

# Birmingham City Council

## Report to Cabinet

19 March 2024



**Subject:** REVISION OF 0-25 TRAVEL ASSISTANCE POLICY

**Report of:** Sue Harrison, Strategic Director Children and Families

**Relevant Cabinet Member:** Councillor Karen McCarthy, Children, Young People and Families

**Relevant O &S Chair(s):** Councillor Kerry Jenkins, Education, Children and Young People

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 012564/2024		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

### 1 Executive Summary

- 1.1 This report provides details of a revision to the 2019 Travel Assistance Policy, to come into effect for the start of the 2024/25 academic year in September 2024.

- 1.2 This revision to the Policy is necessary to ensure service sustainability, in particular through changes to decisions on discretionary spend. The reason for proposing these changes is the Council's current financial position. Due to Birmingham City Council's failure to deliver a balanced budget, the Council was only able to set a lawful budget for the 24/25 financial year with significant external support from central government and a programme of savings to be delivered this year will go part way to bridging the financial gap in this and subsequent years. It must be noted that if adopted and changes made to Post-16 (Sixth Form age) and Pre-schooler provision, BCC will continue to spend above average nationally until further savings streams within the travel service have been addressed, including reviewing compulsory School age discretionary spend.

## **2 Recommendations**

- 2.1 That Cabinet approves:
- 2.1.1 The adoption of the revised 0-25 Travel Assistance Policy, noting the changes made to support for young people aged 16-18 (sixth form age).
- 2.1.2 the implementation of the revised Travel Assistance Policy from September 2024.

## **3 Background**

- 3.1 The Children and Young People's Travel Service provides a variety of transport options to over 5,000 children and young people on a daily basis, with an additional 2,388 receiving bus passes, and has an overall budget of £38.14m for 2024/25. This is a reduction from the budget of £57.06m for 2023/24.
- 3.2 The majority of the children using the service have requirements related to special educational needs and disabilities (SEND), but the service also supports eligible children without SEND, including looked after children; children in temporary accommodation and other vulnerable groups.
- 3.3 The Children and Young People's Travel Service operates more than 1,300 routes and has a range of support options including taxi/minibus/coach transport; Passenger Assistants; Personal Transport Budgets; Bus Passes and Independent Travel Training (ITT). The service operates at an extremely high level of service delivery in terms of timeliness and routes in place for eligible students.
- 3.4 There is a statutory duty on local authorities to support eligible students of compulsory school age with transport support that meets their individual needs. Travel support for young people of sixth form age is provided at the discretion of the local authority.
- 3.5 Due to Birmingham City Council's failure to deliver a balanced budget, the Council was only able to set a lawful budget for the 24/25 financial year with significant external support from central government and a programme of savings to be delivered this year will go part way to bridging the financial gap in this and

subsequent years. This proposal forms a significant element of the reductions in expenditure approved at the 24/25 budget meeting.

- 3.6 Until January 2023 the number of young people being trained to travel independently had been relatively small for a city the size of Birmingham. An Independent Travel Training Pilot Project was launched in January 2023 with immediate success. The key to the success of the ITT offer was the engagement and support of schools to help identify and support students who could successfully complete the Travel Training programme.
- 3.7 In July 2023, Cabinet approved the development of a permanent Independent Travel Training programme.
- 3.8 The costs for Home to School Transport have continued to rise, nationally and within the city, resulting in a considerable over-spend against budget. In Birmingham, there has been a considerable rise in demand in the service as the number of students with Educational Health and Care Plans has also substantially increased in recent years.
- 3.9 On a national level, local authorities have struggled to meet the rising demand for transport services. With the transport market failing to meet this demand, local authorities have seen transport contract prices rise substantially and, in some cases, have not been able to provide their statutory obligations. This has led to widespread review of existing services and changes to non-statutory offer to protect and support their statutory services.
- 3.10 Benchmarking work recently carried out by an external improvement partner identified that Birmingham City Council's per capita spend on children and young people's transport is significantly above the national average. This is unusual in a large urban environment which is well served by public transport, such as Birmingham. However, transformation work has started to address these challenges.
- 3.11 The current offer of support for 16-18 aged sixth form students is a subsidised provision that provides all levels of transport support that are offered to students of compulsory age, including taxis/minibuses, bus/train passes and personal transport budgets.
- 3.12 The travel assistance policy requires a parental contribution to be made for support for this age group of £780 per academic year or £390 if the young person is from a low-income family. This contribution is a subsidy towards a provision with an average cost of over £18,000 per academic year per student.
- 3.13 The current 0-25 Travel Assistance Policy was approved by Cabinet in May 2019 following a period of consultation with stakeholders between February and April of that year. This Policy has been in place since September 2019.
- 3.14 The revised Travel Assistance Policy appended to this report is unchanged in relation to the support provided to children of compulsory school age and adults aged 19+.

