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# **SEND Post-16 Transport: Proposed Policies**

Decision to be taken by: Assistant Mayor (Children &  
Young People)

Decision to be taken on: 13 May 2025

Lead director: Strategic Director, Social Care & Education

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## Useful information

■ Ward(s) affected: All

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■ Report version number:

### 1. Introduction and Summary

- 1.1. The purpose of this report is to seek approval to new policies for the provision of transport assistance to children and young people in education or training. In certain important respects, the new policies make significant changes to the current policies, by reducing the level of support that will be provided to young people and adults (aged 16 to 25) who have special educational needs and disabilities (SEND).
- 1.2. The Council currently supports transport needs through a combination of taxis, bus journeys and personal transport budgets (PTBs). There is a statutory requirement to provide support to children of school age; provision for the post-16 age group is discretionary. As at March 2025, over 200 post-16 students were receiving such support.
- 1.3. In light of the Council's severe budgetary outlook, Council services are seeking savings. Consequently, post-16 transport assistance has been reviewed. Many authorities have already done this, but we have maintained provision so far. This review has resulted in proposed new policies which would reduce entitlement to service. Following public consultation, the original proposals have been amended, mitigating their impact. Revised policies are now proposed for adoption, which will reduce cost to the Council by an estimated £2.1m per year in due course. Our proposed approach will help promote independent travel where this is possible, further strengthening what we have done to promote independence and to help prepare young people with SEND for adult life; the Council provides travel training to support this which is being enhanced.
- 1.4. The new policy for post-16 transport tightens the qualifying criteria for assistance, which will now require "complex SEND." In essence, a student will have "complex SEND" if he or she is unlikely to be able to travel independently. The majority of those who qualify for support will receive a personal transport budget; alternative support will only be available in very limited circumstances (essentially, where further support is needed to help ensure they can attend their educational institution).
- 1.5. The policy for children of compulsory school age is unchanged, as is that for young people and adults who do not have SEND, apart from some minor changes to improve our procedures (there is no impact on entitlement).
- 1.6. By law, support available to the 16 to 25 age group must be set out in a transport policy statement. There is a statutory duty to publish this statement by 31 May 2025.
- 1.7. All references in this report to people (students) who are post statutory school age "with SEND" means those with an Education Health and Care Plan (an EHCP).

### 2. Recommendation

- 2.1. The Assistant City Mayor is asked to:
  - approve the new SEND travel policy for the 2025/26 and subsequent academic years, as set out in Appendix 1
  - approve the new post-16 transport policy statement for the 2025/26 academic year, as set out in Appendix 2

### 3. Current Scheme

- 3.1. The Council's policies for the current academic year are published and available here: [Home to school transport | LCC Family Hub](#).
- 3.2. The policies set out arrangements for provision of transport assistance to the following groups who attend schools, colleges or certain other institutions:
  - children who are not yet of compulsory school age or who are of compulsory school age;
  - **"young people"** – individuals who are of sixth form age (between 16 and 18 and those aged 19 or over who are continuing on a course which they started before they turned 19), including young people with SEND; and
  - **"adults"** – individuals who are aged 19 or over. This group consists of young adults aged between 19 and 25 who have SEND.
- 3.3. The law makes separate stipulations about support to "young people" and to "adults", who are the chief concern of this report. Each is dealt with separately in our current policies, but in practice, young people and adults are treated the same way: this enables us to ensure we provide the right level of support to meet their individual needs. (The new policies will make this explicit).
- 3.4. The assistant mayor is asked to note that we do not make any transport provision for young people or adults who do not have SEND. The new policies adopt the same approach, as it is not considered necessary or appropriate to expend the Council's scarce resources on young people or adults who do not have particular needs.
- 3.5. This report uses the term "student" to refer to both young people and adults.
- 3.6. The current policy states that the Council may provide travel assistance to a young person (with SEND), subject to them having "foundation eligibility" as follows:
  - resident in Leicester and started his/her course prior to their 19th birthday;
  - attends the nearest appropriate institution;
  - attends an institution which is more than 3 miles' walking distance from the student's home (unless the route is unsafe or the student has a disability which impacts on his or her ability to walk); and
  - attends a full-time, publicly funded course.
- 3.7. In determining a young person's eligibility for support, the Council will take into account:
  - whether the student has additional needs or a disability which gives rise to a serious risk of danger to themselves or others;
  - whether the student has a mobility difficulty which requires specialised facilities (such as a wheelchair-accessible vehicle);
  - whether the young person might require medical or personal care during the journey;
  - the complexity of the journey; and
  - whether travel is an essential requirement to fulfil the learning outcomes identified in the young person's Education, Health and Care Plan (EHCP).
- 3.8. The current policy states that the Council will consider providing travel assistance for adults only where:

- the Council considers it necessary to facilitate the attendance of a learner receiving education at institutions which are maintained or assisted by a local authority and are providing further education, or other institutions within the further education sector; or
- Where the council has secured the provision of education or training outside the further education sector **and** the provision of boarding accommodation in connection with that education or training, and the council considers that the provision of travel assistance is necessary to facilitate the learner's attendance.

3.9. Available support depends on need, but might include any of the following (provided free of charge):

- (a) Arrangement of a taxi by the Council;
- (b) Bus travel on a Council provided vehicle;
- (c) A personal transport budget (PTB) – a sum of money which can be used to pay for any means of transport (including a lift in a family car, or a bus pass). The current rate is 45p per mile plus £500 per year.

3.10. From the Council's point of view, a PTB is by far the least costly, and is recommended whenever feasible. It also provides flexibility for students and their families. Costs will vary depending on the package provided, but using caseload at March 2025 as a snapshot, unit costs of the various means of transport are:

	<b>Average annualised cost per student (£)</b>
Taxis	12,000
Seat on a Council provided bus	7,100
Personal Transport Budget	2,400

