

## **Children and Young People Overview and Scrutiny Committee**

**7 August 2025**

### **The Proposed Changes to the Education Travel Assistance Policy and Post-16 Transport Policy Statement – Outcome Following Consultation**

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#### **Summary**

This report outlines the outcomes of the consultation period on the Council's proposals to make changes to the Education Travel Assistance Policy, and Post-16 Transport Policy Statement with effect from 1 September 2025 and 1 September 2026 respectively.

#### **1. Recommendation**

- 1.1. The Committee is asked to note the report and submit any comments to Cabinet on the proposed changes to the Education Travel Assistance Policy, and Post-16 Transport Policy Statement.

#### **2. Budget and policy framework**

- 2.1. All local authorities have a statutory duty to have in place arrangements for the provision of education travel assistance for children and young people (mainstream and SEND) who meet the published eligibility criteria.
- 2.2. Under Section 7 of the Education Act 1996, it is the responsibility of the parent of every child of compulsory school age, to cause their child to receive efficient full-time education either by regular attendance at school or otherwise. The duties and powers of local authorities to provide education travel assistance are covered in other sections of the Act and its amendments. The provision of travel assistance incorporates consideration for children from low-income families.
- 2.3. Sections 508B and 508C of the Education Act 1996 (as amended) sets out the local authority's duties and powers respectively, to make such suitable travel arrangements as the local authority considers necessary, to facilitate a child's attendance at school. This applies to home to school travel arrangements and vice versa. They do not relate to travel between educational institutions during the school day.

- 2.4. The Education Travel Assistance Policy is developed within a national legal framework that sets out what local authorities must do to facilitate travel to school and sets out eligibility criteria for granting that support. The proposed actions maintain the council's position of working within the national legal framework.
- 2.5. The duty placed on the Council in respect of the provision of travel assistance to post 16 students requires a transport policy statement to be prepared and published in each year, by 31 May, detailing the provision being offered to SEND Post 16 young people.

### 3. Background

- 3.1. The Education Travel Assistance Policy sets out what the council must do to facilitate travel to school and sets out the eligibility criteria for granting that support.
- 3.2. The changes proposed aim to improve customer understanding, awareness, and overall experience. Various sections, wording, and phrasing have been added or modified within the policies to clarify specific aspects or to provide information where this was previously missing. Amendments have also been made to the policies to more accurately reflect the statutory guidance from the government's Department for Education (DfE).

### 4. Options

- 4.1. There are five proposed changes to the Education Travel Assistance Policy and Post-16 Transport Policy Statement:
  1. Adopting individual Mainstream and SEND Education Travel Assistance Policies for statutory age pupils aged 5 to 16 years, with updates to the format and language used in our policies to comply with statutory guidance and improve customer understanding, awareness, and overall experience.
  2. To make it clear that it is the Council's duty to provide SEND travel assistance to the nearest suitable school that can meet the child's needs.
  3. To make it clear that SEND travel assistance will only be provided at the start and the end of the normal school day, in accordance with statutory duties.
  4. Reviewing the parent contribution towards SEND Post 16 Travel Assistance and consider proposed options where there is non-payment.
  5. Changes to the appeals process; namely, moving to senior council officers for the independent panel in stage 2 of the process for all school transport appeals.

Appendix 4 is the consultation document which provides details on each of the five proposed changes.

### 5. Advice and analysis

- 5.1. 225 responses were received to this consultation, in the form of completed surveys. Two of the submissions did not complete the questionnaire and so

are not included in the final results. The consultation survey responses are provided in full as appendix 5, but a summary of the responses is provided below:

### **Proposal 1**

When asked to what extent they agree or disagree that adopting separate individual mainstream and SEND Educational Travel Assistance Policies for statutory age pupils aged 5-16 years, will achieve the following:

- **83%** agree/strongly agree that it will make it easier to understand the different eligibility criteria between Mainstream and SEND travel assistance
- **85%** agree/strongly agree that it will make it easier to find the relevant information for Mainstream and SEND travel assistance

When asked to what extent they agree or disagree that changing the format and language within the Educational Travel Assistance Policies will achieve the following:

- **77%** agree/strongly agree that it will make the policies easier to understand
- **80%** agree/strongly agree that it will make it easier to find the relevant information within each of the policies
- **80%** agree /strongly agree that it will make it easier to follow the different stages of the application process
- **53%** of respondents would rate the proposed Education Travel Assistance Policies and Post-16 Transport Policy Statement overall as being good/very good in terms of being easy to read and understand – **38%** rate it as neither good nor poor

### **Proposal 2**

The existing policy already states that the council will only provide travel assistance where the child is attending the nearest suitable school to the home address.

