

# Agenda



## Cabinet Member for Education & Skills

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Date: Wednesday, 11 July 2018

Time: Not Required

Venue: Not Required

To: Councillor G Giles

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### Item

### Wards Affected

1 Post-16 Home to School Transport Costs (Pages 3 - 16)

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# Report

## Cabinet Member for Education and Skills

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### Part 1

Date: 11 July 2018

**Subject** Post-16 Home to School Transport Costs

**Purpose** To confirm the charging mechanism for Post-16 Home to School Transport Costs and concessionary transport for the 2018/19 academic year

**Author** Education Business Manager

**Ward** All

**Summary** A decision by a previous Cabinet Member for Education & Young People in June 2013 approved implementation of an amended charging mechanism for Post-16 Transport Costs on contracted services on a phased approach which would achieve full removal of the existing subsidy by September 2017.

This decision was implemented in September 2014 when the parental contribution in respect of this provision was increased from £45 per annum to £347 per annum in line with the same costs charged to students using the local bus network. Further increases were due in September 2015, September 2016 and September 2017 to achieve full removal of the subsidy.

However in June 2015, a decision was made to suspend the proposed September 2015 increase and instead amend the sharing mechanism to align the additional top-up fee with the cost of a season ticket on the local bus network, setting the fee at £370 per academic year.

In 2016 the same decision was made to suspend the planned increase for September 2016, maintaining the current level of charges. This would not reduce the subsidy but maintain the current position. The costs charged to all students using contracted services would remain equal. This decision was also agreed for 2017.

**Proposal** To suspend the further price increase planned for September 2018 and therefore maintain the current level of charges.

**Action by** Chief Education Officer with the Head of Streetscene

**Timetable** Implementation from September 2018

This report was prepared after consultation with:

- Chief Executive
- Strategic Director - People
- Strategic Director - Places
- Chief Education Officer
- Head of Streetscene

- Head of Law and Regulation
- Head of People and Business Change
- Head of Finance

**Signed**

## **Background**

The provision of Post-16 Home to School Transport is not a statutory responsibility, and Local Authorities have discretion to consider whether or not to make such provision and the value. This Council's current discretionary policy provides an annual travel grant of £150 to those students who meet the eligibility criteria for this assistance. Parental contributions are required to meet the remainder of the annual travel costs.

A report in June 2015 approved amending the charging mechanism for Post-16 Home to School Transport costs so that all students were required to make the same financial contribution, regardless of whether they were using the local bus network or a contracted vehicle. As a result, the parental contribution for September 2015 was set at £370 per eligible child to correspond with the top-up fee charged by Newport Transport for an annual season ticket. A similar report in June 2016 and again in June 2017 agreed to maintain these costs for the 16/17 and 17/18 academic year.

This superseded a previous decision taken in June 2013 to increase the fee to £400 from September 2015, and make further increases to £500 and £600 in September 2016 and September 2017 respectively.

Following the 2015 decision, the Council re-tendered local bus network school transport provision. The successful provider, NAT, levied the cost of an annual season ticket at £470 which, when offset by the discretionary travel grant, set the cost to parents at £320 per pupil. In September 2017 the provision was re-tendered back to Newport Transport.

As a result, despite the intentions of this report, the cost charged to the parents of eligible post-16 students for home to school transport has not been aligned over the past two years and is currently £320 for children using the local bus network and £370 for those on contracted provision.

As an aside, the Council is able to offer the sale of vacant seats on contracted services on a concessionary basis. These seats are offered for sale from September each year, on a first-come first-served basis, but can be withdrawn at short notice if they are subsequently required for a qualifying pupil. The cost of these concessionary seats is aligned with the full cost of post-16 travel, and currently therefore is fixed at £520 per annum.

## **September 2018**

The local bus network provider has confirmed that they have not yet taken a decision on whether to increase the cost of an annual season ticket in September 2018. It seems unlikely however that any increase would be set at more than £50 per pupil, and therefore the parents of these pupils will be asked for a smaller contribution than those using contracted provision.

