

Open Report on behalf of Debbie Barnes, Executive Director of Children's Services

Report to:	Councillor Mrs P A Bradwell, Executive Councillor Adult Care, Health and Children's Services
Date:	23 - 27 April 2018
Subject:	Post 16 Transport Policy Statement 2018-2019
Decision Reference:	I015277
Key decision?	Yes

Summary:

The Council provides subsidised transport for learners of sixth form age (extended to age 21 or 25 for learners with Special Educational Needs and/or Disabilities (SENDs)) to a school sixth form, college of further education or other approved setting. This costs the authority around £2m per year (2017/18 forecast), and the authority recovers a proportion of the cost, (approximately £1m), through a charge to parents or students which is currently £570 per annum (£579 per annum if paid in instalments).

The provision of transport support by the Council is in recognition of a duty to 'ensure access' to further education and training opportunities (DfE Guidance on Post 16 transport to education and training, October 2017).

This report sets out the Council's proposed Post 16 Transport Policy Statement as required by section 509AA of the Education Act 1996.

This statement continues the provision of previous years and proposes to keep the parent/student contribution at the same level as the previous year at £570 per annum (£579 if paid in instalments). It also proposes a removal of the Designated Transport Area (DTA) for Newark College and an extension of the DTAs for Lincoln College and Grantham College to cover this geographical area. This proposed change was subject to an engagement exercise with key stakeholders between 01st February 2018 and 28th February 2018. In addition, a meeting of stakeholders and the Council's representatives took place on 14th March 2018 where a number of issues were discussed.

Recommendation(s):

That the Executive Councillor for Adult Care, Health and Children's Services:

1. approves the adoption of the Post 16 Transport Policy Statement attached at Appendix A as the Post 16 Transport Policy Statement for 2018/19.

2. approves the continuation of the student/parent contribution at a rate of £570 per annum (£579 if paid in instalments).

3. approves the removal of the Designated Transport Area for Newark College and the extension of the Designated Transport Areas for Lincoln College and Grantham College to cover this area of the County.

Alternatives Considered:

1. To decrease or increase the parent/student contribution.

2. To retain the Newark College Designated Transport Area in its current form.

Reasons for Recommendation:

The Transport Policy Statement attached at Appendix A is seen as sustainable over the next year as described in the report and strikes a balance between continuing to be affordable for families and at the same time allows the Council to maintain its offer of support using the funds it has available.

The recommendation is made in order to help ensure that the post 16 transport support policy is sustainable into the medium term future during a period of financial retrenchment.

1. Background

The Council has a statutory duty under section 10 of the Education and Skills Act 2008 to exercise its functions so as to promote the effective participation in education or training of persons belonging to its area with a view to ensuring that those persons participate in appropriate full-time education or training, an apprenticeship or are in full time occupation and participate in sufficient relevant training, all pursuant to section 2 of the 2008 Act.

The Council also has a statutory duty to publish a Post 16 Transport Policy Statement every year, setting out the arrangements for the provision of transport or otherwise that the authority considers it necessary to make for facilitating the attendance of persons of sixth form age at schools, any institution maintained or assisted by the authority which provides further education or higher education or both, any institution within the further education sector, any 16 to 19 Academy or any other establishment at which the authority secures the provision of education or training.

The Council proposes to make the arrangements as set out in the document attached at **Appendix A**.

Post 16 Transport to Education and Training - Statutory Guidance dated October 2017 requires the Council, in planning transport provision, to take into account its duty to promote effective participation under the 2008 Act and the duty under

section 2 of that Act on young people to participate in education or training up to age 18 as described above.

The overall intention of the 16-18 transport duty is stated in the Guidance to be to ensure that learners of sixth form age are able to exercise choice in accessing education and training opportunities and ensure that if support for access is required it will be assessed and provided where necessary.

To achieve the aim of ensuring access the Council subsidises the cost of post 16 travel in Lincolnshire to support access to education and training opportunities for learners of sixth-form age. This subsidy ensures that the cost of the travel is not a barrier to accessing opportunities, as is required in the guidance issued to local authorities by the Department for Education.

