

Report of the Strategic Director Children's Services to the meeting of the Executive to be held on 9 November 2020

CM

Subject:

Personal Travel Assistance Budget Rate: Authority to Consult

Summary statement:

This report seeks approval to begin a public consultation on the Personal Travel Assistance Budget (PTAB) rate currently awarded to parents/carers of eligible children of compulsory school age using home to school transport.

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Portfolio:

Education and Learning

Overview & Scrutiny Area:

Children's Services

1. SUMMARY

- 1.1 This report seeks authority to begin a public consultation on the Personal Travel Assistance Budget (PTAB) rate currently awarded to parents/carers of eligible children of compulsory school age using home to school transport.
- 1.2 The consultation will invite views on the removal of the current rate of 75p per mile and the implementation of a new rate of 45p per mile for eligible children of compulsory school age. It will ask for views on the removal of the minimum payment award (£6 per day for 5-7 year olds and £9 for 8-16 year olds) and additional payments given to pupils who require an escort (£1.39 for shared escorts and £6.50 for dedicated escorts).
- 1.3 This paper complements the report of 9 June 2020 (Personal Travel Assistance Budgets (PTAB)) in which a range of cost model options relating to the use of PTABs were presented and the report of 28 May 2020 (COVID-19 Response: Travel Assistance Service (Home to School Transport)) in which a number of PTAB cost model options were presented to mitigate the temporary increased financial challenges in the event of the requirement for social distancing on dedicated home to school transport.
- 1.4 If authority is granted, a public consultation will seek views on the following:
 1. The removal of the current PTAB rate of 75p per mile and the implementation of a new rate of 45p per mile for eligible children of compulsory school age.
 2. The removal of the minimum payment award (£6 per day for 5-7 year olds and £9 for 8-16 year olds) and additional payments given to pupils who require an escort (£1.39 for shared escorts and £6.50 for dedicated escorts).

2. BACKGROUND

- 2.1 Section 508B of the Education Act 1996 (the Act) deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.
- 2.2 One type of travel arrangement available for local authorities to use is the PTAB. PTABs can be awarded by a local authority when parents/carers of an eligible child make their own transport arrangements or transport their child themselves.
- 2.3 The current PTAB rate of 75p per mile for compulsory school aged children in Bradford was introduced in 2015/16.

- 2.4 As part of its PTAB framework, Bradford Council awards a minimum allowance of £6 per day for 5-7 year olds and £9 per day for 8-16 year olds.
- 2.5 Pupils who require a shared escort are awarded an extra £1.39 per day and those who require a dedicated escort are awarded an extra £6.50 per day.
- 2.6 There is no legal duty for local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school or college for post 16 children, however, by virtue of Bradford Council's post 16 policy, there are currently 229 young people in receipt of this benefit.
- 2.7 There are currently 221 children and young people in receipt of a PTAB in the Bradford district.

Allowance Type	Number
Minimum Mileage	22
PTAB at 75p per mile	169
Post 16 (£7.90 per day)	30
TOTAL	221

} Eligible Children

- 2.8 The public consultation period proposed is for 28 days and will be held online due to the restrictions of COVID-19. It will be promoted to all residents generally on the Council's website, through social media and a press release. Letters will also be sent to elected members, MPs and schools.
- 2.9 Information about the proposed changes and an invitation to comment will be distributed to all schools to cascade to students and parents including those currently in receipt of the benefit. Materials will encourage responses using the questionnaire on the Council's website. Comments will also be accepted in writing to the council's Freepost address, or by email.
- 2.10 The same written information given to parents and students will appear on the Council's website and be available to all residents generally.
- 2.11 Responses received will be collated and analysed. A full report detailing the results of the consultation will then be presented to Executive to consider, before a decision on the future of the service is made.
- 2.12 In considering consultation responses, Executive will also need to consider how any potential changes could be implemented and the impact of this, be that with immediate effect, at a date in the future or phased over several years.

3. OTHER CONSIDERATIONS

- 3.1 When agreeing the PTAB rate of 75p per mile in 2015/16, there were 100 children and young people in receipt of this type of travel assistance.
- 3.2 Since 2015/16, the number of children and young people in receipt of PTABs has more than doubled.

- 3.3 It is anticipated that the number of children and young people in receipt of PTABs will continue to increase at a steady rate. However, there will be a potential significant increase in PTABs if government guidance changes to there being a need to implement social distancing on dedicated home to school transport.
- 3.4 Many local authorities have the standard mileage rate of 45p per mile as set by the HMRC. Kirklees Council and Calderdale Council reimburse at this rate whilst Leeds City Council has a slightly higher rate of 50p per mile.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The total cost of the 221 PTABs in Bradford is £523,201 per annum. When compared to local authorities with a PTAB rate of 45p per mile, Bradford Council is operating at an increased cost of around £200k per annum based on a comparable volume.