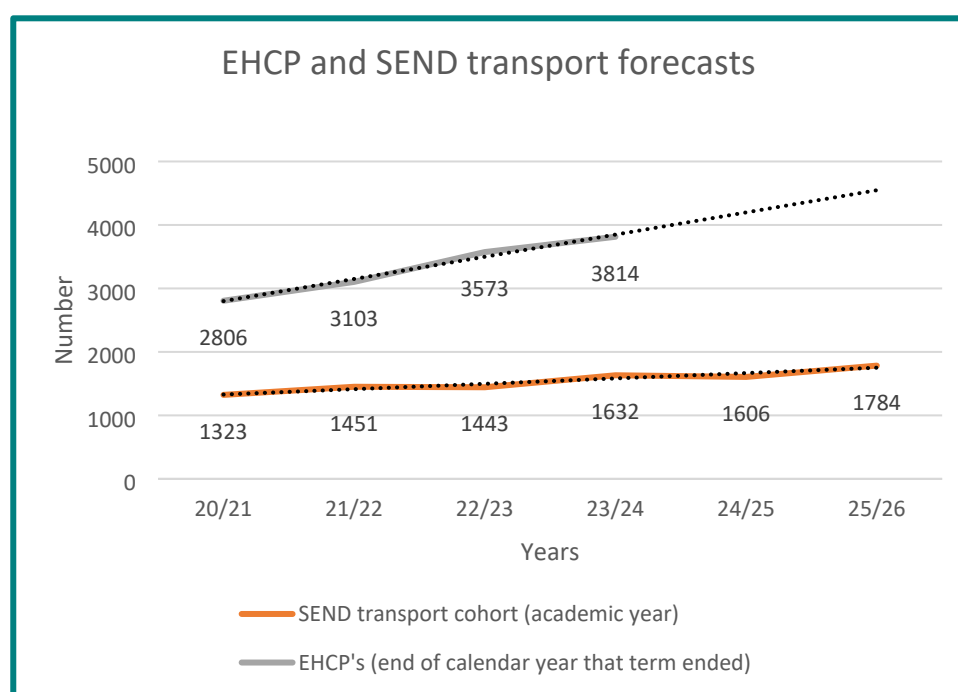
#### **4. Reasons for Change**

- 4.1. The key driver for change is the Council's budget outlook. Like many authorities, the Council is facing substantial gaps between its expenditure and income in the years ahead. The Council's budgeted spending for the next 3 years is currently supported by reserves, which is not sustainable.
- 4.2. The Council's Revenue Budget Report for the financial year 2025/26 projected an estimated shortfall of £68m between recurrent income and expenditure by 2027/28, after assuming savings of £23m will be found. The Council is also seeking to constrain growth in the cost of demand led services. £30m of reserves are projected to be required in 2025/26 alone.
- 4.3. This is the financial context in which changes to transport policies are proposed. As the service is discretionary, the Council feels compelled to consider whether, and to what extent, post-16 transport support should continue. Many other authorities have already reviewed provision.
- 4.4. In addition, in some cases there are good service reasons to discourage the more expensive modes of transport which are less likely to promote independence. Alternatives which encourage independent travel provide a better preparation for adult life (where individual needs allow).
- 4.5. The Council accounts for the cost of SEND transport in its entirety. We do not keep separate accounting records for pre-16 and post-16. Thus, we have accurate historical records for the total cost, but the cost of post-16 transport has to be extrapolated from caseload as and when required.

- 4.6. Over recent years the cost to the Council of providing SEND transport (all ages) has grown year-on-year, and this is projected to continue as demand for service rises. This can be seen in the following table: a small contribution from Dedicated Schools' Grant (£0.4m in 2024/25) has been deducted from these figures:

2021/2022 (£m)	2022/2023 (£m)	2023/2024 (£m)	2024/2025 (Forecast) (£m)	2025/2026 (Budget) (£m)
10.8	13.3	14.7	14.3	15.8

- 4.7. The trend can also be seen from the following graph. This projects future demand for travel support under the current policies (all ages). It also shows forecast growth in the number of EHCPs, which (whilst EHCPs do not necessarily lead to travel assistance) also helps indicate likely future demand for travel support:



- 4.8. As of March 2025, 208 post 16 students were receiving support at a cost of approximately £1.8m per year:

	Numbers	Annual Cost (£m)
Taxis	108	1.3
Council provided bus	60	0.4
Personal transport budget	40	0.1
<b>Total</b>	<b>208</b>	<b>1.8</b>

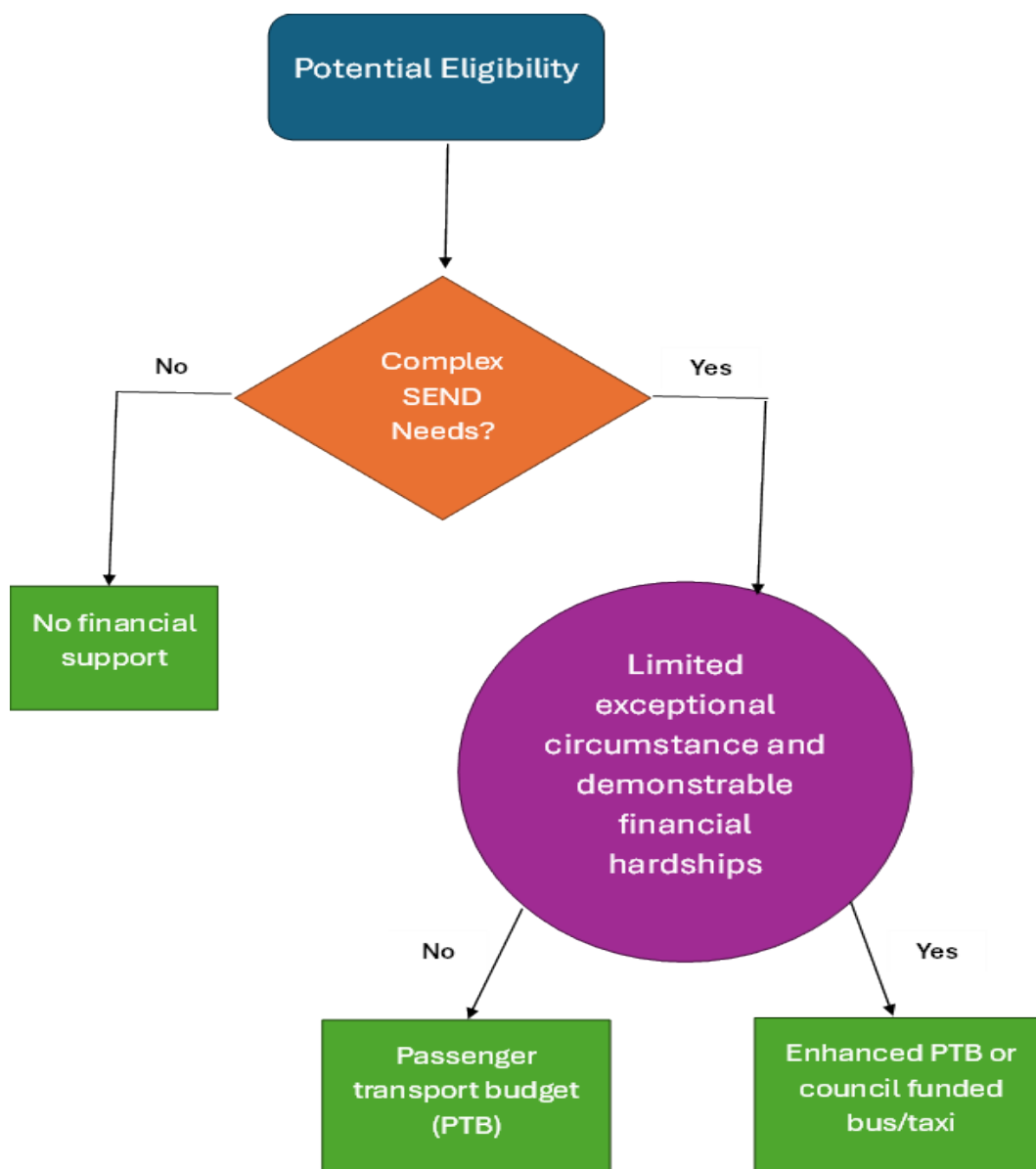
- 4.9. It is noted that estimated cost of post-16 transport is less than would have been anticipated at the time of the consultation exercise. Reasons for this include a successful taxi procurement exercise, and parents making alternative arrangements in anticipation of a policy change. Nonetheless, the rationale for the change in policy is unaltered (there remains a huge gap between forecast spending and income in 2027/28).

