



Cabinet Report

Purpose: For Decision

ISLE OF WIGHT COUNCIL

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| Date | 9 MAY 2024 |
| Title | PROPOSED CHANGES TO SCHOOL TRANSPORT POLICY FOR COMPULSORY AGE PUPILS |
| Report of | CABINET MEMBER FOR CHILDREN'S SERVICES, EDUCATION, AND CORPORATE FUNCTIONS |

Executive Summary

1. The purpose of this report is to update the Cabinet on the outcome of the public consultation on changes to the School Transport Policy for children and young people, including those with special educational needs and to seek approval for changes to be made to the Council's School Transport Policy.
2. A public consultation took place for 5 weeks between 29th January and 13th March 2024 with all stakeholders to seek their views on proposed changes to school transport policy. The purpose of the proposed changes to the policy is to enable the Council to provide flexible transport arrangements that can respond to children's changing needs, increase parental contributions to discretionary, non-statutory transport provision and updating the policy to reflect the updated Department for Education [Travel to school for children of compulsory school age \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) statutory guidance.
3. All changes would be reflected within the revised School Transport Policy as of September 2024 and enable the Council to continue to meet its statutory requirements.

Recommendation

Option 1 – approve all recommendations

Recommendation 1 – To update the policy (Appendix 1, paragraph 6.14) to reflect the following proposal: For Personal Transport Budgets (PTB) to be available to families where a child's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market.

Recommendation 2 - To update the policy (Appendix 1, paragraph 5.12) to reflect the following proposal: To allow for development and delivery of an Independent

Travel Training Service for children and young people with Special Education Needs & Disabilities (SEND) who may be capable of travelling independently to their place of education.

Recommendation 3 - To update the policy (Appendix 1, paragraph 9.1) to reflect the following proposal: The regular review of the provision of Passenger Assistants.

Recommendation 4 (Part 1) – To update the policy to reflect the following proposal: increase the level of parental contribution for Spare Seats on transport, with inflation-linked increases applied in future years.

Recommendation 4 (Part 2) - To update the policy to reflect the following proposal: introduce a parental contribution for exceptions to policy, with inflation-linked increases applied in future years

Recommendation 5: - To update the policy to reflect the following proposal: The rewording and updating of the Policy to ensure it reflects the latest Department for Education statutory guidance (Travel to School for Children of compulsory school age), issued June 2023¹, is relevant to the service and is easy to understand.

Recommendation 6 - To update the policy to reflect the following proposal: to remove discretionary transport entitlement for Year 10 and Year 11 students who move out of area and wish to remain at their current school.

Background

4. The Council provides transport assistance for approximately 1,614 eligible children to attend school. This statutory service is largely provided to Isle of Wight children attending their nearest suitable school but living over two or three miles (depending on age) from school, as well as specialist school transport for children with Special Education Needs, a disability or mobility problems. Transport assistance is provided where children meet national eligibility criteria.
5. Expenditure on school transport has increased by £400,000 from £3.9 million in 2021/ 22 to over £4.3 million in 2022/23. In addition, School Transport is forecast to reach £4.4 million by the end of the 2023/24 financial year. There are several factors that have contributed to these increasing costs.
6. Nationally, the number of Education Health & Care Plans (EHCP) for children with SEND has increased by 9% from January 2022 and has increased each year since 2010². Locally, the number of EHCP's has increased over the national average by 11.5% since 2022. The rise in EHCPs typically leads to a rise in demand for transport. This is resulting in higher demand for transport overall, and at times, a requirement for more complex travel arrangements.
7. There is a higher demand for specialist school places on the Island and require more specialist travel arrangements to ensure the needs of children are met.

¹ Department for Education statutory School Transport Statutory guidance was further updated in January 2024. Proposals within the report are compliant with the updated guidance.

² EHCP statistics <http://explore-education-statistics.service.gov.uk/find-statistics/education-health-and-care-plans>

8. External market factors affecting the transport market have meant that costs have risen for operators, and the costs are being passed on to the Council. The costs for the main Southern Vectis and small vehicle contracts have risen by 6.7% in line with the Consumer Price Index (CPI).
9. The Isle of Wight Council School Transport policy has remained unchanged since 2015. The purpose of the proposed changes to the Policy, outlined in recommendation 5, is to enable the Council to provide flexible transport arrangements that can respond to children’s changing needs, demand and external market pressures as well as updating the Policy to reflect the updated Department for Education travel to school for children of compulsory school age statutory guidance.

Corporate Priorities and Strategic Context

10. The recommendations in this report directly link to the Corporate Plan 2021-25 priority which is to work with local communities to maintain and ensure appropriate local school transport provision for eligible students.

Responding to climate change and enhancing the biosphere

11. School transport being planned and organised in the most efficient and cost-effective way, utilising route planning software technology which form part of business-as-usual activity. The emphasis is placed on shared transport solutions that minimises carbon emissions and impact on the environment.



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12. Any impact on emissions is expected to be marginal; the proposal policy changes are not increasing the number of contracted vehicles. As part of this report, the School Transport service is seeking approval to begin development of Independent Travel Training. The future delivery of Independent Travel Training would be designed to prepare children and young people with SEND for more independent travel as they prepare for adulthood. This may result in a higher proportion of children and young people with SEND using public transport or shared transport in the future, potentially reducing the number of vehicles used for School Transport journeys. This supports the Council’s Climate and Environment Strategy.

³ Climate and Sustainable Development Impact Assessment Tool

Economic Recovery and Reducing Poverty

13. As set out within the corporate plan this report demonstrates the Council's commitment to work with local communities to maintain and ensure the School Transport policy continues to meet its statutory requirements providing the best possible outcomes for children on the Island.

Impact on Young People and Future Generations

14. The recommendation continues to support eligible parents and families to benefit from statutory School Transport assistance.

Corporate Aims

15. As set out within the corporate plan this report demonstrates the Isle of Wight Council's commitment to work with local communities to maintain and ensure School Transport policy and provision continues to meet pupils needs on the Island and deliver it's statutory duties.

Current Policy and recommended changes

16. **Recommendation 1 – To update the policy to reflect the following proposal: For Personal Transport Budgets (PTB) to be available to families where a child's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market.**
17. For the large majority of eligible children, traditional ways of providing transport assistance are successful at making their journey to school safe without undue stress or difficulty. However, in some situations more flexibility is needed.
18. Sometimes there are situations where a child's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market. For example, a child may require an adapted vehicle that is not available locally, or require skilled support tailored to their individual needs. In those cases, the Council would like the ability to offer parents a PTB to enable them to make suitable travel arrangements for transport and/or passenger assistant support.
19. The current Policy includes a range of options to assist eligible children to travel to school. Parents can currently choose to accept a Parental Mileage Allowance to cover costs with approximately 100 eligible IoW children currently travelling this way.
20. Introducing a PTB would offer flexible options for families to make suitable travel arrangements tailored to a child's individual needs.
21. A PTB may be explored at the request of a parent, schools or where the Council thinks it could be suitable. The parent would not be obliged to accept a PTB and the arrangement would only be put in place where it is agreed between the Council and the parent as the best means of supporting them.

