

Cabinet – 4 February 2015

Children's Special Educational Needs School Assisted Transport and School Bus Passes

Portfolio: Councillor B Cassidy - Children's services and education

Related portfolios: None

Service: Home to School Travel Assistance Service

Wards: All

Key decision: No

Forward plan: No

1. Summary

- 1.1 This report seeks Cabinet approval to implement budget proposals to reduce expenditure by removing discretionary bus passes for pupils who choose to attend faith schools, reduce expenditure on children with special educational needs attending schools outside of the Borough and remove travel assistance between school and respite care. The Council will continue to meet its statutory requirements and obligations.

2. Recommendations

2.1 That Cabinet approve:

- 2.1.1 Proposed changes to remove discretionary bus passes to faith schools, except where families are in receipt of Free School Meals/Working Tax Credit.
- 2.1.2 Restrict travel assistance payments to families where they choose to send their child to an out of Borough school not recommended by the Local Authority.
- 2.1.3 Removal of home to school transport to/from respite provision and school subject to protection to minimise the possibility of any current user being adversely affected.
- 2.1.4 That Cabinet note that the updated Home to School Travel Assistance Policy will be presented for final approval in May 2015 when consultation has been finalised on other non-budget related changes to the Policy.

3. Report detail

- 3.1 Consultation has taken place, during November and December 2014, on the budget reduction proposals for this service. This included 972 letters sent directly to families receiving the service offering the opportunity for families to return, by post or online, a survey on their views. In addition all relevant stakeholders were informed of online consultation through email and websites. A 6 hour 'drop in' session was held on 4 December and a Face to face meeting was held with the Parent Participation Group on 5 December. A final meeting was arranged at Mary Elliot special school on 15 January 2015 for a joint consultation with social work colleagues on proposals to review care packages.
- 3.2 Overall, of the responses received there was general support for two proposals;
 - 3.2.1 to reduce expenditure by removing discretionary bus passes for pupils who choose to attend faith schools. Eligible children from low income families will still receive support if the nearest school preferred on grounds of 'religion' or 'belief' is more than 2 miles but less than 15 miles from the child's home address.
 - 3.2.2 to reduce expenditure by removing the financial support for children with special educational needs to attend schools outside of the Borough where parents choose a school that is further than an appropriate school designated by the Local Authority.
 - 3.2.3 children who currently receive the support as described above, will continue to do so until they leave school. This will mitigate the impact on parents who made choices before the policy was changed, or if the Council approves further policy changes.
- 3.3 There was no overall support for the third proposal, with 59% not supporting it:
 - 3.3.1 remove home to school assisted transport from school to respite care

While this proposal was not generally supported, officers recommend that this proposal is approved because the majority of parents provide their own transport to respite care - only 42 of the 180 children accessing respite provision are currently supported through the transport budget. To mitigate the impact Officers are exploring with a Council respite provider (where 22 of the 42 attend respite provision) the potential of using their minibus to provide the transport at a considerably lower cost. To minimise the chance that any child is adversely affected by this change, arrangements will be made by the Children with Disabilities service to provide continued access to respite care where a parent cannot make other arrangements and any future needs will be assessed and funded where appropriate.

Appendix 1 summarises the feedback received.

4. Council priorities

- 4.1 **Budget savings**; discontinuing delivery of discretionary travel assistance will support the Council in meeting its budget reductions
- 4.2 **Improving Safeguarding, Learning and the Life Chances for Children and Young People**; the changes to the provision of this service seeks to ensure the continuation of suitable, safe home to school travel assistance for eligible children by meeting all of the Council's statutory obligations.

5. Risk management

- 5.1 Analysis of risk has been undertaken and some of the changes will be implemented in a phased way to support families until their children achieve statutory school leaving age at 16.
- 5.2 With regard to removing school to respite transport, parents will be supported to learn from other parents how they make arrangements and Officers will explore with internal respite provider's possible use of their minibuses to provide transport and arrangements will be made to avoid any adverse impact from this change.
- 5.3 The proposed changes will not impact on any low income families receiving maximum working tax credit (WTC) or free school meals. The option to 'prefer' faith schools is inconsistent as the council policy does not allow parental preferences to override nearest school criteria, and due to the nature of schools in Walsall this assistance has only been available to parents who prefer eligible Christian schools in the Borough.

6. Financial implications

- 6.1 If these proposals are agreed they will deliver savings as part of overall budget reductions required by the Council.