- **52%** of respondents agree/strongly agree that the proposed SEND policy makes it clearer that travel assistance will only be provided in these instances

### **Proposal 3**

The existing policy already states that travel assistance can only be provided at the start and the end of the day.

- **67%** of respondents agree/strongly agree that the proposed SEND policy makes it clearer that travel assistance can only be provided at these times.

### **Proposal 4**

- **44%** of respondents agree/strongly agree with the proposed change to withdraw travel assistance for pupils aged 16-18 where the parent contribution has not been paid – **15%** neither agree nor disagree. **41%**

disagree with the proposed change to withdraw travel assistance where parent contributions have not been paid.

### **Proposal 5**

- **44%** of respondents agree/strongly agree with the proposed changes to the appeals process – **37%** neither agree nor disagree. Fewer than **20%** disagree with the proposed change to the appeals process.
- **94%** of respondents think parents should be given the option to attend stage 2 appeal hearings online

5.2. The consultation survey provided space for further comments. These have been grouped into themes in the bullet points below, and officer responses provided. Some respondents will have made multiple comments on the various themes, and these comments have been addressed once for brevity.

### **Circumstances where the council should provide travel assistance outside of the normal start and end of the school day**

**Comments from respondents who felt there are circumstances where the council should still provide travel assistance outside of the normal start and end of the school day:**

- A child's physical health and social emotional, and mental health (SEMH)
- A child with complex needs, specifically relating to an EHCP
- To support part-time / transition timetables or for children who access Education Otherwise Than At School (EOTAS)
- To support children attending after school club or extra-curricular activities after school
- In cases where there are emergency school closures

### **Officer response**

Schools are responsible for deciding when their school day will start and end. In accordance with statutory guidance, local authorities only have a duty to provide transport as the start and end of the school day, and where travel assistance is provided by the council, this is for eligible children to attend the normal school day.

Schools should organise the school day and school week in the best interest of their pupil cohort. They are expected to act reasonably when making changes to their school day or week. It is unacceptable for them to shorten their day or week unless it is a direct action to enhance pupils' education.

The council is not responsible for travel between institutions during the school day, for part time timetables or to enable children to attend extra-curricular activities and other commitments outside school hours. This includes, where a child may be directed off site by their school, e.g. to attend alternative provision.

The proposed policy reflects the statutory guidance, which states; where particular classes, year group or pupils have a different start and finish time that is different from most pupils at the school, it will not normally be possible for the council to make separate travel arrangements. Schools may need to make arrangements to accommodate these pupils.

As mentioned in the consultation document, there may be a small number of circumstances in which the council considers it appropriate to arrange transport at an alternative time of day, for example if a child has a medical condition which means they are not well enough to attend school for the whole day.

Children who access EOTAS packages are educated outside of formal education system mainly and are supported due to their vulnerability and complexity of their needs. If placed in a school, it is highly likely these children would be eligible for travel assistance, so the duty remains.

Each case will be assessed on its own merits, and this does not set a precedent for other cases.

**Proposed change to withdraw travel assistance for pupils aged 16-18 where the parent contribution has been paid**

**Comments from respondents who agreed with the proposed change to withdraw travel assistance for pupils aged 16-18 where the parent contribution has not been paid:**

- It promotes fairness and ensures public funds are used responsibly
- If those who do not pay are not punished, then why should other parents have to pay
- It is a discretionary service and appropriate to ask for contributions
- As long as low-income are subsidised and individual circumstances are considered

**Officer response**

We note the support for the proposal from those who agreed that withdrawing travel assistance where parent contributions have not been paid promotes fairness and responsible use of public funds.