22. The PTB would be paid directly to the parent to enable them to make suitable travel arrangements for transport and/or passenger assistant support. The PTB would replace the children's existing travel arrangement.
23. For the majority of service users there would be no change in their transport provision. For a small number of children with needs best met by an alternative arrangement the School Transport service will investigate to see whether a Personal Transport Budget would allow for their needs to be met more effectively.
24. If the proposal is agreed, it is anticipated that Personal Transport Budgets would be offered in circumstances where that is the most appropriate option.
25. **Recommendation 2 - To update the policy to reflect the following proposal: To allow for development and delivery of an Independent Travel Training Service for children and young people with SEND who may be capable of travelling independently to their place of education**
26. It is proposed that the Isle of Wight Council provide Independent Travel Training for a small number of suitable children who may benefit from it to help them to prepare for approaching adulthood. It's estimated that between 6 to 15 children of the current cohorts (Year 9 – 11) may be suitable for Independent Travel Training.
27. At present, eligible children with SEND are transported to educational settings by transport arranged by the Isle of Wight Council. The service does not currently offer support or training to prepare children for more independent travel.
28. For many children learning to travel independently is an important part of preparing for adulthood and will help them lead fulfilling adult lives.
29. Independent Travel training may be offered to eligible children with parents' consent.
30. The Council understands that some children may never reach a level of independence that allows them to travel without assistance. Others may do so if suitable training is put in place.
31. Readiness to complete Independent Travel Training would be determined by a discussion between the Council, the school and parents.
32. Following completion of Independent Travel Training, the travel arrangements for some children may be reviewed, taking into consideration their greater independence.
33. The completion of Independent Travel Training might not always result in the child being able to travel more independently and so once the training is complete, their needs would be assessed to consider what travel arrangement will be suitable for them.
34. The DfE statutory guidance for travel to school for children of compulsory school age recognises that for many children, learning to travel independently is an important part of preparing for adulthood and will help them lead fulfilling adult lives. Independent Travel Training is a service provided within the Policy of many other local authorities including Lincolnshire, Devon, Essex, Kent,

Buckinghamshire, Hampshire and Slough. The proposal is to align the Isle of Wight Council with DfE guidance and other local authorities.

35. If approved for implementation of this proposal, the Council would further explore approaches to Independent Travel Training provision and plan how best to provide it. This would include consulting with parent representative bodies, exploring and learning how other local authorities have done so. From September 2024, the Council would then start considering appropriate children and young people for this service and would engage with schools and parents about the involvement of the child in the service.
36. **Recommendation 3 - To update the policy to reflect the following proposal: The regular review of the provision of Passenger Assistants.**
37. A Passenger Assistant (PA) is assigned to support eligible children on school transport provided by the Council's School Transport Service to and from school. Their role is to enable children to travel safely and arrive at school ready and able to learn. For example, children with Learning Difficulties can become anxious during their journey to school delaying their engagement in learning at the start of the day. A Passenger Assistant could be assigned to provide support, so these children arrive at school in a calm state of mind and ready to benefit fully from their school time.
38. The Council commission approximately 32 Passenger Assistants (PA) to support SEND children on school transport across the Island, who are assigned based on the needs of the children. On occasion a PA is assigned based on the combined needs of children in a vehicle as opposed just to the needs of one child.
39. At present, once a PA is assigned to support a child, this arrangement is not reviewed on a regular basis to take into account any changes in the child's needs or circumstances.
40. The Council understands that some children will always need the support of a PA on their journey to and from school. Where this is the case, there will be no intention to trigger a regular review of a PA.
41. Children's needs in relation to support on school transport may change over time. Some may become more independent; for others, their needs may increase.
42. In order to ensure the right level of support is provided for children, there will be times where a review of the provision of a PA should be conducted to ensure the travel arrangement is safe and suitable for the child's current situation.
43. It is proposed that the School Transport Policy is amended to allow for the regular review of the requirement for a Passenger Assistant. The review would take into account information received and in consultation with all relevant parties and would take place at such a time as decided by the local authority, based on the child's needs.
44. If approved, from September 2024, the Council would start to review the provision of PAs.

45. Parents, schools or passenger assistants themselves would be able to trigger a review if they have information that demonstrates that a child currently without a PA needs support, or a child currently with a PA allocated can travel without this support.
46. By allowing for a regular review of passenger assistants, the Council would be able to optimise the PA commissioned resource, and support children as their needs change.
47. **Recommendation 4 - To update the policy to reflect the following proposal: increase the level of parental contribution for Spare Seats on transport and introduce a charge for exceptions to policy, with inflation-linked increases applied in future years.**

Part 1 - Spare Seats

48. Currently the School Transport Policy outlines the level of contribution that will be applied to spare capacity seats (previously referred to as privilege seats) where a spare place on a contract vehicle may be offered to a child who is not entitled to transport assistance and other discretionary arrangements. The current Policy does not allow for contributions to be uplifted each year.
49. Transport costs have risen significantly above inflation over the last year and the IoW Council has absorbed this cost pressure. The proposed increase in discretionary charges would allow to bridge the gap between partial and full cost recovery.
50. It is proposed that contributions would be further uplifted in line with CPI each year.
51. If this proposal is approved, following consultation, an increase from £390 to a 50% full cost recovery against a Network Pass, which is £570⁴ of actual costs per academic year would be applied. This would increase by CPI each year and be applied to the contribution for spare capacity seats and discretionary arrangements. This would be applied in September 2025 in line with the CPI rate for March 2025, and then annually each September, based on the CPI rate in March of that calendar year.
52. These charges would only apply to a small number of children (approximately 56) who receive discretionary transport arrangements and would not affect children that are entitled to free transport assistance.

Part 2 - Exceptions to Policy

53. The Council currently offer, on occasion, school transport assistance when there is no statutory duty to do so. There are currently 14 children who have been granted transport as an exception to policy. Based on this cohort of children, indicative expenditure for the 2023-24 academic year is £21.5K.

⁴ The costs have been benchmarked with 13 other Local Authorities. The proposed charges are the lowest costs in the comparisons. A failure to approve the increased charges would impact transformation savings.

54. The council proposes to introduce a banded parental contribution to any exceptions to policy based on mileage from their home address to the school. In addition, we propose that the parental contributions would be uplifted by CPI rate as at March of the previous academic year. Below are the proposed charges and banding:

| Distance to travel | Example annual charge |
|-------------------------|-----------------------|
| Up to 5 miles | £640 |
| 5.01 miles to 7.5 miles | £887 |
| 7.51 miles to 10 miles | £1,242 |
| Over 10 miles | £1,419 |

55. Families on a low income that receive certain benefits would not be required to pay the contribution. Families with a low income, but not in receipt of certain benefits, where imposing the contribution would reduce their income to around £16,90; or those with discretionary circumstances, would be able to apply for a discretionary waiver or reduction in contribution.
56. If the proposal is approved, any new applications received from September 2024 that are granted as an exception to policy would be subject to the banded charges detailed in this proposal. Any existing arrangements will remain unchanged and will run until the end of the agreed arrangement.
57. **Recommendation 5: - To update the policy to reflect the following proposal: The rewording and updating of the Policy to ensure it reflects the latest Department for Education statutory guidance (Travel to School for Children of compulsory school age), is relevant to the service and is easy to understand.**
58. Any changes to the School Transport Policy are required by law to be subject to a public consultation.
59. The school transport policy has not been updated since 2015. In June 2023, the Department for Education updated the statutory guidance for Travel to school for children of compulsory school age. The current Isle of Wight School Transport Policy requires updating to bring it into line with this latest statutory guidance. In addition, some of the wording and language has been revised to ensure that it is clear and easier to understand.
60. In line with the most recent DfE guidance, the following sections are proposed to be updated and/or included in the Policy:
- Parental preference for children with Education, Health and Care Plans.
 - Children with medical needs.
 - Accompaniment of children.