The context in which the Council's support to post 16 transport must be assessed is one of declining government funding for local authority services. Over the past 8 years the Council's revenue support grant funding (the Council's original main source of funding) has reduced by some 84%.

Over the period from 2010/11 to the end of the 2017/18 financial year the County Council has made some £290m of savings. It is known that further savings of £34m will be required between 2018 and 2020.

These savings have been, and will continue to have to be, achieved against a background of increasing cost pressures including the cost of adult social care for an ageing population and more generally the national living wage. In the area of transport the requirement that young people remain in education or training to age 18 itself represents a pressure on the cost of post 16 transport. In addition the cost of commercial contracts and bus and train fares has been rising in recent years.

Furthermore the Council has maintained a balanced budget over the last two years by calling on reserves. Once used, reserves are gone and they are not a sustainable form of funding for services.

In the course of the savings that have been made to date as referred to above, the contribution made by parents and students to the cost of post 16 transport has enabled the Council to continue to sustain its offer of transport support to all pupils in Lincolnshire, where it is deemed necessary.

Unlike our urban Local Authority counterparts, in order to meet the duty of ensuring suitable access to education at the Post 16 phase, Lincolnshire County Council has to provide dedicated transport support where there are gaps in the commercial transport network. There is no additional funding provided to Lincolnshire to meet this duty and consequently the funds have to be found from within existing resources. This report proposes that the contribution is maintained at its current level for the academic year 2018/19. It is felt that the contribution is at a level where it strikes a balance between continuing to be affordable for families and at the same time allows the Council to maintain its offer of support using the funds it has available.

Currently, the net cost to the Council of providing the subsidised transport for post 16 learners is around £1m a year. The cost to students, of £570 a year (£579 when paid in instalments), is around £3.17 a day for a return journey, whatever the distance to the qualifying school, college or setting. This compares favourably with commercial fares in nearly all cases.

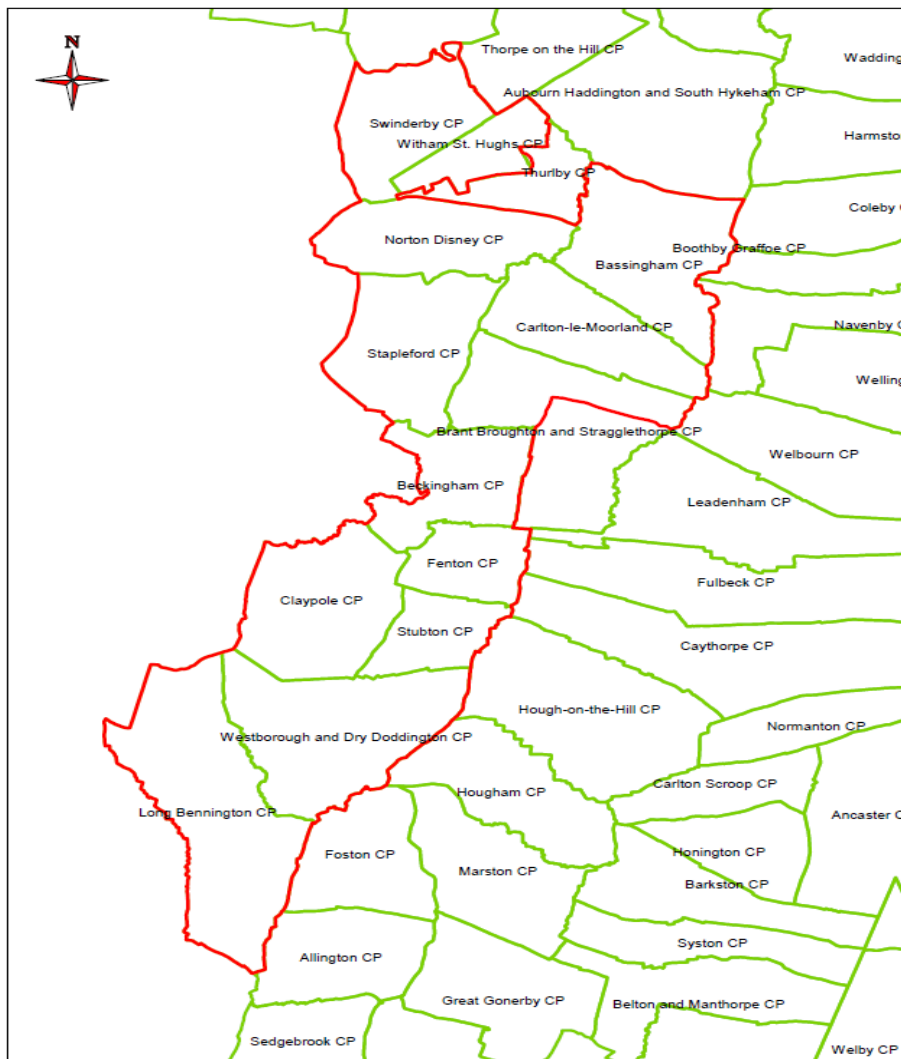
Some examples of daily commercial fares are given below, with the cost to students of the proposed charge given also.

