

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**21 January 2014**

**Report of the Strategic Director for Children & Younger Adults**

**Consultation on Changes to Policy for Home to School Transport for Children of Sixth Form and Pre-School Age and Young Adults Subject to a Learning Difficulty Assessment – (Children and Young People)**

**1 Purpose of Report**

- 1.1 To seek Cabinet agreement to carry out a consultation on proposed changes to Derbyshire County Council's education transport policy for children of sixth form and pre-school age with Special Educational Needs (SEN) and young adults subject to a Learning Difficulty Assessment.

**2. Information and Analysis**

2.1 Context

2.1.1 Due to reductions in funding from central government, Derbyshire County Council must reduce its expenditure by £157m over the next 5 years.

2.1.2 In order to meet these targets, Cabinet is reviewing all areas of expenditure. Cabinet will be guided in its decision-making by the priorities contained within the new Council Plan, as it is developed.

2.1.3 Derbyshire County Council (DCC) has a statutory duty to make home to school/college travel arrangements free of charge for entitled pupils of compulsory school age. The Council also provides transport assistance beyond its statutory duties; a charge is made for some of these services. The travel arrangements for pupils and young people with SEN, which are not charged for currently, are reviewed in this report.

## 2.2 Current Provision – Sixth Form Age Students with Special Educational Needs

2.2.1 Eligibility for free home to school transport for children of compulsory school age is prescribed by statute. For learners of sixth form age, the Local Authority must produce an annual policy statement setting out the transport arrangements it considers necessary to make.

2.2.2 For transport policy purposes, the statutory definition of a person of sixth form age is someone who is over compulsory school age but below 19, or someone who began a particular course of education or training before they reached 19 and continues to attend that course.

2.2.3 In 2012/13, the Authority arranged transport for 178 sixth form pupils with SEN attending schools and colleges within and outside the County. These pupils are not currently subject to a charge whereas pupils of sixth form age attending mainstream or faith schools are subject to a charge of £349 per annum for using buses arranged by the Council which do not have a facility to pay on board the bus. Currently there is no distinction in policy or budget terms between sixth form age students with special educational needs, and young adults aged 19-25 with learning difficulty assessments. As such, the costs in 2.3.2 include the costs of transport for sixth form age students with special educational needs.

2.2.4 The Authority is currently arranging transport for 111 sixth form age pupils with SEN to schools, including special schools within and out of the county. These pupils travel with pupils aged 16 years and younger.

## 2.3 Young Adults (Aged 19-25) With Learning Difficulty Assessments

2.3.1 The Council currently provides transport for some young adults (age 19 -25) with learning difficulties assessments. The cost in 2012/13 was £249,744 to transport 57 students from home to college outside the Further Education (FE) and Higher Education (HE) sectors, an average cost of £4,381 per pupil. The cost of transport to FE colleges was £681,037 for 215 pupils, an average cost of £3,180 per pupil.

2.3.2 In 2013/14, (based on figures as at 28 October 2013) there are 47 students receiving transport assistance from home to educational establishments outside the FE and HE sectors, at an estimated cost of £296,000, an average cost of £6,298 per student. 173 students will receive transport assistance from home to FE colleges, with a predicted cost of £695,000, and an average cost of £4,017 per student.

2.3.3 Currently, continuing learners aged 19-24 who are attending relevant full-time courses are provided with free transport assistance to a further education college or independent specialist provider until their course is completed, or up to the end of the academic year in which the student reaches the age of 24, whichever is the sooner.

## 2.4 Current provision – Pre School age pupils

2.4.1 The Council makes arrangements for free transport for a small number of children under 4 years old who have a statement of special educational needs or are undergoing further assessment at a specialist nursery due to the severity and/or complexity of their difficulties. There is no statutory requirement to make this provision free of charge. There are currently 34 children under 4 in receipt of free transport at an estimated cost of £152,000 for 2013/14.

## 2.5 Proposed changes to Sixth Form age transport

2.5.1 It is proposed that, from September 2014, sixth form pupils with learning difficulties or disabilities for whom transport arrangements are made by the Council would be subject to a charge at the same rate as other sixth form transport users, currently £349 per year.

2.5.2 Young adults aged 19-25, including those subject to learning difficulty assessment, who began a particular course of education or training before the age of 19 and continue to attend that course, would be charged for transport arrangements made by the Council at the same rate as other persons of statutory sixth form age.