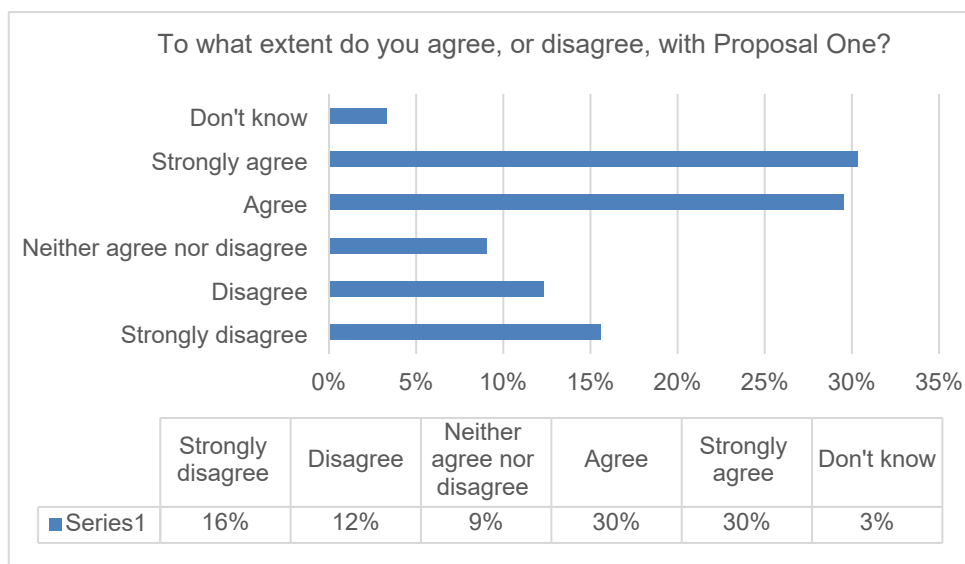
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| Parental Preference for children with Education, Health and Care Plans | The Policy would provide detailed information on how eligibility assessments are carried out when a placement named in Section I is parental choice rather than the nearest available location, and the additional flexibility that this may provide parents in relation to school transport arrangements. |
| Children with Medical Needs | The Policy would provide additional detail around the responsibilities that a PA can have in supporting medical needs, and the limitations to this. This would help parents to be better informed of these responsibilities. |
| Accompaniment | The Policy would provide clearer and more transparent guidance for parents on how eligibility assessments are made for compulsory school age children and young people with SEND living within walking distance. |

61. The inclusion of new areas within the Policy may mean that parents decide to make different choices about the service, based on an improved understanding of how decisions are made and the options that are available in these areas:
62. It is proposed that a number of updates are made throughout the Policy document to provide clarity in wording and language, ensure the Policy is relevant to the current School Transport Service, and to reflect the most recent DfE guidance.
63. Examples of the proposed changes are given below:
- Guidance relating to the Appeals Process to be made clearer to parents (Stage 1 & 2).
 - The Definition of Home Address (where children & young people) are subject to split time with parents (50/50).
 - Replacement of references to 'Home to School Transport' with 'School Transport' where mentioned.
 - Detailed entitlement when the nearest school is full and has no places and impact on transport eligibility.
 - Clarify unsafe walking routes entitlement and how it will be assessed.
 - Clarification on how accompaniment of a child will be factored into eligibility decision making for SEN children and unsafe walking routes.
 - Statutory journey time to feature in policy.
 - Clarification of compulsory school age and transport eligibility.
 - Contract management - option to change mode of transport if not financially viable for LA (i.e. change from taxi to PTB if attending school on part time basis).
 - The Policy currently states unacceptable behaviour will be determined by the transport operator and passenger assistant. An addition has been made to the list to include the school and the Isle of Wight Council will determine what is unacceptable behaviour and link with the School Transport Code of Conduct.

64. **Recommendation 6 - To update the policy to reflect the following proposal: to remove discretionary transport entitlement for Year 10 and Year 11 students who move out of area and wish to remain at their current school.**
65. The Council proposes to remove this discretionary entitlement from the School Transport Policy as there is no legal requirement to provide transport for these students.
66. Families who elect to move out of their nearest school area and relocate to another area which exceeds the statutory walking distances for their age, would currently qualify for free transport if they remain at their current school. *For example, a child may live 1.5 miles from the nearest suitable school which they attend, the family moves home which is 6 miles from the school they attend. There is a closer school to their new address, but they remain at their previous school to mitigate disruption of their GCSE progress.* The student would currently qualify for school transport assistance.
67. If proposals are approved, any new applications received from September 2024 will be assessed on statutory criteria in line with DfE guidance. Any existing arrangements already in place for Year 10 and 11 students will remain unchanged and will run until the end of their agreed eligibility date.

Consultation and Engagement

68. A public consultation took place between 29 January - 13 March 2024 and received 122 responses.
69. External consultation took place with the following stakeholders:
- Families with children and young people (via schools).
 - Families with children and young people who have special educational needs and disabilities (SEND) (via schools and Parent Voice).
 - Other residents (Council website – iow.gov.uk).
 - Young people (via schools, colleges and training providers).
 - Isle of Wight Member of Parliament.
 - Local Media (County Press, Island Echo, Council Facebook).
 - School and Post 16 education providers, including Alternative Provision settings and Education Centres .
 - Parent Voice (SEN Forum).
 - Childcare and early years providers.
 - Special Education Needs & Disability Information Advice & Support Service.
 - Parish, Town and Community Council Councillors.
 - Transport Operators (Southern Vectis and taxi operators).
70. All comments received as part of the consultation have been read, analysed and provided to the School Transport Service. A summary of the consultation questions and responses can be found in Appendix 2.
71. **60% of respondents either strongly agreed or agreed with the proposal for Personal Transport Budgets (PTB) to be available to families where a child's needs or circumstances mean that suitable transport is difficult to find, or not available at all, in the local operator market (Recommendation 1).**



