

Cabinet

7 March 2017

Name of Cabinet Member:

Cabinet Member for Education and Skills – Councillor Maton

Director Approving Submission of the Report:

Executive Director of People

Ward(s) affected:

All

Title:

Education Travel Assistance – outcome of public consultation

Is this a key decision?

Yes - the proposals within the report are anticipated to have a city-wide impact

Executive Summary:

Coventry City Council has statutory responsibilities for travel assistance for eligible children and young people. However, it currently over-provides traditional forms of transport for children and young people compared to statutory duties and the provision made by other local authorities.

There are two key consequences of this. Firstly, some children and young people are missing out on the opportunity to develop independent travel skills. Independent travel skills gained in adolescence can be taken forward into adult life. Secondly, there is significant forecast overspend on the Council's Home to School Transport budget (2016/17 forecast £3.6m spend against a £3.1m budget). Current policies and practice are not aligned with national statutory duties.

The Cabinet Member for Education and Skills approved a public consultation at the Cabinet Member meeting of 10th November 2016. A public consultation took place from 21st November 2016 to 31st January 2017.

This report sets out the findings from the public consultation and recommends the implementation of revised policies. Where this leads to travel assistance stopping for some children and young people, alternatives will be discussed with family including particular consideration of independent travel as appropriate.

Recommendations:

Cabinet is recommended to approve:

1. A revised Travel Assistance Policy (Statutory School Age Children) which aligns the statutory walking distance eligibility criteria to national levels and has a stronger focus on the Council's travel assistance on public transport and innovative travel options aimed at reducing dependence on minibus and taxi options as appropriate.
2. A new Travel Assistance Policy for post 16 and post 19 students that fully reflects current statutory requirements. This policy includes a contributory charge towards the cost of travel assistance for all post-16 students whose families do not meet the criteria for low income household concessions.

List of Appendices included:

- Appendix 1: New Travel Assistance Policies: for children aged 5-16 years old of school age and post 16
- Appendix 2: Equality and Consultation Analysis

Background papers:

None

Has it been or will it be considered by Scrutiny?

No

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: Education Travel Assistance – Outcome of public consultation

1. Context (or background)

1.1 Coventry City Council has a statutory responsibility to assist eligible children and young people of statutory school age to travel to school. In certain limited circumstances, this duty may extend to young people age 16 to 18 and 19 to up to 25 where the young person has an Education, Health and Care Plan, attending Further Education institutions. It is evident that the Council currently makes provision for children and young people who do not meet the statutory eligibility criteria and that the mode of travel assistance is commonly in the form of door to door minibus or taxi.

1.2 Current policies and practice do not align with current national statutory duties and guidance. The Council does not currently have a post 19 Travel Assistance policy for students with SEN, this is a new statutory requirement.

1.3 There are two key consequences of current practice. Firstly, children and young people who have the potential to travel independently are not given the opportunity to do so and thereby are not equipped with the necessary skills to independently access their community and the workplace in adulthood. Secondly, over-provision has resulted in a significant projected overspend on the Council's Home to School Transport budget (2016/17 forecast spend of £3.6m against a £3.1m budget). The average spend per child, is currently £4,260 per annum. This expenditure is set in the context of significant financial cuts to the Council's budget.

1.4 Children and young people of statutory school age (5-16 years old)

1.5 Statutory guidance and duties

1.5.1 The Council has a statutory duty to make such travel arrangements as it considers necessary for eligible children and young people to facilitate their attendance at a qualifying school free of charge. These are set out in the Education Act 1996 and in the Department for Education's *Home to school travel and transport guidance – Statutory guidance for local authorities July 2014*.

1.5.2 The guidance states that in order to comply with their home to school transport duties local authorities must promote the use of sustainable travel and transport and make transport arrangements for all eligible children. There are four factors that the Council needs to take into consideration when assessing eligibility: statutory walking distance, SEN, disability or mobility, unsafe routes and extended rights.

1.5.3 Statutory walking distance

A child will be an eligible child where the distance from the child's home to the nearest qualifying school with available places that provides an education suitable to the child's age, ability and aptitude and any special educational needs, exceeds statutory walking distances. Statutory walking distance is measured by the shortest route along which a child, accompanied as necessary, may walk safely. Local authorities must offer travel assistance according to the statutory walking distance criteria if:

- a) The child lives 2 miles or more away from their nearest suitable school measured by statutory walking distance and they are under 8 years of age (and of compulsory school age); or

- b) The child or young person lives 3 miles or more away from their nearest suitable school measured by statutory walking distance and they are 8 years of age or over (and of compulsory school age).