Bus/Train	Return Journey	2016/17	2017/18	2018/19
Bus	Louth to Lincoln	£8.50	£9.00	£9.00
Bus	7 day Mega Rider (Lincoln Area)	£11.50	£12.00	£13.00
Train*	Metheringham to Lincoln	£4.40	£4.60	£4.70
Bus	Skegness to Boston	£5.80	£6.40	£6.40
Train*	Heckington to Boston	£6.10	£6.20	£6.40
Train*	Wainfleet to Boston	£8.60	£8.70	£9.00
Train*	Sleaford to Grantham	£6.30	£10.30	£10.60
Bus	Sleaford to Grantham	£6.30	£9.00	£9.00
Bus	Long Sutton to King's Lynn	£5.80	£6.20	£6.50
Bus	Louth to Grimsby	£6.80	£8.20	£8.50
Train*	Market Rasen to Lincoln	£8.90	£9.00	£9.30
Bus	Market Rasen to Lincoln	£7.70	£8.30	£8.70
Bus	Ruskington to Lincoln	£8.50	£9.00	£9.00
Train*	Gainsborough to Lincoln	£8.40	£8.40	£8.70
Train*	Ruskington to Lincoln	£6.80	£6.90	£7.10
Bus	Gainsborough to Lincoln	£7.60	£8.20	£8.50
Bus	Welbourn to Lincoln	£6.60	£7.00	£7.20
Bus	Navenby to Lincoln	£6.40	£6.90	£7.20
<i>LCC Pass</i>	<i>Home to School or College</i>	<i>£2.77</i>	<i>£3.17</i>	<i>£3.17</i>

