS 16+ travel pass or KCC arranged transport or personal transport budget is approximately £14.6m per year of which approximately £2.5m is currently reimbursed through the charging of the KTS16+. The Post 16 transport scheme is uncapped and costs will vary depending on take up levels and journeys undertaken by young people, and so the overall costs of the scheme will vary year to year. The remaining subsidy paid for post 16 transport is approximately £12.1m and is met from the Home to School Transport revenue budget. The KTS 16+ pass charge is currently £500 per year. The annual charge for the pass is normally increased in line with increases in the operators inflationary costs, however for the 2023-24 academic year the charge for the pass has been frozen, with additional operator costs covered by the Bus Subsidy grant (as outlined in Key Decision 23/00027). The financial impact of the proposals set out in this paper is estimated to achieve an annual saving of around £1.4m to £2.0m as set out below.

6.2 Removal of the discretionary provision of wholly free Post 16 transport for learners with Special Educational Needs and/or a disability and/or mobility problems –

Over, 1,080 learners with Special Educational Needs, Disability or Mobility problems are aged 16-19 and are receiving wholly free post 16 transport. The proposal is to charge learners the equivalent amount of a KTS16+ pass, currently £500 per year, with a discounted rate for those eligible under the Free School Meals criteria. This is estimated to generate an additional income to the Council of approximately £0.5m per year.

For eligible learners, it is proposed payment is made on a termly basis, at the beginning of each term, and arrangement of transport (via KCC organised transport) is subject to successful receipt of payment. For learners in receipt of a PTB, the equivalent of £500 or discounted rate will be deducted from the total value of the PTB before being paid in monthly instalments. This will mitigate against possible bad debts.

6.3 Removal the discretionary provision of additional drop off and collection times for Post 16 learners to accommodate partial attendance –

The estimated saving to the Council from removing the discretionary provision of additional drop off and collection times for post 16 learners is c£0.2m per year, reducing the number of additional trips per week by around 80 per week. The exact number of journeys will fluctuate during the year depending on the college timetables.

6.4 Introduction of qualifying criteria for learners seeking transport support for new education courses started after their 19th birthday –

Current legislation does not allow for Post 19 transport to be partially funded by parents/young people as outlined in section 6.2, rather the Council must either fully fund the transport for eligible young people or not pay at all. To avoid unnecessary disruption to a learner's course it is proposed qualifying criteria is introduced for post 19 learners whereby transport will continue to be funded by the council to the end of their current course and further support will be conditional on course progression. There are approximately 400 young learners aged 19 and over receiving free transport from the Council. The saving relating to this proposal are difficult to quantify and will depend on both the course undertaken by the learner and journey arrangements. A small sample has indicated around 20% to 40% of Post 19 learners may no longer be eligible for free transport. Using the average cost transport as a guide this could equate to an annual saving of around £0.6m to £1.3m.

6.5 Automatic approval of transport to alternative addresses where there is zero cost to the council

There are no direct costs associated with the proposal to automatically approve transport to an alternative address where there is zero cost to the council. There will be some indirect time savings from avoiding appeals.

6.6 Formalise KCC's Personal Transport Budget pilot scheme

There are no direct costs associated with formalising the Personal Transport Budget scheme. The pilot has been running since 2013/14 and current budget for PTBs is £1.4m, delivering an estimated saving of £1.2m compared to equivalent KCC provided transport. Costs of running the scheme are estimated to be £80k.

6.7 Instalment and Implementation Costs

It is planned to make use of existing systems to reduce possible costs associated with the introduction of these changes. Implementation of system changes and website development to allow payment to be made is estimated to be around £30k one-off cost. Increase in capacity of CYPE transport eligibility team is estimated to be £50k.

7. Legal Implications

- 7.1 The requirements placed on a local authority are defined in the Education Act 1996 (as amended), Education and Skills Act 2008, Education and Inspections Act 2006, Apprenticeships, Skills, Children and Learning Act 2009 and the Equality Act 2010.
- 7.2 Local authorities do not have a general obligation to provide free or subsidised post 16 travel support but do have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or other support that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training.
- 7.3 The policy statement also sets out the duties on the LA to consider requests for transport support. KCC is required to enable access to education and will consider applications for support where a Kent 16+ Travel Saver pass is not suitable. Where support is agreed, the policy makes clear that learners will initially be assessed for Travel Training and alternative transport arrangements will only be provided where this training is not appropriate. Where additional support is refused learners can appeal to the Transport Regulation Committee Appeal Panel.
- 7.4 Local authorities also have a duty to encourage, enable and assist young people with Special Educational Needs and/or Disabilities (SEND) to participate in education and training, up to the age of 25.
- 7.5 Section 1 of this report highlights how this policy fulfils KCC's statutory duties in this area. Section 5 analyses comparable offers from similar and neighbouring Local Authorities.

8. Data Protection Impact Assessment

- 8.1 The Kent 16+ Transport privacy statement can be found here ([Kent Travel Saver and Kent 16+ Travel Saver privacy notice - Kent County Council](#)) and advised parents that they are consenting to the usage of their submitted data, how the data will be used, who it will be shared with and how long it will be held, in line with KCC's duties.
- 8.2 Changes associated with this consultation do not affect the data that is collected or how it is used, so previous DPIAs remain valid and do not require revision.

9. Draft Policy

- 9.1 The policy is attached as appendix A and the Cabinet Member is asked to note the following areas from the policy: KCC will:

		Reference
A	Remove the discretionary provision of wholly free Post 16 transport for learners with Special Educational Needs and/or a disability and/or mobility problems. Introduction of an initial contribution equivalent to the corresponding annual price of the Kent 16+ Travel Saver (currently £500) or half equivalent price for parents qualifying under low income criteria. A termly instalment option will also be developed.	6.3
B	Remove the discretionary provision of additional drop off and collection times for Post 16 learners to accommodate partial attendance.	6.5
C	Introduce qualifying criteria for learners seeking transport support for new education courses started after their 19th birthday.	5.4
D	Automatically approve transport to alternative addresses where there is zero cost to the council.	8.14
E	Formalise KCC's Personal Transport Budget pilot scheme, which provides parents of eligible learners with a fund to make their own transport arrangements	7.10-7.20

10. Conclusions

10.1 While it is understood that the majority of respondents to the consultation were not in favour of proposals, this paper highlights that KCC continues to provide a significantly more generous offer to its residents than most other local authority equivalents. These adjustments are necessary to ensure the ongoing sustainability of the whole scheme and have been designed to ensure that negative impacts are mitigated as far as reasonably possible. It is therefore necessary to implement these changes from September 2024.

11. Recommendations

The Cabinet Member for Education and Skills is asked to take the proposed decision: to agree the Post 16 Transport Policy Statement including Post 19 for the 2024/25 academic year.

12. Background Documents

- Appendix A - Post 16 Transport Policy Statement including Post 19 for 2024/25
- Appendix B – Transport Consultation Report
- Appendix C – Analysis of wider UK Post 16 offer
- Consultation documents including EQIA can be found at www.kent.gov.uk/schooltransportpolicy

13. Contact details

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