Notwithstanding this however, the actual cost of travelling on contracted provision is more than the cost of a season ticket. Currently, there are four secondary schools served by the local bus network – Bassaleg School, Caerleon Comprehensive School, St Joseph's RC High School and Ysgol Gyfun Gwynllyw.

The Head of Streetscene has estimated that the average cost of a seat on the contracted provision to these schools is as follows:

- Bassaleg - £600
- Caerleon - £650
- St Joseph's - £1200
- Gwynllyw - £650

These are being re-tendered for September 2018 and the daily costs of these contracts may change.

It would not be feasible to levy varying parental contributions dependent on which of these schools a child attends, and thus a standard contribution for contracted provision must be agreed. It should be

noted however than any failure to fully recover these costs will increase the Council's financial commitment to an already subsidised service.

### Financial Summary

A further reduction in the Post-16 Home to School Transport subsidy has not been included within current budgets, although an inflationary increase has been included on income lines within budgets at 4%. Maintaining the existing charges will not however accrue any further savings and therefore the current level of subsidy will remain.

### Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
The Council could be accused of failing to treat all students equitably	M	M	Even though the charges imposed on parents of students using contracted services might be slightly higher than those incurred by pupils using the local bus network, the Council is still subsidising the actual cost of provision thus reducing hardship on families	Chief Education Officer / Head of Streetscene
The Council continues to subsidise the actual costs of this discretionary service	L	H	A reduction in the subsidy level has not been built into the current budget	Chief Education Officer / Head of Finance
Complaints from parents over the cost levied for concessionary seats	L	M	There is no obligation on the Council to provide transport assistance to children who do not qualify for assistance under the terms of the agreed Home to School Transport policy	Chief Education Officer / Head of Streetscene

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

Newport City Council Post-16 Home to School Transport Policy

Newport City Council Home to School Transport

Newport City Council School Admissions Policy

Learner Travel (Wales) Measure Guidance 2009

Welsh Government Statutory School Admissions Code

Wellbeing of Future Generations Act, 2015

### Options Available

Option 1: To maintain the current parental contributions of £370 per child. This will not reduce the subsidy but will maintain the current position. Under this scenario, the costs charged to all students using contracted services remain equal.

Option 2: To reduce the parental contributions in respect of contracted services to align with those charged on the local bus network. This will no doubt be received positively by parents and pupils but will increase the Council's subsidy on this discretionary service and will likely result in a budget pressure.

Option 3: To increase the contribution to £400 per year as per the deferred recommendation from the June 2013 report. This will reduce the Council's subsidy in relation to this service but will likely be received negatively by parents and pupils. It could also increase the disparity between pupils using the local bus network and contracted provision, and in some circumstances could lead to allegations of the Council profit making from the pupils and parents.

Option 4: To implement different charging mechanisms for each of the four schools using contracted services. This would have the effect of fully removing the subsidy but would lead to confusion for officers and parents. This would be negatively received and difficult to administer.

### **Preferred Option and Why**

The preferred option is Option 1. Whilst this will result in the current level of subsidy being maintained, a reduction has not been built into the MTFP and therefore this action would not result in additional pressures on the Council budget. Any further increase to the current level of parental contributions will result in additional disparity between students using the local bus network and contracted services, and possibly profit, and thus lead to complaints and negative publicity for the Council. The fee charged to the parents of eligible post-16 students using contracted services will therefore remain at £370 for the 2017/2018 academic year, resulting in the charge for concessionary seats being set of £520 per annum.

### **Comments of the Head of Streetscene**

The Option 1 proposal is supported as it will bring continuity to the Policy when policies change at short notice it can create confusion between parents and officers and increase the amount of administration to carry out the change. As current contract costs will remain for this financial year there will be no detrimental effect on budgets. The charge is very much aligned with other authorities concessionary policies and any increase may also decrease revenue as fewer pupils will be able to afford the cost. It also shows a level of support for post 16 pupils where no statutory duty to provide any transport exists within the Welsh Government Learner travel measure.

