



Leicester
City Council

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All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**Overview Scrutiny Management Board
Cabinet**

**22 January 2009
26 January 2009**

**Proposed changes to mainstream Home to School Transport Policy and the
introduction of revised contribution charges for students in the 16 – 19 sector**

Report of the Interim Corporate Director Children and Young People's Services

1. Purpose of Report

- 1.1 This report updates Overview and Scrutiny Management Board and Cabinet on the need to revise the City Council's Home to School Transport Policy in response to legislative changes.
- 1.2 In addition this report recommends introducing revised contribution charges for 16 – 19 year old students over a two academic year period.
- 1.3 Revised contribution charges would however still provide travel passes at significantly below the market rate for participating pupils/ students. Subject to approval, revised contribution charges would be introduced from the Autumn Term 2009.

2. Summary

- 2.1 The travel provisions of the Education and Inspections Act 2006 come into full force on 1 September 2008 and there is therefore a pressing need to update the City Council's mainstream Home to School Transport Policy with respect to extended rights to free transport for those on low income.
- 2.2 A number of other policy changes are also desirable to improve decision taking, accountability and improve customer focus. These are detailed in the report below and the attached revised policy.
- 2.3 This report also recommends the introduction of revised charges for young people aged 16 – 19 in FE provision who already make such a financial contribution. These revised contribution charges would however provide more useful travel passes at significantly below the market rate for participating pupils/ students.

3. Recommendations

3.1 OSMB is invited to note and comment upon these proposals.

3.2 Cabinet is asked to:

3.2.1 Agree the revised City Council Home to School Transport Policy to comply with statutory requirements.

3.2.2 Agree to the introduction of revised contribution charges (Option 2) as detailed at paragraph 4.15 below for implementation from autumn 2009.

4. REPORT

4.1 Each year the City Council spends in the region of £500,000 on the provision of Home to School transport assistance where eligibility criteria are met. As a result of legislative change these criteria have been extended.

Currently every child is automatically entitled to free transport if they:

- are between 5 and 16 years old

and:

- attend the nearest suitable allocated school, and the school is further away than the 'statutory walking distance'

The statutory walking distance is defined as:

- two miles for pupils aged under eight
- three miles for those aged eight and over

The measurement of the 'statutory walking distance' is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, can walk with reasonable safety. As such, the route measured may include footpaths, bridleways and other pathways, as well as recognised roads. The City Council adheres to national guidelines when determining whether or not a route is reasonable and safe.

4.2 Extended rights to free transport

As a result of legislative change the right to free school transport has been extended to pupils who:

- are aged eight to eleven
- are from low income families
- go to their nearest suitable school, and live more than two miles away

Provision with respect to primary aged children was enacted in September 2007. From 1 September 2008, secondary school aged pupils (11 to 16 years old) will be entitled to free school transport if they are from a low income family, and they go to:

- any one of their three nearest suitable schools, and the schools are between two and six miles away from their home address,

or:

- the nearest school preferred by their parents on the grounds of religion or belief, and the school is between two and 15 miles away from their home address and where there is no suitable qualifying school nearer to home.

Low income is defined in terms of receipt of particular level of benefits.

- 4.3 The attached revised mainstream home to school transport policy recognizes this and provides for improved decision taking and the introduction of an independent appeal process that will enhance customer focus and confidence in the integrity of the decisions taken.

Increased costs associated with enhanced eligibility criteria will be met by government funding within the Area Based Grant of £23, 400 in 2008/09, rising to £54,400 in 2010/11. The key issues arising from this revised Policy are highlighted at 4.4 to 4.8 below.

- 4.4 This revision updates our policy in connection with the exercise of parental choice and financial assistance for low income families (i.e. those in receipt of free school meals and/or high level working tax credits) (Section 3.3).
- 4.5 Clarifies responsibilities with regard to looked after children and domestic circumstances (Sections 10 & 12).
- 4.6 Clarifies the eligibility position with respect to children who live in one authority but attend school in another i.e. where preference is expressed by a City resident for a School outside the City and eligibility tests are met, the City Council will meet the cost (Section 3.4)
- 4.7 Clarifies the position with regard to the retrospective application of eligibility criteria (Section 15.2). The City Council will not consider retrospective claims for financial assistance that pre date the enactment dates of relevant legislation.
- 4.8 Introduces a new independent appeals mechanism to enhance quality assurance and improve accountability. (Section 13).

