



EXECUTIVE 14th March 2024

Report Title	Post 16 Policy for Home to School Transport
Lead Member	Cllr Matt Binley – Executive Member for Highways, Travel and Assets
Report Author	George Candler – Executive Director Place and Economy Rachel Mawson – Transport Delivery Manager

Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	N/A
Which Corporate Plan priority does the report most closely align with?	Better, brighter futures

List of Appendices

Appendix A – Draft Post 16 Policy

Appendix B - Consultation report

Appendix C - Policy for Statutory School age pupils

Appendix D – Climate Change Assessment tool

1. Purpose of Report

- 1.1. The revised Policy for Statutory School age pupils in respect of academic year 2024/25, as approved by the Executive in July 2023, was published in September 2023 as required by legislation.
- 1.2. The Council is also required to publish the policy for Post 16 pupils in respect of academic year 2024/25 before the end of May 2024.
- 1.3. The Post 16 policy needs to be revised to come into line with the previously agreed changes published in the Policy for those of Statutory School age.

- 1.4. This report is to present the proposed Post 16 policy for approval by the Executive and to seek permission to publish the final document as required under the legislation.

2. Executive Summary

- 2.1. Local authorities have a duty under s508A of the Education Act 1996 to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport, or otherwise that the authority considers necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training.
- 2.2. s509AA (7) (a) of the Education Act 1996, defines the sixth form age duty as applying to young people of sixth form age (16 to 18) and young people with Education, Health and Care (EHC) plans up to age 25 where they are continuing on a course which they started before their 19th birthday.
- 2.3. The local authority must publish that transport policy statement on or before 31st May each year.
- 2.4. In accordance with Section 509AB(3)(a) of the Education Act 1996, when preparing the Transport Policy, the Council must have regard to the following:
 - 2.4.1. the needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made;
 - 2.4.2. the needs of the most vulnerable or socially excluded;
 - 2.4.3. the needs of young people with special educational needs and disabilities;
 - 2.4.4. those who are vulnerable to becoming not in education, employment or training (NEET) at the age of 16 or 17 or who have already become NEET;
 - 2.4.5. young parents; and,
 - 2.4.6. those who live in particularly rural areas where the transport infrastructure can be more limited.
- 2.5. Any transport provided by the Council to the Post 16 cohort falls under their Discretionary Powers. Local Authorities are permitted to levy a charge for services provided under their Discretionary powers.
- 2.6. As part of a public consultation carried out by North Northamptonshire Council into the future of Discretionary Transport which took place between 24th April 2023 and 12th June 2023 respondents were specifically asked:
 - a) “If the Council were to continue to provide discretionary (spare seat) transport to families/students who are not entitled to free transport, what do you think would be the fairest way of sharing the cost between the family/student and the Council? When giving your answer please consider if this should be different for those students who are in post 16 education and those that are younger.”

- b) “If the discretionary seat scheme is to remain in whole or part, should the guarantee to a spare seat for applications received before a certain date (usually the 3rd Friday in May) be withdrawn?” Potential responses were: Yes, remove the guarantee for all age groups, Yes, remove the guarantee for only Post 16 but retain the guarantee for statutory school age seats, and No, the guaranteed seats scheme should remain as is.
 - c) Whether to increase the charges for discretionary transport to recover a higher proportion of the cost of service delivery, with a table of potential cost options showing the level of subsidy being applied in each case.
- 2.7. The full report of findings from that consultation can be found at **Appendix B**.
- 2.8. Taking into account the responses to the consultation, in July 2023 the Executive agreed to:
- 2.8.1. remove the guarantee of a spare seat for all age groups applying before a certain date (to be agreed and published each year);
 - 2.8.2. increase the charges for a discretionary seat for all age groups with effect from September 2024; and,
 - 2.8.3. reformat the policy documents to make them easier to understand and more accessible.
- 2.9. The revised Policy for Statutory School age pupils was published in September 2023.
- 2.10. The policy for Post 16 pupils must be published in May each year.
- 2.11. The current Post 16 policy needs to be revised to come into line with the previously agreed changes published in the Policy for those of Statutory School age.