3.15 In relation to young people of sixth form age (16-18), the revised Policy:

- 3.15.1 continues to enable the most vulnerable young people of sixth form to receive support.
- 3.15.2 removes the offer of taxi/minibus support for this cohort.
- 3.15.3 increases the parental contribution from £780 to £1,028 per academic year.
- 3.15.4 does not change the annual charge of £390 payable by low-income families.
- 3.15.5 does not offer support for the first three miles of a young person's journey as per eligibility requirements.
- 3.15.6 retains preparation for adulthood as a core priority for the Council.

#### **4 Options considered and Recommended Proposal**

- 4.1 Option 1 – Retain the current Travel Assistance Policy. This will not allow the service to become sustainable, cost-effective and meet the savings required by the service. Officers would be required to promote and gain approval to an equivalent saving which can be delivered in-year.
- 4.2 Recommended Proposal; Option 2 – Adopt the revised Travel Assistance Policy.
- 4.3 Other options were considered in order to achieve the savings required, however none of these were practicable and have not progressed to the consultation stage .

#### **5 Consultation**

- 5.1 The Home to School Statutory Guidance 2023 (DfE) states that any revisions to local authorities' transport policies must be subject to a consultation and publication of any revised policy must be completed by the May of the preceding academic year for parents to prepare for any changes starting in September.
- 5.2 Consultation on the revised Policy commenced on Wednesday 7<sup>th</sup> February 2024 for six weeks, ending Friday 22<sup>nd</sup> March 2024. During this period several online engagement sessions were arranged to deliver a presentation explaining the changes to the Policy. Different sessions were held for Schools and Families.
- 5.3 The consultation was extended from 15<sup>th</sup> March to a revised end date of 22<sup>nd</sup> March 2024 due to challenge and feedback from the Parent Carer Forum.
- 5.4 Additional Webinar and in-person presentation sessions were delivered during the extension period to ensure further geographical areas of the City had opportunity to attend an in-person session and further time given to give feedback through the BeHeard Portal.
- 5.5 An online feedback form was developed with different sets of questions for the different main stakeholders, including students, families of service users, families of non-service user students, Schools, Transport Operators and Other interested parties.

- 5.6 In-person information sessions were held at various times and locations across the City to ensure all stakeholders had an opportunity to attend and give feedback. (Appendix 3).
- 5.7 A total of 7 in-person sessions were held with 95 attendees, including 77 Parent/Carers, 3 students and 15 School staff.
- 5.8 Upon close of the consultation period 488 responses had been received through the BeHeard Portal. (Appendix 4)
- 5.9 Feedback will help to identify groups that may be particularly impacted by the Policy changes.
- 5.10 The proposed Policy document would not need to be revised as a result of groups or individuals who may be particularly impacted by the revised Policy as the Council would retain its powers of discretion and can be flexible in the use of the Policy to offer support in addition to the “usual offer”.
- 5.11 Whilst some groups may be impacted more greatly by the proposed policy changes, decisions to use the Council's discretionary powers would be made on a case by case basis as will be dependent on each students' or family's unique circumstances.
- 5.12 Following feedback from the consultation agreement to change wording on low-income applicants to include “Universal Credit” to qualifying terms.
- 5.13 The Equalities Impact Assessment reviewed with consideration of feedback from consultation.

## **6 Risk Management**

- 6.1 The decision to adopt a new policy carries with it the risk of legal challenge from an interested party.
- 6.2 In 2020 a ruling was made (Drexler v Leicestershire CC) because of a substantial reduction in their post-16 offer, in which Leicestershire were successful. The ruling made it clear that 16 – 18 transport offered is at the discretion of local authorities.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 . Due to Birmingham City Council's failure to deliver a balanced budget, the Council was only able to set a lawful budget for the 24/25 financial year with significant external support from central government and a programme of savings to be delivered this year will go part way to bridging the financial gap in this and subsequent years. This proposal forms a significant element of the reductions in expenditure approved at the 24/25 budget meeting.
- 7.1.2 A savings plan for the 24/25 and 25/26 financial years has been proposed by officers and agreed by the commissioning team appointed by central government

- 7.1.3 Changes to the Travel Assistance Policy are a requirement to achieve a key saving target for the Council.