Introduction of revised charges

- 4.9 Revised 16 – 19 (FE) contribution charges: Currently, with a limited number of exceptions on the basis of low income, all students who are assisted by the City Council pay a contribution charge towards their transport costs; associated terms are detailed in a separate 16 – 19 Policy document.

There are 3 major providers within the City - First, Arriva and Centre. Each offers travel passes with various restrictions. The LA pass allows a student to travel on either an Arriva or First bus specifically on College days from and to designated boarding and alighting points only. Two options present themselves. These may be summarized as:

- **Option 1 (standard LA travel pass)**: Provide the current limited travel pass at an increased contribution rate but reduced Council subsidy. This pass would continue to be provided at below market rate.
- **Option 2 (24/7 academic year pass)**: Discontinue limited current travel pass (Option 1) and offer only 24/7 academic year passes at an increased student contribution rate. Again this pass would be provided at below market rate.

- 4.10 **Option 1 (standard LA travel pass)**: Increase student contribution - continue to provide the same service/ bus pass *but with a reduced subsidy*.

Students currently pay a contribution of £87 for a LA bus pass that is valid on a fixed journey 5 days a week. The cost to the Council of the above is £200 per capita. The subsidy is therefore £113.

Option 1: <i>Provide the current limited travel pass at an increased contribution rate but reduced Council subsidy. This pass would continue to be provided below market rate</i>		
	<u>City students attending City provision</u>	<u>City students attending County provision</u>
Cost to LA	£200	£360
No of students	623	300
Current contribution (£)	87	87
LA expenditure	124,600	108,000
LA income	54,201	26,100
Total subsidy	70,399	81,900
Subsidy per student	113	273

City Students attending city provision			
Increase contribution by:	Cost to student	Increased income (Full Year Effect)	2009/10 7/12
£20	£107	£12,460	7,268
£30	£117	£ 18,690	10,903
£40	£127	£24,920	14,536
£45 (66%)	£132	£28,035	16,354
£50	£137	£31,150	18,171

The corresponding Leicestershire County Council contribution charge equates to around 66% and it is suggested that this proportion is a reasonable basis for calculating the City contribution as well.

Known factors to be taken into account: The bus pass is still provided at below market cost however this will be viewed as more money for the same service. This may deter “take up” unless VFM is made clear.

The above option does not sufficiently address a high subsidy differential for City students attending County provision. This is addressed at 4.14 below.

- 4.11 **Option 2 (24/7 academic year passes)** offers an alternative way forward whereby students pay an increased contribution but receive a more useful 24/ 7 pass that can be used for educational and recreational activities. This pass also supports engagement in curriculum offers at a variety of sites across the City.
- 4.12 A number of students already elect however to take this option and pay a contribution of £145 or around 60% of the cost of this pass. This figure provides a useful starting point in thinking about what a new and equitable revised contribution level might be.
- 4.13 For those students who currently pay £87 for a standard LA pass however there would be a significant change suggesting that any revised contribution charges might be best phased in. There would of course however be a significant benefit gained in return.
- 4.14 The table overleaf explores possible options whilst recognizing that students could not be expected to pay at two different levels nor indeed could the proposition be anything other than cost neutral to the Council at this point.