We acknowledge that this is a **discretionary service**, and the council must ensure that limited resources are used effectively and equitably. Contributions are an important part of sustaining the service, and it is reasonable to expect payment where families can afford it.

We also agree with the view that protections must remain in place for low-income families, with a reduced level of contribution, and those facing exceptional circumstances. These protections will continue, ensuring that support remains available for those who qualify.

**Comments from respondents who neither agreed nor disagreed with the proposed change to withdraw travel assistance for pupils aged 16-18 where the parent contribution has not been paid:**

- Parents going through financial hardship should be taken into account
- Other local authorities fully fund SEN post-16 transport
- Depends on the individual's need and affordability for the parents

## **Officer response**

We recognise concerns about affordability and financial hardship. The council already has measures in place to support low-income families, and we will continue to review these to ensure they are accessible and effective.

We are aware that some local authorities fund post-16 SEND transport differently. However, approaches vary depending on local circumstances and our closest neighbouring authority, KCC, also offers subsidised post-16 transport assistance. Medway Council must balance fairness for all with support for those most in need.

We also note comments that decisions should reflect individual circumstances. The council remains committed to considering individual cases and ensuring that any withdrawal of travel assistance is approached sensitively, with proper consideration of each family's situation.

### **Comments from respondents who disagreed with the proposed change to withdraw travel assistance for pupils aged 16-18 where the parent contribution has not been paid:**

- Children have to be in education until 18 so eligible children should get free transport until this age too
- Cost of living crisis means the contribution might not be affordable
- The level of contribution is obscene compared to other councils and should be reduced
- We should not penalise the children – withdrawing travel assistance jeopardizes a student's ability to attend school or college.

## **Officer response**

We understand concerns about the financial pressures facing families, particularly during the current cost-of-living challenges. The council has taken these issues into account throughout this process. The option is available to pay the contribution on a monthly, termly, or annual basis over the academic year.

While the requirement to participate in education or training until age 18 is recognised, the council's responsibility to provide free home-to-school transport beyond statutory school age (post-16) is discretionary. Many councils ask for contributions towards post-16 transport costs, and Medway's parent contribution is a similar level to other councils and reflects a small fraction of the cost of providing transport services.

That said, we are mindful of comparisons with other councils and the need for fairness. We review contribution levels annually to ensure they remain appropriate.

We acknowledge the concerns about the impact of withdrawing transport on young people's ability to attend education. However, assistance will only be withdrawn where the parent contribution remains unpaid after all reasonable

efforts to resolve the matter – including assessing financial hardship and special circumstances – have been exhausted.

**Comments from respondents who agreed with the proposed changes to the appeals process:**

- New Proposed panel of senior council officers with expertise, and decision-making from those with the most appropriate knowledge, experience, and understanding of complex educational and welfare needs.
- Seems fair and balanced process
- This will speed up the decision-making process
- Councillor may use their political views

**Officer response**

The aim of introducing a panel made up of senior council officers with relevant expertise is precisely to ensure that decisions are informed by appropriate educational, legal, and welfare knowledge, especially in cases involving complex needs.

We also welcome recognition that this approach may improve both the fairness and speed of the appeals process, by ensuring that those making decisions have a full understanding of the relevant policies and responsibilities. Additionally, concerns regarding the potential for political influence were noted, and this proposal seeks to focus decisions purely on the facts, policies, and individual circumstances of each case.

**Comments from respondents who neither agreed nor disagreed with the proposed changes to the appeals process:**

- Need more information about how independence of panel members will be guaranteed and how process will be quality assured as fair
- Provided the process is transparent and this does not require increasing council staff levels, this should theoretically have no material impact to outcomes.
- There is a risk of unconscious bias.

**Officer response**

We understand that some respondents were seeking further reassurance about the independence and fairness of the proposed panel. Safeguards will be put in place to ensure the process remains impartial and transparent. This includes clear guidelines on the panel's responsibilities, structured training on fair decision-making, and documented procedures to prevent conflicts of interest.

We also note the comment that the process should not lead to an increase in staffing levels or unnecessary costs. This will be carefully managed, and the proposal has been designed to use existing staff resources effectively.

