

<b>REPORT FOR DECISION</b>
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<b>Agenda Item</b>	
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<b>DECISION OF:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>2 SEPTEMBER 2015</b>
<b>SUBJECT:</b>	<b>HOME TO SCHOOL/HOME TO COLLEGE SEN TRAVEL</b>
<b>REPORT FROM:</b>	<b>CABINET MEMBER FOR CHILDREN , FAMILIES AND CULTURE</b>
<b>CONTACT OFFICER:</b>	<b>PAUL COOKE STRATEGIC LEAD (SCHOOLS, ACADEMIES AND COLLEGES)</b>
<b>TYPE OF DECISION:</b>	<b>EXECUTIVE (NON KEY DECISION)</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	<b>THIS PAPER IS WITHIN THE PUBLIC DOMAIN</b>
<b>SUMMARY:</b>	<p>The Children &amp; Families Act 2014 introduced significant reforms to the way that 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 is an important element of that provision.</p> <p>The existing policy framework for home to school/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.</p> <p>This report sets out proposed changes to the Council’s policy and seeks approval from Cabinet to consult with all stakeholders on those changes, and to receive a further report in December 2015 setting out the outcome of that consultation.</p>

	The proposed changes set out in this report have been informed through the triborough work with Oldham and Rochdale and ongoing engagement with stakeholder groups.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ol style="list-style-type: none"> <li>1. Cabinet approve consultation on proposed changes to the Council's policy framework for home to school / college SEN transport and travel assistance</li> <li>2. That no further action is taken</li> </ol> <p>Option One is recommended on the basis that the proposals respond to the statutory requirements introduced by the Children and Families Act 2014, and will ensure that the policy framework is informed by the outcome of consultation with stakeholders.</p>

<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	<p>Do the proposals accord with the Policy Framework?</p> <p>The revised policy, if ultimately adopted, will replace the current Home to school and home to college transport policies</p>
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	<p>These proposals have been developed to address the requirements of the Children and Families Act (2014).</p> <p>The proposals will be implemented within existing resources</p>
<b>Health and Safety</b>	The proposals outlined in this report will be implemented taking account of relevant Health & Safety and safeguarding responsibilities.
<b>Statement by Executive Director of Resources:</b>	There are no wider resource implications arising from this report.
<b>Equality/Diversity implications:</b>	
<b>Considered by Monitoring Officer:</b>	<p>Yes <span style="float: right;">JH</span></p> <p>Where consultation is undertaken, as is proposed, it must be fair and "proportionate" to the purpose and objectives of the consultation exercise.</p>

	<p>General principles which derive from decided cases as to how consultations should be conducted are:</p> <ul style="list-style-type: none"> <li>• Consultation should occur when proposals are at a formative stage (as here);</li> <li>• Consultation should give sufficient reasons for any proposal, to permit intelligent consideration;</li> <li>• Consultation should allow adequate time for consideration and response;</li> <li>• The degree of specificity regarding the consultation should be influenced by those who are being consulted and;</li> <li>• The demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit.</li> </ul> <p>Further advice will be given in due course but ultimately there must be clear evidence that the decision maker has considered the consultation responses, or a summary of them, before taking the decision on the policy.</p>
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	

**TRACKING/PROCESS**

**DIRECTOR: Executive Director of Children, Young People & Culture**

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

**1.0 BACKGROUND**

1.1 The Children & Families Act 2014 introduced significant reforms to the way that services for children and young people with SEN or Disability (SEND) are provided, commissioned or delivered. Home to school transport or financial assistance to support travel to school or college is an important element of that provision.

- 1.2 Transport, or financial assistance for travel, for children and young people to facilitate attendance at school or college, is provided by the Council in a number of circumstances:
- Home to School (Mainstream)
  - Home to School (Special Educational Needs)
  - Home to College (Special Educational Needs)
  - Attendance at Respite Care/Short Breaks
- 1.3 In accordance with the Education Act 1996 (EA 1996) the council has a duty to make necessary travel arrangements for all 'eligible children'. There is also statutory guidance about the transport for post 16, published by DfE 2014.
- 1.4 Home to School (Mainstream) transport was subject to review in 2013 and is therefore out of the scope of this review. This report focuses on the Home to School (SEN), Home to College (SEN), and Respite Care/Short Breaks.
- 1.5 The manner in which transport and financial assistance for travel is currently provided is no longer totally compatible with the principals of the SEND reforms which place greater emphasis on the needs of the child or young person, and planning for their future to enable greater flexibility and choice in the way parents or carers access provision, together with the requirement to provide personal budgets where requested by parents or carers.
- 1.6 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 Education Health and Care(?) Plan process.
- 1.7 The local authority now has a statutory duty for young people with Learning Difficulties and Disabilities up to the age of 25, and there is DfE guidance in respect of post-16 transport/travel assistance. The Council's current policy is incompatible with the statutory obligations.
- 1.8 Transport is also provided to children and young people attending respite care or short breaks immediately after school. This is provided on a discretionary basis by the Council but is not reflected in the Council's policy and therefore there is no clear position with regards eligibility, or in what circumstances transport and/or financial assistance to travel will be provided. A separate review of short breaks is being undertaken and issues in relation to eligibility for and provision of transport and/or financial assistance will need to align to the outcome of that review.
- 1.9 In order to meet statutory obligations and respond to the needs and expectations of parents and carers it is proposed to review the eligibility criteria and modes of delivery for Home to School (SEN), Home to College (SEN) and Respite Care.
- 1.10 The proposed changes have been informed by work with Oldham and Rochdale Councils and ongoing engagement with stakeholders, including school staff, parent support groups, social care staff and other professionals.