3. Recommendations

- 3.1. It is recommended that the Executive approves the revised Post 16 Policy for Home to School Transport for publication.
- 3.2. Reasons for Recommendation: To ensure that statutory obligations are fulfilled by the publishing of a Post 16 Policy for Home to School Transport in line with legislation. The policy currently before the Executive takes into account the changes previously approved for pupils of statutory school age and the legislation and guidance specifically relating to education transport for Post 16 students.
- 3.3. Alternative Options Considered:

- 3.3.1 **Do nothing:** Failure to adopt a revised policy would result in the current policy being de facto adopted, leading to a two-tier charging system for discretionary seats as well as confusion over entitlement to and availability of services at the transition between Statutory School age and Post 16 services. In addition, failure to adopt the revised charging system would result in the Council being required to continue to subsidise Post 16 transport at its current rate, rather than recouping a higher proportion of the actual cost from service users, which will lead to budgetary pressures.
- 3.3.2 **Refer the draft policy back for further revision:** If the Executive prefer not to approve the policy as drafted, they may make recommendations as to any alterations they may require. Members are requested to be mindful of the statutory requirement to publish the final version of the policy before the end of May 2024 and the timelines for re-presentation of the policy at Executive for approval. Failure to approve the final version within this timeframe will result in the current policy being de facto adopted for the coming academic year with the same outcomes as Do Nothing. If this option is adopted it is therefore recommended that Members give delegated powers to the Executive Member for Highways, Travel and Assets and the Executive Director of Place and Economy to authorise and approve the final draft, without the need to return to Executive.

4. Report Background

- 4.1. In preparing this Policy Statement, the Council needs to be mindful of the requirements under the Education and Skills Act 2008, which requires all young people to continue in learning or training until the end of the academic year in which they turn 18.
- a) Raising the participation age does not mean that young people must stay in school, they are able to choose one of the following choices:
- i) full-time education, such as school, Further Education college or home education;
 - ii) apprenticeships, work-based learning;
 - iii) part-time education or training if they are employed, self-employed or volunteering for at least 20 hours a week.
- 4.2. All 16- and 17-year-olds i.e. those completing compulsory education in the current year, or who completed in the previous year)are entitled to an offer of a place in post-16 learning under the September Guarantee. That place does not have to be their nearest suitable place of education.
- 4.3. The legislation recognises that a local response to transport arrangements is important in enabling young people's participation in education and training and as such allows local authorities to take a local approach which allows local circumstances to be taken into account.
- 4.4. The guidance and legislation require that the post 16 policy statement should be a single point of reference providing information about transport

arrangements to all types of provision, including arrangements made by bodies other than the local authority, including local transport providers, and the schools and colleges themselves. To this end the draft policy includes contact details for colleges, and major transport providers in the area as well as information about alternative modes of transport.

- 4.5. Local authority transport policies must be supportive of reasonable choice. This includes enabling young people to choose courses outside their home local authority boundaries if it makes sense for them to do so. Local authorities need to be mindful of neighbouring transport policies and consider how their own transport policy can support movement across boundaries. The transport policy statement therefore includes our policy for travel to neighbouring local authority areas.
- 4.6. The overall intention of the sixth form age transport duty is to ensure that:
 - learners of sixth form age are able to access the education and training of their choice; and
 - if support for access is requested, this will be assessed and provided where necessary.
- 4.7. The arrangements must be set out for learners of sixth form age who are receiving education or training at:
 - a school;
 - a further education institution;
 - a local authority maintained or assisted institution providing higher or further education;
 - a 16 to 19 Academy; or
 - at any establishment (not falling within the above categories) at which the authority secures the provision of education or training under section 15ZA of the Education Act 1996.
- 4.8. The Post 16 policy forms part of the Local Offer which sets out services for children and young people with special educational needs and disabilities, and the policy document must be published both on the Council's website and the Local Offer website.
- 4.9. Demand for Home to School transport, and in particular for Post 16 transport is increasing. The 2021 Census shows that population in the Council's area increased by 13.5% from the previous census report. This is significantly higher than the overall 7.7% increase in population for the East Midlands as a whole. 2021 showed an increase of 19% in young people aged 10 to 14 and a similar increase in those aged 5 to 9 resident in the area. In addition, there are a number of new building developments coming online, which puts additional pressure in some areas on school and college capacities. This increase in turn is putting a strain on capacity for transport services as young people are having to travel further from home to access education. Statistically 40% of those aged between 10 and 14 years old in 2021 will be accessing Post 16 education in/by 2024, with a similar pressure continuing for the next 10 plus years.