1.5.4 **SEN, disability or mobility**

Local authorities must provide travel assistance for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. Eligibility for such children should be assessed on an individual basis to identify their particular travel assistance requirements.

1.5.5 **Unsafe routes**

Local authorities must make travel assistance arrangements for all children who cannot reasonably be expected to walk to their nearest suitable school because the nature of the route is deemed unsafe to walk.

1.5.6 **Extended rights (low family income)**

This refers to eligibility related to family income levels. Local authorities must offer free travel assistance where pupils are entitled to free school meals or if their parents are in receipt of maximum Working Tax Credit if there is compliance with any of the following:

- a) The nearest suitable schools is beyond 2 miles from the home address (for children over the age of 8 and under 11);
- b) The school is between 2 and 6 miles from the home address (if aged 11-16 and there are not three or more suitable nearer schools);
- c) The school is between 2 and 15 miles from the home address and is the nearest school preferred on grounds of religion or belief (aged 11-16).

1.6 **Current delivery and approach**

1.6.1 The Council provides travel assistance to 711 children and young people aged 5-16 years with special education needs and disabilities which is forecast to cost £2.86m in 2016/17 including escort costs. Of this, £0.68m is spent on taxis, £1.96m on minibuses, £0.22m on personal travel budgets. Work has been undertaken during 2016/17 financial year to improve non-policy processes and monitoring to reduce costs.

1.6.2 The Council currently makes provision in excess of its statutory duties. Current policy and practice for children and young people with SEN, disability and mobility eligibility apply a one mile walking distance eligibility for travel assistance to a special school and a two mile walking distance for eligibility to primary schools age 8 to 11. An analysis of transport provision identifies an over-use of door to door taxis and minibuses when public transport options or pick-up points may be suitable.

1.7 **Proposals**

The proposal is that the Council revises its Travel Assistance Policies for children of statutory school age, post 16 and post 19 students. The proposed policy for statutory school age:

- a) Aligns the statutory walking distance eligibility criteria to statutory duty levels;
- b) Makes provision for exceptional circumstances;
- c) Sets out the decision making process for the type of travel assistance offered;
- d) Ensures that choice is tempered with the need to ensure the efficient and effective use of public resources;
- e) Promotes independent travel, the use of public transport and other innovative travel options

- f) Reviews the current personal travel budget to equalise entitlement to 45p per mile within City and 25p per mile out of City.
- 1.7.1 An analysis of the impact of applying the proposed national statutory walking distance criteria to current users, identifies that 343 children from a cohort of 711 children and young people would no longer qualify for travel assistance on the grounds of distance. However, it is estimated that 225 of the 343 children would satisfy other eligibility criteria as a consequence of the severity of their SEN or mobility. It is estimated that 118 children and young people would no longer qualify for travel assistance. This would mean that if changes were implemented, an estimated 118 (16%) of current users would not qualify for travel assistance as a result of these proposals.
- 1.7.2 These estimates are based on the assumption that children in the following categories are likely to remain **eligible** for travel assistance: profound and multiple learning difficulties; severe learning disability; complex communication disorder that has a severe impact on cognition; sensory impaired (registered blind or profoundly deaf); severe social, emotional and mental health difficulties requiring supervision to secure personal safety, physical disability that significantly impedes mobility e.g. wheelchair users.
- 1.7.3 Children with assessed needs in the following categories, are likely to be **ineligible for** travel assistance as a consequence of their SEN: moderate learning difficulties; speech and language difficulties; moderate social communication difficulties; moderate social emotional mental health difficulties moderate visual Impairment; moderate hearing loss. However, current users may still meet eligibility criteria in other areas, specifically distance, low income/extended rights, unsafe route or exceptional circumstances.
- 1.7.4 Where children are ineligible, parents/carers would take responsibility for ensuring their child's attendance at school.
- 1.7.5 The application of the policy would require families to formally apply for travel assistance on an annual basis. The Council would assess the most appropriate way of delivering travel assistance on an individual level applying the criteria set out in the policy. It is envisaged that this process would provide an opportunity for families independently or together to identify innovative modes of alternative travel and that Council arranged provision would prioritise the development of independent travel skills and the use of public transport.
- 1.7.6 It is proposed that the new policies would be implemented from 1 April 2017 onwards for new applicants and that the policy would be implemented for existing recipients from 1st September 2017 onwards.
- 1.8 Travel Assistance for 16-18**
- 1.8.1 Statutory guidance**
- 1.8.2 The Council's statutory duties are set out in the Education Act 1996 and the DfE publication: *Post-16 transport to education and training – Statutory guidance for local authorities (February 2014)*. This guidance states that the overall intention of the 16-18 transport duty is to:
- ensure that learners of sixth form age are able to access the education and training of their choice; and
 - ensure that, if support for access is required, this will be assessed and provided where necessary.