Breakdown of current PTAB cost:

Allowance Type	Number	Cost
Minimum Mileage	22	£27,170
PTAB at 75p per mile	169	£429,873
Post 16	30	£45,030
Children Needing Escort	(80) ¹	£21,128
TOTAL		£523,201

Indicative Reduced Expenditure with new PTAB rate:

Allowance Type	Number	Cost
PTAB at 45 p per mile	191	£277,619
Post 16	30	£45,030
TOTAL		£322,649
REDUCED EXPENDITURE		-£200,552

- 4.2 Further example cost models with different options with implementation timelines are shown in the paper Personal Travel Assistance Budgets (PTAB), 9 June 2020.
- 4.3 It should be noted that if the PTAB rate is reduced, parents' / carers' uptake of them may also reduce as they may decide not to transport their child to school. Based on a highly assumptive cost model underpinned by average PTAB and taxi costs (£1,453.50 and £4,441.50 per child per annum respectively), it is estimated that the tipping point at which no savings will be made with the proposed rate is when around 45% of parents currently being awarded a PTAB elect to no longer transport their child to and from school. It is estimated that if more than around 45% of parents currently being awarded a PTAB elect to no longer transport their child to and from school, there will be a proportionate increase in overall cost as shown in the table below.

¹ Of the 221 total children and young people in receipt of a PTAB, 80 of them also have an escort therefore this should not be double counted in the total number of children.

Reduced PTAB uptake	PTAB	TAXI	Total	Saving
0%	£277,619	0	£277,619	£200,553
20%	£222,095	£169,665	£391,760	£131,441
30%	£194,333	£254,498	£448,831	£74,370
40%	£166,571	£339,331	£505,902	£17,299
50%	£138,809	£424,163	£562,973	-£39,772
60%	£111,047	£508,996	£620,043	-£96,842
70%	£83,286	£593,829	£677,114	-£153,913
80%	£55,524	£678,661	£734,185	-£210,984

- 4.4 It should also be noted there is the potential that PTABs will become more widely used during the COVID-19 outbreak should capacity be reduced either, for example, due to the need to adopt social distancing on dedicated home to school transport or if the Travel Assistance Service staffing levels are adversely affected by the need for drivers and escorts to isolate.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 As shown at 4.3 of this report, if some parents/carers currently in receipt of a PTAB elect to send their child to school on a dedicated home to school bus or taxi in the event of a reduced rate, the Council's reduced PTAB expenditure will be proportionately decreased. However, the tipping point at which overall costs will increase is at around 45%. This equates to around 100 parents/carers changing from PTAB to contracted transport.

6. LEGAL APPRAISAL

- 6.1 There are general duties placed on the Council to make such school travel arrangements as it consider necessary for 'eligible children' within its area free of charge, to facilitate their attendance at the relevant educational establishment. Eligible children are defined by statute.
- 6.2 The Council also has discretionary powers to make school travel arrangements for other children and young persons not covered by statute but the transport does not have to be free.
- 6.3 All councils must publish their general arrangements and policies in respect of transport for pupils of compulsory school age and must produce an annual Transport Policy Statement for sixth form and FE transport.
- 6.4 When developing or changing its Policy the Council must consult various persons and interested bodies for at least 28 days. A consultation must observe the following principles:
- consultation must be made at a time when proposals are at a formative stage;
 - sufficient reasons for the proposal must be given to allow intelligent consideration and response;

- adequate time must be given for a response.
- 6.5 PTABs are however part of the LA's Local Offer. A local offer should include information about what transport services are available and what financial help there is available. Where a LA reviews the Local Offer it must consult children and young people with SEN, their parents/carers. The LA might also publish any feedback on changes to the local offer from parents and its response to those comments on the LO website
- 6.6 The Council must have regard to The Public Sector Equality Duty under the Equality Act 2010 which requires the Council when exercising its functions to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 6.7 The Council must ensure that it has sufficient information to enable it to identify whether a proposal, if implemented, would disproportionately affect particular groups with relevant protected characteristics and if so whether any such adverse impact can be avoided or mitigated.
- 6.8 The courts have established a number of principles which the Council should take into account in making decisions:
- the duty means that the potential impact of a decision on people with different protected characteristics must always be taken into account as a mandatory relevant consideration
 - where large numbers of vulnerable people, very many of whom share a protected characteristic, are affected, consideration of the matters set out in the duty must be very high
 - even if the number of people affected by a particular decision may be small, the seriousness or the extent of discrimination may be great. The weight given to the aims of the duty is not necessarily less when the number of people affected is small.
- 6.9 Council's should also consider the general duty of Best Value when making changes to services or ending service provision.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

An Equality Impact Assessment will be drafted upon completion of the public consultation.

7.2 SUSTAINABILITY IMPLICATIONS

Data relating to the transport methods of children currently in receipt of this benefit is not available. If all parents/carers chose to continue to transport their child from home to school in the event of the implementation of a new PTAB rate, there will be no new sustainability implications.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

As detailed in 7.2.

7.4 COMMUNITY SAFETY IMPLICATIONS

None.

7.5 HUMAN RIGHTS ACT

There are no direct Human Rights implications arising from this report. The Human Rights Act incorporates the European Convention on Human Rights which provides that no person shall be denied the right to education.

7.6 TRADE UNION

Not applicable.

7.7 WARD IMPLICATIONS

All councillors will be formally consulted during this process.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

None.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

Not applicable.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 To refuse approval to consult on both elements of the PTAB rates, as outlined at point 1.4 of this report and maintain the status quo.

- 9.2 To grant approval to consult on both elements of the PTAB rates, as outlined at point 1.4 of this report.
- 9.3 To grant approval to consult on one element of the PTAB rates only, as outlined at point 1.4 of this report.

10. RECOMMENDATIONS

- 10.1 That approval is given to commence a public consultation on both elements of the PTAB rates (9.2 above) as outlined at point 1.4 of this report.

11. APPENDICES

- 11.1 None.

12. BACKGROUND DOCUMENTS

- 12.1 None.