

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

**Beverley Fordham, Cabinet Member for Education and Skills**

## DECISION NO:

25/00045

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

## Key decision: YES

*Key decision criteria. The decision will:*

- a) *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: Post 16 Transport Policy Statement including Post 19 for 2026/27

**Decision:** As Cabinet Member for Education and Skills I agree to:

1. Approve the Post 16 Transport Policy Statement including Post 19 for 2026/27, and the activity required to deliver future implementation.
2. Delegate authority to the Corporate Director for Children, Young People and Education to take other necessary actions, including but not limited to entering into relevant contracts or other legal agreements, including Service Level agreements (SLAs), and ensure sufficient administrative capacity, as necessary to implement this decision.

## Reason(s) for decision:

### Background

KCC has a duty to consider what support it is necessary to provide to facilitate each young person's attendance. Historically, KCC has offered more direct support for some Post 16 learners, particularly those with SEND including EHCPs. This meant that their transport has remained very similar after they turn 16, even though there is no legal requirement to provide that level of support. This offer has never been universal, with only a small proportion of learners getting this additional level of support. Most learners of sixth form age, including the majority of those with SEND including EHCPs are currently expected to make their own arrangements.

However, since 2018, Kent has seen over an 80% increase in the number of children aged 16 and above with an EHCP. The provision of transport for this group is inevitably more complex, which means that it usually requires more resources to fulfil. KCC is not provided with dedicated funds for Post 16 transport, which means that any additional offer that KCC makes must come from its general funds, namely the Council Tax that it collects from local residents and government grants. As a result, we need to ensure that our policy and transport services are both appropriate to meet the specific travel needs of learners and are sustainable now and in the future.

KCC held a public consultation between 27 January and 23 March 2025 to outline its proposed transport policy for 2026/27.

The key drivers for the proposed changes are as follows: promoting independence; rebalancing KCC's offer to learners of sixth form age and adult learners; and financial sustainability. These were explained in more detail in related consultation materials and the cabinet paper that will accompany this decision.

The structure of KCC's standard offer of support to both learners of sixth form age and adult learners is proposed to remain unchanged for 2026/27. KCC is also not proposing to alter the criteria it will apply in determining which learners receive support. This means the same learners will be identified for additional support under the proposed policy.

However, there is no legal definition of what level of support should be provided to these learners where KCC considers that alternative support should be provided. The consultation proposed the following changes to how Kent would provide alternative support to these learners

### **Proposed 2026-27 changes for Learners of Sixth Form Age**

The proposed policy would make Personal Transport Budgets (PTBs) KCC's default offer to learners who qualify for additional support, to facilitate their travel to their place of education. This means a KCC organised vehicle would only be provided in exceptional circumstances, rather than to the majority of pupils that qualify for additional support, as is currently the practice.

### **Proposed 2026-27 changes for Adult Learners**

The proposed policy would make two main changes to the support provided to adult learners, as follows:

- Adult Learners would be expected to apply for support via the Government funded 16 to 19 Bursary Fund from their learning provider before approaching KCC for any additional support. The 16 to 19 Bursary fund is national funding provided to learning providers to support a range of needs including transport.
- Where KCC assesses that any support provided to students via the 16 to 19 Bursary Fund is insufficient to facilitate a student's attendance at school, college or training, consideration would be given to support in the form of a mileage payment. KCC would offer a mileage payment, as standard. Under the proposed policy, KCC would generally no longer make transport arrangements for individuals to whom it provides support. KCC would only consider providing transport in exceptional circumstances.

It is also recommended that the Assistant Director for Fair Access and SEN Processes works in conjunction with learning providers to develop and fund cost effective bespoke school led transport options that increase transport options for learners. This requires delegated authority to the Corporate Director for Children, Young People and Education, to enter into relevant contracts or other legal agreements, including Service Level agreements (SLAs), and ensure sufficient administrative capacity, as necessary to implement this decision.

### **Equality Implications**

An Equality Impact Assessment (EqIA) has been completed to assess the potential impact these proposals could have on individuals with protected characteristics, which has been published alongside the consultation document and can be found on the consultation webpage.

KCC's EqIA assesses that the proposed changes would negatively impact those with the protected characteristics of age, disability, sex and race. It sets out proposed mitigating actions in respect of each of those characteristics. The EqIA also assesses the potential impacts on the proposals on the

three equality needs: eliminating discrimination; promoting equality of opportunity; and fostering good relations between different protected groups.

## **Financial Implications**

The Home to School Transport net budget is £97.7m for 2025-26. There are no specific grants for home to school transport and the Council are expected to fund their responsibilities through the General Fund (Council Tax and other wider council funding) or where applicable, parental contributions. This budget covers mainstream, post 16 and SEN transport for eligible children aged up to 25.