- 1.8.3 Key factors set out are: the needs of those who could not access education or training provision if no arrangements were made; the need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided; the distance from the learner's home to establishments of education and training; the journey time to access different establishments; the cost of transport to the establishments in question; alternative means of facilitating attendance at establishments; non-transport solutions to facilitate learner access; and preferences based on religion.
- 1.8.4 The statutory guidance states that local authorities may ask learners and their parents for a contribution to transport costs. The guidance goes on to say that when exercising this discretion local authorities should:
- ensure that any contribution is affordable for learners and their parents
 - ensure that there are arrangements in place to support those families on low income
 - take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups.
- 1.8.5 The guidance also states local authorities may take receipt of 16-19 bursary funding into account when assessing an individual's need for financial help with transport.
- 1.8.6 **Current delivery and approach**
- 1.8.7 The Council currently provides travel assistance to 110 young people aged 16 years and over at a forecast cost for 2016/17 of £0.60m. Of this, £0.52m is forecast spend on minibuses, £0.05m on taxis and £0.03m on Personal Travel Budgets.
- 1.8.8 Where young people have high needs, travel options are considered on an individual basis. Young people with high needs but able to travel more independently receive a bus pass. More vulnerable young people with physical/cognitive issues are offered assisted transport. Where young people are transported to out of area settings, they travel together in the same taxis where possible and drop off and collection times are harmonised to minimise journeys and costs.
- 1.8.9 The Council's approach is aligned to the statutory guidance, however, Coventry City Council does not currently ask for a parental contribution towards travel assistance.
- 1.8.10 The forecast average cost per young person of post-16 transport in Coventry for 2016/17 is £5,450.

2 Options considered and recommended proposal

- 2.1 The option of no change in respect of travel assistance for statutory school age has been considered. However, this would mean a continuance of over-provision resulting in a growing over-spend against budget. All other West Midlands Local Authorities have successfully applied statutory eligibility criteria, evidencing that a change in policy is both justified and will meet need. A continuance of current provision will impede the development of independent travel skills. This option is not therefore recommended.
- 2.2 The option of no change in respect of post 16 travel assistance has been considered. However, non-SEN students have to take responsibility for securing attendance at post 16 provisions within school or college at their own expense. The Equality Act demands equality of access for disabled people, it does not require services to provide an advantage. Students with a disability receive mobility allowances to secure their access to the community, it is therefore difficult to justify delivering a free service. This option is not therefore recommended. The proposed contribution of £600 per annum is deemed to

be affordable and represents an average of other local authorities' contribution levels. The charge will be halved to £300 per academic year, if a financially dependent student is from a family on a low household income.

- 2.3 There is recognition of all the above issues and that potential changes to travel assistance can cause significant anxiety for some parents/carer and their children and some of the individual comments received reflect this.
- 2.4 There is particular recognition that issues including the safety of children and young people and their attendance at educational settings are of paramount importance.
- 2.5 The new policy (including the application process) is aimed at enabling those children/young people who really need travel assistance to get it and ensuring that Coventry City Council meets its statutory responsibilities. In addition to the new policy a range of practice and process changes are taking place which have been outlined earlier. Alternative suggestions will continue to be considered as part of policy and practice.
- 2.6 The new policy has a "safety net" of provision for exceptional circumstances and an appeals process.
- 2.7 The proposal is that the policies are implemented as consulted on and where this leads to travel assistance stopping for some children and young people, that alternatives are discussed with the family and worked through with particular consideration of independent travel as appropriate.