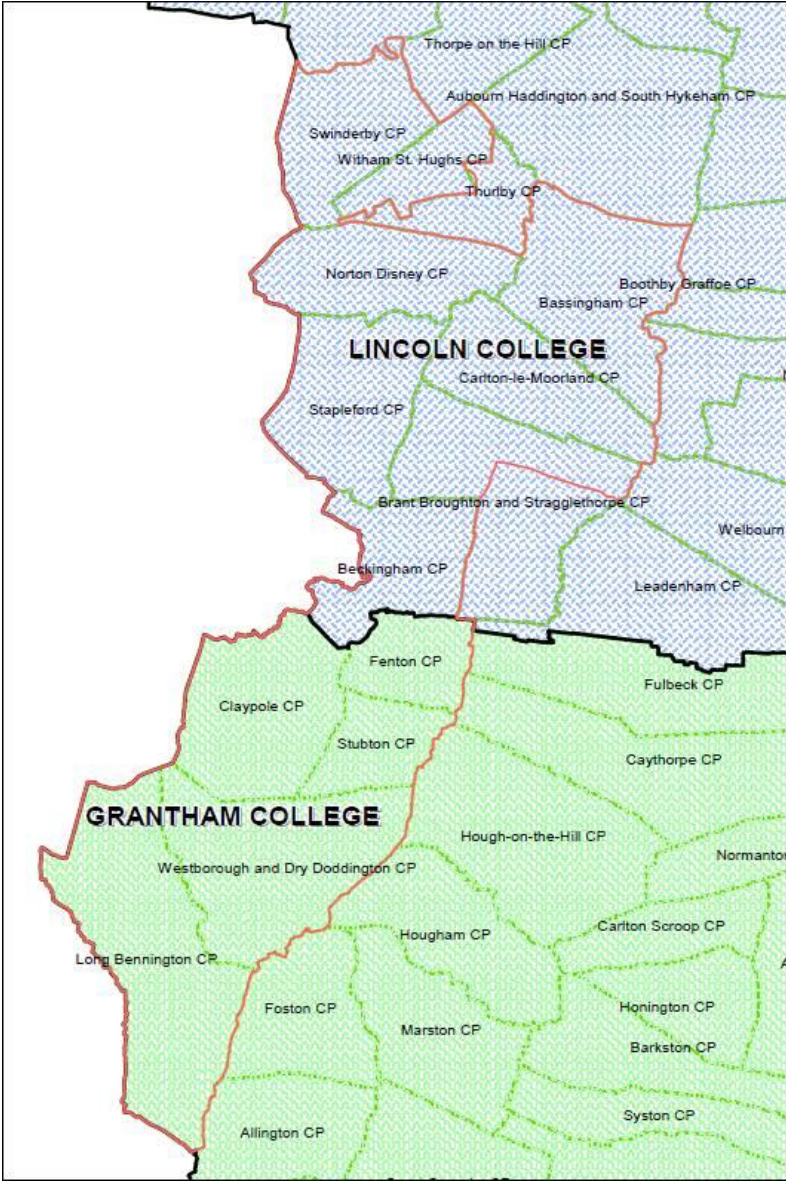
*Young people can get up to a third off these fares by buying a young person's railcard, but travel times are restricted.

This report proposes that the eligibility criterion for 2018/19 remains the same. However, it proposes a slight amendment to the Designated Transport Areas (DTAs) in one part of the county to remove the DTA for Newark College. Newark College has recently become an extension of Lincoln College and due to its size, offers limited course choices for the pupils in this area. Many students choose to attend Lincoln College and Grantham College where a more extensive course choice is available. The removal of the Newark College DTA will mean an extension of the DTAs for Lincoln and Grantham to cover this geographical area. It is believed that this will ensure the students in this area are offered an equitable course choice when compared with their peers in other areas of the county. The following maps show the areas affected by this change:

Map 1 - The Designated Transport Area for Newark College currently within the 2017/18 Policy.



Map 2 - The proposed removal of the Designated Transport Area for Newark College and extension of the Designated Transport Areas for Lincoln College and Grantham College for the 2018/19 school/college year.



The policy itself continues to support families on low incomes by ensuring that the charge is affordable as set out above. At the same time the Council applies a flat charge regardless of location which in a large rural county ensures that families in rural locations are not disadvantaged by the greater cost incurred by the Council in arranging transport in rural locations. For students with learning difficulties or disabilities, the transport needs are assessed on an individual basis. Whatever transport is specifically needed to meet the needs of individual learners, these are provided at the same fixed rate charge. This is made clear in the Transport Policy Statement.

In addition to this, colleges, sixth forms and other providers of further education are given 'bursary funding' directly by the government, for which funds are specifically provided to help learners with the cost of further education, including transport

costs if appropriate. This funding stream, which was once routed through local authorities, is available to students on application. Low income criteria are used by colleges and other providers to determine support given. The control of these funds is in the hands of the providers.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

An Equality Impact Assessment (EIA) is enclosed at **Appendix C** in respect of the proposed Transport Policy Statement. The EIA concludes that there are potential impacts for certain groups in the protected characteristics categories. Mitigating actions are set out in the EIA at Appendix C. In respect of disability, in particular the individual transport needs of students and young learners are always considered and appropriate transport arrangements made. The policy is to provide transport for students to and from home to a school, college or other setting. 'Home' can be a point up to 3 miles from the student's actual home for the purposes of operation of the policy, however this distance criteria is always disapplied where the young person could not be expected to walk to a school or college, or to a transport pick up point and bespoke arrangements are made for the young person as needed.