<p>Option 2 (24/7 academic year pass): Discontinue the limited value current standard travel pass (Option 1 above) and offer <u>only</u> 24/7 academic year passes at an increased student contribution rate. Again this pass would be provided at below market rate; the actual market rate will need to be negotiated and the figure below of £242 is an estimate.</p>		
Basic costing data (Full Year effect assuming 100% take up)	City students attending City provision	City students attending County provision.
24/7 Arriva cost	240	There are 300 such students
24/ 7 First cost	245	
24/7 average cost	242	The City Council does not offer assistance with County 24/7 bus passes as the cost would be prohibitive.
Cost to LA	242	
Total number of students	844	The value of a County standard pass is £360.
Total cost to LA	204,248	
Total income on current contribution	122,380	The current subsidy for a standard pass alone however is £273.
Total LA subsidy	£81,868	
LA subsidy per student	£97	
2009/10		
Assume 60% student contribution rate or £145 per student	<p>221 currently on 24/7 – assume no additional charge to be levied</p> <p>623 students encouraged to switch from standard pass at increased individual contribution of £58.</p> <p><u>Additional income of £9,968 in full year or £5,815 in 2009/10</u></p>	<p>It is recommended to continue to offer the standard pass to these students but equalize contribution charge to that in City i.e. £145. An increase of £58 on the current £87.</p> <p>Additional income of £17,400 in full year or £10,150 in 2009/10 (7/12ths)</p>
2010/11		
Assume 66% student contribution rate or £160 per student.	<p>Assume all 844 students in receipt of 24/7.</p> <p>Increased contribution of £15 per capita</p> <p>Additional £12,660 generated in full year. Implement September 2010 however therefore £7,385 plus £9,968 from 2009/10 increase = £17,353</p>	<p>It is proposed to continue to offer the standard pass to these students but equalize contribution charge to that in City i.e. £160.</p> <p>Increased income of £15 per capita</p> <p>Additional income of £4,500 generated in full year however implementation September 2010 therefore £2,625 plus £17,400 from 2009/10 increase = £20,025</p>

Potential income	additional		
2009/10		£5,815	£10,150
2010/11		£17,353	£20,025
2011/12		£22,628	£21,900

Known factors to be taken in to account: A 24/7 pass would go some way towards meeting young people's social and educational needs but many require to use more than one operator.

- 4.14 The above scheme is costed on single operator ticket. Leicester City Council could and should seek longer term to broker transferrable tickets across public service provider fleets as in Telford. This would however require a partnership approach and capital investment.
- 4.15_ In view of the above it is recommended that Cabinet approve the introduction of the revised contributions over a two year period as detailed at 4.13 above.
- 4.16 Any such charges to the above must be included within a revised 16 – 19 policy and this must be submitted to the DCSF by May 2009.
- 4.17 Revised charges would only be introduced from the commencement of the Autumn Term 2009.
- 4.18 At this point it is not recommended to introduce contribution charges for voluntary aided school pupils although this would provide further opportunities to reduce operating costs.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

The Government is making available additional funding for the extended rights to free transport within the Area Based Grant of £23,400 in 2008/09, £38,900 in 2009/10 and £54,400 in 2010/11, although the allocation at local level will be determined by the Local Area Agreement commissioning process overseen by the Leicester Partnership. Whilst the costs of the extended entitlement cannot be accurately estimated, the funding is however expected to be adequate based on previous experience and the City's demographics.

It is proposed to equalise the charges for the enhanced pass for 16-19 students travelling within the City and for the standard pass for those travelling to the County, which would result in some increased charges. As set out in Option 2, a phased implementation in September 2009 and September 2010 is proposed, which would generate estimated additional income of £16k in 2009/10, £37k in 2010/11 and £45k in 2011/12 and thereafter.

Colin Sharpe, Head of Finance and Efficiency, CYPS ext. 29 7750

5.2 Legal Implications

The revised policy concerns increased eligibility for travel entitlement for children/families receiving FSM or HLTC and is in accordance with the provisions of s.508B and Schedule 35B Education Act 1996 (Kamal Adatia, Head of Community Services Law, ext 7044).

6. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities Policy	Yes	4.2, 4.4, 4.10, 4.11, 4.13	
Sustainable and Environmental		4.10, 4.11	
Crime and Disorder			
Human Rights Act			
Elderly/People on Low Income	Yes	4.2, 4.4	

7. Background Papers – Local Government Act 1972

None

8. Consultations

Legal Services have been fully consulted in the preparation of this report.

