

CABINET

Date of Meeting	Tuesday, 18 th December 2018
Report Subject	Discretionary Transport Policy Review: Post 16 College & Schools Transport and Benefits Entitlement
Cabinet Member	Cabinet Member for Education
Report Author	Chief Officer (Education and Youth)
Type of Report	Strategic

EXECUTIVE SUMMARY

Previous reviews of school and college transport have identified a number of areas for potential savings, particularly discretionary policy areas. In June 2015, Cabinet approved the engagement of a Business Partner, JMP Consultants, to assist the Integrated Transport Unit (ITU) with a diagnostic review of all transport operations across the Authority in order to identify any savings opportunities and efficiencies. The operational savings and historical transport anomalies identified have previously been reported to Cabinet. JMP Consultants also highlighted potential savings around a review of discretionary transport arrangements.

On 19th June 2018, Cabinet considered a report about discretionary Home to School Transport and agreed to open a review of Post 16 and Benefits entitlement policies.

This report outlines the two discretionary areas and provides a full range of options for consideration to ensure an open and transparent consultation process. Cabinet will then take account of **all** responses to the options following the consultation before making a final determination on any amendments to the discretionary policies.

RECOMMENDATIONS

1	That Cabinet determines the range of options to be presented for a formal consultation in Spring 2019 on the discretionary school transport policy areas of Post 16 provision and Benefits entitlement.
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REPORT DETAILS

1.00	BACKGROUND TO THE PROPOSALS
1.01	<p>Post 16 transport to college and schools and provision of free transport under the “Benefits” criterion is a discretionary service. The Council continues to face significant reductions in revenue and has to consider different ways in which services are provided. The provision of discretionary transport is not considered to be sustainable in the current financial climate and is an area where savings may be possible.</p>
1.02	<p>In 2013, Flintshire’s Post 16 transport policy was amended, following consultation, to restrict transport to specified sites, i.e. to school and college sites in Flintshire providing post 16 education and also to a limited number of specified sites outside the County. This amendment resulted in a nominal saving of approximately £30k.</p> <p>The current Transport Policy, which is attached in full as Appendix 1, states that free transport will be provided for post 16 students living in Flintshire attending a first course of full time study at a school or college, subject to meeting the 3 mile distance criteria and providing the student is attending the nearest educational establishment offering the courses they wish to study.</p> <p>Free transport will be provided to specified sites only. These sites are:</p> <ul style="list-style-type: none"> • All secondary school sites within Flintshire offering post-16 courses • Coleg Cambria sites at Connah’s Quay, Northop, Wrexham and Llysfasi (for land based courses only), • Chester Catholic High School, Prestatyn High School, Rhyl 6, St Brigid’s School and Ysgol Glan Clwyd, St. Asaph. <p>Transport is only provided to an educational establishment which is not the nearest if, there is a considerable variation between the student’s course and the course on offer at the nearer institution. The courses should be at a higher level than the previous one: for example GCSE retakes would not normally qualify for assistance.</p>
1.03	<p>The discretionary entitlement to free transport under the “benefits” criterion has been included in Flintshire’s home to school transport policy since at least 1996 and has not changed since then. Flintshire is the only Welsh local authority to retain this particular discretionary entitlement. Under the policy, free transport is provided for pupils of statutory school age whose parents are in receipt of Income Support, Working Tax Credit or Universal Credit and who reside more than 2.5 miles from the nearest appropriate school.</p>
1.04	<p>At a Member Workshop on 29 November 2017, in response to a question “should the Council continue to subsidise post 16 transport?”, the results were:</p> <ul style="list-style-type: none"> • Not at all – 7 • Partially – 17 • Fully – 6 <p>In response to a question “should the Council continue to subsidise pupils of families in receipt of benefit entitlement?”, the results were:</p>

	<ul style="list-style-type: none"> • Not at all – 7 • Partially – 11 • Fully – 11
1.05	<p>The Learner Travel (Wales) Measure 2008 sets out the legal framework relating to travel and home to school transport provisions for learners in Wales. The Measure requires local authorities to assess the travel needs of learners up to the age of 19. Although there is no statutory duty to provide free transport to post 16 learners who continue in further education, the Measure provides local authorities with the power to provide discretionary arrangements. If a local authority uses this power, the policy must be applied to all learners in similar circumstances living in the local authority’s area, and the policy must be fair, reasonable and comply with relevant equality legislation to ensure that it does not unlawfully discriminate between learners. In other words, the policy must be applied equally to learners in maintained schools and to those attending other educational and training establishments such as colleges.</p>
1.06	<p>Prior to changing a school transport policy, consultation must be carried out with all stakeholders including those likely to be affected by the proposed change. In accordance with the Learner Travel Information (Wales) Regulations 2009, the school transport policy must be published before 1st October of the year preceding the academic year in which it applies. Therefore in order that parents and learners are aware of transport implications when deciding on which school or college to attend, the earliest any changes could come in to effect, following consultation, is September 2020. Appendix 2 sets out the consultation and implementation timeline.</p>
1.07	<p>Other local authorities in Wales are reviewing or have reviewed their discretionary post 16 transport policy, with some withdrawing provision entirely and others introducing a charge. In terms of North Wales authorities, Wrexham County Borough Council no longer provides post 16 transport, Gwynedd and Ynys Mon charge a fee (£300 and £60 per annum respectively), and Conwy County Borough Council have recently (October 2018) agreed a charge of £80 per term but before implementation a review is taking place of the “safety net” for those students in receipt of free school meals and Education Maintenance Allowance. A summary of current situation in all Welsh local authorities is attached as Appendix 3.</p>
1.08	<p>The Council currently transports a total of 1950 post 16 students: 1500 to Coleg Cambria sites and 450 to Sixth Forms at secondary schools. The total cost of college transport has reduced recently following re-tendering and is now £860k. Under a Service Level Agreement with Coleg Cambria, the college contribute 25% towards their transport costs, reducing the actual costs to the Council to £645k. If it was agreed to introduce a fare, this re-charge would discontinue.</p> <p>Post 16 students to schools are transported on dedicated school transport therefore if transport entitlement was withdrawn, savings would be minimal.</p> <p>In relation to benefits entitlement, this academic year there are 17 students (November 2018) entitled to free transport under this provision at a cost of £10k per annum.</p>