- 4.10. The cost is expected to rise to at least £2.6m in 2025/26 unless action is taken, and the cost is predicted to continue to grow thereafter (in line with the costs of SEND transport more generally).
- 4.11. The Assistant Mayor has written to the Government seeking consideration of a new statutory duty to provide post-16 transport, along with additional funding to meet the cost. This would avoid the need for the Council to consider these exceedingly difficult decisions. To date, there is no sign that the Government is amenable to this suggestion.

## **5. Proposed New Policies**

- 5.1. The aim of the new policy is to save money by reducing entitlement, particularly to the more expensive forms of support, whilst (as far as possible) protecting the position of those who would otherwise be unable to pursue their course of education. In practice, this means we will focus support on those who (due to the nature of their disability) are unable to learn to travel independently and cannot finance private arrangements without harm to their general wellbeing. An additional (important) aim is, wherever realistic, to prepare students for adulthood by encouraging independence.
- 5.2. Following responses to the consultation exercise, the original proposals have been revised to enable a more generous and more individualised offer. As previously proposed, where support is offered, the emphasis will be on PTBs (many other authorities have taken this approach). Most young people are capable of using public transport with the right support. However, there will now be a category of students who will qualify for additional support where appropriate, in line with the aim above.
- 5.3. To complement the policy (and to support those who will not qualify at all), the Council is enhancing its independent travel training offer.
- 5.4. In order to be potentially eligible for support under the proposed new policy, a student must have “foundation eligibility” (as is currently the case):
- be resident in Leicester;
  - attend the nearest appropriate institution;
  - attend an institution which is more than 3 miles’ walking distance from the student’s home (unless the route is unsafe or the student has a disability which impacts on his or her ability to walk); and
  - attend a full-time, publicly funded course.
- 5.5. Under the proposed new policy, a potentially eligible student will be entitled to support in the form of a PTB if he or she has “complex SEND needs”. Otherwise, a potentially eligible student will not be entitled to support. Support can be increased and include taxi or bus provision if a student also has “limited exceptional circumstances” and failure to provide this support would lead to “demonstrable financial hardship”. The rationale is as follows:
- (a) The “complex SEND needs” test is used as a proxy for identifying those students who would otherwise be unable to travel independently, and therefore need support. This is because they are more likely to have physical disabilities, learning disabilities or other health issues that suggest without support they face more challenges travelling to school or college;
- (b) Those whose circumstances are such that support needs “topping up” are identified through consideration of “limited exceptional circumstances”. The “demonstrable financial hardship” test identifies those who would not have the means to top up support from their own resources.

5.6. The decision process is shown in the diagram below:



5.7. The policies now explicitly provide the same qualifying criteria for both young people and adults, so that all post 16 students are treated consistently, in recognition of the fact that those with SEND may take longer to complete courses. The criteria for “foundation eligibility” (see 5.4 above) have therefore been amended to remove the requirement that students have started a course of study prior to their 19<sup>th</sup> birthday.

5.8. The “**complex SEND needs**” test is defined as follows, together with the rationale for each criterion. One or more of the following criteria must be satisfied to create entitlement to a PTB:

Test	Rationale
A diagnosed terminal illness which has a severe impact on the student’s physical or mental health and which is likely to significantly reduce his/her life expectancy.	Being expected to walk can cause additional strain to the student at a time when their health is deteriorating. Providing a PTB helps prevent this. Further support for “exceptional

	circumstances” could be considered for severe cases.
If required to travel independently, the student’s SEND needs or disability would jeopardise his/her safety or that of others	The nature of their SEND means that it is likely to cost more to safely support them to get to their institution. They are more likely to need a parent/carer or professional to accompany them.
Has a mobility difficulty which requires the provision of specialised seating or a specialised vehicle which would otherwise be unavailable	Whilst many wheelchair users can successfully travel independently, there are cost, dignity and time implications for a young person whose mobility difficulty means they cannot. There may also be increased risk of injury. This makes accessing education more challenging.
Likely to require medical intervention or personal care during the journey to and from school.	There are cost, health, dignity and time implications for the young person which mean that they face additional hardship due to their needs. This makes accessing education more challenging.

5.9. Based on the Council’s experience of appeals, this definition of “complex SEND” should identify students who are unlikely to be able to travel independently. It is similar to the approach adopted in other authorities’ policies.

5.10. **“Limited exceptional circumstances”** will be considered on a case by case basis. Applications can be made in cases where a student or a parent/carer believes the student’s needs are such that the standard PTB offer will be insufficient and without further support they could not travel to attend their place of education. Other reasons may exceptionally be considered.

5.11. Whilst each case will be considered on its own merits, the following will not normally constitute “exceptional circumstances”:

Example	Rationale
Has a single parent/carer.	This does not impact the student’s ability to travel independently.
Parent(s) or carer(s) work.	This does not impact the student’s ability to travel independently
Parent(s) / carer(s) have another child or young person who attends a different school	This does not impact the student’s ability to travel independently
Attends an independent school which is outside the Council’s area.	This does not impact the student’s ability to travel independently
Parent(s) / carer(s) are unable to drive or do not have access to a car.	This does not impact the student’s ability to travel independently
Student uses a wheelchair.	This may (but need not necessarily) impact the student’s ability to travel independently, but “exceptional circumstances” could be considered where specialised seating or a specialised vehicle is required.