3 Results of consultation undertaken

3.1 Consultation process

- 3.1.1 The public consultation took place from 21st November 2016 to 31st January 2017. Awareness of the public consultation was through the following means:
- Communication to parents/carers of children current receiving travel assistance (through letters and information sheets at Special Schools)
 - Council social media
 - Web-pages on the Council's on-line website (proposed policies, information sheets)
 - Communication through One Voice Parent/Carer Forum and Special Educational Needs and Disability Information Advice and Support Service (SENDIASS) networks
- There was also coverage in the Coventry Telegraph prior to the start of the consultation.
- 3.1.2 There were the following opportunities to give feedback on the proposed new travel assistance policies:
- 8 drop-in meetings across Coventry (Cheylesmore, Foleshill, Tile Hill, Central, Wood End) - including one hosted by One Voice/SENDIASS
 - 3 sessions with young people at Sherbourne Fields School (whole school council), Riverbank Academy (post-16 year old students) and Hereward College (16-18 year old students).
 - On-line survey (survey monkey) on the Council website
- 3.1.3 A total of 68 people were spoken to face-to-face about the consultation proposals. A total of 52 responses were received through survey monkey and 5 to the consultation mailbox.

- 3.1.4 At the Scrutiny Board 2 (SB2) meeting on 8th December 2016, SB2 members identified that some parents were not aware of the public consultation. This was addressed as a matter of urgency by a further round of communication to parents through letters and information sheets and the consultation was extended from ending 13th January 2017 to 31st January 2017. Additional meetings and drop-in sessions were added to the schedule to ensure that there were multiple opportunities for people to express their views.
- 3.1.5 No petitions (e-petitions nor hard copy) were received regarding the proposals.
- 3.1.6 The consultation focused on understanding the views of people including the impact and concerns of the changes to policy and whether there were any alternative suggestions.

3.2 Impacts and concerns raised

- 3.2.1 The following impacts and concerns were identified in the consultation and these were captured through the survey and in face-to-face meetings. The most frequently raised issue was that changes would cause additional strain to children and their families. This was raised by approximately 20-25 different people in the consultation. The next biggest concerns were the logistical challenges of getting siblings to schools in different locations – particularly considering the distance to some special schools and that changes would lead to a decline in attendance at educational settings. These concerns were raised by approximately 10-15 different people.
- 3.2.2 The next most frequently raised concerns related to: financial impact including the impact where parents/carers work; safety concerns if Council transport was not provided and a general concern of the impact of the changes on the most vulnerable in society. Each of these concerns was raised by approximately 5-10 different people.
- 3.2.3 The final category of concerns were raised by approximately 1 to 5 different people. These included: parents not able to drive; that changes would reduce independence; traffic/environmental issues – including traffic around school gates; impact on deaf children; challenges using public transport; the impact on 0-4 year olds as the school-age policy does not cover them; how the figure of £600 per year post-16 was arrived at (*note: this was based on a comparison of contributions in other West Midlands local authorities and proposing a charge at the lower end of these local authorities*) and potential impact on internships of post-16 policy.
- 3.2.4 Other concerns raised – outside the specific scope of this review – were the number of specialist places in Coventry and the need for more special autism schools in and around the Coventry area.
- 3.2.5 There is recognition of all the above issues and that potential changes to travel assistance can cause significant anxiety for some parents/carer and their children. There is particular recognition that issues including the safety of children and young people and their attendance at educational settings are of paramount importance.

3.3 Alternative suggestions

- 3.3.1 The consultation gave the opportunity to put forward alternative suggestions. A total of 39 people answered this question on survey monkey in addition to comments made in face-to-face meetings. Many of these focussed on **practice and process rather than policy**.

3.3.2 The following suggestions were made by the public were: pick up stops around the city, sharing buses between different schools, having a more efficient transport provider and less money paid to contractors – with direct Council provision instead, fewer temporary staff, stopping taxis that only have 1 or 2 children in them, Travel training a wider range of children, better route planning, provision of breakfast and after-school clubs, escorts to help children travel via public transport, opportunities to cycle, paying for Uber taxis, having a nominated person in school to pick up children who need assistance, grants, sponsorship from local companies.

3.3.3 Some of the above suggestions are already taking place. Whilst this feedback does not directly relate to this consultation (entitlement criteria) the feedback will be used to inform contracting and commissioning arrangements going forward. Safeguarding and safety of children will be of highest importance in consideration of these suggestions.