### **Comments of Chief Financial Officer**

The proposal is to maintain the current charging mechanism for Post 16 transport as it has been since September 2017. The original increases in costs have not been built into budgets as increased income since the decision not to implement further increase in charges, and has continued to be the case while the appetite not to increase charges is maintained so as to move towards parity between the user costs of accessing both modes of transport.

As budgets have not anticipated any further increases in income, there should be no financial adverse impact to the service budgets.

The practice of a standard uplift to this budget will need to be re-assessed. Income here should change in line with the policy objectives of this charge, which currently is achieving parity with other parental contributions

### **Comments of Monitoring Officer**

The Council has no statutory duty to provide Post-16 Home to School Transport and, therefore, has a discretion to determine the extent to which this should be provided and any costs to be charged. However, as with all discretionary powers, the Council must act reasonably and consistently, having regard to all relevant considerations and, in particular, its public sector equality duty and well-being objectives and ways of working. The Council has continued to pay a standard £150 travel grant to all eligible post-16 pupils and charges are imposed for the cost of concessionary seats on contracted services. Previously, the Cabinet Member had decided to remove the Council subsidy altogether for these discretionary services and increase the charges on a phased basis. This was superseded in June 2015, when it was decided to bring the discretionary charges into line with the costs of a season ticket on the local bus services, and the same decision was taken to maintain this level of charges over the past two years. However, the re-tendering of the contracted bus service over this period has resulted in a reduction in the costs of the season tickets for the local network services, which has meant that the concessionary charges have remained higher than the equivalent season tickets during this period. The

local service provider has not made any decision yet regarding the season ticket costs as from as from September 2018, although the likelihood is that they will remain lower than the concessionary charges. There are a range of charging options available to the Council for the forthcoming academic year. The recommendation that the current top-up fees for concessionary travel should remain fixed at £370 is considered reasonable, as this maintains the current position and is consistent with the position adopted over the last two years. The EIA confirms the fairness of the proposal and the fact that there is no discrimination or breach of equalities duties. The service will continue to be subsidised by the Council and all parents continue to pay the same level of fees for concessionary seats.

### **Comments of Head of People and Business Change**

As required this proposal has considered all five aspects of the sustainable development principle of the Well-being of Future Generations (Wales) Act. In addition a Fairness and Equality Impact Assessment (FEIA) has been completed to assess the potential fairness and equality impacts that could result from this decision.

From a HR perspective there are no staffing implications as a result of this proposal.

### **Comments of Non-Executive Members**

#### Councillor D Fouweather:

I understand that the council does not have a statutory responsibility to provide Post 16 home to school transport.

However, these children are in full time education at local sixth forms and if they meet the two mile free school transport criteria then they should be allowed free home to school transport.

In 2013 a ridiculous decision was made to increase the charge to the parents of these children to from £45 parental contribution to £400 in 2015 and then subsequent increases of £500 and £600 in 2016 and 2017 . However after considerable pressure the then cabinet member changed the decision and now parents receive £150 contribution from the council but still have to find a top up fee of £370.

I welcome the fact that the cabinet member has chosen to once again not to increase fees. I believe that this is the least that she can do to help families struggling financially to get their children to school.

#### Response from Cabinet Member:

Thank you for recognising that there is no statutory requirement for Council's to provide assistance to support home to school transport arrangements for post-16 students.

However in recognition of our commitment to supporting post-16 education, and despite the financial challenges currently facing the Council, the discretionary travel grant of £150 per year for all students will be continued for the 2018/19 academic year. This will be available for any student who meets the distance criteria of living 3 miles or more from their catchment school or the nearest establishment providing their chosen course of study. This distance criteria aligns with the Council's policy for secondary school pupils of statutory school age.