- 1.11 Different models of delivery have already been introduced, independent travel training, mileage rate payment to families and inclusive provision of transport within the placement for some pupils attending out of borough schools.
- 1.12 The Council currently provides transport for 334 pupils to schools and 20 students to colleges
- 1.13 There is no intention to make financial savings as a result of the policy change. In the first instance the proposed policy, with clear criteria for eligibility and provision of financial assistance, will enable escalating costs from demand pressures to be contained.

## **2.0 PROPOSED CHANGES**

- 2.1 Consultation will focus on a number of key aspects of the proposed policy framework as set out below.
- 2.2 It is proposed that pupils be assessed for travel assistance taking into account the needs of the child or young person, and the distance between home and school. There is long-standing custom and practice of transport being provided to all Children and Young People attending a special school, and a significant proportion of children and young people with statements / education health care attending Resource provision, and in some instances mainstream schools.
- 2.3 Where there is an assessed need, the statutory duty placed on the local authority to facilitate attendance at school will be met through one of a number of offers, with each of those offers being subject to strict criteria:
  - Independent travel training and the provision of a bus pass (bus passes are issued free of charge by Transport for Greater Manchester to students with LDD(?) currently this is a lifelong entitlement )
  - Use of personal budgets to enable families to make their own travel arrangements
  - Payment of mileage allowance to enable parents to transport their child
  - Home to school transport but with common collection up points
  - Home to school (door to door service)
- 2.4 The provision of door to door service will only be provided where all other options have been exhausted.
- 2.5 The policy will contain a clause that enables a request to be made to the LA for consideration under exceptional circumstances, and an appropriate appeal mechanism where parents are unhappy with the outcome.
- 2.6 The Council will also work further with independent special schools to explore options for transport to be provided by the schools at part of the overall package.
- 2.7 The home to college transport policy will need to be reviewed in light of the new post 16 statutory guidance.
- 2.8 In respect of transport to and from respite care, the cost of which is currently a charge against the schools budget, it is proposed to cease the arrangements

and appropriate provision made within personal budgets to enable families to make their own arrangements for accessing short breaks. This will form part of the review of Short Breaks to be undertaken during the autumn term 2015.

- 2.9 Because of the comprehensive nature of these changes and the need to link eligibility and assessment to the Education Health and Care Plan process, the intention would be to put in place a transport policy framework with provision for it to be applied and implemented on a phased basis informed by the annual review process.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 While there is no intention to make financial savings as a result of the policy changes, the introduction of independent travel training programme has to date resulted in a reduction in the number of vehicles required to transport pupils to Elms Bank Specialist Arts College.

### **4.0 RISKS**

- 4.1 The key risks associated with the proposed change in policy are of legal challenge and reputational damage to the Council.
- 4.2 The option to maintain the status quo and retain the existing policy does little to mitigate the potential for legal challenge as the existing policy framework does not meet the expectations of the SEND reforms as set out in the Children and Families Act.
- 4.3 The recommended option in this report is for the Council to consult with all stakeholders on proposed changes to the policy framework which will mitigate the potential for legal challenge.

### **5.0 EQUALITY AND DIVERSITY ISSUES**

- 5.1 The policy will impact on key groups. Whilst the intention is to put in place a policy framework that is flexible and responsive to the needs of children and young people and their parents and carers there is the potential for a negative, or perceived negative impact on protected groups. Consultation with all stakeholders has, and will continue to inform development of the policy. An equality assessment will consider the impact of the proposed policy before final submission to Cabinet for adoption.

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#### **List of Background Papers:-**

#### **Contact Details:-**

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