3.3.4 The following alternative suggestions were about **policy** and the response to these is shown in italics:

- Ending transport for those who can afford it, to enable those on low income to have it/means tested. *This suggestion cannot be taken forward as national statutory guidance does not give the flexibility to take this approach for school-age travel assistance.*
- Checklist on criteria. *The new policies set out criteria.*
- Parents making contributions. *The Council does not have the statutory flexibility to charge parents for travel for school-age children. It does have the flexibility to ask for a contribution to post-16 travel and this is included in the new policy.*
- That parents should not receive payments (referring to Personal Travel Budgets) for taking their children to school as they should be doing this anyway and that parents are gaining financially unnecessarily. *The draft policy ensures value for money is considered when determining the offer.*

3.4 Feedback from young people

3.4.1 A strong theme in the consultation with young people was that they wanted to be travel trained to enable more independent travel both now and into adult life, but that their parents did not want them to be. There was also a theme about having better information regarding travel training for young people and their parents. The strongest theme for Hereward College students was accessibility to bus stops (both in the city centre, with the area large outside of pool meadow and that the bus stop is not in close proximity to the college and is on a sharp incline). Some students agreed that a contribution to travel may be fair.

4 Timetable for implementing this decision

4.1 This decision would be implemented from April 2017 for new applicants and from September 2017 onwards for existing recipients.

5 Comments from Director of Finance and Corporate Services

5.1 Financial implications

5.1.1 Spend on SEN Transport provision in 2015/16 amounted to £3.8m against a budget of £3.3m resulting in a £0.5m overspend. Spend has reduced in 16/17 as a result of work to review processes and find efficiencies within the existing policy and the forecast spend for 2016/17 £3.6m. However the forecast overspend for 16/17 is still £0.5m which is due to planned budgetary savings being applied.

- 5.1.2 Based on the proposed changes to the travel assistance policy it is forecast that of the 821 children and young people currently receiving travel assistance 118 school age children and 10 post 16 children will no longer receive assistance. The table below details the forecast reductions in spend:

Proposal	Forecast Reduction (£m)
Change to distance criteria in line with statutory guidance	0.43
Revision of door to door transport to the provision of bus passes for secondary age young people attending special school provision, able to access public transport	0.06
Revised mileage rate for Personal Transport Budgets	0.08
Proposed charging policy for Post 16 (Sixth form age)	0.03
Total Forecast Reduction in Spend	0.60

- 5.1.3 The forecast reduction in spend for 2017/18 is forecast to be in the region of £0.40m as a result of the proposed September 2017 implementation. The full forecast reductions will be realised from 2018/19 financial year.
- 5.1.4 The methodology used to forecast savings is based on estimated reductions in the numbers of children and young people transported as a result of the proposed changes to eligibility criteria. This will result in reductions 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.
- 5.1.5 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 (PTB) and independent travel training which will help to promote independence for pupils and assist in reducing spend.

5.2 Legal implications

5.2.1 Publication of general arrangements and policies (51)

“Local authorities must publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. This information should be clear, easy to understand and provide full information on the travel and transport arrangements. It should explain both statutory transport provision, and that provided on a discretionary basis. It should also set out clearly how parents can hold local authorities to account through their appeals processes. Local authorities should ideally integrate their Sustainable Modes of School Travel strategies into these policy statements, and publish them together.”

6 Other implications

6.1 How will this contribute to the Council’s priorities? <http://www.coventry.gov.uk/councilplan>

A stronger focus on independent travel will contribute to citizens living more independent lives.

6.2 How is risk being managed?

Risks are being managed through project management processes.

6.3 What is the impact on the organisation?

6.3.1 Financial impacts

Financial implications were set out in paragraph 5.1.

6.3.2 Staffing impacts

There are no specific staff impacts to these proposals.

6.4 Equalities / EIA

The Equality and Consultation Analysis (ECA) outlined in Appendix 2 sets out the equality impacts.

6.5 Implications for (or impact on) the environment

There are no specific implication for (or impact on) the environment.

6.6 Implications for partner organisations?

There are no specific implications for partner organisations.

Report author(s):

Name and job title: Adrian Coles, Programme Delivery Manager

Directorate: People Directorate

Tel and email contact:

024 7683 3551 Adrian.Coles@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Lara Knight	Governance Services Co-ordinator	Place	13-2-17	14-2-17
Jeannette Essex	Head of SEND Services	People	10-2-17	13-2-17
Rob Orton	Accountant	Place	13-2-17	13-2-17
Sharon Cassidy	SEN Management	People	13-2-17	14-2-17
Richard Adams	Lead Accountant	Place	13-2-17	13-2-17
Names of approvers for submission: (officers and members)				
Finance: Rachael Sugars	Finance Manager	Place	13-2-17	13-2-17
Legal: Elaine Atkins	Solicitor, Legal Services	Place	13-2-17	14-2-17

Director: Kirston Nelson	Director	People	10-2-17	14-2-17
Members: Cllr K Maton	Cabinet Member Education and Skills		10-2-17	11-2-17

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