

REPORT FOR DECISION



MEETING:	CABINET
DATE:	19 OCTOBER 2016
SUBJECT:	HOME TO SCHOOL TRAVEL ASSISTANCE POLICY FOR CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS
REPORT FROM:	COUNCILLOR SHARON BRIGGS CABINET MEMBER FOR CHILDREN AND FAMILIES
CONTACT OFFICER:	PAUL COOKE STRATEGIC LEAD (SCHOOLS, ACADEMIES AND COLLEGES)
TYPE OF DECISION:	KEY DECISION
FREEDOM OF INFORMATION/STATUS:	FOR PUBLICATION
SUMMARY:	The report seeks approval to the implementation of a revised policy for assistance in support of home to school and college travel for children and young people with Special Educational Needs, following consultation with stakeholders undertaken during autumn 2015/spring 2016.
OPTIONS & RECOMMENDED OPTION	<p>Option one – adopt the policy framework contained at appendix one</p> <p>Option two – make no changes to current policy framework</p> <p>Members are requested to approve the adoption of the revised home to school and college travel assistance policy for children and young people with special educational needs.</p> <p>This will enable the local authority to respond to the outcome of consultation, meet the requirements of the Children & Families Act 2014, and comply with its statutory duties in accordance with Section 508B of the 1996 Education Act, as amended by the Education and Inspections Act 2006.</p>

IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with Policy Framework? Yes.
Statement by s151 Officer:	The intention is that the implementation of the new policy will enable costs to be contained within the approved annual budget.
Statement by Executive Director of Resources and Regulation:	There are no wider resource implications.
Equality/Diversity implications:	
Considered by Monitoring Officer:	The aim of the policy has been communicated to consultees and the Council are not withdrawing a benefit. The main aim of the revised policy is to comply with the wider provisions of the Children and Families Act 2014. The consultation was undertaken at a formative stage so as to avoid any suggestion of bias or pre-determination. It would seem a full range of opinions and views have been obtained via the consultation process stages demonstrating they have been considered and taken into account. The consultees were provided with enough information to fully understand the proposals being put forward, although reference is made to the questionnaires being limited on information. Further independent reports were obtained and representatives of the Council attended a number of forums. Given the timescales here has been sufficient time for individuals to respond to the consultation. There is evidence that the Public Sector Equality Duty has been considered throughout the consultation process. There is sufficient information before the Cabinet to effectively discharge the duty required and an Equality Impact Assessment has been carried out to which due regard must be had.
Are there any legal implications?	The revised policy represents reforms envisaged by the Children and Families Act 2014 and existing duties under Education Inspections Act 2006 and the Education Act 1996.
Wards Affected:	All
Scrutiny Interest:	Overview & Scrutiny

TRACKING/PROCESS**EXECUTIVE DIRECTOR: Mark Carriline**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
Scrutiny Committee	Cabinet	Committee	Council

1.0 INTRODUCTION

- 1.1 The Council spends £1,289,000 per annum on home to school transport and travel assistance for pupils with SEN. The purpose of the review is to ensure that this level of funding is better able to meet the transport needs of children and young people. The intention is that the implementation of the new policy will enable costs to be contained within the approved annual budget.
- 1.2 The Children & Families Act 2014 introduced significant reforms to the way in which services for children and young people with Special Educational Needs or Disability are provided, commissioned or delivered. Home to school transport, or financial assistance to support travel to school by children and young people with Special Educational Needs is an important element of that provision.
- 1.3 The existing policy framework for home to school and home to college transport does not meet the expectations set out in the Act to provide greater flexibility and choice to families, and to enable to use of personal budgets where this is requested.
- 1.4 At its meeting on 2 September 2015 Cabinet agreed (CA.260) to consult with all stakeholders with a view to developing a new policy framework for financial assistance to support travel from home to school, to meet the needs and expectations of children, young people and their families, whilst responding to the requirements of the Children & Families Act 2014 and complying with statutory duty as set out in the 1996 Education Act, as amended by the Education and Inspections Act 2006.
- 1.5 The policy framework set out in Appendix One to this report has been informed through ongoing engagement with stakeholder groups.

2.0 BACKGROUND

- 2.1 Home to School Transport is provided to children on the basis of the Education Act 1996, as amended by the Education and Inspections Act 2006, which places a duty on Local Authorities to **facilitate** transport, free of charge, for eligible children. In this context, an eligible child is a child with a Statement of Special Educational Need or Education, Health and Care (EHC) Plan, a disability or a mobility difficulty.
- 2.2 Section 508B of the 1996 Education Act, places a duty on local authorities to make such arrangements for the provision of travel arrangements and

otherwise as they consider necessary for the purpose of facilitating the attendance of persons receiving education. Any arrangements that the authority considers necessary shall be provided free of charge. If a parental preference is for a school that is further away than the nearest school that can meet the child's SEN. The Authority can name that school in the EHC plan, but the parents can be asked to provide some or all of the transport funding.

