

From: Joel Cook, Democratic Services Manager

To: Cabinet – 5 October 2023

Subject: Cabinet reconsideration of Decision 23/00069 (Post 16 Transport Policy Statement including Post 19 for 2024/25)

Classification: Unrestricted

Electoral Division: All

Recommendation:

Following the referral of Decision 23/00069 to the decision maker for reconsideration, Cabinet must reconsider the decision, taking account of comments expressed by the Scrutiny Committee on 13 September 2023.

Cabinet may confirm, amend or rescind the decision and ask that the decision maker make a written statement of the reconsidered decision to be sent to all Members of the Council.

1. Introduction

- a) On 13 September 2023, the Scrutiny Committee considered a call-in made by Mr Alister Brady and Mr Rich Lehmann of decision 23/00069 (Post 16 Transport Policy Statement including Post 19 for 2024/25). The decision maker was Mr Rory Love, Cabinet Member for Education and Skills.
- b) The Scrutiny Committee considered the call-in reasoning, with explanations provided by both Members responsible for the call-in, this was published with the agenda pack for the Scrutiny Committee and is available online. Members debated the issues, including wider considerations related to the costs of home to school transport. It was highlighted by the Executive that the removal of wholly free Post 16 transport for learners with SEND and/or mobility problems, by charging the equivalent amount of a KTS16+ pass was estimated to generate additional income of approximately £0.5m per year. The Council's current financial position had resulted in discretionary spending being reviewed, particularly with regards to the overspend of the home to school transport budget. It was noted that 1100 people were detailed in the decision paperwork as being affected.
- c) Following the debate, the Scrutiny Committee agreed the following motion:

The Scrutiny Committee requires implementation of Decision 23/00069 to be postponed pending reconsideration of the matter by the decision-maker in light of the Committee's comments
- d) The following summarises the comments and concerns of the Committee:
 - i. Concerns that no risk analysis had been undertaken to fully understand the impacts that removing free transport would have on young people with SEND who wished to access further education and training;

- ii. Concerns were raised about the lack of financial detail available to outline what support would be provided to those families on low incomes, other than those who qualify for the reduced price KTS16+ offered to those in receipt of free school meals (FSM), who currently utilised the free transport;
- iii. Concerns were raised that the decision was not in line with the Council's Policy Framework document Framing Kent's Future. Framing Kent's Future pledged to 'work with our partners including schools and with the families of children with SEND to find sustainable solution that provide the tailored support that these children need to access appropriate education and opportunities that will help them lead a good life'. It was considered that this decision went against this pledge.
- iv. Members wanted to further understand the implications of the decision, as well as explore what consideration the Executive had given to any alternative proposals, including alternative methods of commissioning home to school transport such as an in-house KCC bus service, as part of the decision-making process;
- v. Concerns around the cost of transport for parents and Members requested additional figures outlining the potential cost;
- vi. Concerns were raised around the social impact of removing free transport for young people with SEND, the impact on their social development and independence and Members requested a social impact study of this decision;
- vii. Concerns that this decision could increase costs for low-income families and have a knock-on effect for young people with SEND who might no longer be able to access after school provisions.

Members requested additional information in the following areas:

- viii. The potential cost to parents;
 - ix. A social impact study of this decision;
 - x. An assessment of the financial risk and knock-on costs if young people with SEND needs dropped out of further education due to transport costs – costs to Adult Social Care and an increase in benefit payments by central government – modelling of these costs;
 - xi. The cost of the home to school transport budget and further work on how this was being managed.
- e) After the debate, the Committee resolved through majority vote to refer the matter back to the decision-maker for reconsideration.

2. Review by Cabinet

- a) As a consequence of the Scrutiny Committee's decision, section 17.74 of the Constitution applies:

"In the event of a decision being referred back for reconsideration by either the decision-maker or the full Council, the Cabinet shall first reconsider it on the basis of a report setting out the comments expressed and confirm, rescind or amend the decision in the light of those comments. A written statement of that reconsidered decision will be published and sent to all Members of the Council."

- b) Section 17.74 of the Constitution requires that before a decision is reconsidered by the decision-maker, it must be formally reconsidered by Cabinet, in light of the comments made by the Scrutiny Committee. That provides an opportunity for the Executive to confirm, amend or rescind the decision before any further decision is made.
- c) The outcome of Cabinet's reconsideration will be published and sent to all Members of the Council.
- d) Should Cabinet confirm or amend the Decision, the original Decision-maker will then issue their final decision in light of both Scrutiny and Cabinet's comments.

3. Recommendation:

Following the referral of Decision 23/00069 to the decision-maker for reconsideration, Cabinet must reconsider the decision, taking account of comments expressed by the Scrutiny Committee on 13 September 2023

Cabinet may confirm, amend or rescind the decision.

4. Background Documents

Decision 23/00069 – Post 16 Transport Policy Statement including Post 19 for 2024/25:

- [23/00069 – Record of Decision](#)
- [23/00069 – Decision Report](#)
- [23/00069 – EqlA](#)
- [Appendix A – Post 16 Transport Policy Statement and Post 19 Transport Policy 2024](#)
- [Appendix B - Transport Consultation Report](#)
- [Appendix C – Analysis of wider UK Post 16 offer.](#)
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Agenda, Scrutiny Committee, 13 September 2023: [Agenda for Scrutiny Committee on Wednesday, 13th September, 2023, 10.00 am \(kent.gov.uk\) \(including call in reasoning\)](#)

5. Report Author

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