9. Report Authors

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Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)



Leicester City Council

Children and Young People's Services

Home to School Transport Policy

2009

CITY OF LEICESTER LOCAL AUTHORITY
HOME TO SCHOOL TRANSPORT POLICY

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1. INTRODUCTION

- 1.0 The City Council is under a legal obligation to facilitate the "attendance of persons of compulsory school age receiving education" by providing them with free transport to school when the student is placed at the nearest maintained school where the distance measured from home to school is in excess of the statutory 2 miles for under eight year olds and 3 miles for those eight year olds and over. Exceptional circumstances may also be considered.

This requirement excludes independently run Schools and Colleges.

- 1.2 The City Council is also required to consider if transport assistance can be provided for persons over compulsory school age attending Colleges of Further Education or Sixth Forms in Local Authority (LA) maintained schools.
- 1.3 Where appropriate transport is provided free for under 16 year old pupils by issuing a bus pass to allow free use of a commercial bus for travelling from the home address to school and back on school days only.

Issuing a bus pass does not exclude the parent's responsibility of ensuring their child arrives at school and returns safely.

2. STUDENTS OF STATUTORY SCHOOL AGE - (Under 16 Years)

Pupils whose age is between the age for initial full time admission (either Rising-5 or 4+ depending on the school's designation) and school leaving age.

- 2.1 Transport assistance will be free to the student if he or she is placed by the Local Authority (LA) at the nearest school where the distance measured from home to school is in excess of the statutory 2 miles for under eight year olds and 3 miles for those eight year olds and over. Where a student takes up a school place in excess of the above distance as a result of parental preference being expressed, then no assistance will be provided unless Section 3 below applies.

2.2 Denominational Transport

For pupils attending voluntary aided schools, transport is provided free of charge if:

- The choice of school is made on bona fide religious grounds; and
- The school is either in the priority area of the nearest aided school designated by the LA for the child's home address; and
- The walking distance from home to the school boundary is more than three miles for pupils aged 8+ years, or two miles for pupils aged under 8 years, at the commencement of the academic year; and the journey is a "reasonable" one.

Where parents are in receipt of high level working tax credits or FSM – Section 3 below will apply.

2.2 A reasonable journey is defined as follows:

- Primary age: a journey not exceeding 45 minutes, or 6 miles, door to door;
- Secondary age: a journey not exceeding one hour 15 minutes, door to door.

2.3 Unsafe Route

An unsafe route is one that would be deemed unsafe even on the basis that the child was accompanied by responsible adult. The Leicester City Council will follow the good practice of the Local Authority Road Safety Officers Association (LARSOA) guidelines.

2.4 Change of address

For a school pupil who changes address, transport is provided free of charge to allow continued attendance at the same school if:

Primary Year 6

- The walking distance from the new home to the school boundary is more than 3 miles for pupils aged 8+ years, or two miles for pupils aged less than 8 years.
- The journey is a reasonable one, and
- The pupil moves during his/her last year at the school and has attended the school from a priority area address for at least one year;

Secondary Year 10/11

The pupil has already begun an examination course; and

- The walking distance from the new home to the school boundary is more than 3 miles; and
- The pupil has attended from a priority area address for at least the first half of the Autumn Term in the fourth year (i.e. Y 10)

2.6 For pupils attending a school which is not the priority area school:

A parent is responsible for the arrangement and cost of transport if the school attended by the pupil is neither:

- The priority area school
- nor
- The school, which provides education for a child of a particular age, nearest to the home address.

2.7 Management:

The City Council employs the Leicestershire County Council as its agent for making the arrangements to provide free bus passes and transport for entitled pupils. The City Council also delegates its power in law to fill empty spaces on

school buses with fare-paying passengers to the County Council as its agent. The arrangements for allocating places and collecting payment are as detailed by the County Council.

Fare-paying places are sometimes available by application to the County Council. (0116 305 8777)

3. **PARENTS IN RECEIPT OF FREE SCHOOL MEALS OR HIGH LEVEL WORKING TAX CREDITS**

3.1 Upon proof of eligibility transport is provided free of charge to the school attended if:

- The school is one of three School options chosen by the parent up to six miles in distance measured by the shortest walking route, and
- The walking distance from home to the school boundary is more than two miles for pupils aged up to 15 years, at the commencement of the academic year.

