
Cabinet Member (Education)

12th November 2014

Name of Cabinet Member: Cabinet Member (Education) - Councillor D Kershaw

Director Approving Submission of the report:
Executive Director, People

Ward(s) affected:
All

Title:
Permission to Consult on Changes to the School Travel Assistance Policy for Children with Special Educational Needs and Disabilities

Is this a key decision?
No

Executive Summary:

In July 2014 the DfE published updated statutory guidance for local authorities on home to school travel. In Coventry, children and young people with SEND are currently provided with more assistance than is required by this statutory guidance, unlike many other local authorities (eg Dudley, Solihull, Warwickshire). It is also noted that these local arrangements are not consistent with the commitment set out in the DfE's SEND Code of Practice (2014) to promote greater independence for pupils with SEND and greater choice for parents and pupils.

This paper seeks permission to consult on proposals to align Coventry's home to school travel assistance for children and young people with SEND with the statutory requirements, and with the national SEND reforms.

Recommendations:

The Cabinet Member (Education) is requested to agree:

- (1) That public consultation is undertaken between 24 November 2014 and 23 January 2015 on the proposed School Travel Assistance Policy changes.
- (2) That following that consultation, a report be submitted to Cabinet in 2015 to agree any revisions to the policy.

List of Appendices included:

- Appendix 1 – Draft School Travel Assistance policy upon which to undertake consultation.
- Appendix 2 –Pre-consultation Equality Impact Assessment for the changes proposed – this will be updated and informed by consultation feedback
- Appendix 3 – Proposed Consultation document including details on planned consultation events (locations to be confirmed)
- Appendix 4 - Proposed online questionnaire for survey responses

Background papers:

None

Other useful documents:

Revised Department for Education guidance can be found at:
<https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

Has it been or will it be considered by Scrutiny?

If consultation is agreed, the proposals will be submitted to the Education and Children’s Scrutiny Board (2) on 27th November 2014.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Permission to consult on changes to the School travel assistance policy for children with Special Educational Needs and Disabilities

1. Context (or background)

- 1.1 The Department for Education issues statutory guidance on the provision of school travel assistance. There are obligations local authorities must meet to facilitate the attendance of pupils at school. New guidance was issued in 2014.
- 1.2 Current mainstream travel assistance is in line with the statutory minimum required by the Department of Education.
- 1.3 There is currently a mis-match between the entitlement of children with special education needs and disabilities (SEND) to school travel assistance and that of children without SEND. The Council is currently offering a greater entitlement than that which is statutorily required.
- 1.4 £3.4m was spent on home to school travel assistance in 2013/14 for pupils with SEND. Mainstream spend was approximately £300k (estimated figure based on budget). The SEND spend breaks down into:
- £0.2m SEND pupils attending mainstream schools
 - £3.1m Special (including early years, pregnant schoolgirls unit as well as special schools including post 16 pupils in FE and Special Schools)
 - £0.1m post 16 (Students in Further Education)
- 1.5 At the moment, approximately 1000 children and young people qualify for some form of travel assistance (minibuses, taxis or personal travel budgets) under the revised proposals, an estimated 270 under 16's would no longer be eligible for any assistance and an estimated 65 post 16s may still be eligible but would be charged for any transport they received. (The reason this is estimated is because an assessment of eligibility based on needs of the child would need to take place to determine who does receive assistance)

2. Options considered and recommended proposal

- 2.1 In view of the need to reduce spend and ensure it is focused on areas of greatest need a review has been undertaken of travel assistance to school. The approach to this has been to create a new school travel assistance policy which aligns the mainstream and SEND school transport policies into one, with the emphasis on travel assistance (not automatic provision of transport) and with special provision being made to ensure we fulfil our statutory duties.