The potential impacts identified are based on the fact that certain groups with a protected characteristic are often more likely to be on lower incomes. This is addressed by the affordability of the Council charge and the existence of bursaries from provider institutions which take into account ability to pay. These bursaries are provided through funding issued directly by the government to provider institutions. This is money that used to be channelled through the local authority. That is no longer the case.

The Council does not itself therefore operate any kind of reductions or means tested assistance for families on low income. The flat rate charge is considered to be justifiable in a large rural county like Lincolnshire for reasons given above and is less bureaucratic and costly to administer. Families on low incomes can apply for the bursaries just referred to.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

The JSNA reports on the health and wellbeing needs of the people of Lincolnshire. It brings together detailed information on local health and wellbeing needs and looks ahead at emerging challenges and projected future needs.

The Lincolnshire JSNA and JHWS identify a number of needs that directly relate to young people. The policy on transport support under-pins the aims of the JSNA and JHWS in the following areas.

- Improve health and social outcomes and reduce inequalities
- Achieve potential
- Improve educational attainment

Each of the above aims are specifically addressed by this policy statement, since its overriding aim is to enable young people to participate in education and training until they reach the age of 18 or beyond. For students with learning difficulties and/or disabilities it is particularly important that they are allowed longer to complete this process of further education and the transport policy supports continued participation for this category until the age of 21 or even 25 years.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The Post 16 Transport Policy Statement sets out the means by which the Council supports young people to access education and training and therefore contributes to reducing the potential for crime and disorder. In particular, by offering guaranteed transport at an affordable rate the policy enables young people to engage in purposeful activity namely education and training leading to recognised qualifications. This takes place in recognised settings where issues such as citizenship and community cohesion are integrated into the student offer by means of curriculum input and tutorial support.

Community Engagement

A survey of stakeholders and other interested parties was concluded between 01 February and 28 February 2018.

Additionally a face to face meeting was held with post 16 and transport providers, to ascertain views and to ask specific questions of providers regarding the policy and its effects in March 2018. Representatives from all schools with sixth forms, further education establishments, training providers and transport operators were invited to the event. The meeting at the Admiral Rodney Hotel in Horncastle was attended by representatives from Lincoln College, Boston College, Grantham College, Stagecoach East Midlands, Brylaine Travel and Skegness Travel, as well as the Transport Services Group and Children's Services Transport Commissioning Team, both of LCC.

The survey, responses and minutes of the meeting are reproduced as **Appendix B**.

The main issues which arose during the engagement process, by category, and the Council's response, are as follows:

- **The Council is not providing an individual subsidy as it claims.** This view has been advanced by one college representative on the grounds that the cost of a travel pass from commercial transport operators in some areas of the county is less than the cost of the transport support made by the Council. It is thus more expensive for the student to buy the Council's support than it is to make their own arrangements, e.g. in the North Hykeham/Lincoln area.

The Council's view. The Council is not providing an individual subsidy as a policy, but a general subsidy. The subsidy is a subsidy of the support as a whole, across the county, and taking into account the cost to the Council of providing the service and policy for all entitled travellers. In a few small areas of the county, it is possible

for a learner to buy a season ticket that costs less than the Council's support. In that case, we would advise the learner to buy the season ticket from the provider, if it meets their needs better. However, relatively few learners can benefit from this arrangement. For the vast majority of young learners, the Council's offer easily beats anything they can obtain commercially. See Table 1. For students in remote locations, and for those who cannot independently travel, the contribution represents only a small proportion of the total cost, which is mainly met by the Council.

- **The contribution of £570 is too expensive for students; particularly given students have to stay in education due to the Raising of the Participation Age.** This is the main view provided by students. There is a belief that the Raising of the Participation Age has made Post 16 education compulsory and therefore students do not feel that they should pay. However, they believe if the Council is insisting on making a charge it should be less than £570 as this is a barrier to engaging in Post 16 education.

The Council's view: The Raising of the Participation age is not about raising the school leaving age. Young people leaving compulsory education at 16 can choose to pursue one of the following options:

- Full-time education at school or college;
- An apprenticeship;
- Part-time education or training if the young person is employed, self-employed or volunteering for 20 hours or more.

