

# Children, Young People and Education Scrutiny Commission Report

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## Home to School Travel for Children and Young People with Special Educational Needs & Disabilities

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Date: 19 December 2023

Lead Member: Cllr Vi Dempster

Lead Director: Sophie Maltby

## Useful information

- Ward(s) affected: All
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- Report version number: 1

### 1. Purpose

- 1.1 To provide the Children, Young People and Education Scrutiny Commission with an update on the home to school and college travel provision, and costs for children and young people with special educational needs and disabilities (SEND).

### 2. Summary

- 2.1 Local authorities have a statutory duty to support children and young people with special educational needs and disabilities (SEND) to access education, including the provision of travel support if they meet the eligibility criteria.
- 2.2 The criteria are detailed in the City Councils Home to School & College Travel Policy (2022) (detailed at Appendix A). The key eligibility criteria includes:
  - Home to school mileage. To be eligible for support the 'safe walking route' from home to the nearest suitable school must be:
    - Beyond 2 miles, if below the age of 8; or
    - Beyond 3 miles, if aged between 8 and 16.
  - For 'low-income families' there are broader eligibility criteria
    - For children aged between 8 and 11 the 'safe walking route' is reduced from 3 to 2 miles.
    - Secondary aged children (11 to 16) can receive free travel assistance to any of their three nearest suitable schools but only where the distance between home and school is more than 2 miles but less than 6.
    - For secondary aged children, the Council will provide free travel assistance to the nearest suitable school preferred by reason of the parents religion or belief, if it is over 2 miles and under 15 miles from the home.
  - Only for school age children & young people between the ages of 4 to 16, unless exceptional circumstances

- 2.3 If a child or young person is eligible for transport support, the first consideration is for the parent / carer to take their child to and from school. If this is not possible, they will be offered of a Personal Transport Budget (as detailed at paragraph 4.5), if this is not acceptable, then a place on council operated school bus will be offered.
- 2.4 If a placement on a school bus is not available, then a taxi will be secured via the councils Dynamic Purchasing System (as detailed at paragraph 4.9). However, this would usually be agreed on the basis that the child moves to a school bus when and if a place becomes available.
- 2.5 In 2022 / 23 1443 children and young people, (projected to rise to 1502 in 2023 / 24) accessed transport funded by the council. The total cost was £13,675,000, which is funded from the councils General Fund.
- 2.6 Over the last 3 years costs have increased by 25% (from £9.2m in 2020/21 to £13.6m in 2022/23), due to a number of factors, such increasing number of children & young people with special educational needs and disabilities, increased taxi costs associated with fuel and operating costs. This is not unique to Leicester and the increasing costs for home to school transport is a national issue.
- 2.7 Work is currently in progress to look at options to reduce the reliance on the council buses and taxis, including the increased use of Personal Transport budgets and more opportunities for children & young people with special educational needs and disabilities, to be educated at their local mainstream school with support.

### **3. Recommendation**

The Children, Young People & Education Scrutiny Committee is recommended to note the report and to provide feedback / comment.

### **4. Background/Information**

- 4.1 Local Authorities are under a statutory duty to have regard to the Education Act 1996 and Schedule 35B of the Act, which was inserted by Part 6 of the Education and Inspections Act 2006, to enable children and young people to access school. This includes those children and young people with special educational needs and disabilities.
- 4.2 To underpin the legal requirement, the City Council operates a Home to School & College Travel Policy (see Appendix A). This was last reviewed in 2022, which included a formal consultation exercise. The Policy is

available on the Council's website and parents / carers are directed to the policy as required.