- 2.2 The new policy (draft attached as Appendix 1) will clearly remind parents that it is their responsibility to get a child to school. It emphasises that the first option for assistance is independent travel training, then personal transport budgets and actual provision of transport is our final option. If implemented this would reduce our transport provision to the statutory minimum and would be implemented from September 2015 onwards
- 2.3 This area of work is subject to statutory guidance published by the Department for Education. This has been revised and was consulted upon earlier in 2014. In the guidance reference is made Section 508B of the Education Act and this deals with the duty on local authorities “to make such travel arrangements as they consider necessary to facilitate attendance at school for “eligible children”.
- 2.4 Eligible children (Excerpt taken from the DfES guidance): “Schedule 35B of the [Education] Act defines “eligible children” – those categories of children in an authority’s area for whom travel arrangements will always be required. A condition of each category is that they are of compulsory school age. Under section 508B, every feature of these arrangements must be provided free of charge. Where such children attend a qualifying school, [...] and no suitable arrangements have been made by the Local Authority for enabling them to become a registered pupil at a qualifying school nearer to their home, they will be “eligible children”. This means that local authorities must make suitable travel arrangements for children with SEN, a disability, or mobility problem (including temporary medical conditions) if their SEN, disability, or mobility problem means that they could not reasonably be expected to walk to the school (or other place where they might be receiving education under section 19(1) of the Act).”
- 2.5 Several areas have been identified where savings can be made and we wish to consult on implementing all of these. These are:
- a) To cease transport provision for early years (pre– reception) pupils.
This currently costs £70k for a full year. The transport currently provided goes to the specialist provision at Larch House (on the Corley Site), to Limbrick Centre for youngsters with special needs and to Cannon Park Annex for youngsters with hearing and visual impairment. Additionally all of the broad spectrum primary special schools can have nursery age youngsters and currently these are transported
 - b) To cease free post 16 transport for schools and colleges (except in cases of a pupil with a severe learning disability)
This currently costs an estimated cost of £190k for a full year.
 - c) To introduce charging for any post 16 transport which is provided
The proposal is to introduce a charge equivalent to a termly “Centro” 16-18 bus pass for any transport provided.

- d) To align the distance criteria for automatic eligibility for travel assistance for pupils with SEND to the same qualifying distance criteria as mainstream pupils.

For those pupils with SEND who no longer receive automatic eligibility based on distance, there will be an individual assessment to determine whether travel assistance is required.

- 2.6 Such arrangements as those described above are already in operation in a number of Local Authorities in the region. Almost all local LAs use the same distance criteria for SEND and mainstream pupils and then undertake an individual assessment of need to establish whether travel assistance is required. Many charge for post 16 transport and a few do not provide assistance for pre-school age pupils.
- 2.7 Separate work is also underway under our current policy to promote independence through revising our approach to transport provision wherever possible. An additional travel trainer has been recruited to provide additional capacity to identify young people who could be travel trained and thereby travel to school safely independently. The Council is also looking at options around drop off / pick up points rather than door to door transport as well as shuttle buses from key points. All this development work is within the remit of our current policy and young people, their parents, carers and schools are being involved in this work as it develops. This work will be ongoing during the 2014-15 year as it falls under our current policy.

3. Results of consultation undertaken

- 3.1 This paper is seeking permission to consult. There have been discussions with the SEND team and also Special School headteachers to date, but no formal consultation has yet started. A draft Equality Impact Assessment has been created (Appendix 2) and a consultation document including an outline schedule of consultation events has also been developed (Appendix 3). Consultation will be supported by an online questionnaire (Appendix 4).

4. Timetable for implementing this decision

- 4.1 Consultation will take place between 24 November 2014 and 23 January 2015. Following this feedback will be collated and considered. Any changes to policy will come to Cabinet in 2015.
- 4.2 Any policy changes will be implemented from the academic year commencing September 2015. It is currently proposed that these changes are all implemented at once with no phasing.

5. Comments from Executive Director, Resources

5.1 Financial implications

Spend on SEN Transport provision in 2013/14 amounted to £3.4m against a budget of £3.2m resulting in a £0.2m overspend. This overspend is forecast to continue at the same level in 2014/15 and could increase slightly due to increased special school placements. Significant actions have already been taken to reduce the transport overspend which previously stood at £0.8m overspend. (Cabinet member report of July 2012 refers) . Further reductions cannot be made without changes to policy.