There is no duty placed on the Council to continue to provide transport at the post 16 phase free of charge. This policy is therefore a discretionary policy and to ensure its sustainability, a contribution is sought from the young people choosing to utilise the Council's transport and access full time education at school or college.

- **The financial contribution is too expensive, which is exacerbated when a family have more than one pupil in post 16 education.**

The Council's View: Post 16 education providers are able to access funding to support families on a low income in the form of a financial subsidy. This funding was once provided to the Local Authority, but is now in the hands of the providers. Many colleges will support families through this funding. The transport contribution is deemed to be affordable as it is cheaper than most other comparable commercial transport fares.

- **The Council should not support students to travel to colleges outside of Lincolnshire.** It is claimed that most other, if not all, neighbouring local authorities have discontinued transport support to students residing outside of Lincolnshire to access Lincolnshire establishments. There was a view from one college representative that Lincolnshire students should only be provided transport support to Lincolnshire establishments and not to any out of county establishments.

The Council's View: Transport support is offered to students to the nearest or designated school sixth form, college or Post 16 establishment subject to the establishment being over 3 miles and the financial contribution being made. Given the size of Lincolnshire, the nearest establishment is often over the county borders so transport is provided to these establishments. To not do so, would significantly increase student journey times, particularly for those living close to the North/North East Lincolnshire borders as well as the transport costs for the Local Authority. This could also limit the course choice on offer for some students in areas of the county.

- **The two year entitlement to transport guaranteed in the policy should be extended where appropriate to three years.** Some students, it is claimed, need an extra year of support because they use the first year of post 16 (Year 12) to re-take exams and/or start a foundation year course, before embarking on a two year course, meaning they study in college particularly for three years.

The Council's view. The Council has a duty to provide free transport where needed for eleven compulsory school years, from year 1 to year 11. The policy provides an automatic right, if criteria are met, to a further two years (from Years 12 to Year 13) for Lincolnshire students. The intention is to allow for a student to progress to Level three qualification ('A' levels and BTEC Nationals are Level 3). Additionally, if a student has begun a course and is under 19 at the time of the start of the course (1 September is operative date), and following the second year of a two year course when it is clear the third year is a continuation of study, then transport support will be given for a further year. This is to allow for some students to qualify for a third year, but the provision of an automatic third year of support is not given. Students with SENDs are excluded from this rule, since many need additional time to complete courses which is spaced out for longer than two years. The local offer allows transport to be provided for students with SENDs for up to age 25.

- **The council's restriction of support to a nearest or 'designated' establishment does not allow for 'reasonable choice' of course, as the DFE Guidance states.**

The Council's view: The DFE guideline does state that the policy should allow for a student to access a choice of establishments and be able to choose from a range of courses. The Council's policy, which provides for transport support to a local or designated sixth form, or to a further education college, or to a designated post 16 provider, provides a wide choice of courses post 16. The proposed change to the Designated Transport Area for Newark College for 2018/19 will widen the choice for the students in this area of the county. The Council has taken legal advice and considers that the policy meets the requirement to offer reasonable choice of course.

- **One College has reported that the number of students requiring financial support for transport costs has reduced over recent years and a Lincoln bus operator has reported that the number of pupils accessing public transport has also reduced. There is a view that this**

is attributed, in part, to the rise in the cost of a LCC pass and that there needs to be a review of transport policies as the viability of rural bus routes in some areas of the county are under threat with this reduction in numbers.

The Council's View: The financial contribution sought from applicants to access LCC's transport has gradually risen since its inception in 2006/7. This has been the Council's response to ensuring it continues to meet the duty of ensuring that access remains in place for Post 16 students at a time of significant financial reductions.

Many Post 16 providers support their students on an individual basis with meeting these costs. However, some education providers have chosen to provide their own transport for their students, often free of charge. It is reported that many of these routes conflict with the commercial transport network which is threatening the viability of the commercial network in some areas. Operators are concerned that if colleges are no longer able to fund their dedicated bus routes, the commercial network will no longer exist to fall back on if the situation does not improve.

Additionally, following the rise in academies more sixth form provisions now exist in schools where they did not before so more students may choose to stay in their existing school as opposed to travelling further to college.