- 5.12. **‘Demonstrable financial hardship’** mirrors eligibility for free school meals (essentially, calculated on the household income of the parents/ carers - the one with the main caring responsibility if separated). Where a student is living independently, the test will be applied to their own means. This is a nationally recognised measure of financial hardship.
- 5.13. Families in financial hardship are less likely to have their own transport or have the means to supplement travel costs. Focussing resources on those in financial hardship helps address the Council’s budget position whilst supporting those most unable to attend education without support. We estimate that, based on the current cohort, less than 10% of those with "limited exceptional circumstances" will be able to "demonstrate financial hardship".
- 5.14. Those with no recourse to public funds who can demonstrate comparable income levels will not be excluded from the same level of support.
- 5.15. The process for decision making and an appeals procedure is set out in the policy.
- 5.16. It is recognised that young people who are already engaged in programmes of study may be at the mid-point of achieving their qualifications. Given the potential disruption through implementation of a new policy at this juncture, it is proposed to allow a twelve-month transition period: those currently in year 12 who are receiving transport provision will therefore receive the same provision during their year 13. The majority of those on two year courses will be in year 12, moving into year 13: others already engaged on a fixed length two year course can be considered on a case by case basis. This transitional arrangement will apply for the academic year 2025/26 only.
- 5.17. Those young people whose EHCP (unusually) specifies transport as an educational requirement will continue to receive this, notwithstanding the new policies.
- 5.18. When considering the recommendations to this report, the assistant mayor must consider what provision for transport assistance it is necessary or appropriate to make for young people, and whether or not the recommendations to this report achieve this. In respect of adults, she must consider whether the policy facilitates their attendance at educational institutions to the extent she considers necessary; and whether the arrangements ensure that those with the most severe disabilities with no other means of transport are able to undertake further education and training after their 19<sup>th</sup> birthday, in order to help them move towards more independent living.
- 5.19. In respect of young people, the assistant mayor must have regard to the following **legal criteria**. Given we are proposing policies that apply equally to adults and young people, the same factors have been considered for both adults and young people – the assistant mayor will need to consider whether this enables her to make the judgement required. In essence, a balance has been struck between the Council’s forecast budget position and the needs of those most in need of support to continue their education. This can only be a judgement given we can only estimate the Council’s budget outlook and the impact of the new policy:

Legal Criteria	Comment
The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made.	Leicester is a compact city measuring 7.8 miles in diameter at its widest point. It is well served by transport links in the whole area. Where a student has access needs, a PTB may be provided and, in exceptional circumstances, additional support provided appropriate to their needs.

		<p>The availability of additional support is focussed on those who would be most vulnerable to non-attendance if no arrangements were put in place.</p>
	<p>The need to secure that students have reasonable opportunities to choose between different establishments</p>	<p>Leicester is well served with education and training providers. There are 14 post-16 providers who have over 500 city residents aged 16-25 with an EHCP on their roll. The city has a train station and two bus stations. There is a well-developed transport network to local county towns and regional cities. The choice of an establishment in the surrounding county can be requested, and could be supported if the cost was comparable to undertaking an appropriate course in the city taking into account the transport cost, or if there was no appropriate course in the city. If the cost was significantly different the request would not be supported if the student's needs could be met elsewhere. A challenge could be mounted to an unfavourable decision through appeal.</p>
	<p>The duty to provide enough education and training to meet the reasonable needs of young people and adults.</p>	<p>The city is well served with appropriate education and training institutions as discussed above. The 208 students currently receiving support attend 11 different institutions.</p>
	<p>The distances and journey times between the homes of persons of sixth form age in Leicester and relevant institutions at which education or training suitable to their needs is provided.</p>	<p>Of the 208 students currently receiving support (which includes young people and adults), 139 are attending institutions within the city of Leicester. A further 67 attend institutions in Leicestershire, with just 2 further afield. Average journeys are 6.7 miles for young people and 6.8 miles for adults each way. The two out of county places are 30 and 21 miles away respectively (journeys taking 45 and 30 minutes one way by car). Some of Leicester's educational institutions have additional bus contract arrangements, which learners or their parents can use to purchase places. Travel of more than 75 minutes by public transport is unlikely to most educational or training institutions within the city area. Some circumstances in which a student has a placement far from home could constitute "exceptional circumstances."</p> <p>The definition of complex SEND has been developed to take account of the impact that a learning difficulty or other disability may have on a student's ability to travel to their education setting without incurring</p>

	stress, strain or difficulty. Some may also be able to demonstrate “exceptional circumstances.”
The cost of transport to the relevant institutions and of any alternative means of facilitating the attendance of persons receiving education or training at them	<p>Travel distances are short within the city. Bus fares are set by the operators, and adult fares are charged once a student reaches the age of 16. Fares are however currently capped by the Government at £3 for a single journey until January 2026. Locally, fares are also limited to £6.30 per day and £24 per week regardless of the number of journeys, either in the city or in a wider “flexi area” which stretches into the county. Operators may decide to increase these charges if the £3 cap is removed or increased in January. Students of any age can buy a season ticket for an academic year (£575) or a single term (£240). More details on fares and the extent of the “flexi area” can be found here: <a href="#">multi operator ticketing — Leicester Buses</a>. Certain categories of disabled user may also be eligible for free bus travel under the English National Concessionary Travel Scheme, described here: (<a href="#">Apply for a disabled person's bus pass</a>). This will entitle them to free bus travel, nationally, between certain times of the day. The city council provide a local enhancement to the scheme to extend hours of operation and provide train travel between certain stations.</p> <p>Where a student has complex SEND need (which could increase the cost of travel) a PTB would be available. The PTB provides the flexibility to choose the mode of travel. For higher levels of need, further support could be available. Some FE colleges also offer direct support to students, and the Government has a bursary fund.</p> <p>Support for those with higher levels of need will be targeted to those who need it most, by virtue of requiring applicants to demonstrate financial hardship were support not to be given. The provision of support for families experiencing financial hardship is in line with other local authorities’ provisions.</p> <p>It is recognised that those with SEND may take longer to complete courses. To address this, the new policy treats young</p>

	people and adults consistently with no “cut off” point at age 19.
Guidance issued by the Secretary of State to ensure young people can access education and training of their choice, and to assess and provide support for access where necessary.	These requirements are addressed above.
The nature of the route (or alternative routes) which the young person could reasonably be expected to take.	The nature of the route is addressed above.
Any wish of the young person to attend a particular institution on grounds of his or her religion or belief.	As Leicester is a multi-cultural city, providers are accustomed to meeting the needs of different faiths. If there was an individual need to meet a religious requirement, this could be considered in its individual context.