The SEND FSR savings target increased to £1.0m in 2014/15. This saving is forecast to be achieved in 2014/15 by use of one of grant resource. From 2015/16 the ability to meet the savings target is reliant on delivery of two key areas of which the SEN Transport policy review is the most significant with forecast annual savings in the region of £400k.

The methodology used to forecast savings is based on estimated reductions in the numbers of children and young people transported as a result of changes to eligibility criteria. This will result in reduction to routes and also vehicles. The actual savings delivered will be affected by the cohort of young people being transported and the ability to reduce routes and vehicles in line with estimates. Once the policy changes are implemented the SEN Transport budgets will be monitored through the budgetary control process to evaluate the actual level of savings achieved.

In addition to the proposed policy changes work continues to promote existing alternative transport options such as personal transport budgets and independent travel training which will help to promote independence for pupils and assist in reducing spend.

The level of savings achieved will be reported back through the SEND Project Board and Cabinet Member for Education as appropriate.

5.2 Legal implications

The home to school travel and transport guidance: Statutory Guidance for Local Authorities (July 2014) states that local authorities should consult widely on any proposed change to their local policies on school travel arrangements with all interested parties. Consultations should last for at least 28 working days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation.

S508B of the Education Act 1996 sets out the categories of children in the local authority's area for whom the authority is required to make travel arrangements. Schedule 35B of the Act sets out the definition of "eligible children" for the purposes s508B. The local authority has a duty to ensure that suitable travel arrangements to and from school are made where necessary to facilitate the attendance of children of compulsory school age at a qualifying school. Where the local authority is under a statutory duty to provide travel assistance it must be supplied free of charge. The local authority is under a statutory duty to provide travel assistance where the child's nearest qualifying school is beyond the statutory walking distance, which for children under the age of 8 is where they live more than 2 miles from their nearest qualifying school; and for children over the age of 8 where they live more than 3 miles from their nearest qualifying school. The local authority also has a statutory duty to provide free travel assistance where because of the nature of the walking route it is not reasonable to expect the child to walk to school, and where the child cannot reasonably be expected to walk because of their special educational needs, disability or mobility problems.

In addition the local authority has a statutory duty to provide free of charge travel assistance to children over the age of 8 and below the age of 11, from low income families (where the parent/carer for the child meets the criteria for their child to be entitled to free school meals, or where the family is in receipt of the maximum level of Working Tax Credit (WTC), where they live more than 2 miles from their nearest qualifying school. In respect of children over the age of 11 from low income families, they are eligible for free travel assistance to a choice of one of three of their nearest qualifying schools, where they live more than 2 miles but not more than 6 miles from the school. Children over the age of 11 from low income families are also eligible for free travel assistance to the nearest school preferred by reason of a parent's religion or belief if they live more than 2 miles but not more than 15 miles from the qualifying school.

Public authority decision makers are under a duty to have due regard to 1) the need to eliminate discrimination, 2) advance equality of opportunity between people who share a protected characteristic and those who do not 3) foster good relations between persons who share a relevant protected characteristic and people who do not (public sector equality duty - s 149(1) Equality Act 2010). The protected characteristics are sex, race, age, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity.

Decision makers must be consciously thinking about these three aims as part of their decision making process with rigour and with an open mind. The duty is to have "due regard", not to achieve a result but to have due regard to the need to achieve these goals. Consideration being given to the potential adverse impacts and the measures needed to minimise any discriminatory effects.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

If agreed policy changes would reduce spend and promote a more independent model of travel assistance for school pupils.

6.2 How is risk being managed?

Risks will be identified as part of the consultation

6.3 What is the impact on the organisation?

Some transport is currently provided by City Council staff and some by external contractors who are commissioned. If this policy is implemented there will be a reduction in the requirement to provide transport and this may result in staff reductions for the Council and a reduction in the number of contracts with external contractors.

6.4 Equalities / EIA

A draft EIA is attached as appendix 2 to the report.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

Schools will be involved in discussions as part of this consultation. There are no implications for other partners.

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