Concerns about unconscious bias are valid and recognised. To address this, we are committed to providing appropriate training for all panel members, and many senior officers have experience in decision-making in SEND-related matters, to ensure fairness throughout.

### **Comments from respondents who disagreed with the proposed changes to the appeals process:**

- Council employees with simply hold the council line. There is nothing impartial about it. It makes the appeals process pointless
- Councillors are more likely to independently consider the impact and views of the child/parents
- Conflict of interest for senior council officers when sitting on the panel
- They should have knowledge and experience with SEND pupils.
- Use independent lay people if councillors are too busy

### **Officer response**

We acknowledge concerns about impartiality and recognise the perception that council staff may simply support the council's position. However, it is important to note that senior officers serving on the appeals panel would not be involved in the original decision being appealed, ensuring a separation between casework and appeals.

Panel members will be specifically selected for their expertise in education, SEND, and welfare, ensuring that the child's and family's needs remain central to the decision. The process will include safeguards to ensure fair consideration of the individual circumstances of every case, with clear documentation of reasons for each decision. The process will be carried out with oversight from legal and democratic services to ensure compliance with statutory guidance, local policy, and powers of discretion to execute this function.

We understand concerns about councillors being removed from the process. While councillors can bring a community perspective, this proposal ensures that appeals are handled by those with specialist, in-depth knowledge of complex statutory duties. This is the threshold set in statutory guidance and is in line with best practice seen in other authorities. Councillors are still able to attend appeal hearings to support constituents.

Finally, we note the suggestion to use independent laypersons. This model presents challenges in terms of training, availability, and consistency of decision-making. However, we remain open to reviewing the process after implementation and will consider future changes if necessary.

## **6. Risk management**

Risk	Description	Action to avoid or mitigate risk	Risk rating
Eligibility for families currently	Potential changes to children or young person's eligibility	Robust communication with families and stakeholders. Provide	B III

Risk	Description	Action to avoid or mitigate risk	Risk rating
receiving travel assistance	and/or travel assistance	support in accessing alternatives, where appropriate	
Fair Decisions being made at Stage 2 appeals	Moving to senior council officers in stage 2 of the appeals process might appear to suggest the process is not an independent or democratic one.	Ensure senior council officers are appropriately trained in statutory guidance, local policy, and powers of discretion to appropriately execute this function, with the involvement of legal and democratic services	C III

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

## 7. Consultation

7.1. As part of the statutory consultation process, there is an expectation that local authorities will conduct a consultation, which should last for at least 28 working days during term time, where the views of all interested parties can be expressed, and all views taken into consideration prior to formal publication of proposals.

The period of consultation ran for 6 weeks (29 working days during term time) from 19 May to 4 July 2025. The process included:

- publication of the consultation document and survey on Medway Council's website.
- consultation document and survey were sent by email to all Medway schools, and all out of area schools currently served by SEND Transport for dissemination to their governors and families.
- consultation document was sent by email to all families in receipt of travel assistance who had provided an email address on their application.
- consultation document and survey were sent by email to all Medway councillors, neighbouring local authorities, and all framework transport providers and the Medway Parent Carer Forum (MPCF).
- a consultation meeting was held with parents, facilitated by the MPCF.
- the consultation document and survey were disseminated by MPCF to its members and also published on their social media page.

A meeting with the MPCF was held via zoom during the evening of 10 June 2025. Interested stakeholders were invited to come and talk about the proposals, ask any questions, and raise concerns.

The session was well attended, and questions and concerns answered, and the proposals discussed. It was recommended that each person submit a response to the survey outlining their views on the proposals.

The comments made at the meeting varied, and the consultation responses received covered the issues raised at the meetings. This indicates that interested parties submitted responses.

The public consultation document (attached as Appendix 4) asked for each person to complete the consultation survey to indicate to what extent they agreed or disagreed with each proposal.