- 5.20. In summary, we are not proposing to exercise our discretion to provide more than is now recommended.

## 6. Miscellaneous Changes to Existing Policies

- 6.1. The proposed policies include minor changes to existing policies, to improve procedures and make them consistent with each other. These changes may affect all age groups, but do not affect entitlement for school age children.
- 6.2. In future, there will be no requirement to review travel arrangements as part of EHCP reviews. This is to reflect the fact that review of travel support should usually take place separately. The following wording in the current policies is therefore omitted from the new policies:

### *Annual Review*

*When a Personal Travel Budget or SEND travel is agreed for a child with a statement of special educational needs or an EHCP, travel arrangements will be reviewed on an annual basis at the statement/plan review meeting. Parents / carers will be expected to sign a declaration agreeing to the terms and conditions of the agreement.*

- 6.3. If travel support to any particular student does not lead to attendance, support will cease unless the student remains eligible (See Appendix 1, section 10)
- 6.4. Support may in future be provided by means of bus pass, and a parent may be offered a bus pass to accompany their child (See Appendix 1, section 8.3). This helps the student to get used to travel by bus and is more cost effective and more environmentally friendly than car use.
- 6.5. It is proposed that, for all ages in the travel policy there is improved clarity about multiple addresses. The proposed policy (See Appendix 1, section 9.4) explains that:

*If a pupil has more than one place that may be considered a home address, parents/carers must nominate a primary address for travel purposes. Home addresses should be for primary carers and travel to the homes of extended family members will not usually be considered a home address.*

*The council acknowledges that families need flexible arrangements and will support travel to multiple addresses where it is specifically highlighted and agreed at the point of application. In year arrangements for changes will require a new application. Where there are multiple home addresses being requested the home address closest to the child or young person's school or college will be considered the primary home address. That primary home address will be used to determine eligibility. The council will not generally support applications which mean that travel to multiple addresses will result in increased journey time or cost of provision. Personal Transport Budgets may be the best option to meet need in these situations.*

- 6.6. The Council may investigate whether transport is being provided to someone who is not, in fact, eligible. If proven, transport could be withdrawn with 4 weeks' notice.
- 6.7. The Council intends to be more proactive in withdrawing travel support on grounds of challenging behaviour as this is detrimental to providers and other transport users. If travel is temporarily or permanently withdrawn, parents/carers would be responsible for getting their child to school and for any costs incurred. The distinction between behavioural problems and needs attributable to SEND will be determined in collaboration with professionals in a supportive manner.

## 7. Consultation

- 7.1. Consultation took place on proposed revisions to the policies by means of an online survey. An option to use paper was available, but not requested by any respondent. Consultation closed on 2<sup>nd</sup> January.
- 7.2. Respondents were asked to select whether they wished to answer "questions for young people", or "questions for adults". Questions for young people were directed at students themselves (all ages up to 25, including children), and those in the same age group as students. Questions for adults were directed primarily at parents/carers and professional respondents. In total 348 responses were received, broken down as follows:

Questions for young people:

Young people living in Leicester, attending school or college	98
Young people living in Leicester who did not give further information	13
Young people not living in Leicester or who did not say	12
<b>Total</b>	<b>123</b>

Questions aimed at adults:

Leicester adults responding on behalf of a child or young person	24
Parents / carers of Leicester children / young people responding on their own behalf	120
Service staff, professionals, organisations, professional bodies	48
Other adults who do not live in Leicester, or who did not say	33
<b>Total</b>	<b>225</b>

- 7.3. The following tables analyse the responses from all respondents, excluding those who do not live in the city. Questions were optional, so not every respondent answered every

question. Members are asked to note that the responses were given in respect of the original proposals – appropriate change is now proposed to mitigate their impact.

7.4. Responses to questions aimed at children and young people:

Do you think the way you travel will change as a result of the new policies?	52% said yes, 26% did not know
What might change?	28% felt they may have to pay for transport, 15% felt their parent/carer might make other arrangements, 54% did not know
What would be the impact on you?	All felt there would be an adverse impact, 18% believed they wouldn't be able to continue in education.
How do you feel about your journey to school/college potentially changing?	63% felt it would be difficult, 23% felt a bit worried or anxious.
Are the policies clear?	33% said yes, 39% said no, 28% were unsure.
<b>Below shows the percentage of respondents who agreed or disagreed with the following statements:</b>	
When I want to go somewhere, I will need to think carefully about the cost	81% agreed
The cost of transport won't stop me doing things I want to do	83% disagreed
I am anxious about how I will afford to get to places	93% agreed
The proposed policies are a good idea	81% disagreed
I'll be confident to travel to places like a college or a workplace by myself	88% disagreed
I will only choose college or work near home	60% agreed

Responses to questions aimed at adults:

Do you think the way you/your child travels will change as a result of the new policies?	34% said yes, 42% did not know
What might change?	31% felt transport may have to be paid for, 12% felt they might make other arrangements, 19% felt other things might change, 7% felt their child might change school/college, 31% did not know
What would be the impact on you?	Nearly all felt there would be an adverse impact, 29% believed their child wouldn't be

	able to continue in education.
How do you feel about you/your child's journey to school/college potentially changing?	80% felt it would be difficult, 16% felt a bit worried or anxious.
Are the policies clear?	56% said yes, 26% said no, 18% were unsure.
<b>Below shows the percentage of respondents who agreed or disagreed with the following statements:</b>	
When I want to go somewhere, I will need to think carefully about the cost	91% agreed
The cost of transport won't stop me doing things I want to do	35% disagreed
I am anxious about how I will afford to get them to places	91% agreed
The proposed policies are a good idea	88% disagreed
They will be confident to travel to places like a college or a workplace on their own	92% disagreed
They will only choose college or work near home	52% agreed

7.5. The consultation included an opportunity to add anything else the consultees wished to tell us ("free form" comments). Below is a summary of the free form comments made by young people with SEND who live in Leicester:

- Some describe the challenges faced by students with disabilities, particularly concerning transport to school and college. Many of the students depend on special transport services, because they feel their disabilities make it unsafe or impossible for them to travel independently. They believe loss of this support would severely impact their education, mental health, and overall well-being.
- Students with disabilities say their parents/carers are also under significant strain. Often, they cannot transport their children personally because of work commitments, financial limitations, or physical disabilities. The financial burden of alternative transport options, such as taxis, would be difficult to bear. These changes would affect the whole family, increasing stress and creating barriers to education.
- Some individuals express feelings of frustration with central and local government policies, and concern about the future if transport support is cut.
- The most common request is to continue providing accessible transport services for students with special needs.