3.2 Upon proof of eligibility Pupils attending voluntary aided schools, transport is provided free of charge if:

- The choice of school is made on bona fide religion or belief grounds; and
- The school is either the nearest aided school designated by the LA for the child's home address; and
- The distance from home to the school boundary is more than two miles and less than fifteen miles for pupils ,up to the age of 15 years at the commencement of the academic year; and
- The journey is a reasonable one (see 2.3 above).

3.3 In order to continue to receive this assistance Parents must apply for transport each year, and provide proof of their High Level Working Tax Credit (not older than 40 days). **Parents should bear this in mind when expressing their preferences as eligibility will be assessed each year and families may no longer be eligible for the assistance if their familial circumstances change.**

3.4 Where preference is expressed by a City resident for a school outside the City boundary and eligibility tests are met then the City Council will meet the cost of this provision.

4. **STUDENTS OVER COMPULSORY SCHOOL AGED 16-19 YEARS ATTENDING FURTHER EDUCATION**

4.1 Transport assistance will be provided for full time students in the form of bus travel who are resident in the City of Leicester and who are attending a Six Form or FE college in the City if:

- The walking distance from home to the school or college boundary is more than 3 miles; and

- The student is in the 16+, 17+ or 18 age year group when the course begins.

4.2 Transport assistance will be provided for full time students by public transport who are resident in the City of Leicester and who are attending a school or FE college outside the City boundary if:

- The course or courses to be taken is not offered by any of the schools or FE colleges within the City.
- This excludes non curricular courses and distances of more than 20 miles.

4.3 Students will be required to pay a contribution toward the cost of transport. Those families in receipt of Income Support or Income Based Job Seeker's Allowance will be nil. The contribution criteria and relevant charges will be reviewed annually.

4.4 A Transport policy statement for students aged 16 – 18 in Further Education and continuing student's aged 19 before the 13th September in the current academic year, is produced annually for the Learning Skills Council and published on the "Home to School" transport web site which can be viewed at www.leicester.gov.uk/education/transport

4.5 Students who will require a multi destination pass must purchase either an Arriva or First 24/7 bus pass which will be valid throughout the academic year.

4.5 Payment of the contribution toward the cost of assisted transport must be made in full before a bus pass is issued. The method of payment is described in a letter informing applicants of their eligibility.

Fare-paying places are sometimes available by application to the County Council. (0116-305 8777)

5. **SPECIAL NEEDS TRANSPORT** (Students of Statutory School Age (Under 19 years) in General Education)

5.1 There is a separate policy entitled - "Transport Policy for Children with Special Educational Needs and Medical Needs"

6. **SPECIAL NEEDS TRANSPORT** (Students Over Compulsory School Age (16- 24 years) Special Needs Transport)

6.1 There is a separate policy entitled - "Transport Policy for Children with Special Educational Needs and Medical Needs"

7. **MEDICAL CASES**

- 7.1 There is a separate policy entitled "Transport Policy for Children with Special Educational Needs and Medical Needs"

8. **DOMESTIC CIRCUMSTANCES**

- 8.1 The "Home-to-School Transport Policy" eligibility for assisted transport does not include circumstances where a parent or parents are incapable of assisting their children due to physical disability whether temporary or long term. However, an appeal may be made under exceptional requests. (See section 12)

Having children attend different schools at the same time will not constitute grounds for eligibility.

9. **EARLY YEAR'S CHILDREN** (Under 5 years old)

Children diagnosed with potential long term medical or physical problems can be transported to an early years centre as directed by the Local Authority, providing it is in excess of 2 miles.

10. **LOOKED AFTER CHILDREN**

Looked after children are the responsibility of the placing Local Authority and the setting where the child is resident. The Corporate Parent is responsible for their costs as any normal parent would be. Where the child is resident in the City and meets the criteria for eligibility, transport assistance will be afforded; where it is not, the Corporate Parent will bear the cost.