- 4.10. The Council is working with colleges and schools as part of the Post 16 Partnership to develop independent travel training to enable young people (often with special educational needs and disabilities) to travel on public transport independently where suitable services are available.
- 4.11. As part of the Post 16 Partnership agreement, local colleges have agreed not to duplicate courses wherever possible, to facilitate choice and avoid duplication and conflict.
- 4.12. Local authorities are expected to target any support on those young people – and their families – who need it most, particularly those with a low income. The transport policy statement therefore sets out clearly the criteria used to establish a learner’s eligibility to receive transport/financial support.
- 4.13. Under the Sixth Form Duty, local authorities may ask learners and their parents for a contribution to transport costs. In exercising their discretion to charge for this service, local authorities should:
- ensure that any contribution is affordable for learners and their parents;
 - ensure that there are arrangements in place to support those families on low income; and
 - take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups.
- 4.14. Young people with special educational needs and disabilities are more likely to remain in education or training longer than their peers, any contribution sought from these families needs to allow for the fact they may have to contribute for longer.
- 4.15. The transport needs of young people with special educational needs and disabilities need to be reassessed when a young person moves from compulsory schooling to post-16 education, even if the young person is remaining at the same educational setting. To facilitate this, parents and carers/service users are required to make a fresh application on transfer to Post 16 education. Although this is not a new requirement, it has now been made clear in the revised policy at section 5.
- 4.16. The Council provides transport directly for around 150 Sixth Form Students per year, with still more being supported through the Sixth Form Colleges. The main educational placements affected by these changes are the Sixth Form Colleges and Prince William and Wollaston Schools and Manor School and Sports College. Other schools also have sixth form provision but have few pupils applying for transport.
- 4.17. The Home to School Transport team is working with the Sustainable Transport team, as part of the Bus Service Improvement Plan to develop improved commercial services in key areas. It has been agreed that students will be directed to commercial services where appropriate and that the Council will purchase bus passes for travel on those commercial services for students entitled to Council assistance where it is financially advantageous for the

Council to do so. This will help to mitigate overall cost of and demand for transport provision for Post 16 students. It also has the benefit of allowing more choice of travel times for people of all age groups, introducing them to public transport so they become familiar and comfortable with this mode of transport for the rest of their life, and supporting local bus services.

5. Issues and Choices

- 5.1. The revised Policy for Statutory School age pupils was published in September 2023.
- 5.2. The policy for Post 16 pupils must be published in May each year.
- 5.3. The current Post 16 Policy needs to be revised to come into line with the previously agreed changes published in the Policy for those of Statutory School age to avoid having a two-tier charging system and eligibility.

6. Next Steps

- 6.1. The Policy once approved to be published in its final version by the end of May 2024.

7. Implications (including financial implications)

7.1. Resources, Financial and Transformation

- 7.1.1 Although the savings from these proposals will be minimal when compared to the overall budget for Home to School Transport, it contributes towards managing the increasing costs of operating transport services and secures contributions from those residents who are accessing the service.
- 7.1.2 The cost of providing this service for sixth form students in 2022/23 was £172,800. The income from the parental contribution off-set approximately 50% of this cost. The increase of the contribution to £760 per person is anticipated to reduce the level of subsidy accordingly by approximately a further £23,000 per year.
- 7.1.3 Mitigations against increased demand are being put in place through development of alternative transport options, including support for commercial services.

7.2 Legal and Governance

- 7.2.1 Failure to ratify the Post 16 Policy would result in the previous policy being adopted for the academic year 2024/25. This in turn would lead to a two-tier

charging system and challenges from parents and students against the spare seats policy in respect of Post 16 students.

7.2.2 There are no other legal implications arising from the proposals.

7.3 Relevant Policies and Plans

7.3.1 Policies relevant to the report are the Home to School Transport Policy 2024/25, Sustainable Modes of Transport Strategy 2024 and the Council's Corporate Plan.

7.4 Risk

7.4.1 There are no significant risks arising from the proposed recommendations in this report.

7.5 Consultation

7.5.1 The Council conducted a consultation exercise between 24th April 2023 and 12th June 2023. The public consultation was supported by the Council's Consultation and Engagement Team.

7.5.2 The consultation sought views on the Council's proposed policy changes and options affecting the discretionary transport to inform the consideration and subsequent changes to the policy. It also sought feedback on how the Council could make the wording and layout of the policies clearer to understand.