The discretionary travel grant is a contribution to assist parents and carers with the actual cost of home to school or home to college transport and is the case regardless of whether the student accesses post-16 provision via a contracted vehicle or the local bus network.

### **Local issues**

### **Scrutiny Committees**

### **Equalities Impact Assessment**



## Children and Families (Wales) Measure

The proposal aims to maintain current levels of parental contributions rather than impose the increase prescribed in a report to the previous Cabinet Member for Education & Young People in June 2013. It is anticipated therefore that this will be viewed and received positively. This relates to a discretionary service rather a statutory function. There is no requirement for additional consultation perceived.

## Wellbeing of Future Generations (Wales) Act 2015

Report writers need to indicate how they have considered the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act. You will need to demonstrate you have considered the following:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs. **The provision of post 16 transport is not a statutory function but the Council maintains this discretionary award to support pupils to undertake post 16 education. Any changes to this service could have a short term effect and a long term impact on the sustainability of post 16 education across the city. Continuing to provide a partially subsidise transport function for post 16 students enables young people to gain access to appropriate education and skills to support their long term future.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **Providing partially subsidised transport to ensure students can access appropriate education and gain skills which will mean they have better life chances**
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies **A FEIA has been prepared to consider the impact on groups with protected characteristics. This proposal supports the “A more equal Wales” and “A globally responsible Wales” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”**
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives. **Collaboration is undertaken with the local bus network where possible. Where this is not possible, tenders are offered under a framework agreement to local suppliers.**
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve. **Due to this being a discretionary function to which we will be maintaining the current charge, there is no need for consultation at this time. However, a Fairness and Equalities Impact assessment has been carried out and is available to support this decision.**

## Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

## Consultation

### Background Papers

None

Dated: 11 July 2018

# Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

**Completed by:** Jodi Pontin **Role:** Education Business manager

**Head of Service:** Sarah Morgan **Date:** 27/06/2018

**I confirm that the above Head of Service has agreed the content of this assessment**

**Yes / No**

**When you complete this FEIA, it is your responsibility to submit it to [impact.assessment@newport.gov.uk](mailto:impact.assessment@newport.gov.uk)**

## **1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.**

Home to School Transport Policy. - Post 16 Transport.

A decision by a previous Cabinet Member for Education & Young People in June 2013 approved implementation of an amended charging mechanism for Post-16 Transport Costs on contracted services on a phased approach which would achieve full removal of the existing subsidy by September 2017.

This decision was implemented in September 2014 when the parental contribution in respect of this provision was increased from £45 per annum to £347 per annum in line with the same costs charged to students using the local bus network. Further increases were due in September 2015, September 2016 and September 2017 to achieve full removal of the subsidy.

However in June 2015, a decision was made to suspend the proposed September 2015 increase and instead amend the sharing mechanism to align the additional top-up fee with the cost of a season ticket on the local bus network, setting the fee at £370 per academic year.

In 2016 and again in 2017 the same decision was made to suspend the planned increase for September 2016 and 2017, maintaining the current level of charges. This would not reduce the subsidy but maintain the current position. The costs charged to all students using contracted services would remain equal.

## **2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal**

The proposed change will be subject to a formal report to the Cabinet Member for Education & Skills and thus will be taken through the Council's agreed democratic process. Once the outcome is confirmed, service users will be advised as appropriate by the Integrated Transport Unit Manager.

**3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.**





The proposal aims to maintain current levels of parental contributions rather than impose the increase prescribed in a report to the previous Cabinet Member for Education & Young People in June 2013. It is anticipated therefore that this will be viewed and received positively. This relates to a discretionary service rather a statutory function. There is no requirement for consultation perceived.