## 2.6 Proposed changes to transport for Young Adults (Aged 19 -25) with learning difficulties and disabilities

2.6.1 Whilst the Council would continue to encourage the participation in education and training by persons who are over compulsory school age but under 19, and persons aged 19-25 subject to learning difficulty assessment, young adult learners would be expected to meet the cost of travel between home and the establishment at which they are receiving education or training except in the circumstances set out in paragraph 2.6.2 below. The Council would offer support and assistance by providing information about: any schemes under Section 93 Transport Act 1985 providing travel concessions; local transport providers and services; and other sources of additional support.

2.6.2 It is proposed that the Council would provide free transport to young adult learners (not being persons of statutory sixth form age) in the following circumstances only:

- A. Where the Council had secured the provision of education or training and the provision of boarding accommodation under Section 514A Education Act 1996 for an adult learner aged under 25 and subject to learning difficulty assessment, and the Council considered that the provision of transport by the Council was necessary to facilitate that person's attendance at the place where the education or training was being provided.
- B. Where an adult learner was receiving education at an establishment maintained or assisted by the Council and providing FE or HE or both, or at an FE college, and the Council considered that:
- a) That person's attendance on that course was reasonably necessary; and
  - b) It was necessary for the Council to provide transport to facilitate that person's attendance on the course.

2.6.3 In deciding whether it was necessary for the Council to provide free transport for an adult learner, the Council would, amongst other things, have regard to:

- The learner's age, ability and aptitude
- Any learning difficulties the person may have
- The quality of the education or training
- The locations and times at which the education or training is provided
- The nature of the route, or alternative routes, which the learner could reasonably be expected to take.

For the purposes of deciding whether to provide free transport the Council would not consider it necessary, other than in exceptional circumstances, for an adult learner to attend a FE course where the learner had previously attended a course at an establishment within the FE sector.

## 2.7 Proposed changes to transport for pre-school age pupils

2.7.1 It is proposed to introduce a charge from September 2014 for families using transport arrangements for pre-school age pupils with a Statement of SEN in line with the charge made to other non-entitled primary pupils, currently £316.

2.7.2 Pupils of this age group are not entitled to free transport, but are entitled to free school meals if they meet the criteria and the pupil is in

attendance during meal time. It is proposed to take these criteria into consideration and children from low income groups (defined as those who are entitled to free school meals, or those whose families are in receipt of the maximum level of Working Tax Credit) would be exempt from a charge.

## 2.8 Consultation Process

2.8.1 It is proposed that a consultation on the above proposed changes would be held for 6 weeks, during term time. The consultation would include the opportunity to complete an on-line questionnaire, also available for completion by telephone and with paper copies available on request.

2.8.2 Letters would be written directly to the following stakeholders advising them of the consultation: families currently using this transport, local Members of Parliament, neighbouring authorities, all schools and colleges, the Secretary of State.

2.8.3 Subject to the outcome of the consultation and to further consideration by Cabinet, these proposals would come into effect from September 2014.

2.8.4 Any potential changes would be subject to the new reforms of the Special Educational Needs system due from September 2014. These reforms will include a new statutory duty on Local Authorities to publish, in one place, comprehensive and accessible information about the provision they expect to be available for young people in their area with special educational needs including transport. This is called the 'Local Offer' and is subject to Parliamentary approval.

## 3. **Financial Considerations**

### 3.1 Sixth Form age

3.1.1 There are currently 111 sixth form age pupils with SEN receiving transport assistance. If they were charged £349 per annum it would create a maximum income of £32,000 (Vat deducted). This amount would either be charged to parents or deducted from the reimbursement of travel expenses to parents. There are currently 16 parents receiving reimbursement of travel expenses for sixth form age children with SEN.

### 3.2 Young Adults (19-25)

3.2.1 There are currently 71 young adults (19-25) who are 6th form age for whom transport to FE College is provided. If these pupils pay £349 the Council will receive £20,500 income. VAT has been deducted.

3.2.2 If the proposals to reduce transport assistance for courses started over the age of 19 for continuing learners aged 19-25 was put in place a saving would be made. There are currently 34 students age 22 and over who started their course after the age of 19 receiving transport assistance, who attend FE or HE colleges. At an average cost of £4,017 this proposal would make a maximum saving of £130k.