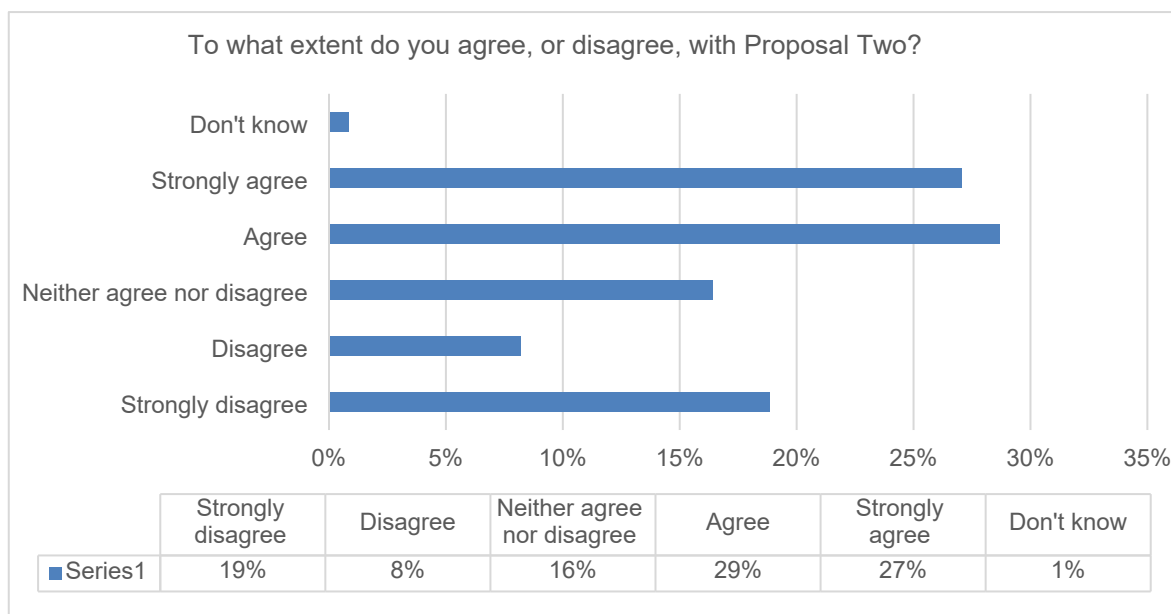
72. When asked about the reasons for their answers, respondents commented on the flexibility for parents to organise transport for those children who cannot travel by Council arranged transport.

73. Other respondents were concerned that if the council is unable to source transport, then how would the parent be able to. They stated that it should be only offered where necessary, not to replace services and a transparent calculation should be used. Some respondents were concerned that offering PTB's would shift the responsibility onto the parent, increase stress on parents with SEND children and may encourage home schooling.

74. **Mitigations:**

- PTBs would be introduced as an option for parents who are eligible for transport assistance. The parent would not be obliged to accept a PTB, and the arrangement would only be put in place where it is agreed between the Council and the parent as the best means of providing transport arrangements.
- The Council would explore a PTB at the request of a parent, school or where the Council thinks it could be suitable. A PTB may be suitable for families who already have an adapted vehicle for their SEND child and is able to transport them to school.
- The service is developing a PTB offer to parents which incorporates the existing option to offer a parental mileage allowance (PMA). Many local authorities already use PTB's and have well established processes. The service would network with our colleagues in other authorities to design an offer that will be suitable for the Council and Island families. In addition to this, the service would work with our colleagues in Children's Social Care regarding processes already in place for payments to reach families who are already receipt of a personal budget for care packages.

75. **56% of respondents either strongly agreed or agreed with the proposal to allow for development and delivery of an Independent Travel Training Service for children and young people with SEND who may be capable of travelling independently to their place of education (Recommendation 2).**



76. When asked about the reasons for their answers, respondents commented on the independence this proposal could offer some children and young people as they prepare for adulthood as a positive.

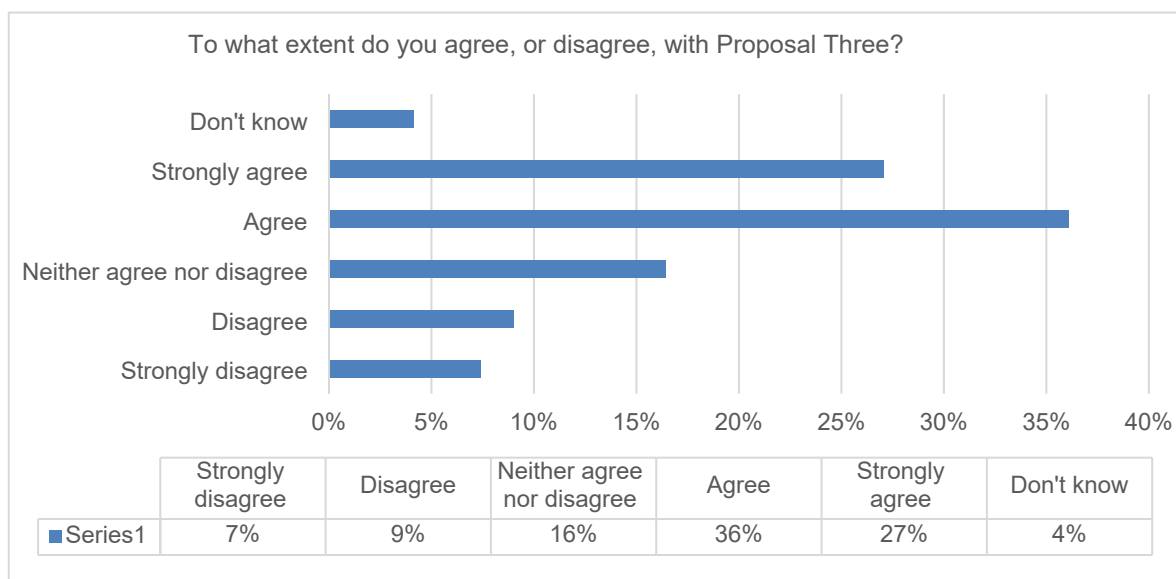
77. Other respondents highlighted concerns that travel training will be forced on families and wouldn't be suitable for all children as children's complex needs can fluctuate. They also noted that the scheme may have safeguarding implications and had concerns of who would be responsible if something should go wrong. Some feedback also stated that they feel travel training should be parent's responsibility.

78. **Mitigations:**

- The Independent Travel Training offer would be jointly developed by the Council and parent representatives. This will include development of the assessment criteria that a 'pass' or 'completion' of the training can be measured and evidenced.
- DfE guidance, updated in June 2023, states that local authorities should offer independent travel training to children with special educational needs or disabilities who are eligible for free travel to school and who they think will be able to complete the programme.
- It is understood that some children or young people may never reach a level of independence to allow them to travel safely without assistance and in this case, Independent Travel Training would not be recommended for these individuals.
- Readiness to complete independent travel training would be determined by a discussion between the Council, school and parents.
- Parental consent would be required before optional independent travel training is offered to a child or young person. There is no requirement for any child or young person to undertake the training.
- Any travel arrangements would remain until after the child or young person has successfully completed the training programme. The local authority would not withdraw transport assistance from an eligible child who does not successfully complete the travel training programme.

- The Council recognises that a child or young person’s ability to travel independently may not be constant and may change regularly. This will be considered when offering or assessing the outcome of any training. DfE guidance states that “some children may need to participate in travel training again if their circumstances change, for example if they move school”, and this will also be taken into account.
- The completion of independent travel training may not always result in a child or young person being able to travel more independently or changes to transport arrangements. Each child’s or young person’s needs will be assessed on completion of the training and transport will still be offered if this is appropriate to their needs.

79. **63% of respondents either strongly agreed or agreed with the proposal to regularly review the provision of Passenger Assistants (Recommendation 3).**



80. When asked about the reasons for their answers, respondents commented that they were in favour of regular reviews of passenger assistant (PA) provision, as children’s needs change so it should always be under review as it could benefit the child and save money. Respondents also stated that it promotes a level of independence when appropriate.