7.6. The following is a summary of the free form comments made by parents/carers of young people with SEND (in year 11 and above) who live in Leicester and who believe they will be affected by the policy change:

- Reliable transport is crucial for children with SEND to attend school or college. Without it, they may face barriers to education, missing school / college or essential services.

- Many families already struggle financially and emotionally to care for their disabled children. Removing transport services would add to this burden, potentially forcing parents to reduce work hours, lose / change jobs, or incur high costs for private transport.
- Public transport can be unsafe for children with disabilities. Parents highlight the importance of safe, structured transport options to help children build independence while minimising anxiety.
- Some respondents argue that removing transport services could violate children's rights to education and protection from discrimination, especially for those who cannot travel independently.
- Parents urge local councils to continue providing tailored transport services for SEND students, considering each child's unique needs and the serious consequences families face without this support.
- For children with autism or severe learning disabilities, public transport is often not an option. The removal of transport services could increase anxiety, disrupt education, and put children at risk.
- Many families report a lack of suitable alternatives, particularly for children with complex needs. Without local authority transport, children may miss out on education, requiring more care and support.
- The policy could disproportionately affect low-income families who cannot afford alternative transport.
- Some criticise the policy for failing to consider neurodiverse children or those with mental health challenges, potentially leading to discrimination and unequal access to education.
- The removal of transport services could have long-term negative effects, including limiting education and employment opportunities, and increased reliance on social care and benefits.
- Overall, parents are calling for a more flexible, individualised approach to transport support, ensuring that children with SEND have equal opportunities for education, safety, and social development. They argue that the proposed changes could lead to further financial strain on families and increased costs for public services in the long run.

- 7.7. The minor changes to the policies proposed at paragraph 6 above were also subject to consultation, but nothing of significance was received.
- 7.8. The assistant mayor (as decision maker) has been provided with a list of all free form responses made.
- 7.9. Consultation also took place with the Children, Young People and Education Scrutiny Commission on 25<sup>th</sup> February. Minutes of that meeting can be found here: [\(Public Pack\)Minutes Document for Children, Young People and Education Scrutiny Commission, 25/02/2025 17:30](#). At this meeting, both the budgetary constraints and the strength of feeling amongst consultees was noted. The revised proposal addresses many of the concerns raised.
- 7.10. The Scrutiny Committee discussed a proposal from STILL SEND 16+, which would have involved a universal entitlement to a basic level of PTB, and a more individualised approach to higher levels of need, including (where appropriate) an enhanced PTB, Council employees accompanying young people on public transport, and an increase in minibus provision. Whilst the general package proposed was not considered practical, some elements have been incorporated into our revised proposals (e.g. a basic level of PTB where there is complex need, and options for an enhanced level where there are limited exceptional circumstances).



- 7.11. The director subsequently (as promised to the committee) looked again at policy wording concerning choice of provision - this states that the student must be attending the nearest appropriate education or training provider. The wording of the policy is felt sufficient to allow for choice as providers will be able to offer a variety of educational opportunities, whilst meeting our aspiration to reduce travel and enable young people to make connections with others local to them. As demonstrated above, there is a wide choice of provision locally within the city.
- 7.12. As requested by the committee, the impact of the new policy will be tracked and reported to them.
- 7.13. In summary, there was a high level of concern over the proposals, and a strong view amongst those who responded to the consultation that they should not be implemented. Nonetheless, the Council's budget position is extremely difficult as discussed above, and it is felt that the current level of discretionary support is hard to justify in a small compact city like Leicester. We have, however, revised the proposals to allow a more generous level of provision than originally envisaged. This is targeted at those who (local knowledge and experience of appeals data suggests) would otherwise find it most difficult to continue their education. This has resulted in the full year saving being £0.9m less than it otherwise would have been. In addition, one off transition arrangements will support some of those who are part way through their post 16 studies at the start of the 2025/26 academic year.
- 7.14. In addition to the changes made in response to the consultation, the Council will continue to mitigate risks by offering independent travel training and has a good track record of providing this.

## **8. Risk**

8.1 The changes are significant, and therefore inevitably carry risk. Some of these can be mitigated by operational and procedural controls.

8.2 If not applied correctly there is a risk that students will be awarded support beyond what the policy envisages, and (conversely) that students will be unable to attend education in circumstances where the policy states that they should be supported. To mitigate this risk, we will need to ensure that officers are appropriately trained and skilled and that the policy is interpreted in a consistent manner. Adequate oversight will be essential. There will also be a two stage appeals process, but this will only address the situation where students are inappropriately denied support and not the converse.

8.3 There is also a risk that some students who do not meet the definition of complex SEND (and who therefore don't qualify for support) prove in fact to be unable to travel independently. There is a risk that these students could drop out of education because they can't get to their courses. The same risk applies to those whose applications for "limited exceptional circumstances" are unsuccessful. This issue will be monitored as the new policies bed in, and we will seek to tailor travel training to address these needs if and where they become apparent.

## **9. Conclusion**

9.1 After considering the Council's overall financial position, the rationale for change, the legal criteria to be taken into account in any new policy, the views of consultees and the equality implications, the Assistant Mayor is invited to consider whether or not the proposed policies will result in transport assistance for young people and adults which she considers necessary (as further described at para. 5.18 above), and if so to approve the recommendations.

## 10. Financial Implications

The budget for SEND transport is £15.8m in 2025/26, which includes both all age school transport and post 16 transport.

The budget for SEND transport is managed in total – we do not account separately for pre and post 16 age. Post 16 costs can be estimated, however, by taking a snapshot of caseload at any given time. In 2024/25, the post 16 element of SEND transport is costing us £1.8m. If we do nothing, the cost could rise to £2.6m in 2025/26. The proposals achieve savings by reducing entitlement, particularly to the higher cost packages of support (taxis and buses). The proposals on which we originally consulted would have meant qualifying students would only receive personal transport budgets (the lowest cost means of support) although many would no longer have qualified for support at all. Changes made since consultation will result in some students continuing to be provided with transport – these are likely to be the ones with the most complex needs and therefore highest costs per journey.

Proposals in this report will reduce the cost of the post 16 service in 2025/26 by an estimated £1.7m, although the saving may be reduced to a limited extent by additional take up of passes under the English National Concessionary Travel Scheme. (Estimating the cost of this is not possible due to the way the concessionary travel formula works).