### 3.3 Pre School age

3.3.1 There are 34 children of this age receiving transport assistance in 2013/14. If all 34 pupils were charged £316, this would create an income of £8,953 VAT deducted. This amount would be reduced if the low income criteria were met by some individuals.

### 3.3 Summary of Savings

3.3.1 If all of the above proposals were implemented as outlined, the impact is summarised in the Table 1. The reduction in net expenditure would be used to contribute towards the savings target for CAYA.

Table 1

	Additional / (reduced) Income	Reduced Cost	Total reduction in net expenditure
SEN learners over age 16 years (based on 111 pupils)	£32,000		£32,000
SEN learners (19 – 25) started course before 19 years	£20,500		£20,500
Reduction in transport assistance Young Adults (19 – 25)		Maximum £130,000	£130,000
Pre-School age children	£9,000		£9,000

<b>TOTAL</b>	<b>£61,500</b>	<b>£130,000</b>	<b>£191,500</b>
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VAT has been deducted from the income above.

### 3.5 Methods of charging

3.5.1 These amounts could be paid by various methods - annually, termly, or in ten instalments. Non-payment would follow the usual legal process for unpaid amounts.

## 4 **Human Resources Considerations**

4.1 During the consultation period a substantial amount of officer time would be required to manage the consultation process. There would be some additional time required for finance services officers to invoice the charges.

## 5 **Legal & Human Rights Considerations**

5.1 A local authority has a statutory duty to make home to school travel arrangements for eligible children of compulsory school age. Such arrangements must be free of charge. The arrangements can include reimbursement of parents' reasonable travelling expenses.

5.2 For learners of sixth form age the Local Authority must produce an annual policy statement setting out the transport arrangements it considers necessary. There is no statutory requirement for such arrangements to be free of charge. The statement must set out the extent to which the arrangements include those for persons with learning difficulties and disabilities.

5.3 In considering what travel arrangements it is necessary to make for persons of 6<sup>th</sup> form age, LAs must have regard to: the needs of those for whom it would not be reasonably practicable to attend education/training if no arrangements were made; the need to secure reasonable choice; distances, journey times, cost of transport; and the LA's duty to secure enough suitable education/training for persons of 6<sup>th</sup> form age, having particular regard to a person's age, ability, aptitudes and any learning difficulties they may have.

- 5.4 In considering what transport arrangements to make for adults under 25 who are subject to a learning difficulty assessment, the LA must have regard to its statutory duty to secure enough suitable education and training to meet such adults' reasonable needs. The Authority also has a duty to encourage participation in education and training for persons over compulsory school age but under 19, and for persons aged 19-25 subject to learning difficulty assessment.
- 5.5 LAs have discretion to provide transport assistance for children receiving Early Years education, including reimbursement of parents' travel expenses.
- 5.6 In discharging their functions relating to travel arrangements the Authority must have regard to any Guidance issued by the Secretary of State.

### **Equality of Opportunity Considerations**

- 6.1 The Authority's arrangements for transport for persons of sixth form age with disabilities or learning difficulties must be no less favourable than for pupils of the same age attending maintained schools.
- 6.2 The Authority's arrangements for providing transport for relevant young adults to establishments outside the FE and HE sector where the Authority has secured education or training must be no less favourable than the arrangements made for relevant young adults of the same age for whom the Authority secures education at another institution.
- 6.3 The proposals would be subject to an equality impact assessment.

## **7 Transport and Environmental Considerations**

- 7.1 These proposals would not significantly affect how the transport was provided in the future. The Authority would still provide the current methods of transport but at a reduced cost to the Authority or at an increased income level.

## **8 Other Considerations**

- 8.1 Some students may find alternative methods of getting to and from school/college.

## **9 Key Decision**

No

## **10 Background papers**

Home to School Transport policy, January 2012

Consultation on Changes to Policy for Home to School Transport to Schools Preferred on Grounds of Religion or Belief, October 2013

## **11 Strategic Directors' Recommendations**

11.1 That Cabinet agrees to consult on:

- the proposal to implement charges for transport to school or college for sixth form age pupils with SEN ; and
- the proposal to implement charges for pre-school age transport; and
- the proposal to limit provision of free transport for persons aged 19-25 to the circumstances set out in paragraph 2.6.2 of this report.

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