**4. Equalities and Welsh language impact**

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: <b>1. Promote equal opportunity</b> <b>2. Promote community cohesion</b> <b>3. Help eliminate unlawful discrimination/ harassment/ victimisation?</b>
	Positive	Negative	Neither	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pupils accessing post-16 studies in a school environment who are eligible for a discretionary travel grant will be required to pay the same level of parental contribution towards actual travel costs regardless of whether they use a contracted vehicle service or access the local bus network.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All pupils eligible for assistance will be treated equitably and required to pay the same level of parental contribution towards travel costs.
Gender reassignment/ transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pupils accessing post-16 studies in a school environment who are eligible for a discretionary travel grant will be required to pay the same level of parental contribution towards actual travel costs regardless of whether they use a contracted vehicle service or access the local bus network.
Religion or Belief or non-belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All pupils eligible for assistance will be treated equitably and required to pay the same level of parental contribution towards travel costs

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
<b>Sex/ Gender Identity</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pupils accessing post-16 studies in a school environment who are eligible for a discretionary travel grant will be required to pay the same level of parental contribution towards actual travel costs regardless of whether they use a contracted vehicle service or access the local bus network
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
<b>Welsh Language</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All pupils eligible for assistance will be treated equitably and required to pay the same level of parental contribution towards travel costs

**5 How has your proposal embedded and prioritised the sustainable development principle in its development?**

<b>Sustainable Development Principle</b>	<b>Does your proposal demonstrate you have met this principle? Describe how.</b>
 <p><b>Long Term</b></p> <p>Balancing short term need with long term needs</p>	<p>The provision of post 16 transport is not a statutory function but the Council maintains this discretionary award to support pupils to undertake post 16 education. Any changes to this service could have a short term effect and a long term impact on the sustainability of post 16 education across the city. Continuing to provide a partially subsidise transport function for post 16 students enables young people to gain access to appropriate education and skills to support their long term future.</p>
 <p><b>Collaboration</b></p> <p>Working together to deliver objectives</p>	<p>Collaboration is undertaken with the local bus network where possible. Where this is not possible, tenders are offered under a framework agreement to local suppliers.</p>
 <p><b>Involvement</b></p> <p>Involving those with an interest and seeking their views</p>	<p>Due to this being a discretionary function to which we will be maintaining the current charge, there is no need for consultation at this time.</p>
 <p><b>Prevention</b></p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Providing partially subsidised transport to ensure students can access appropriate education and gain skills which will mean they have better life chances</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>This proposal supports the “A more equal Wales” and “A globally responsible Wales” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”</p> <p>This proposal promotes equality by maintaining the same level of contribution across the City rather than applying an increase for some students from September 2018. There is no discrimination or breach of equalities duties</p>

**6 Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?**

There will be no disproportionate impact on a specific area. All children eligible for a travel grant will now pay the same level of parental contribution towards travel costs regardless of where they live and which school they attend.

**7 How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission**

Maintaining the current parental contributions would mean that the costs charged to all students using contracted services remain equal.

**8 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?**

Not applicable

**9 Monitoring, evaluating and reviewing**

The impact of maintaining the grant will be monitored by the Passenger Transport Team and Education.

## 10 Involvement

### **How will people be advised of the changes and of the FEIA?**

The proposed change will be subject to a formal report to the Cabinet Member for Education & Young People and thus will be taken through the Council's agreed democratic process. Once the outcome is confirmed, service users will be advised as appropriate by the Integrated Transport Unit Manager.

## 11 Summary of Impact (for inclusion in any report)

### **Equality Act 2010 AND Welsh Language**

There is no discrimination or breach of equalities duties. All communities would have an equal outcome.

Welsh language is not affected by the policy as Welsh Medium pupils will be treated in the same way as English Medium pupils.

This proposal therefore promotes equality by maintaining the same level of contribution across the City rather than applying an increase for some students from September 2018.

### **Wellbeing of Future Generations (Wales) Act 2015**

Young people entitled to transport and their families will not be affected by the decision to maintain the current parental contributions.

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