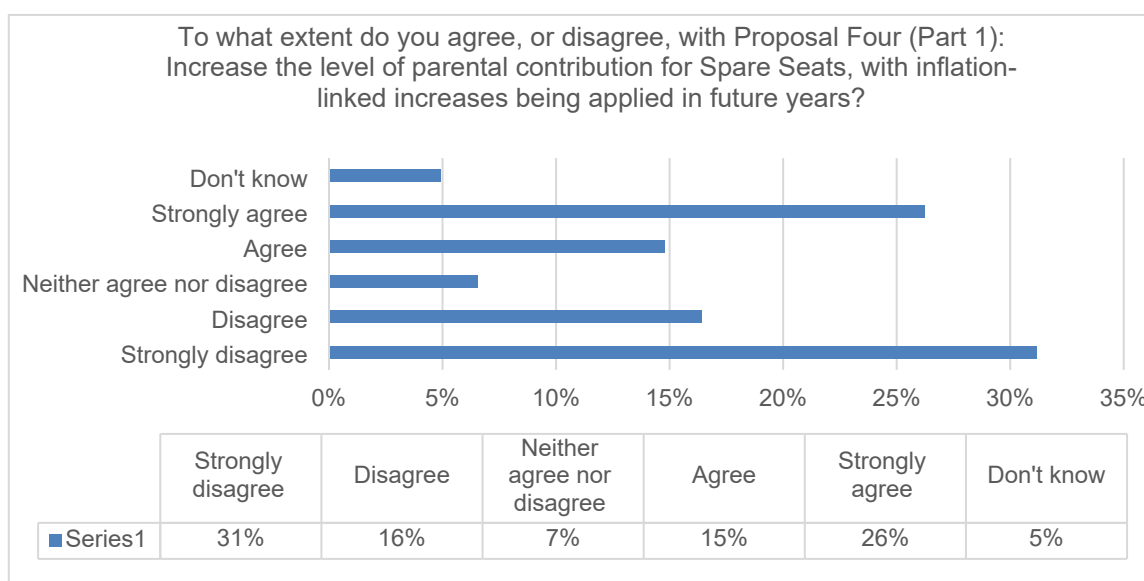
81. Other respondents felt that the proposal could result in the removal of a PA when it is felt by the parent that it is needed, and that there could be an impact on the driver if a PA was removed from the route. Respondents stated that they do not think reviews should be an excuse to make savings and families should be listened to when making a decision.

82. **Mitigation:**

- The Council understands that some children will always need the support of a Passenger Assistant on their journey to and from school. Regular reviews will not be triggered where this is the case.
- Reviews of Passenger Assistants would take into account any changes in a child’s needs or circumstances, whilst also ensuring that travel arrangements are safe and suitable.

- Where a Passenger Assistant is assigned based on the combined needs of children in a vehicle, this will be considered when reviewing arrangements for individual children in conjunction with the Special Education Needs & Disability team.
- The intention of this proposal is to ensure Passenger Assistants are allocated where they are needed, and reviews may result in the addition of a Passenger Assistant in some circumstances.

83. **41% of respondents either strongly agree or agree to increase the level of parental contribution for Spare Seats from September 2024, with inflation-linked increases (Consumer Price Index (CPI) also being applied in future years (Recommendation 4 – Part 1).**



84. When asked about the reasons for their answers, some respondents agreed that the cost should increase by CPI and should not fall to the taxpayer to fund transport. In addition, respondents felt that discretionary transport provision should be charged to families at total cost.

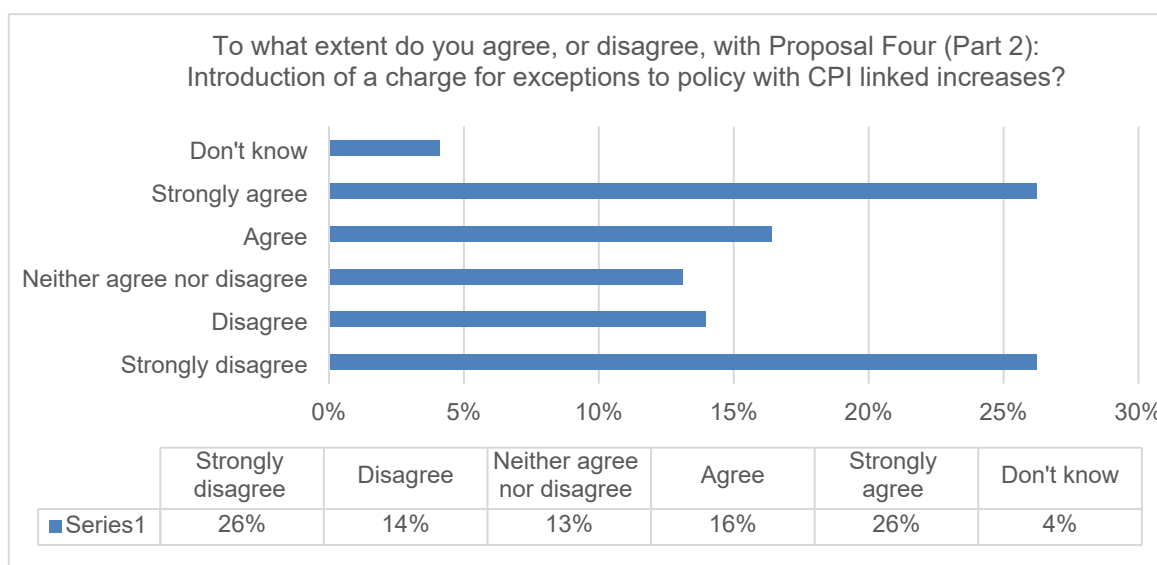
85. Other respondents were concerned about the affordability and cost of living, and that the increases were too high. Some respondents felt that access to education (including transport) should be free as it is compulsory, and others felt that contributions should be means tested. Respondents also commented that if children were able to access a place at a closer school, then they wouldn't require a spare seat.

86. **Mitigations:**

- As this is a discretionary service for families who are not entitled to transport assistance in line with DfE guidance, the council is allowed to charge families for this service. The council subsidises the cost of them accessing a contracted school bus and this increase would still mean that the council is still subsidising the cost on behalf of these parents.
- Low-income families have additional entitlements and may fall under the extended rights eligibility (paragraph 4.10 of Appendix 1) criteria in line with DfE guidance. Currently there are 185 students entitled under this criteria.

- There are currently 3 three low-income families purchasing spare seats, as such there is no proposal for a waiver on charges. A majority of low-income families are eligible for school transport where the criteria is met.
- Families who apply for their nearest school through School Admissions but were unsuccessful in gaining a place due to the school being full in their year group, will be entitled to transport to the next nearest school providing they meet the distance criteria as set out in the DfE guidance.
- If a family has chosen to send their child to another school that is not their nearest school, there is no statutory duty for the council to provide free transport however the council offers discretionary transport by way of a spare seat scheme.
- Contracted school bus services are convenient for families who are not ordinarily eligible as it provides a service direct to the school. The government initiative of £2 a journey on public transport would cost £760 for families based on 190 days (an academic year) therefore our increased cost is still competitive and would provide a more direct route for children to travel.
- When benchmarked against other local authorities, others do not provide reductions for families on a low income.