7.2. Members will note that, subject to Cabinet approval, it is proposed to implement the revised Education Travel Assistance Policy from 1 September 2025. The Council's Overview and Scrutiny Rules allow call in to be waived where the decision being taken by the Cabinet is both reasonable in all the circumstances and urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

In this case, the proposed implementation date of 1 September 2025 for the revised Policy is considered both reasonable and urgent in the circumstances.

The proposed Policy addresses critical operational, service-related, and potential financial matters that require timely enactment to ensure continuity, efficiency, and compliance with statutory guidance. A delay would:

- Compromise the Council's ability to deliver improved services aligned with the Policy objectives;
- Potentially incur additional costs or inefficiencies associated with maintaining outdated procedures or frameworks beyond the planned transition period.

Given these risks, proceeding without delay is necessary to safeguard the effective and timely delivery of Council functions and public services.

Moreover, the decision to implement the revised Policy on 1 September 2025 follows an appropriate period of consultation, review, and preparation. The proposed timeline allows sufficient lead-in for operational readiness while aligning with relevant planning cycles. Considering all relevant factors, including legal, financial, and service implications, the immediate implementation is in the best interests of the Council and the community it serves.

Both the Chairperson (or in their absence the vice-chairperson) of the relevant Overview and Scrutiny Committee and the Cabinet must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

## 8. Climate change implications

- 8.1. [The Council declared a climate change emergency in April 2019](#) - item 1038D refers and has set a target for Medway to become carbon neutral by 2050.
- 8.2. The proposals will aim to reduce carbon outputs by encouraging children to attend nearest suitable school and providing SEND travel assistance at the start and end of the normal school day, which will reduce the number of commissioned vehicles transporting children.

## 9. Financial implications

- 9.1. There is a potential financial impact caused by approving proposals 3 and 4.
- 9.2. Financial year 2024/25, the council has written off £59,000 worth of unrecoverable debt due to non-payment of the parental contribution, and this is unsustainable. This decision was taken after careful consideration and exhausting a thorough debt collection process. We have considered continuing to provide travel assistance regardless of contributions being paid but this is financially unsustainable and unfair to parents who comply and make the agreed contributions.
- 9.3. Local authorities only have a statutory duty to provide transport at the start and end of the school day. Clarifying this in policy could reduce spend up to £106,566 (spend for academic year 2024/25) on these additional non-statutory journeys. This is for 11 pupils at an average cost of £9,688 when compared to the average unit cost for shared transport which is £6,895.
- 9.4. As mentioned in the consultation document, there may be a small number of circumstances in which the council considers it appropriate to arrange transport at an alternative time of day, for example if a child has a medical condition which means they are not well enough to attend school for the whole day. Each case will be assessed on its own merits.
- 9.5. Funding for Home to School Transport is through the council's General Fund and any savings are reflected in that funding.
- 9.6. The approved 2025/26 mainstream travel assistance budget is £2.132million, with the round one monitoring anticipating an outturn of £2.163million, a small overspend of £31,000. This compares to the £1.934million spent the previous year.
- 9.7. The approved 2025/26 SEND travel assistance budget is £14.010million, with the round one monitoring anticipating an outturn of £13.974million, a small underspend of £36,000. This compares to the £12.084million spent the previous year.

## 10. Legal implications

- 10.1. Under Section 7 of the Education Act 1996, it is the responsibility of the parent of every child of compulsory school age, to cause their child to receive efficient full-time education either by regular attendance at school or otherwise. The duties and powers of local authorities to provide education travel assistance are covered in other sections of the Act and its

amendments. The provision of travel assistance incorporates consideration for children from low-income families.

10.2. Sections 508B and 508C of the Education Act 1996 (as amended) sets out the local authority's duties and powers respectively, to make such suitable travel arrangements as the local authority considers necessary, to facilitate a child's attendance at school. This applies to home to school travel arrangements and vice versa. They do not relate to travel between educational institutions during the school day.

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## Appendices

- Appendix 1 – Education Travel Assistance Policy – Mainstream
- Appendix 2 – Education Travel Assistance Policy – SEND
- Appendix 3 – Post-16 Transport Policy Statement
- Appendix 4 – Consultation Document
- Appendix 5 – Consultation Survey Responses
- Appendix 6 – Diversity Impact Assessment

## Background papers

None