

# London Councils' TEC Executive Sub Committee

## Under 18 Travel Update

Item No:05

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**Date:** 10 September 2020  
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**Summary:** This report provides an update on the proposed temporary removal of free travel for under 18s in London, as part of the financial bail-out deal between TfL and Government, and the potential implications for boroughs and their residents.

### Recommendation:

The Committee is asked to note the contents of the report.

### Background

1. The temporary removal of free travel for under 18s is a condition of the bail-out agreement between the Mayor and Department of Transport. The stated aim of this is to encourage more active travel amongst school children to reduce the number of young people using public transport to aid social distancing.
2. Boroughs have a legal responsibility to provide home to school transport for qualifying pupils but have been able to rely on the free travel provided to U18s by TfL since 2006.
3. Understandably, boroughs have been concerned about; how the proposal will be implemented, the implications for young people and parents, particularly for

those from the most disadvantaged backgrounds, but also the financial, resource and legal implications for councils at this already challenging time.

### **London Councils Action**

4. London Councils has been coordinating borough input into the ongoing discussions between TfL and Government about how and when the proposal could be implemented. We have established a senior-level borough officer working group to coordinate this work. Through the group we have accessed expert policy, technical, financial and legal advice.
5. We have successfully secured a commitment from Government that TfL shall continue to provide free transport to all pupils who have a statutory entitlement and Government has indicated that they do not intend any new burdens to be imposed on boroughs. However, there is still a great deal of ambiguity about what exactly is proposed and how it could be implemented quickly enough to fulfil the declared purpose of the proposals, which is to manage demand and aid social distancing on London buses after this month's return to school.
6. Borough officers also remain concerned about the loss of discretionary non-school free travel that young people use to attend FE colleges, training, leisure, youth offending team activities etc. and any new unintended financial and administrative burdens for boroughs. We have consistently raised these concerns with TfL and Government too.
7. There is also growing concern among Londoners about the proposal and the ongoing uncertainty, especially for those who have gone back to school this September and those applying for new schools by the end of October deadline. There is growing support for third-party campaigns against the proposal and at least two petitions including a petition to parliament with over 160,000 signatures.
8. As well as numerous meetings and correspondence between officers, the Chair of London Councils wrote to the Secretary of State for Transport seeking clarity on some key points on 17 June and sent a further letter to the relevant DfT minister, Baroness Vere, on 15 July, following a response from her dated 6 July. The matters raised in these letters include the need for clarity about the proposals and consultation on any changes, and when an Equalities Impact Assessment will be produced.
9. Government recently agreed that the proposed temporary change could not be implemented in time for the schools return in September and have proposed that the changes be delayed until after the October half-term. Government has also accepted our view that boroughs will have to consult on changes to their school travel policies before any changes can be implemented.
10. The Department for Education (DfE) recently carried out a limited consultation on proposals to change statutory guidance relating to school travel policies, with the intention of allowing London authorities to carry out a shorter consultation during school holiday times if necessary. Despite only having four working days

to respond, London Councils sought expert legal and professional advice and provided a detailed response.

11. The response explained that we do not believe the proposed change to statutory guidance will achieve its aims and that it is not possible to change school travel policies and implement the removal of free travel for any under 18s in time for the school return following the October half term. In fact, we believe it is not possible for local authorities to amend their home to school transport policies in the middle of an academic year.

### **Current position**

12. Through correspondence and meetings, Government has confirmed the following in terms of a new scheme to ensure borough statutory obligations for school travel are met:
13. The following children will remain eligible for free travel:
  - Children aged 10 and under
  - Children aged 11-17 who live more than two miles from their school/college
  - Children aged 11-17 who live less than two miles away from their school/college if they:
    - have a social worker
    - have an Education, Health and Care Plan
    - are in alternative provision (i.e. educated in a pupil referral unit, or an alternative provision academy/free school)
    - do not have a safe walking route
    - cannot walk due to a medical condition or lack of mobility
  - Children turning 11 should retain free travel until they finish primary school and eligible pupils turning 18 should retain free travel until they finish school that year.
14. We have made it clear to TfL and Government that boroughs cannot start to take action to help implement any proposed changes until an actual decision is made, confirming final proposals and a clear plan for what needs to be done by when.
15. It is assumed that boroughs and schools will have to be involved with the eligibility checking process at least, as this will require access and processing of borough and school data. We have been told that a Mayoral decision is required before TfL can make any changes to the current fares arrangements, and there is no agreed timeline for such a Mayoral decision to be made. The Mayor has publicly stated that he does not wish to make such a decision but he may be required to do so to honour the terms of the emergency funding agreement made with Government early this year.
16. We have still not seen an Equalities Impact Assessment for the proposal and have been told this is still being worked on by the Department for Transport (DfT).
17. Notwithstanding our view that school travel policies cannot be changed part way through an academic year, the latest position from TfL is that the earliest possible

date they could physically implement the necessary fares and Oyster card changes for 11-15-year-olds is 4 January 2021 and 1 February 2021 for 16-17-year-olds. They have explained this to Government and are awaiting a response.