87. **43% of respondents either strongly agree or agree with the proposal to introduce a parental contribution for exceptions to policy, with inflation-linked increases (Consumer Price Index (CPI) also being applied in future years (Recommendation 4 – Part 2).**



88. When asked about the reasons for their answers, respondents felt the reasons that the council provide transport where they are not obliged to do so were unclear and if deemed valid then families should contribute to the service. Some respondents felt that as it is not a statutory duty to provide assistance and questioned why the Council should cover the expenditure.
89. Other respondents were concerned that the proposed banding would add financial stress to families who are already struggling with the cost of living. Others commented that they did not think that the banding approach is fair.

90. **Mitigation:**

- As this is a discretionary service for families who are not entitled to transport assistance in line with DfE guidance, the council is allowed to charge families for this service. The council subsidises the cost of them accessing contracted transport and an introduction of a parental contribution would still mean that the council is subsidising on behalf of these parents.
- Local authorities have a discretionary power to provide travel to school from children resident in their area who are not eligible children. DfE guidance states that a charge may be made for this service.
- Exceptions to policy allows the service to use it's discretionary power to assess transport applications on a case by case basis, where necessary.
- DfE guidance states that it is an expectation that local authorities will act reasonably in the performance of their functions. They should not have a blanket policy of never providing discretionary travel and should be prepared to consider cases where the parent says there are reasons why their child needs.
- Families on a low income that receive certain benefits would not be required to pay the contribution. Families with a low income, but not in receipt of certain benefits, where imposing the contribution would reduce their income to around £16,190; or those with discretionary circumstances, would be able to apply for a discretionary waiver or reduction in contribution. This falls in line with DfE guidance which states 'local authorities may wish to consider waiving or reducing charges for children from low-income families but are not required to do so'.

91. Respondents were informed that the Council was proposing to reword and update the Policy to ensure it reflects the latest Department for Education statutory guidance, is relevant to the service and is easy to understand (Recommendation 5).

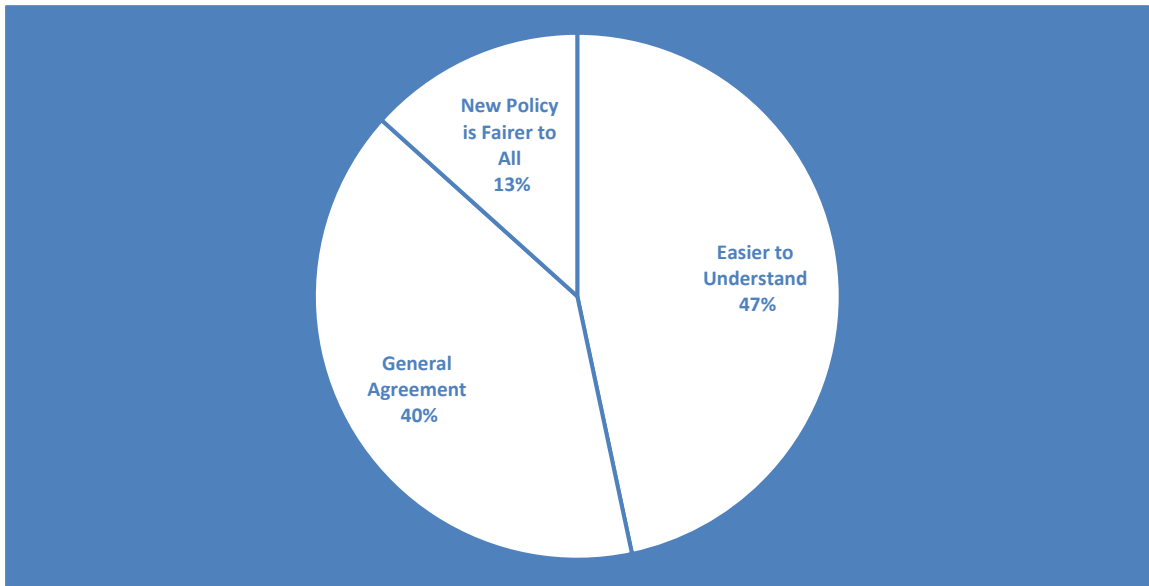
92. Respondents were asked to provide any feedback that they had on the changes to the Policy. Respondents were generally positive about making the wording of the Policy clearer and simpler. There were, however, negative comments or concerns, most of which related to the clarity of the Policy, and the impact the Policy has on children with SEND and their families.

93. 34 comments were provided in response to Recommendation 5 and have been tagged as 'positive', 'negative', or 'other'. Comments often include multiple topics and therefore may fall under more than one category (for example, a mix of positive and negative comments):

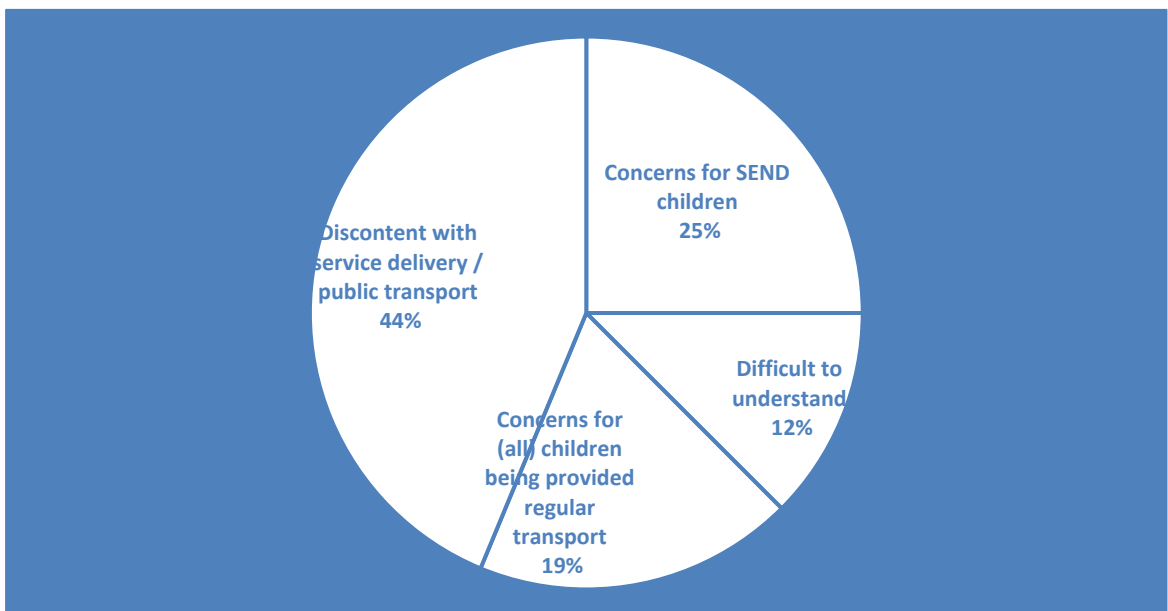
| | |
|---|----|
| Positive comments, or support for the proposed changes | 16 |
| Negative comments, or concerns about the proposed changes | 9 |
| Other comments, neutral view, considerations or suggestions | 9 |

94. The below charts show the common themes identified from the responses to Recommendation 5:

Positive/Support
(based on 16 comments)