## **7.2 Legal Implications**

- 7.2.1 The Council has a duty under Section 508A of the Education Act 1996 to promote sustainable modes of travel.
- 7.2.2 The Council also has a duty under Section 508B of the Education Act 1996 to make suitable home to school travel arrangements for eligible children.
- 7.2.3 The Council has the power under section 509A of the Education Act 1996 to make travel arrangements for children receiving early years' education otherwise than at school.
- 7.2.4 The Education Act 1996 requires local authorities to adopt and give effect to a transport policy statement dealing with young people of sixth-form age (section 509AA) specifying the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age at their place of education or training.
- 7.2.5 The Council has a duty under section 508F of the 1996 Act to make such arrangements for the provision of transport and otherwise as the authority consider necessary for facilitating the attendance of adults at their place of further or higher education, and the Council must prepare and publish a transport policy statement dealing with young adults aged 19 and over for whom an Education, Health and Care Plan is maintained (Section 508G).
- 7.2.6 The Education Act 1996 does not expressly require the preparation of a transport policy for children of compulsory school age. However, the statutory guidance says "local authorities must publish general arrangements and policies in respect of home to school transport for children of compulsory school age. This information should be clear, easy to understand and provide full information on the travel and transport arrangements. It should explain both statutory transport provision, and that provided on a discretionary basis. It should also set out clearly how parents can hold local authorities to account through their appeals processes".
- 7.2.7 The Council is under a duty to have regard to statutory guidance issued by the Department for Education when carrying out its duties in relation to home to school travel and transport, including when making and consulting on policy changes.
- 7.2.8 The Council has a legal duty to publish the policies related to travel assistance to education provision, before 31 May each year.

## **7.3 Financial Implications**

- 7.3.1 The policy change will result in a reduction of General Fund spend of £7.066 million in 2024/25.

- 7.3.2 Failure to agree to adoption of revised Policy would result in failure to meet the Directorate's responsibility to enable Birmingham City Council to set a balanced budget for 2024/25.

#### **7.4 Procurement Implications (if required)**

- 7.4.1 There are no implications arising from this report, as the revised Policy will operate within the existing framework.

#### **7.5 Human Resources Implications (if required)**

- 7.5.1 There are no HR implications that impact the existing team structure in the service as a result of the proposals. The applications received will still need to be checked and processed by the team. However it should be noted that as there will be an increase in Personal Transport Budget, this will likely impact the team as they will be required to process these ready for payment. Notwithstanding, it is envisaged this additional work can be managed within the existing resourcing in the Travel Applications, Eligibility & Review Team.

#### **7.6 Public Sector Equality Duty**

- 7.6.1 The Corporate Board has considered an EIA prepared by the service area and included at appendix 5. The EIA indicated that students with Special Educational Needs, particularly those with an EHCP are likely to be adversely affected by the proposed policy change. This is because students with SEND typically needing to travel further distances to attend their nearest suitable provision. As a result of the proposed changes attendance may be impacted, which is further supported by feedback from the consultation. It is not possible to entirely mitigate the impact of this saving for all young people. The wider Children and Families directorate will be monitoring educational attendance for impacted groups. The Council will retain its power of discretion to offer greater support to families and students it deems necessary. Families will have the right to appeal, and cases would be considered on an individual basis.

#### **7.7 Environmental and Sustainability Implications**

- 7.7.1 The proposed changes to the Travel Assistance Policy actively encourage and promote the use of sustainable travel including the variety of public transport available in the city.

### **8 Appendices**

- 8.1 **Appendix 1** - Travel Assistance Policy 2024
- 8.2 **Appendix 2** - Presentation shared as part of consultation on the revised policy.
- 8.3 **Appendix 3** - Overview of consultation on revised policy undertaken in February and March 2024.
- 8.4 **Appendix 4** - Results and summary of consultation.

- 8.5 **Appendix 5** – Equality Impact Assessment
- 8.6 **Appendix 6** – Comparison of Post-16 transport of other Local Authorities
- 8.7 **Appendix 7** – Comparison of Spend Post-16 transport with other Local Authorities
- 8.8 **Appendix 8** – Comparison of Post- 16 Parental Contributions

## **9 Background Documents**

- 9.1 None