The proposals will also reduce costs of the pre 16 service by freeing space on buses which could be allocated to children of compulsory school age. This is estimated to save an additional £0.4m. Total savings are therefore:

Reduction in post 16 transport costs	£1.7m
Releasing capacity for pre 16 transport costs	£0.4m
<b>Total saving</b>	<b>£2.1m</b>

Estimates have been made based on the following assumed changes to entitlement – a sample of the current cohort has been checked to produce the most reliable estimate available with the data we have:

	Estimated entitlement in 25/26 with no policy change (number of students)	Estimated entitlement in 25/26 with policy change (number of students)
Taxis	143	11
Passenger Transport Budgets	57	238
Buses	87	0
No entitlement		38
<b>Total</b>	<b>287</b>	<b>287</b>

If we don't change the policy, transport cost would be £2.1m higher than currently intended in a full year, disregarding the (anticipated) cost increases that would otherwise occur post 2025/26.

In the 2025/26 (academic) year, additional costs of £0.5m are estimated for the transitional arrangements.

The table below shows savings by financial year, with the transition cost dropping out by 2027/28:

	2025/26	2026/27	2027/28
Gross saving	£1.2m	£2.1m	£2.1m
Transitional cost	(£0.3m)	(£0.2m)	0
<b>Net saving</b>	<b>£0.9m</b>	<b>£1.9m</b>	<b>£2.1m</b>

The savings can be contrasted with estimates for the option proposed in the consultation exercise, which would have seen the cost of the post 16 service become minimal in the 2025/26 academic year. Savings from releasing capacity on buses would also have been achieved making a total cost saving approaching £3m.

The total estimated saving from the recommended option (£2.1m per year) will contribute to the Council's budget strategy and help maintain the long-term financial sustainability of the Council.

Signed: Mohammed Irfan, Head of Finance

Dated: 8 April 2025

## **11. Legal implications**

### **11.1 Legal Framework**

The main relevant duties on the Council are provided for by the Education Act 1996 ("the Act"). In broad terms, the relevant duties are as follows.

Under s 15ZA of the Act, the Council is under a duty to secure that enough suitable education and training is provided to meet the reasonable needs of those "in its area who are over compulsory school age but under 19" (in effect, young people), and those "who are aged 19 or over and for whom an EHCP is maintained" (i.e. young adults with SEND).

### **11.2 Children of Compulsory School Age**

The Council's duties in relation to children of compulsory school age are provided for by s 508B of and Schedule 35B to the Act, which impose a duty to make home-to-school travel arrangements for certain "qualifying children", including certain children with SEND, free of charge.

For completeness, it should be noted that, under s 508A of the Act, the Council has a discretionary power to make school travel arrangements in relation to a child who is not a qualifying child.

### **11.3 Young People**

In relation to young people, under ss 509AA and 509AB of the Act, the Council has a duty to prepare and publish for each academic year a transport policy statement which specifies the arrangements for the provision of transport or otherwise, and for the provision of financial assistance, that the Council considers it necessary to make for facilitating the attendance of young people who are receiving education or training at: schools, an institution maintained by the Council which provides further or higher education, any further education institution, any 16-19 academy, or any other establishment at which the Council secures the provision of education or training under s 15ZA (together, "relevant institutions"). The transport policy statement must state the extent to which the arrangements specified in it include arrangements for facilitating the attendance at relevant institutions of disabled persons and persons with learning difficulties or disabilities (in effect, young people with SEND). In this context, the key question that the Assistant City Mayor should consider is, in essence, what provision for transport assistance for young people is it necessary or appropriate to make.

When considering this key question, the Assistant City Mayor must have regard to (amongst other things):

- (1) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made;
- (2) the need to secure that persons in Leicester have reasonable opportunities to choose between different establishments at which education or training is provided;
- (3) the requirements of s 15AZ in relation to persons of sixth form age;

- (4) the distances and journey times between the homes of persons of sixth form age in Leicester and relevant institutions at which education or training suitable to their needs is provided;
- (5) the cost of transport to the relevant institutions and of any alternative means of facilitating the attendance of persons receiving education or training at them;
- (6) the guidance issued by the Secretary of State.

Further guidance on certain of these matters is set out in paragraph 9 of the Secretary of State's guidance.

It is also necessary to consider the fact that, in considering whether or not it is necessary to make arrangements in relation to a particular young person or persons, the Council must have regard (amongst other things) to: (a) the nature of the route (or alternative routes) which the young person could reasonably be expected to take; and (b) any wish of the young person to attend a particular relevant institution on grounds of his or her religion or belief.

The Council is required to put into effect the arrangements specified in its transport policy statement for persons of sixth form age under s 509AA.

The Secretary of State's guidance explains that the overall intention of the duties in relation to young people is to ensure that persons of sixth form age are able to access the education and training of their choice and, if support for access is requested, it will be assessed and provided where necessary.

#### 11.4 Adults

In relation to adults, under ss 508F and 508G of the Act, the Council has a duty to make such arrangements for the provision of transport and otherwise as it considers necessary for the purposes of:

- (1) facilitating the attendance of adults (including young adults with EHCPs) receiving education at institutions which are maintained or assisted by the Council and which provide further or higher education, or at institutions in the further education sector; and
- (2) facilitating the attendance of young adults with EHCPs receiving education or training at institutions outside the further and higher education sector in cases in which the Council has secured the relevant education or training and the provision of boarding accommodation.

Any transport provided pursuant to such arrangements must be provided free of charge.

In considering what arrangements it is necessary to make for young adults with EHCPs, the Assistant City Mayor must have regard (amongst other things) to what the Council is required to do under s 15ZA in relation to such young adults. It is also necessary to have regard to the fact that, in considering whether or not it is necessary to make arrangements in relation to a particular adult, the Council must have regard (amongst other things) to the nature of the route (or alternative routes) which the person could reasonably be expected to take.

In addition, the Council has a discretionary power to pay all or part of the reasonable travelling expenses of a young adult who receives education at a relevant institution but for whom no transport arrangements are made. The Council has a duty to prepare and publish for each academic year a transport policy statement which specifies the transport or other arrangements which will be made, and the travelling expenses which be paid, in relation to that year.

In this context, the key question that the Assistant City Mayor should consider is, in essence, what provision for transport for young adults it is necessary or appropriate to make.

When deciding on what arrangements should be made, and on the contents of a transport policy statement, the Assistant City Mayor must have regard to the guidance issued by the Secretary of State. The guidance explains that the overall intention of the duties in relation to adults is to ensure that those with the most severe disabilities with no other means of transportation are able to undertake

further education and training after their 19th birthday, in order to help them move towards more independent living.

#### 11.5 Safeguarding and Promoting the Welfare of Children/Promotion of Education and Training

The functions referred to above should be exercised with a view to safeguarding and promoting the welfare of children (see s 175 of the Education Act 2002).