These developments, coupled with a smaller cohort of students in Post 16 education, are creating a fragmented transport network and could be threatening the sustainability of the transport and access opportunities currently available to students.

The loss of commercial transport services is a concern for the Council as it could have a negative impact as a consequence could be that the Council may be required to step in to provide more expensive provision to ensure access continues to be available for students.

The Council intends to analyse this further in the next year to get a more thorough understanding of the issues. The Council will explore the potential for supporting Operators through cost effective pilot initiatives to help to increase patronage on services in an attempt to sustain the transport network and avoid the potential for more expensive provision in the future as the Council strives to meet its statutory duties.

Support Offered by others

During the engagement exercise, several bus companies that operate commercial services in the urban areas of the county advised that they offered season ticket arrangements and discounted fares for students on their services. In rare cases, the arrangements can sometimes be cheaper than the offer from the Council.

Additionally, two of the Colleges within the county advised that they provide free bus services which students can utilise and colleges make arrangements directly with students to ensure the students can access these.

Providers of post 16 education also offer financial support for transport to families who meet the means tested criteria, set by the establishments, from the bursary funding supplied to the establishments directly from the DfE. This funding used to be provided to the Council. Establishments report that a high proportion of the funding available is used to support transport for those that qualify.

The Council is aware that alternative support is available to students and therefore advises them to research the support on offer from transport providers and the post 16 establishments in their area before committing to choosing the Council's transport offer.

2. Conclusion

It is perhaps understandable that users of the service and parents of students (who will be paying the contribution in the main), and other interested parties who benefit from the service, will disapprove of proposals to charge a contribution towards the cost of the provision on offer. However, one purpose of the contribution is to ensure the medium-term sustainability of the policy, to benefit learners throughout the county.

The Post 16 Transport Policy Statement meets the Council's legal obligations and provides a level of support which will enable every full time Post 16 learner in Lincolnshire to access a choice of course of education or training.

The decision-maker is asked to consider the information here and approve the statement for publication as the Council's Post 16 Transport statement for 2018/19.

3. Legal Comments:

The Council has a duty to publish a Transport Policy Statement as described in the Report.

The Council must have regard to the statutory guidance referred to in the Report in arriving at its Transport Policy Statement and determining the amount of any contribution payable by students and parents of children of sixth form age. The way in which the guidance has been taken into account in arriving at the recommendations is set out in the Report together with other matters to which the Executive Councillor must have regard in reaching a decision.

The Executive Councillor can lawfully decide to approve the Transport Policy Statement and the proposed level of contribution.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

4. Resource Comments:

The proposals here have minimal resource implications. The change to the DTA map and entitlement to transport support is estimated to add around £5000 pa to the cost of transport support.

The freezing of the transport contribution means that a loss of additional income of up to £26,000 is possible (based on the non-imposition of a 2% increase in the annual cost), but based on previous experience this will more than likely be offset by a drop in numbers taking up the offer, therefore, the loss of additional income is more likely to be in the region of £15,000.

The Commissioning Team is committed to finding further efficiency savings during the year ahead which should more than cover the cost of the changes. It is therefore expected that these additional costs will be met from existing transport budgets.

5. Consultation

a) Has Local Member Been Consulted?

This affects the whole of Lincolnshire so no Local Members have been consulted specifically.

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This decision will be considered by the Children and Young People Scrutiny Committee at its meeting on 20 April 2018 and the comments of the Committee will be reported to the Executive Councillor.

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

For all groups (not just those in groups that have protected status), there are some positive impacts of the proposals. The purpose of the statement is to ensure young people have reasonable choice of course at the post 16 phase of their education and have a means of accessing it. The purpose of the financial contribution is to ensure that the service offer is sustained and those living in rural areas are not any more disadvantaged in terms of costs than those living in urban areas.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Post 16 Education Transport Policy Statement 2018-19
Appendix B	Summary and Analysis of the Stakeholder Engagement
Appendix C	Post 16 Education Transport Support Policy - Equality Impact Assessment

7. Background Papers

Document title	Where the document can be viewed
Statutory guidance for LAs- Oct 2017	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652980/Post-16_Transport_Guidance.pdf

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