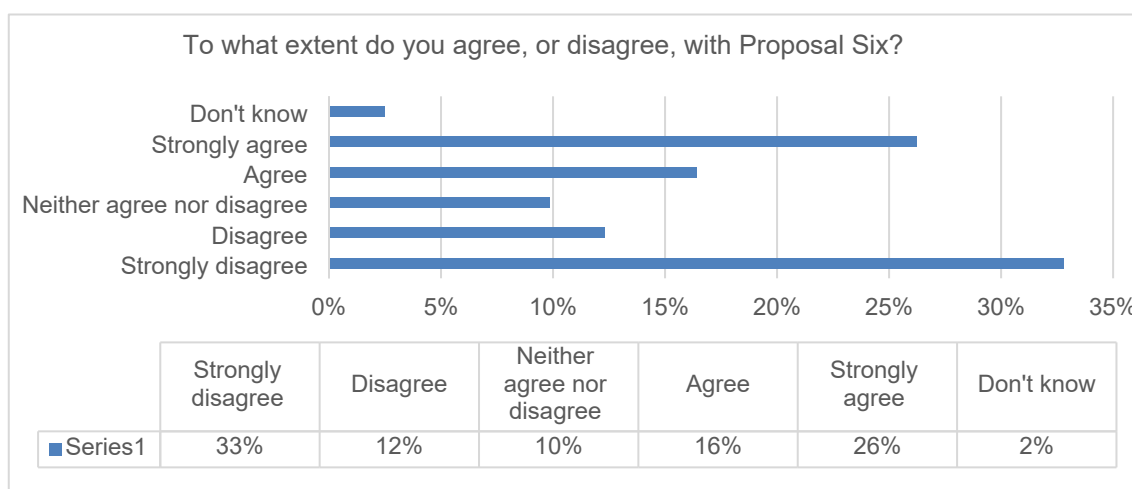


Negative/Oppose
(based on 9 comments)



95. The majority of the 16 positive comments referred to respondents' agreement with the proposal, the fact that clearer guidance would be beneficial, and that it was right to align the Policy with DfE statutory guidance.
96. The majority of the 9 negative comments or concerns received related to SEND travel provision and that they should have priority, the service should be provided by the Council and not expensive taxi operators.

97. **43% of respondents either strongly agreed or agree to the proposal to remove entitlement for Year 10 and 11 students who move out of the area and wish to remain at their current school (Recommendation 6).**



98. When asked about the reasons for their answers, respondents felt that parents should factor in transport costs when deciding to move and that moving out of the school area is a parental choice. Other respondents felt that this should be removed in line with DfE guidance.
99. Some respondents felt that eligibility should be considered on a case-by-case basis and may impact on those families who are moving address for reasons beyond their control, for example homeless families, families who are fleeing domestic situations and families impacted by the cost of living. Respondents also felt that removing this entitlement for these students would be disruptive to their GCSE progress and this cohort should be supported as much as possible.
100. A respondent noted that there are lack of school places in Year 10 and Year 11 across the island, and often schools refuse to accept children in these year groups if the GCSE options do not match. They do not think it is fair that families should have to pay if this is the case and may have a detrimental impact on their learning and the outcome of their GCSE results, if they are forced to move schools following a house move.
101. **Mitigation:**
- The Policy has a discretionary entitlement for children who are deemed homeless by the Council therefore we would continue to provide free transport these families if they meet criteria.
 - The Policy does not have a blanket decision to not provide discretionary transport for this cohort of students and if families feel that their circumstances should be considered as an exception to policy, they can apply under this criterion. However, as this is a discretionary element of the Policy this may incur a charge in line with DfE guidance, if agreed under Recommendation four.
 - Families who move out of area and apply for their new nearest school through School Admissions but are refused due to lack of places would ordinarily be entitled to transport to their next nearest school, providing they

meet the distance criteria. To qualify, families must have applied for their nearest schools.

Scrutiny Committee

102. School Transport activity and costs were considered at the Policy and Scrutiny Committee for Children's Services, Education and Skills on 7th September 2023. Consideration was given to the report which outlined the trends in school transport activity and the plans underway to manage associated costs. The committee were asked to support the savings proposals, and to seek support from the Government in recognising the increasing number of children with special educational needs (and the additional funding required for those transport costs). The chairman agreed to write to the Minister in seeking support from the Government to delegate responsibility for setting school transport policies to local authorities.

Financial / Budget Implications

103. School transport spend was just over £4.3 million for the 2022/23 financial year, with expenditure rising by 10% from £3.9 million in the previous financial year. School Transport expenditure is forecast to be £4.4 million at 2023/24 year end, with a budget gap of £400,000.
104. The School Transport service is under substantial budget pressure. The rise in the number of children with Special Educational Needs and Disabilities (SEND) requiring transport coupled with a shortage of specialist place provision on the Island is a major factor impacting budget.
105. **Recommendation 1** features in the School Transport Transformation savings plan with a targeted saving of £40,000. Personal Transport Budgets are used in many other local authorities and have been proven to deliver a saving compared to contracted transport.
106. **Recommendation 2** does not form part of the Council's savings plan. Funding from the Department for Transport will be explored further to fund this service. The Council currently receives Active Travel Grant, with £75,000 to be expected for the 2024/25 financial year.
107. **Recommendation 3** does not form part of the Council's savings plan.
108. **Recommendation 4 (Part 1)** features in the School Transport Transformation savings plan. The current cohort of students (55 students) who purchase a spare seat on a school bus cost the council around £62,700. Parents currently contribute £21,450 towards to cost of this by paying £390 an academic year. If the proposal is approved, parental contribution will rise to £570 an academic year, resulting in parents contributing £31,350.

109. **Recommendation 4 (Part 2).** There are 25 children who are currently entitled to transport under an exception to policy and costs the council just under £61K an academic year. From September 2024 only 8 of these children will continue to receive transport as an exception at the cost of £22K. Any new applications granted as an exception to policy will be subject to the banded charges from September 2024, if approved. Based on the average banding cost of £1,047 and the current cohort of 25 children receiving transport as an exception, income received could be just over £26K.
110. **Recommendation 5** does not form part of the Council's savings plan as wording is being updated to align with DfE guidance.
111. **Recommendation 6** does not form part of the Council's savings plan. There are currently 15 students who receive transport under this discretionary criteria, which currently costs the Council £19.5K each academic year. If approved, from September 2024 only 4 students will continue to be entitled and will cost the authority £5,278. There are no transformational savings attached to recommendation 6 as those students who are in receipt of transport under this criteria of the current policy will continue to receive it free until the end of their agreed entitlement date.
112. It is estimated that the savings that could be generated from Recommendation 1 and Recommendation 4 (Part 1) from implementation in September 2024 could be £71,500 initially. However there will be further savings generated from the other recommendations and changing of the policy, as the demand for transport is likely to decrease as eligibility under discretionary criteria will not exist or will be chargeable.