The Council currently spends approximately £10m per annum on Post 16 transport to schools and further education providers. Estimated total cost reductions from this proposal on home to school transport could be up to £6m per year (when fully implemented). This would include savings of approximately £4m a year based on around 900 learners of sixth form age receiving support by way of a PTB rather than transport arranged by KCC; and approximately £2m a year based on around 600 adult learners receiving support by way of a bursary from their education provider, or mileage payments rather than transport arranged by KCC.

It is recognised that in some individual cases, the proposed reduction in support may give rise to a need to access other KCC services, such as children's or adult social care. However, this would have to be assessed on an individual basis. Of the 1,500 young people currently eligible for post 16 transport, 335 are open to either children's or adult social care (around 20% of the cohort). An initial analysis of the impact of changes to the Post 16 policy (introduction to charging and restriction of post 19 transport eligibility) from September 2025, indicated an additional cost to social care of around £70,000 per annum affecting around 10 young people, in addition to £240k of alternative transport arrangements (outlined in section 6.14). This is less than 1% of the total cohort. The total estimated annual saving to home to school transport from the September 2025 post 16 changes was £1.4m. Therefore these extra costs equate to around 20% of the saving. Therefore, it is recommended a combined risk annual contingency of £1.3m (20%) is also provided to mitigate against additional costs in other parts of the council and where continued provision of transport may be agreed for those with exceptional circumstances. If the contingency is fully utilised this will reduce the estimated annual saving from £6m to £4.7m. The contingency is only an estimate and the final savings may be more or less depending on individual circumstances including the proportion of individuals who receive support via college bursary funding and whom KCC will no longer support.

## **Legal Implications**

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.

Local authorities do not have a general obligation to provide council tax funded 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.

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.

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.

### **Cabinet Committee recommendations and other consultation:**

A public consultation was held between 27 January and 23 March 2025

### **Any alternatives considered and rejected:**

#### **Increase the current contribution required from Post 16 learners:**

In order to meet the financial challenges set out above, KCC could increase the level of contribution that applicants are asked to make towards each young person's transport arrangements.

There are currently 6,625 families across Kent that make use of a K16+ Travel Saver, compared to 1,497 families that are provided subsidised KCC transport. This means the total number of learners of sixth form age receiving some level of transport support from KCC is 8,122. To achieve the same level of impact as the proposed change, if KCC continued to require equivalent contributions from those who do and do not receive additional support, KCC would be required to increase the overall cost of both the K16+ Travel Saver and contribution by approximately £760 per learner. When considering that the current cost of a K16+ Travel Saver and contribution is £600, this would raise to £1,360 per annum per learner.

KCC also considered an alternative approach of limiting the contribution increases to those families that receive a higher level of support, as this would protect the ongoing viability of the K16+ Travel Saver pass. However, if KCC took this approach, the contribution would need to increase around £4,250 per person to an annual fee of £4,850, or around £1,600 per term. If KCC were to offer a lower contribution level to low income families, this amount would rise further for other learners. The average cost of transport for learners of sixth form age receiving additional support is £8,200, so this would still reflect an average subsidy of around 40% per learner. However, this would be the equivalent of over an eight-fold increase in the level of parental contribution.

As a PTB proactively provides families with additional funds to support the arrangements made for learners of sixth form age to attend education or training, officers consider that this would be preferable to the significant contribution necessary to maintain the current system and make an equivalent contribution to financial sustainability. We explained this to the public as part of the consultation and consultees were able to express their views.

#### **Maintain current level of support:**

KCC is facing considerable financial challenges across the majority of its portfolio. KCC could only continue to provide the current level of transport subsidy to this cohort of sixth form aged and young adult learners if savings were made elsewhere within the council.

The Council has set out the size of the financial challenge and the breadth of service areas that have been considered and will be expected to deliver savings in the Council document "[Securing Kent's Future](#)" agreed at Cabinet in October 2023. This document updated, the Council's ambitions in light of the changed financial landscape and the significance of adults & children's social care delivery within the Council's budget, by prioritizing "the delivery of the new models of care and support" objective within the "[Framing Kent's Future](#)" Strategic Statement. This has created an expectation that council services across all directorates must prioritize delivering this objective as a collective enterprise. This does not mean that the other objectives in "Framing Kent's Future" are not still important but the scope of these may have to be scaled back with policy ambitions in other areas becoming more limited. The provision of Post 16 Transport is connected to the Kent's objectives for "levelling up and infrastructure for communities". The proposals outlined in this report meet

objectives 2 & 3 of the Securing Kent's Future document relating to Service Transformation (delivering savings from identified opportunity areas to set a sustainable budget and MTFP) and Policy Choices & Scope of Council ambitions (evaluation of statutory minimum requirements & review of discretionary spending). Other service areas are already being expected to deliver their own savings, with the agreed Medium Term Financial Plan setting out the expectation of delivering around £160m of savings across the Council over the next 3 years. Maintaining the current level of support would also not contribute to achieving the other objectives explained above.

The consultation provided respondents with an opportunity to comment on these discounted options and present alternative suggestions. Consultation responses are addressed in Section 6 of the Cabinet Paper.

**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