- 4.3 The policy sets out the eligibility criteria and process parents / carers need to complete to access transport support for their child.
- 4.4 **Personal Transport Budget (PTB)** – If a parent / carer is in agreement with this option they will receive a fixed payment of £500 per annum, plus a mileage rate of 45p x 4 trips per day. The actual amount is determined by the number of days travelling per week and the distance from the child or young person's home address to their school. The PTB is paid, in advance, into a nominated bank account every calendar month.
- 4.5 Currently (2023 / 2024 Academic Year) there are 198 parents / carers in receipt of a PTB, at an average cost of £2,100 per pupil, per annum. This is a significant reduction, when compared to the average cost of a school bus or taxi per annum. However, it is not possible to insist that parents / carers agree to this option, as there are concerns that it would be unlawful (Leicestershire County Council were taken to a Judicial Review on this point).
- 4.6 **In-house buses** – The Council currently operates an in-house school bus fleet, which provides 556 places (average per month) on 71 buses<sup>1</sup>. The annual cost is £3,561,000 (in 2022/23), equating to an average cost of £6,405 per pupil, per annum.
- 4.7 **Taxis** - Are only used if a placement cannot be secured on the councils in house bus fleet, or if the individual child or young person cannot travel with other children because of their complex health needs or behavioural issues.
- 4.8 If a taxi is required, the annual journey requirements for the child or young person are issued on the councils Dynamic Purchasing System (DPS). This is an electronic bidding system, that allows for the 36 taxi companies registered on the system to tender for the work.
- 4.9 The DPS has been in place since 2021 and was subject to a full procurement process with an open tender exercise.
- 4.10 There are currently around 770 children and young people using a taxi at a forecast annual cost of £10.7m, which equates to an average of £13.9k per pupil, per annum. In 2022/23 719 children and young people used a taxi at an annual cost of £9,585,000 per annum, which equates to an average of £13,300 per pupil, per annum.
- 4.11 The cost of providing travel support for children and young people with special educational needs and disabilities is funded from the council's

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<sup>1</sup> There are 77 vehicles within Passenger Transport. One bus is used for the dial a ride service and four are for the community transport service. The remaining 72 buses and one car are for transporting children with SEND needs.

General budget, which is under severe pressures due to increasing needs and central government budget reductions.

4.12 Therefore, work is in progress to look at alternative ways to reduce the costs whilst ensuring that children and young people are able to access education. This includes:

- Increasing the use of Personal Transport Budgets
- Increasing the opportunity for Independent Travel Training for young people as part of preparing for adulthood.
- Increasing the availability of Designated Specialist Provisions (DSP's) to enable SEND pupils to be educated in their local community, and therefore not having to travel to a special school.
- To increase the inhouse bus fleet to reduce the need for taxis.
- Creating local pickup points for children to reduce the time they spend sitting on the bus and making the routes more efficient.
- Working with the schools to provide transport. A number of schools have their own transport and are able to manage behavioural issues that would increase the number of pupils able to travel in one vehicle.

## **5. Financials**

As outlined in the report, SEN transport costs continue to increase significantly with a forecast increase of 65% in the three years since 2020/21. Over the same period there has been increasing demand but this only accounts for 14% of this increase. The main reason for the increase in costs is the near doubling in unit costs charged by taxi firms following their refusal in 2020 to accept a fixed rate per mile contract. In 2023/24 average taxi costs per person per annum is forecast at £13.9k with buses £7.1k and personal budgets £2.3k.

*Martin Judson, Head of Finance, Ext 37*

## **6. Legal**

Given the recommendation sought in the report I don't have any legal implications to add.

*Julia Slipper, Principal Lawyer, Ext 37 6855*

## **7. Equalities**

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not. In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected groups under the Equality Act 2010 are age, disability, gender re-assignment, pregnancy/maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

The report provides an update on the increasing cost of providing home to school and college travel provision, and costs for children and young people with special educational needs and disabilities (SEND). Home to school travel is an integral part of the school system. It ensures no child of compulsory school age is prevented from accessing education by a lack of transport or the cost of transport. Local authorities must ensure that the travel arrangements they make take account of the needs of the child concerned.

It is important that equalities considerations are taken into account when looking at alternative ways to reduce these costs whilst ensuring that children and young people are able to access education. We need to be clear about any equalities implications of moving this work forward.

In order to demonstrate that the consideration of equalities impacts is taken into account, as an integral part of the process of reviewing or amending existing services, it is recommended that an Equality Impact Assessment (EIA) be undertaken. The EIA process can support the Council to predict possible issues and take appropriate action such as removing or mitigating any negative impacts, where possible, and maximising any potential for positive impact. The EIA is an iterative process and should be revisited as part of the decision-making process.

*Equalities Officer, Surinder Singh, Ext 37 4148*