Legal Implications

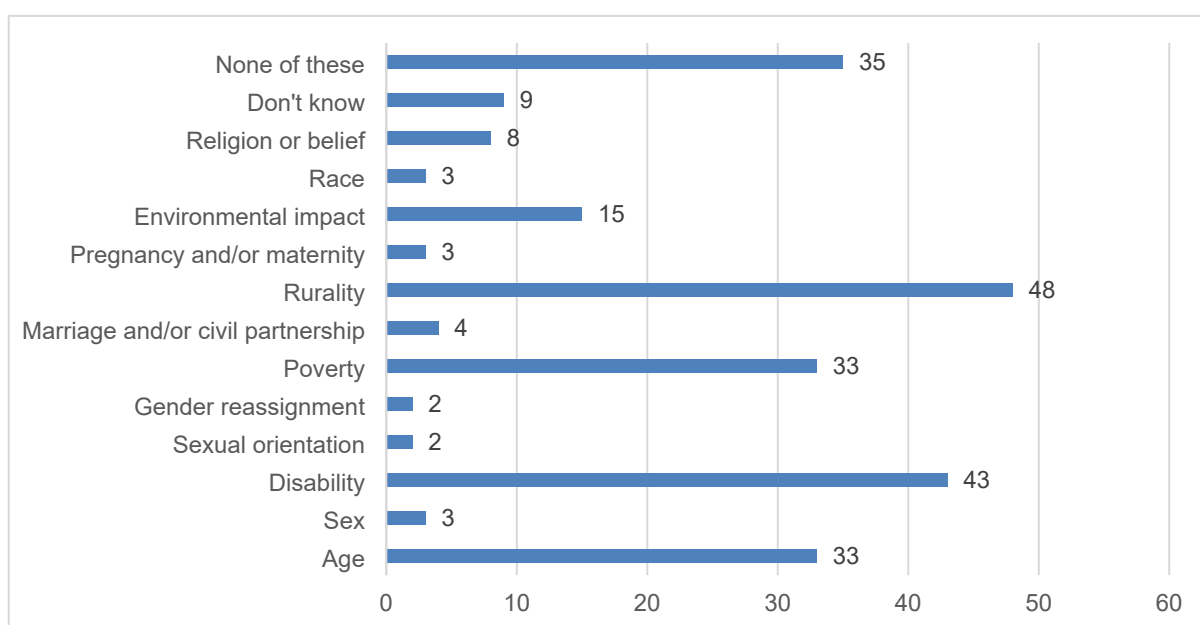
113. It is the responsibility of the local authority under the Education Act 1996 to provide school transport, free of charge, for children of compulsory school age in certain circumstances as prescribed by the legislation.
114. Statutory guidance states that local authorities should consult on proposed changes to Policy. Consultations should run for at least 28 days during term time. The consultation was conducted between 29th January 2024 – 13th March 2024 to meet these requirements.

Equality and Diversity

115. Participants of the consultation were asked to 'describe what, if any, impact the Policy for School Transport provision may have on you, people you know, or your organisation, group or business'. Many of the impacts raised referred to the proposed changes. The key themes included:
- Impact on education.
 - Impact on safety.
 - Impact on children with SEND/additional needs.
 - Impact of Primary school place planning consultation.
 - Financial impact on families.
 - Impact on parents with children at different/multiple schools.

- Difficulties for working parents.
- Environmental impact/more cars on road.
- Comments on the importance/benefits of the school transport services.
- Comments on the impact of rural.
- Criticism of the current school transport experience/policy.
- Criticism for island public bus services.
- Suggestions for improvement.
- Comment on the respondents reliance on school transport.

116. Participants of the consultation who described the impacts of the Policy were then asked if the impact they had mentioned “relate to any of the following characteristics or issues. Based upon the 122 respondents who answered this question, the following groups were selected:



117. An Equalities Impact Assessment (Appendix 3) has been produced which also highlights that there is potential impact for the forementioned characteristics of age, disability, poverty and rurality in the event the recommended changes to the Policy are approved: Impacts and mitigations are described within the assessment, and include:

118. **Age:** As the school transport service is provided for eligible children and young people of school age (eligibility as set out in the Policy), it is recognised that they and their families/carers would be affected by the recommendations with regards to age as a protected characteristic. The age-related nature of the service is required by law.

119. **Disability:** The introduction of PTBs will affect a higher proportion of children with SEND than mainstream children, providing them with more flexible transport arrangements. Independent Travel Training will be offered to children with SEND, enabling greater independence for some children. Both PTBs and Independent Travel Training offer additional options for parents. Passenger Assistants are more likely to be provided for children with SEN. In addition, SEN children receiving discretionary travel may need to travel further than mainstream children and could

be in the higher distance category for parental contributions. However, the proportion of children with SEND expected to receive discretionary transport arrangements is low. The additional section added to the Policy around Parental Preference draws attention to an existing option available to parents of children with SEN which they may be in a position to consider.

120. **Poverty:** The introduction in contribution rate for discretionary transport would particularly impact families on a lower income. This has been considered by the Council and the contribution rate would be waived for low-income families who are requesting an exception to policy. Spare seats on school transport, also a discretionary service, would have a low impact on this group as it is likely that they will be entitled under the core eligibility criteria in the main Policy.
121. **Rurality:** Families living in rural areas often face a longer journey to their nearest suitable school, and public transport may be a more restricted offer. However, this longer distance means that they are more likely to qualify for statutory transport assistance. As journeys from rural areas will tend to be longer, the cost of providing discretionary transport for children from rural areas are greater on average. Therefore, due to the longer distances, rural families with discretionary arrangements will be more likely to be in a higher distance band, with a higher contribution. These charges will be waived for families on low incomes or in exceptional circumstances.

Property Implications

122. There are no property implications as a result of the proposed recommendations within this report.

Options

123. Option 1 – approve all recommendations. This option would align our School Transport Policy with DfE national guidance and other local authorities. The service will deliver its statutory duties set out by the DfE but would also allow the Council to move forward new initiatives to improve the service and deliver transformational savings across the service. **This is the recommended option.**
124. Option 2 – Recommendations 2 and 5 only to be approved. This option would align our School Transport Policy with DfE national guidance and other local authorities. The service will deliver its statutory duties set out by the DfE but will not be able to take the service further in delivering efficiencies and benefits. Modern initiatives like PTB's will not be explored and may result in higher costing transport being arranged. The Council will still continue to fully fund exceptions to policy and will continue to heavily subsidise spare seats on school transport purchased by families, increasing the pressure on the School Transport overspend.
125. Option 3 – all recommendation rejected. This option would result in the Council not being compliant with DfE guidance and not meeting transformational savings creating additional budget pressures across the Council.

Risk Management

126. The proposed changes relating to aligning Isle of Wight School Transport Policy with DfE statutory guidance for local authorities ensures the policy is statutorily compliant and up to date.
127. Recommendations one and four do feature in the School Transport service transformation programme and may deliver savings if approved. If not approved, it will be difficult to achieve these savings. In addition, the School Transport service expenditure may continue to rise as demand rises. To mitigate this, the service would need to explore further workstreams to continue with the transformation work required to control future spend.

Evaluation

128. The Council has considered the view expressed through the public consultation. The decision has to be a carefully balanced consideration of all factors, including the responses to the consultation, the viability of the service and the importance of the Council operating within its budget. The Council continues to provide all statutory School Transport services and will not, as a result of the proposed changes, remove transport from existing eligible children unless their circumstances change.

Appendices Attached

129. **Appendix 1** – Draft School Transport Policy
130. **Appendix 2** – Summary of Feedback from Consultation
131. **Appendix 3** – Equality Impact Assessment

Background Papers

132. [Department for Education Travel to school for children of compulsory school age \(statutory guidance for local authorities\)](#)

Contact Point: Ashley Jefferies, Service Manager of Access and Resources,

☎ 821000, e-mail Ashley.Jefferies@iow.gov.uk

ASHLEY WHITTAKER
Director of Children's Services

COUNCILLOR JONATHAN BACON
*Cabinet Member for Children's Services,
Education and Corporate Functions*