11. **EDUCATION WELFARE TRANSPORT**

- 11.1 This provision provides assistance and stability to children under 16 years, in general education who are being moved due to domestic violence, child protection or homelessness.
- 11.2 First bus company tickets are available to meet the needs for City journeys only. Schools in the County or beyond will be deemed as an unreasonable journey (see section 2.3) and a local school will need to be sought.
- 11.3 No child will receive more than 12 weeks assistance.
- 11.4 Some adult tickets are available to cover for the initial journey of the child.
- 11.5 At no time can the parent/guardian delegate their responsibility for the safety of their child's journey.

- 11.6 Bus Tickets will be issued and accounted for by the Support Officer responsible for the family.
- 11.7 When the child/family is i.e. permanently housed the child will be subject to the current eligibility criteria.

12. EXCEPTIONAL REQUESTS

- 12.1 Individual requests for free transport can be made on the grounds of exceptional circumstances. Because such cases are exceptional it is difficult to define criteria which may be applied to judge eligibility. An example of a factor which may qualify as exceptional could be that the child is subject to a child protection plan. Where circumstances relate to special educational needs and medical needs the L.A.'s separate policy detailed at sections 5, 6, and 7 above applies.
- 12.2 Requests should be made in writing (as in section 14) and supported with appropriate professional documentation. Circumstances that normally would not be regarded as exceptional include: single parent families, child in temporary care, temporary fragmentation of the family, families in receipt of state benefit or re-housed families, although it is acknowledged that hardship is involved in such cases.
- 12.3 Even where there do appear to be truly exceptional factors which qualify for the provision of free transport, the City Council reserves the right to disallow such requests if the journey itself is not reasonable (see section 2.3 above).

13. APPEALS

- 13.1 Appeals should be made in writing and submitted to The Appeals Panel, Transport Department 4th Floor Marlborough House, 38 Welford Road, Leicester LE2 7AA. The cases will be reviewed by two independent panel members appointed for this purpose by the Corporate Director. Panel members will consider representations by individual's appealing and management representatives. Notification of outcome will be made in writing within 3 weeks of the receipt of the appeal.

14. ERRORS

- 14.1 Where a pupil or student has been assessed as eligible for free or assisted transport in error, the provision will be withdrawn at the end of the term in which the error is brought to the attention of the parent/guardian.

15. RETROSPECTIVE CLAIMS AND OTHER PAYMENTS TO PARENTS

- 15.1 The City Council reserves the right to refuse retrospective claims for the cost of transport undertaken by parents; eligibility is described in the information booklets provided for parents and transport provided accordingly.
- 15.2 The City Council will not consider retrospective application of eligibility criteria at Section 3 above in instances where parental choice has been exercised prior to the relevant provisions of the Education and Inspections Act 2006 coming into effect.

- 15.3 Direct payments to parents will only be made in circumstances where it is deemed by the Council that it would be more expensive to provide transport by contract journeys (bus and taxi) or by issuing bus or rail passes. In such instances payment will only be made on a termly basis and will require proof of attendance.

16. SEATBELTS AND 3-FOR-2 SEATING

- 16.1 "3-for-2" seating is not allowed if the vehicle is fitted with seatbelts. The City Council will not use 3-for-2 seating on any buses or coaches and this policy is recommended to schools when hiring buses or coaches.
- 16.2 Government regulations require seatbelts to be fitted on coaches used for carrying children aged 3 to 16 but these regulations do not apply to buses or to vehicles carrying children on a registered local bus service.

17. MANAGEMENT

- 17.1 Home-school/college transport is the responsibility of the Local Authority. Leicester City Council has employed the Department of Planning and Transportation of the Leicestershire County Council as its agent.
- 17.2 The Children and Young Peoples Service (CYPS) of the City Council are responsible for transport policy, determining eligibility/entitlement in individual cases and collecting contributions toward the cost of assisted transport.
- 17.3 The County Department of Planning and Transportation is responsible for the planning and management of transport, the issuing of passes and collecting payment for fare-paying places on school buses.