1.09 Options for consideration – Post 16

The following options are suggested for consultation. They cover the full range of provision in order to provide as wide a base for consultation as possible.

The figures assume 100% take up based on current numbers travelling i.e. no deduction has been made for possible reduced take up of transport as a consequence of charging.

Option 1

Maintain status quo. Retain current level of provision as stated in Transport Policy. Current cost is £860k.

Option 2

Introduce charges for **all** Post 16 transport to nominated sites within the policy. (A range of potential charges are given as part of the consultation options).

Charge to Parent per term (£)	Charge to Parent Annually (£)	Gross income (£)	Remaining cost pressure (£)
50.00	150.00	293,000	560,000
80.00	240.00	468,000	385,000
100.00*	300.00	585,000	268,000
145.00	440.000	858,000	2,000

*Same charge as concessionary seat

Option 3

Introduce a charge as in Option 2 but the charge be waived for learners who are eligible for free school meals/entitled to benefits.

(Based on FCC average 15% free school meal entitlement)

Charge to Parent per term (£)	Charge to Parent Annually (£)	Gross income (£)	Remaining cost pressure (£)
50.00	150.00	249,000	604,000
80.00	240.00	398,000	455,000
100.00*	300.00	498,000	355,000
145.00	440.00	770,250	89,750
173.00	519.00	860,500	Nil

*Same charge as Concessionary seat

Option 4

Discontinue learner transport for **all** Post 16 students leaving all learners to make their own arrangements
Saving – £860k.

Option 5

	<p>Exclude both Welsh Medium and Faith Post 16 education from Options 2 and 3 above (approximately 135 students) which mirrors a decision from Cabinet in June 2018 not to review these two discretionary elements of the Home to School Transport Policy.</p> <p><u>Option 6</u></p> <p>Exclude only Welsh Medium Post 16 transport from Options 2 and 3 above (approximately 35 students) in order to support Flintshire's 'Welsh in Education Strategic Plan' which is the main mechanism for the Council to make its contribution to the Welsh Government's aspirational target for 1 million Welsh speakers by 2050.</p>
1.11	<p><u>Options for consideration – Benefits entitlement</u></p> <p>As at 1st November 2018, 15 students in Years 7 – 11 qualified for free transport on "Benefits" grounds, 12 travelling to St David's, Saltney and 3 to Connah's Quay High School.</p> <p><u>Option 1</u> Maintain status quo and continue current policy – current cost approximately £10k.</p> <p><u>Option 2</u> Remove provision completely with effect from September 2020. Saving approx. £10k*.</p> <p><u>Option 3</u> Phase out provision i.e. no new students receiving benefits entitlement with effect from September 2020 - would result in decreasing numbers of students receiving benefit year on year and ceasing completely in 2023*.</p> <p>*Only a minimum saving would be made if the vehicle size of the contract was reduced.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Consultation and analysis will be carried out within existing resources. If a charge is agreed, an additional resource will be required in the Integrated Transport Unit to administer and manage the process, including liaising with parents and students, collecting income and chasing any arrears. This will be dependent upon which option is agreed but is estimated to equate to 0.5 FTE. Income collection will link with Council's Digital Strategy.</p>

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	<p>Consultation must be carried out with all stakeholders in accordance with the Learner Travel Measure. This includes consultation with all those affected and likely to be affected by any change in policy, including but not exclusively, parents, students, schools, colleges, neighbouring authorities, diocesan authorities and interested parties e.g. Welsh language support groups.</p>

3.02	Consultation will be carried out using an online survey tool such as Survey Monkey and meetings with specific focus groups if appropriate.
3.03	Consultation would last at least 6 weeks. Adequate notice of any changes to the policy must be given in order that parents/learners have sufficient information about travel arrangements prior to expressing a preference for a school/college. In order to publish the policy in time for the 2020/21 academic year, approval to any changes must be agreed by July 2019 at the latest.

4.00	RISK MANAGEMENT
4.01	A local authority could be at risk of challenge by way of judicial review or complaints to the Public Services Ombudsman for Wales if adequate consultation is not carried out or the school transport policy is not applied consistently and fairly in all cases. This risk can be mitigated by carrying out consultation with all those likely to be affected and by completing full Equality Impact Assessments. Regular reports will be given to Programme Boards within the portfolios to ensure that risks are highlighted and mitigated.
4.02	There is a risk of non-payment of charges, leading to an increase in resources required to chase up payments and recover arrears.

5.00	APPENDICES
5.01	Appendix 1 – Current Home to School Transport Policy Appendix 2 – Policy change timeline Appendix 3 – Welsh Local Authorities' Post 16 Policies

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Claire Homard, Chief Officer, Education & Youth Telephone: 01352 704190 E-mail: claire.homard@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Concessionary Seat – Where a pupil does not qualify for free transport but can be placed on an existing transport route which has empty seats Current charge is £100 per term.