Also, the functions referred to above should be exercised so as to promote the effective participation in education and training of persons in Leicester aged 16 to 18 with a view to ensuring that they participate in appropriate full-time education or training (see s 10 of the Education and Skills Act 2008)

#### 11.6 Public Sector Equality Duty

In accordance with our public sector equality duty (section 149 of the Equality Act 2010), the Assistant City Mayor must, when taking her decision, “have due regard” to the following statutory objectives:

- (1) the need to eliminate unlawful discrimination, harassment and victimisation;
- (2) the need to advance equality of opportunity between those who share a relevant protected characteristic and those who do not;
- (3) the need to foster good relations between those who share a relevant protected characteristic and those who do not.

The relevant protected characteristics age, disability, gender reassignment, pregnancy/maternity, race, religion or belief, sex and sexual orientation.

The Assistant City Mayor should carefully consider the Equality Impact Assessment when reaching her decision (attached at Appendix 3). In particular, she should take into account, and attach particular weight to, the equalities implications of the proposals and the likely impact on any groups of persons who share protected characteristics which would be affected. She should consider whether any action should be taken to eliminate or mitigate any negative impact.

#### 11.7 Other

The report sets out the proposed changes to the relevant local policies and details the arrangements that the council consider are necessary to facilitate the attendance of young people and relevant young adults in education and training post the age of 16. In particular, the decision maker should have regard to the specific matters set out above.

The statutory guidance requires the local authority to consult widely on any proposed changes with all interested parties. Consultations should last for at least 28 working days during term time. In compliance with these requirements, the proposed policies have been subject to the consultation exercise set out in the body of this report.

The results of the consultation should be analysed, prior to any final decision being made, to ensure that any decision making is lawful, follows a fair process and is reasonable.

The Post-16 Transport Policy Statement is required to be published on or before 31 May for the following academic year.

A party may seek to challenge a decision by way of an application for judicial review, where there is scope to challenge the reasonableness and fairness of, or the process followed in reaching, a decision in accordance with the judicial review principles. Other authorities have seen their new policies subjected to judicial review. There is no way of guaranteeing that this will not occur, but legal advice has been provided throughout the process

Signed: Julia Slipper, Principal Lawyer (Education & Employment); Tel ext 6855

Dated: 28 April 2025

## 12. Equalities implications

As discussed in the legal implications above, the Council is subject to the Public Sector Equality Duty (PSED). The Assistant City Mayor should carefully consider the equality impact assessment when reaching her decision (attached at Appendix 3). In particular, she should take into account, and attach particular weight to, the equalities implications of the proposals and the likely impact on any groups of persons who share protected characteristics which would be affected. She should consider whether any action should be taken to eliminate or mitigate any negative impact. This section summarises the implications of the recommendations for equalities.

The new policies concern changes to transport support for students with SEND, aged 16-25. Thus, they inevitably have a disproportionate impact on persons who share the protected characteristic of age, given their impact on young people. They also impact the parents and carers of young people who are likely to be in broadly the same age bracket (working age adults). As caring responsibilities are more likely to be assumed by women, there is a potential disproportionate impact on persons who share the protected characteristic of sex.

Many of those who would otherwise be entitled to travel support will be disabled, so persons who share this protected characteristic are likely to be significantly affected.

Disproportionate impacts on any other characteristic will depend on the extent to which those with that characteristic are likely to have conditions which give rise to entitlement under the current policy. The only one we have identified is race, where (if all age SEND is a predictor of entitlement to transport for the 16-19 age group) there would be a disproportionate negative impact on the white British group.

The impact of the original proposals has been mitigated by changes to the policy, which will allow more students to qualify for support, or for higher levels of support. These measures are focussed on need: more specifically they are aimed chiefly at those who cannot realistically learn to travel independently, and cannot afford to make alternate transport provision. Thus, there will be a direct benefit to individuals, mitigating the adverse impact which would otherwise have been suffered by those with the protected characteristics of age and disability (and potentially the adverse impacts on other groups identified).

There are other avenues of support to students who lose support, and there is to be an increase in the Council's programme of travel training. There will also be an appeals process.

More detail is provided in the full equality impact assessment at Appendix Three, which includes an action plan. This includes improving our data to help monitor the impact of the new policy.

Signed: Sukhi Biring, Equalities Officer

Dated: 23 April 2025

## 13. Climate Emergency implications

There are substantial carbon emissions (and air pollution emissions) generated by home to school transport overall in the city and in broad terms the 'carbon intensity' (the quantity of carbon emissions per student-mile) for different modes of transport will go up according to the following hierarchy:

Walking and cycling (non e-bike)	Zero emissions
E-bike	Very low emissions

Public bus	Moderate emissions due to multiple passengers per bus (and reducing, on average, as electric buses introduced)
School bus	Moderate emissions (Likely higher than public bus as most school-organised services use older, more polluting vehicles.)
Minibus	Somewhat higher emissions – due to fewer passengers per vehicle and, where applicable, door-to-door service. Electric minibuses not yet widely available/affordable.
Taxi/private hire or private family car	Likely to be highest emissions.  However, emissions lower if the vehicle is a smaller model a hybrid or fully electric. Also lower if the journey is shared.

Currently, SEND transport provision contributes to the council's carbon footprint through:

- emissions from fleet vehicles i.e. the buses referred to in the report. Emissions from these are estimated to be in the region of 200-250t per year, and
- emissions from taxi journeys arranged and funded by the Council, for which it hasn't been possible to reliably estimate the carbon emissions, due to mileage and vehicle data not being available.

The carbon emissions impact of the proposal presented in the report will depend on any alternative travel arrangements put in place by affected families. The proposal would lead to a reduction in the council's own carbon footprint, due to journeys shifting from council-arranged travel, which is counted as part of the council footprint, to privately organised travel.

In terms of the impact on the city-wide carbon footprint, which includes council services and all other activity in the city, the changes are unlikely to have a significant impact assuming that journeys continue to be made either by taxi/private hire or private family car.

Signed: Duncan Bell, Change Manager (Climate Emergency). Ext. 37 2249

Dated: 22 April 2025

#### 14. Background information and other papers:

None, excepted where referenced elsewhere in the report.

#### 15. Summary of appendices:

Appendix 1 - Proposed Home to School and College Travel Policy, from 2025/2026

Appendix 2 - Proposed Post 16 Transport Policy Statement, for 2025/26

Appendix 3 - Equalities impact assessment

The statutory guidance can be found here: [Post-16 transport and travel support to education and training](#)

#### 16. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)? No

**17. Is this a “key decision”? If so, why?**

Yes. Due to all wards being affected and the size of the budgetary implications.