Savings proposal	
2015 / 2016	2016 / 2017
£20,000	£75,000

7. Legal implications

- 7.1 The Council has a statutory responsibility to support vulnerable children and young people to access education and this will be protected. Budget proposals will only affect discretionary assistance.

Sections 508B and 508C of the 1996 Education Act place a duty on Local Authorities to ensure that suitable travel arrangements are made, where necessary to facilitate a child's attendance at school. The policy proposals do not affect the Council's adherence to the statutory obligations.

8. Property implications

- 8.1 There are no property implications as a direct result of this report

9. Health and wellbeing implications

- 9.1 Respite provision may be affected if families cannot make their own transport arrangements but the majority of parents take their responsibility to transport their children. The Local Authority will explore all options to minimise the impact on children and families as a result of this proposal such as our respite provider taking on some transport.

10. Staffing implications

- 10.1 There are no staffing implications as a direct result of this report

11. Equality implications

- 11.1 The service will help ensure that all children have the right to access education regardless of the ethnicity, culture or religion, home language, family background, learning difficulties or disabilities, gender or ability.

An Equality Impact Assessment has been completed to ensure the service meets the statutory needs of all groups.

This policy will remove existing inequalities in that pupils of non faith schools do not receive free transport and bring faith educated children in line with all other children educated within Walsall.

This policy will affect 42 children out of around 180 children who receive a regular local authority-funded respite / short break. They will, like the majority of parents need to arrange their own transport to respite provision; their Home to School travel assistance provision will not be affected. To minimise any adverse affects all reasonable steps will be made through the Children with Disabilities team to enable continued access to respite care where the parent cannot make other arrangements.

12. Consultation

- 12.1 Parents of children and young people with special educational needs were invited to participate in a survey about the service and were also invited to attend drop in sessions and Officers attended the Parent Participation Group to discuss the proposals. Consultation information was also available via the online SEN Local Offer, through electronic school communication websites The Staffroom and The Link and the support websites for families with SEND, the Family information Service and Parent Voice. Parents generally supported the proposal for faith schools and out of borough SEND provision.

12.2 Parents generally did not support the proposal to remove travel assistance between school and respite provision. We are therefore exploring the option to replace this transport provision by a Council respite provider and all reasonable arrangements will be made to minimise the impact on children and young people.

Background papers

Cabinet Report on Budget Proposals - October 2014

Equalities Impact Assessment – January 2015

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Signatures



Signed:

David Haley

Executive Director

23 January 2015



Councillor Cassidy

Portfolio holder

23 January 2015

Appendix 1

Ref: 27	Reduce expenditure on school bus passes and restrict eligibility for Special Educational Needs (SEN) pupils assisted transport.		
It is proposed to stop providing bus passes for pupils who choose to attend faith schools, reduce the financial support for children with special educational needs to attend schools outside of the borough. Remove travel to respite care and take into account Motability cars in making decision to provide transport. To increase concessionary fare mileage limit for 8 to 11 years of age from 2 miles to 3miles.			
2015/16 (£20,000)		2016/17 (£75,000)	Total (£95,000)
Summary of feedback from:			
Budget Booklet Survey			
Fully Support	Support with concerns/amendments	Do not support	Base number
15 (35%)	7 (16%)	21 (49%)	43(100%)
<p>Budget Booklet Survey results tell us that respondents are divided in their support for this proposal; 51% support 49% do not support. Most respondents (86%) do not state being users of the service. There appears to be support for faith school element but not for SEN changes.</p> <p>Of those that support the proposal, all non recipients of the service, most state no impact, those that comment commonly say that attending a faith school is a choice and therefore transport costs should be borne by parents.</p> <p><i>“Not affected by this but where parents choose to send their children to a non-local school then cost of transport should rest with the parent.”</i></p> <p>Of those not supporting the proposal, a mixture of users and non users, comments are varied but for those not in receipt of any support, their concerns centre on the impact on SEN children whom they see as a vulnerable group rather than for subsidised transport to faith schools. Commenting also on the practicalities of having children in multiple schools.</p> <p><i>“SEN children should have the most support for transport. Faith schools do not need passes; it is the parent’s choice to send them to that school.”</i></p> <p><i>“Children in SEN schools often have to travel long distances to school and are very rarely in the same school with their siblings. Parents will not be to take multiple children to school.”</i></p> <p>Whereas users who disagree with the proposal are small in number; they speak from personal experience about how their situations mean that children are placed at a distance, also of the financial burden this proposal places on them and a sense that the proposal discriminates against those choosing a faith school over a non faith based school.</p> <p><i>“... we were forced to move house due to my wife’s disability needs, much further from</i></p>			

the schools they attend. We now live in Willenhall and they go to school in Bloxwich...the Catholic Primary School St Peters; because the council closed the previous Catholic school in Willenhall and as part of that agreement transport would be provided to the alternative school."

