

From: **Rory Love, Cabinet Member for Education and Skills**  
**Sarah Hammond, Corporate Director for Children, Young People and Education**

To: **Children, Young People and Education Cabinet Committee – 17 January 2023**

Subject: **Confirmation of forthcoming Transport Consultation**

Classification: **Unrestricted**

Past Pathway of Paper: **None**

Future Pathway of Paper: **None. Future discussions will be informed by consultation outcomes report**

Electoral Division: All

**Summary:**

This report outlines the planned consultation on 4 to 16 Home to School Transport Policy (effective from 2024-25 academic year), Post 16 Transport Policy Statement 2023-24 academic year and Post 16 Transport Policy Statement 2024-25 academic year.

Determination of new policies will be dependent on Key Decision which will considered consultation feedback and be taken following May CYPE Cabinet Committee

**Recommendations**

Members are asked to note that Children, Young People and Education Directorate is intending to hold a County wide consultation between Wednesday 25 January to Tuesday 21 March 2023 which will include:

- 4 to 16 Home to School Transport Policy (effective from 2024-25 academic year)
- Post 16 Transport Policy Statement 2023-24 academic year
- Post 16 Transport Policy Statement 2024-25 academic year

**1. Introduction**

1.1 Sections 508B and 508C of the Education Act 1996 explains how free school transport should operate across the UK for 4 to 16 year olds.

1.2 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 for their child's non-attendance at school, where the Local Authority has a duty to make travel arrangements in relation to the CYP under Section 508B and has failed to discharge that duty.

1.3 KCC's 4 to 16 School Transport Policy is currently expressed via a combination of formal statutory duties, member decisions and parental guidance. These have now been combined into a cohesive transport policy, to ensure full transparency and provide a single reference point for decision making.

1.4 Councils are not required to provide free or subsidised travel support when a young person reaches 16 years old. While these pupils are required to take part in education, employment or training during this time, national legislation does not provide transport support in the same way that it does for pre-16 pupils. However, Councils do have an annual duty to prepare, publish and consult on an annual Transport Policy Statement specifying the arrangements for the provision of transport or other support that the Council considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training, including support for 19+ learners with an Educational Health Care Plan (EHCP) who started their course before their 19th birthday.

1.5 The requirements placed on a Council in relation to Post 16 transport are defined in the Education Act 1996, Education and Skills Act 2008, Education and Inspections Act 2006, Apprenticeships, Skills, Children and Learning Act 2009 and the Equality Act 2010.

1.6 These requirements include a responsibility to consult annually on a Post 16 Transport Policy Statement, which details the support KCC will provide pupils for the forthcoming annual year.

## **2. Consultation Process**

2.1 A public consultation is planned between Wednesday 25 January to Tuesday 21 March 2023 which includes:

- 4 to 16 Home to School Transport Policy (effective from 2024-25 academic year)
- Post 16 Transport Policy Statement 2023-24 academic year
- Post 16 Transport Policy Statement 2024-25 academic year

2.2 CYPE is consulting for the 2024-25 academic year to ensure that finalised policies will be made available to parents in time the next school application process, which begins in September 2023 for September 2024 intake. The consultation also includes the Post 16 Transport Policy Statement for 2023 intake as the annual process would normally take place at the same time of year. This will ensure that KCC can reduce the number of consultations parents are required to consider and consult on all relevant policies with the most efficient use of resources.

2.3 CYPE have worked with KCC's Engagement and Consultation team to develop a consultation plan that adheres to Internal Audit requirements and ensures that all interested parties have sufficient opportunity to engage. All documentation, including Equalities Impact Assessments will be made available at the start of the consultation via KCC's engagement website.

2.4 Following the conclusion of the consultation, a Cabinet Committee Report will be developed including all key findings, with proposals for finalised transport policies with

related financial, legal and equalities implications for consideration by CYPE Cabinet Committee. It is expected that this report will be considered during May 2023's CYPE Cabinet Committee meeting.

### **3. Recommendations:**

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