- 2.3 The 2014 Children & Families Act did not change the duty under the earlier Acts in respect of financial assistance. However, the manner in which transport or financial assistance for travel is currently provided is no longer totally compatible with the principles of the reforms introduced by the 2014 Act, which place greater emphasis on the needs of the child or young person, and the need to enable greater flexibility and choice in the way they access provision, providing the young people with lifelong skills. Together with the requirement to provide personal budgets where requested by parents or carers.
- 2.4 Transport and/or travel assistance needs to be a key element in the preparation of an Education, Health and Care Plan, and changes in eligibility and assessment for travel assistance need to be clearly aligned to the EHC plan process.

3.0 CONSULTATION

- 3.1 The development of the policy framework has been informed by consultation and engagement with a wide range of stakeholders.
- 3.2 Consultation with stakeholders took place throughout October and November 2015, and comprised a number of methodologies:
- Letters with questionnaires were sent to parents of all children and young people that are currently in receipt of home to school SEN transport
 - Questionnaires were sent to a range of stakeholders.
 - Bury Parent Forum were commissioned to host an number of focus groups with parents
 - Feedback was sought from children and young people who have participated in independent travel training
- 3.2 At the end of the consultation period, further focus groups were held, hosted by local authority Officers seeking views on the feedback emerging from the initial consultation.
- 3.3 STARS (an advocacy group representing young people with disabilities) were commissioned to undertake consultation with children and young people with Special Educational Needs on the feedback emerging from the initial consultation.
- 3.4 A wide range of views were expressed during the consultation process. The key messages from the consultation were:
- There is a high level of support for the existing home to school transport SEN arrangements
 - Door to door transport is an essential part of the overall provision made for children and young people with Special Educational Needs or disabilities

- Parents/Carers would welcome more flexibility in the way in which travel is provided
- Young people would welcome greater focus on independent travel

4.0 Policy Principals

- 4.1 A policy framework has been developed that responds to the outcome of the consultation. This is contained at appendix one.
- 4.2 The policy has been developed with full regard to the Department for Education Guidance on Home to School Travel and Transport.
- 4.3 The key changes introduced in the new policy framework are:
 - 4.3.1. Current policy includes criteria based upon the premise that a child or young person has a statement of Special Educational Needs or EHC Plan. This has now been removed as there may be circumstances where there is a need, but this does not warrant an EHC Plan.
 - 4.3.2. The policy introduces a requirement that travel assistance arrangements will be reviewed on an annual basis, and where an EHC plan is in place, at the annual review of that plan.
 - 4.3.3. Provision of travel assistance, we will be offered through a menu of options rather than solely through the provision of door to door transport.
 - 4.3.4. The policy clarifies the expectation that, for the majority of children and young people with SEN, parents will make their own arrangements for travel for their child to school. Only children and young people with complex needs will receive dedicated door to door transport. The policy encourages independence and inclusion on mainstream transport where appropriate.
 - 4.3.5. The new policy formalises the assessment process for travel assistance.
 - 4.3.6. The policy recognises that the needs of the family need to be considered if a parent has a disability.
 - 4.3.7. A mileage payment has been introduced for parents should they wish to use their own vehicle, including mobility vehicle provided for the benefit of the child or young person, to take their child to and from school. The mileage rate payable has been set at 44p per mile.
 - 4.3.8. The policy clarifies that no financial assistance or transport will be provided for respite and short break sessions in recognition that the nature of such provision has changed.
 - 4.3.9. The policy introduces the option of a personal travel budget.
 - 4.3.10. The policy includes the appeals process available to parents and carers.
 - 4.3.11. The policy brings together previously separate policies for pre-16 and post-16 students and is now a single policy for 0-25 year old children and young people.
 - 4.3.12. All post 16 students will be recharged the equivalent of mainstream students, this will be applied to all new applications. The criterion for low income students has been removed, as this is not statutory.

- 4.3.13. Post 16 now includes the offer of independent travel training, personal travel budget and supported public transport.
- 4.3.14. Post 16 door to door transport will only be provided for pupils with complex needs.

5.0 RECOMMENDATION

- 5.1 The policy framework has been informed by consultation with a wide range of stakeholders and responds to the requirements and expectations of the Children and Families Act 2014, whilst ensuring that the local authority continues to meet its statutory duty as set out in Section 508B of the 1996 Education Act.
- 5.2 Cabinet is asked to note the outcome of the consultation with stakeholders and agree to the adoption of the policy framework contained at Appendix 1 to this report.
- 5.3 If adopted, the policy will be introduced with effect from 1 November 2016 and will apply to all annual reviews, or new requests for transport after that date.

Background documents:

- A Review of parent's engagement with consultation events – prepared on behalf of Bury Parents Forum – 18th November 2015
- Summary of responses to questionnaires
- STARS report

For further information on the details of this report, please contact:

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APPENDIX 1

Policy Framework