"My ... can only walk short distances as is unstable on feet...cannot travel by public transport as it is too dangerous and cannot travel without an escort."

Suggestions for alternatives to the saving are:

- Most commonly to retain assistance for SEN pupils but remove the subsidy purely to attend faiths schools otherwise;
- Remove subsidy for families who have a mobility vehicle provided.
- School contributions.
- Do not subsidise out of borough transport.
- Means test the charge
- Save money elsewhere; staff, wages, street lighting etc
- Raise Council Tax

"Children with SEN are only placed outside the borough because appropriate provision is unavailable in the borough. It is totally unfair to penalise these children's families by making them pay for transport. If the families cannot afford the transport then what options are there for them?"

"Councils should provide a basic service only. As long as the council can offer a school place within the closest reasonable distance to the child's home. If the parents choose otherwise, then it is up to them to fund the transport cost mileage."

"Only remove faith school bus passes not those with special educational needs"

Additional quantitative research e.g. online and paper surveys

79 people responded to the survey, not all answered every question.

Travel assistance to a faith school			
Fully Support	Support with concerns/amendments	Do not support	Base number
24 (32%)	18 (24%)	34 (45%)	76

Based on all respondents (those affected by the proposal and those who are not), 56% support the proposal fully or support it but have concerns / amendments. 45% do not support the proposal.

Based on all respondents, there is general support for the proposal, however when looking at responses of those with children who will be affected by it and those who currently have a child receiving travel assistance to a faith school, opinion shifts to do not support (62%), with a total of 38% saying they support it or support it with concerns / amendments.

Eleven respondents indicate that at least one of their children will be attending a faith school for the first time in September 2015 and live beyond "walking distance" from the school. Eight of these respondents do not support the proposal and two support it but with concerns / amendments.

"[The proposal will] Affect my finances as my one wage caters for all my family. I do not qualify for working tax credit or FSM - but I have to pay out a lot."

"I feel that you are discriminating against children who wish to go to faith school."

"Because it is important for my children to attend a faith school and to receive travel assistance to do so."

"There will be no way for my child to get to school."

"It is taking away choice from families who wish to ensure a faith education for their child, but do not have the money to pay for travel."

"My daughters current primary faith school is in Walsall, but as this is also the feeder school into her secondary school in Willenhall we as parents should not be penalised should we take up this offer, but cannot know any more on this until school secondary placements are released in March."

Some respondents are concerned about the affordability of families to be able to pay for transport to get to their preferred faith school.

"There needs to be element of hardship discretion should a very poor family have compelling reasons, including sibling already attending, to send their child to a faith school, the nearest appropriate being some distance from their home."

"Some single parent/low income families may not be able to afford the bus passes."

"It is taking away choice from families who wish to ensure a faith education for their child, but do not have the money to pay for travel."

One person who supports the proposal (and is not affected) feels that the cost of transport to a faith school should be met by the parents / carer, another feels that children with SEN should be the priority.

"No impact on me directly, but I agree that parents sending their children to a faith schools in preference to a closer school within walking distance should pay for their own transport costs to faith schools. When my son went to his secondary school we lived more than 4 miles away and we had to purchase a bus pass for him. I could have requested a school within walking distance for him but that wasn't our preference."

"The priority is children with Special Education Needs."

Overall there is general support for this proposal to cease travel assistance to a faith school.

However, those who currently or would benefit from travel assistance to a faith school under the existing policy do not support the proposal.

Travel Assistance for Out of Borough SEND Schools			
Fully Support	Support with concerns/amendments	Do not support	Base number
22 (31%)	18 (26%)	30 (43%)	70

Over half of all respondents (57%) support the proposal fully or with some concerns / amendments.

82% of respondents say the proposal will have no impact on them and one person said that they are considering choosing a school that would mean they are affected by this proposal. 16% did not know what their situation was.

“No concerns, parents should only receive financial support up to receiving the costs of travel to their local school, additional costs should be self funded.”

Of those who have concerns / amendments some feel that the priority should always be the child's needs, some say regardless of cost.