7.5.3 The structure and design of the consultation set out the proposals and enabled both online and non-digital means of participation, in accordance with nationally recognised good practice. To ensure the widest possible reach, a variety of consultation feedback channels were used to maximise the range of accessible channels for consultees, these included:

- Visiting the Home to School Transport Policy Review Consultation webpage and completing the questionnaire or requesting a paper questionnaire
- Accessing the online questionnaire free of charge at any NNC library for those without internet access
- Emailing HomeToSchoolConsultation@northnorthants.gov.uk
- Writing to Home to School Transport Policy Consultation Response, North Northamptonshire Council, Sheerness House, Meadow Road, Kettering, NN16 8TL
- Contacting the Council by telephone to give verbal feedback
- Using social media – including Facebook, Twitter and LinkedIn

- 7.5.4 Opportunities to take part in the consultation were promoted in the local media via press releases. The press release went to 26 newsrooms (local, print and broadcast), plus individual reporters and other local news sites. It was promoted through the Council's Leaders' Update, the Council's website, e-newsletters and social media channels, enabling both internal e.g. staff as well as external consultees to get involved in the process.
- 7.5.5 Councillors, local MPs, town and parish Councils, partner organisations, voluntary and community sector organisations, North Northants Business Network, and members of both the North Northamptonshire Residents' Panel and the Council's Consultation Register were invited to give their views and asked to promote the consultation to their members, or within their local area where appropriate.
- 7.5.6 All North Northamptonshire Head Teachers were advised of the consultation via the Leadership in Schools Email (LSE) and asked to promote the consultation to families. Promotion of the consultation was also circulated by North Northants Information, Advice and Support Service (IAS); Northants Parent Forum Group (NPF); Northamptonshire Local Offer; and the Northamptonshire Children's Trust newsletter. Consultation details were also sent out to Northamptonshire Health participation groups.
- 7.5.7 During the consultation period, using the various means available to consultees, local people, interested parties and organisations contributed to the consultation 518 times. Nearly all of the feedback received was via the questionnaire, with 514 respondents participating via the questionnaire and four respondents submitting a written response. Within the questionnaire, respondents could choose which questions they responded to, and so there are lower response numbers to each question when compared with the overall number of participants.
- 7.5.8 Throughout the consultation document repeated reference was made to the impact that the proposed changes would have not only on pupils of statutory school age but also to students of Post 16 age.
- 7.5.9 The consultation feedback is analysed and presented in detail in **Appendix B**.
- 7.5.10 Consultation responses have been considered in making the recommendations within the report and balanced against the other factors as set out within the report. Members should ensure they read and consider the analysis and redacted comments that have been made available to them before making their decision on the revised policy.

7.6 Consideration by Executive Advisory Panel

- 7.6.1 The proposals were put before a combined Prosperous and Future Communities Executive Advisory Panel on 12th June 2023 where the implications of the changes for all age groups were explored. This report is to

consolidate the Post 16 transport policy with that for Statutory School age pupils which was published in September 2023.

7.7 Consideration by Scrutiny

7.7.1 The proposals were put before Place and Environment Scrutiny Committee on 27th June 2023, where the implications of the changes for all age groups were explored. The Place and Environment Scrutiny Committee reviewed the policy proposals and recommended that the new format be adopted, that linked schools be ceased, that new discretionary applicants pay the full amount of £1200 and those currently in the system pay a reduced rate of £760 and that the guaranteed seat option be removed. This report is to consolidate the Post 16 transport policy with that for Statutory School age pupils which was published in September 2023.

7.8 Equality Implications

7.8.1 The Council is committed to treating people fairly. An Equalities Impact Assessment (EqIA) was carried out on 19th June 2023, taking into account the responses to the consultation and the concerns raised by Members of the Prosperous Communities and Future Communities Executive Advisory Panels in respect of the Policy for those of Statutory School Age. This EqIA has been revisited and updated in respect of the Post 16 Policy. The revised EqIA is a background paper to this report.

7.8.2 The EqIA and responses to the consultation have identified that there is a particular potential adverse impact on some residents in the former East Northants District. This group does not form one of the nine protected characteristics but will require mitigations to be developed and implemented if the Council was to avoid or lessen the impacts of the change.

7.8.3 These Mitigations at Post 16 include, but are not limited to, discounts for those on low income, discounts for those with multiple children in Sixth Form. We are also working with the Sustainable Transport team to introduce supported commercial services in key affected areas and will be encouraging the use of those services by directing discretionary transport users to those services where appropriate, and purchasing season tickets for those entitled to free travel assistance where this is appropriate and represents value for money for the Council.

