

## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

### DECISION TO BE TAKEN BY:

Cabinet Member for Education and Skills

### DECISION NUMBER:

24/00062

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

### Key decision: YES / NO

*Key decision criteria. The decision will:*

- a) *result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or*
- b) *be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:*
  - *the adoption or significant amendment of major strategies or frameworks;*
  - *significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.*

### Subject Matter / Title of Decision

Implementation of Standardised School Led Home to School Transport Offer for all Home to School Transport

### Decision:

As Cabinet Member for Education and Skills I agree to:

- a) Approve the implementation of a standardised School Led Transport arrangement for schools, settings and other independent third party support agencies.
- b) Delegate authority to the Corporate Director for Children, Young People and Education, to assess the viability of any proposed school led transport arrangements and to enter into and manage the arrangements and associated agreements wherever they are found to provide a financial benefit to the Council; and
- c) Delegate authority to the Corporate Director for Children, Young People and Education, to enter into relevant contracts or other legal agreements, as required including Service Level agreements (SLAs), and ensure sufficient administrative capacity, as necessary to implement this decision.

### Reason(s) for decision:

In line with the council's Transport Policy for Children and Young People aged 4 to 16 and Post 16 Transport Policy Statement including Post 19, a proposed standardised approach for School Led Home to School Transport has been developed. This will facilitate direct provision of school transport to entitled pupils via their school, setting or other independent third party support agencies, at a reduced cost to the KCC arranged alternatives.

Historic non-standardised arrangements are currently in place with three schools who provide transport support for all entitled pupils that attend their setting. These schools report that these direct arrangements allow for a more responsive transport offer, which improves not only the child's journey to and from school, but also their learning experience throughout the school day. From a

Local Authority perspective, school led arrangements are more cost effective than the market equivalent and ensure that limited capacity remains available for other pupils. It is therefore prudent for Kent to implement standardised arrangements and make this opportunity available for all qualifying Kent schools.

#### **How the proposed decision supports the [Framing Kent's Future - Our Council Strategy 2022-2026](#)**

This decision supports Framing Kent's future priority 2 – Infrastructure for Communities, in particular making use of innovative transport opportunities to ease pressures on pre-existing transport networks.

#### **How the proposed decision supports Securing Kent's Future 2022 -2026: [Securing Kents Future - Budget Recovery Strategy.pdf](#)**

This decision supports Securing Kent's Future both in terms of supporting the objective to ensure the in-year budget remains in balance (objective 1) along with identifying and delivering saving opportunities to support the setting of a sustainable budget and MTFP (objective 2) through providing alternative commissioning arrangements for Home to School Transport. This will contribute towards the delivery of the £6.3m savings attributed to Home to School Transport in 24-25 where new arrangements are entered into during the new academic year.

#### **Financial Implications**

The cost of home to school and college transport is funded by the Council Tax General Fund and totalled £67.9m in 2023-24 of which £2.4m was spent on existing school led transport agreements.

The intention of all school led transport arrangements is that they will only be organised where there is a financial benefit in addition to the opportunity to provide more flexible options for eligible pupils. Given the nature of operator provided transport, it is likely that most school led arrangements will meet this requirement. Additional staffing administration requirements are expected to be funded from securing new agreements. Based on proposals put forward by providers to date, it is estimated this will be achieved with the securing of one additional agreement, with additional agreements contributing towards the wider savings targets related to Home to School.

#### **Legal Implications**

Sections 508B and 508C of the Education Act 1996 explain how Council tax funded school transport should operate across the UK for 4 to 16 year olds.

Under the Act, a parent is responsible for ensuring that their child attends school regularly. However, Section 444(3B) provides that a parent will have a defence in law against a prosecution by a Local Authority (Council) for their child's non-attendance at school, where the Local Authority has a duty to make travel arrangements in relation to the Children and Young People (CYP) under Section 508B and has failed to discharge that duty.

Local Authorities do not have a general obligation to provide Council tax payer funded or subsidised post 16 travel support in the same way as for pupils aged 4 to 16, 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.

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.

There are legal implications in relation to compliance with the Public Contract Regulations 2015 in relation to Economic Operators as well as compliance to our internal policy Spending the Council's Money.

**Equalities Impact Assessment**

Both transport policies were subject to Equality Impact Assessments (EqIAs), and remain relevant to the implementation of that policy. These will be appended to the decision report going to Cabinet Committee on 9<sup>th</sup> July.

Where necessary, individual EqIAs will be completed with schools and providers, to ensure that changes are made in line with collective equalities duties. However, Kent's experience in school led transport identifies that school provided arrangements allows for a greater level of bespoke support for individual pupils when compared to large scale implementation, so risk of detrimental impact remains very low.

**Data Protection Impact Assessment**

All activities in relation to this decision will be implemented in line with pre-existing processes. As such, no new data protection implications need to be considered.

**Cabinet Committee recommendations and other consultation:**

The proposed decision will be considered by the Children's, Young People and Education cabinet Committee on 9<sup>th</sup> July 2024.

**Any alternatives considered and rejected:**

Kent County Council is undertaking a full review of Home to School transport arrangements to identify potential opportunities to deliver it's statutory duties in a more cost effective manner. Consideration was also given to the potential to secure savings following retendering exercises within the existing network. This option was discounted as a system wide retendering exercise was recently completed in 2022/23 academic year and recent higher levels of inflation significantly reduce the potential for this to reduce current spend.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

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signed

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date