### **New Burden and Cost Analysis**

18. London Councils has maintained that the proposed removal of free travel for under 18s will impose significant new burdens and costs on London authorities and parents. With the support of the officer working group, London Councils has undertaken some initial modelling of the potential cost implications of the proposed policy on London boroughs and on parents of children who will no longer receive free travel.
19. It utilises data from a survey carried out with boroughs in July and August 2020 (which received twenty-two full returns) and builds in a number of modelling assumptions to reflect recent policy developments.
20. The modelling suggests the total cost of the policy change to London local government is estimated to be around £27 million per annum (representing around £820k per authority).
21. This includes estimated administration costs of £8 million of supporting home to school transport provision for 11-17 year olds who live more than 2 miles from their school and estimated numbers of pupils who would be eligible based on the criteria described in paragraph 13. (In estimating the number of pupils meeting the 2 mile criterion, boroughs assumed a 0.5 mile margin of error, using 1.5 miles as the eligible distance in accordance with the latest TfL proposal).
22. It also includes estimated costs of supporting the wider provision of transport for groups of children and young people that rely on council services - for example, Looked After Children, Children in Need, Youth Offenders, Apprentices or young people who are not in education or training (NEET) - of around £19 million (comprising £16 million in travel costs and £3 million in further administration costs).
23. The total cost to parents of the policy change is estimated to be over £80 million per annum, consisting of £37 million for parents of children who will now have to pay for home to school transport, and £2 million for young people who are apprentices or NEET (taking account of local policy choices about borough support for those groups and assuming, where costs aren't covered by the local authority, parents would pay for the cost totals) and, more broadly, a conservative estimate of around £45 million for the cost to parents of all children and young people aged 11 to 17 who would have to pay for bus and tram journeys. The latter uses a conservative assumption that one return bus journey would be made per week for a year. Clearly, this could be much higher depending on wider

bus and tram usage by any child who isn't eligible for free travel outside of them attending school or accessing local authority services.

24. The following is a summary of initial estimated costs for London local government and parents:

- Estimated admin cost for boroughs (11-17 year olds) = £8 million
- Estimated cost of journeys to boroughs (wider groups) = £16 million
- Estimated admin cost for boroughs (wider groups) = £3 million
- **Estimate total cost to boroughs = £27 million**
- Estimated cost to parents Home to school transport = £37 million
- Estimated cost to parents - Apprentices and NEETs = £2 million
- Estimated costs to parents - All other Children & Young People = £45 million
- **Estimated total cost to parents = £83 million**

25. It is important to note that these figures exclude the costs of procuring any new software or databases that might be required to capture data; costs arising from implementing measures to address unsafe walking routes for children on their home to school journey; and, significantly, the costs of any potential legal challenges.

26. This exercise involved making a number of assumptions, not least because the final policy parameters are still to be confirmed, and so figures should be treated with caution as initial estimates. However, they are the best current estimate based on rational and informed assumptions.

27. In undertaking the modelling, London Councils officers sought advice from metropolitan boroughs outside of London. The advice received helped shape assumptions about:

- The proportion of children that would apply for free travel
- The length of time to process an application
- The proportion of appeals
- The length of time to process appeals (at stages one and stage two, which includes a panel hearing, as required by statutory guidance)
- The number and salaries of officers involved in the applications and appeals processes

28. Analysis has now been shared with TfL, DfT and DfE and any initial responses or comments from them will be shared with Members at the sub-committee meeting.

## **Conclusion**

29. London Councils will continue to coordinate borough input into the ongoing discussions between TfL and Government on this matter and help ensure any further decisions on proposed changes are evidence-based and informed by London local authority expertise, knowledge and advice. We will aim to ensure commitments are kept to not impose new burdens on our Member authorities. We will continue to keep relevant officers and London authority Members informed of any progress.

## **Financial Implications**

30. There are no financial implications to this report.

## **Legal Implications**

31. There are no legal implications to this report.

## **Equalities Implications**

32. There are no equalities implications to this report.

## **Recommendation**

The Committee is asked to note the contents of the report.