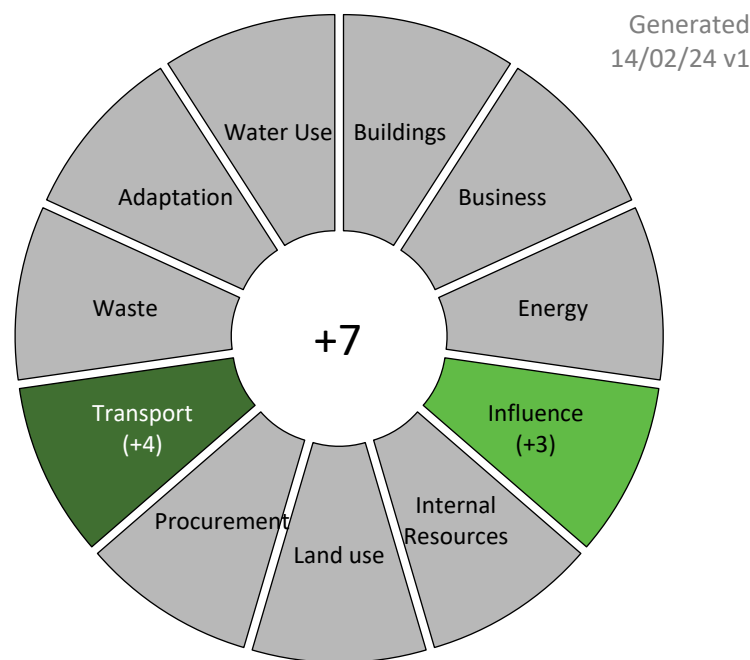
7.9 Climate and Environment Impact

7.9.1 The Post 16 Transport Partnership coordinates eligibility for and provision of transport across the Further Education Colleges and education providers across the North Northants area. The Post 16 Transport policy encourages cooperative working with education providers and service users and their families. We have close links with Parents' forums and the SEND Information and Advice Support Service (IASS).

7.9.2 The policy encourages those able to use bicycles and scooters (including e-scooters). The policy includes contacts and information for a wide range of alternatives to bus and car. With pick-up and set-down points for bus and taxi a short distance from home or school, the proposals will also increase walking for those who are able.

7.9.3 The policy provides that students will be directed to commercial services where appropriate and that the Council will purchase bus passes for travel on those commercial services for students entitled to Council assistance where it is financially advantageous for us to do so. This will help to mitigate overall cost of and demand for transport provision for Post 16 students as well as allowing more choice of travel times for people of all age groups, including facilitating student engagement in after school activities and clubs.

7.9.4 We will be working with service providers to encourage the adoption and use of greener technologies. With existing technologies, we will encourage more efficient use and monitoring by the service providers e.g. driver training, anti-idling policies. These will in turn be monitored and inspected by our Transport Inspectors as part of our Contract Monitoring programme.



North Northamptonshire Council has committed to being a carbon neutral organisation by 2030, 5 yrs & 10 mos away.

7.10 Community Impact

7.10.1 The consultation and EqIA identified that some residents of the former East Northamptonshire District would be significantly impacted by the changes to discretionary transport. In particular it was felt that students, including those at Post 16, attending or wishing to attend Prince William School in Oundle would be significantly affected by the withdrawal of the guaranteed spare seat.

7.10.2 To minimise the negative impact of this, the Council has agreed to continue to commission seats in addition to those required to deliver the statutory home to school service, but it no longer guarantees to commission seats for all applicants applying before a set deadline, which will be published on the Council's website each year. Seats will be allocated on a first come first served basis until the commissioned vehicles are full. In this way the Council can optimise services and reduce the number of smaller vehicles required to mop up additional demand.

7.10.3 The Home to School Transport team is working with the Sustainable Transport team to develop improved commercial services in key areas, including the former East Northamptonshire area.

7.10.4 It has been agreed that students will be directed to commercial services where appropriate and that the Council will purchase bus passes for travel on those commercial services for students entitled to Council assistance where it is financially advantageous to do so. The introduction of such services will be beneficial for the wider community of the affected areas.

7.11 **Crime and Disorder Impact**

7.11.1 It is beneficial to support young people to access education so that they are occupied and engaged in positive activity, which may discourage the small minority that may have been tempted to engage in anti-social activity from doing so.

8. **Background Papers**

8.1 Statutory Guidance [Post-16 transport and travel support to education and training \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/611222/post-16-transport-and-travel-support-to-education-and-training.pdf)

8.2 Equalities Impact Assessment