“As a parent the effects can be great as an expense and the responsibility on us to alter commitments on a daily basis.”

“If parents feel a school is right for their child then they should be able to send their child there regardless of cost.”

“My concern is that a child may be better placed at a school further away but due to financial reasons i.e. they can't afford the bus fare they would be unable to attend, surely it is the interest of the child at heart that matters.”

“It doesn't affect me but all parents have a right to send their child to whatever school they deem best and the council and government should support this.”

Those who do not support it feel that the proposal would introduce extra pressures on families with disabled children.

“Life is hard enough for parents with a child that require SEN services, this would just be more pressure for these people, they did not ask to be in this position.”

Overall respondents tend to support the proposal to cease travel assistance for out of borough SEND schools, however only one of the respondents identified that they would be affected by the changes.

“If my child were to attend the nearest out of Borough educational provision, he would not be receiving the appropriate education to meet his needs and consequently he would not achieve his true potential. This will have a profound impact upon his future. His Special educational Needs are specific to him. It's not our fault that the Local Authority or those neighbouring, don't provide the appropriate educational establishment. If we had to meet these transport costs it would put a severe financial hardship/strain upon us and we wouldn't be able to take him ourselves due to the distance/timings and work commitments.”

School Travel Assistance to Respite Provision			
Fully Support	Support with concerns/amendments	Do not support	Base number
11 (16%)	18 (25%)	42 (59%)	71

Based on all responses, 41% support the proposal, of which 25% have concerns / amendments. 59% do not support it. Twenty one respondents currently benefit from the

service; fifteen of these do not support the proposal.

Those in support of the proposal generally do so because it will not affect them.

"...it cannot be sustainable to continue paying large sums of money to fund these journeys. This affects me where money is diverted from other services that I use but may become reduced, ceased or become chargeable and or causes council tax to increase."

Others are concerned about the impact it will have on the child and their families.

"Respite transport should stay. It's the only break some families have and if they have no transport or no money you are taking this away."

"For parents of severely disabled children, their usual transportation of the child would be trusted and this may be the only way of accessing respite care."

Those who do not support the proposal highlight a range of concerns. Some are very worried about the impact the proposal, if approved, will have on them as a parent, the wider family and their child or children.

"Parents would be put under pressure financially and emotionally."

"Concerns are that my children have various age differences and hence attend different school, if assistance is removed I will be unable to drop my other children off to school on time and i have heavy financial problems."

"Respite holds my family together when we are caring for a child that needs our 100% attention. We need a break into precious respite time to provide transport."

Some respondents give detailed comments about the impact they feel the proposal may have.

"Our severely disabled daughter requires help 24/7. We have respite 3 nights every month possibly 5 or 6 times a year. We need this respite, transport means she can go to school. Remove transport and we would have to make the choice respite no school - incur fines, school and transport costs would be too expensive. My daughter has Cerebral Palsy we receive respite two-three days a month. We would have to choose between sending xxx to school and struggling families incur an extra expensive bill or no school in which we get a fine but would get respite."

"I am deeply concerned about this proposal as it will have a huge impact on the value of respite that I receive when my son goes to Bluebells.....I know that my son would not understand what was going on and may get upset at being picked up from school by me and being left at respite. This may have a far bigger impact on other children who are autistic. ...There is no disabled parking at Mary Elliot school as it is blocked off for access for the buses. There is almost no other parking at the school and there is the difficulty of competing with the buses to gain access."

"[In my professional role as a consultant neurodisability paediatrician and as the chair of governors at a special school] I know of many children for whom specialist after-school respite has been a lifeline to parents who are not able to collect their child who attends school at some distance from home. The provision of transport to this respite or after-school provision has been essential for the well-being of the child and the family. Not to provide it would be a denial of the equal rights for the disabled child when, by the nature of their disability, they have to attend school at a distance from their home... It is essential

that this service be maintained...”

Generally the proposal to cease assisted school to respite transport is not widely supported, with concerns about the additional pressures this will place on families and their disabled children.

Other feedback gathered by services e.g. focus groups, meetings, interviews, any dialogue, letters, emails etc

A series of face to face consultation events were arranged to allow parent/carers and other interested parties to put their views directly to Council officers. An open drop in event on 4/12/14 from 2pm to 8 pm was attended by 6 parents and stakeholders.

One stakeholder felt that children choosing to attend faith schools should receive bus passes on the same basis as all other children as the policy ‘discriminates against parents choosing to send their children to good schools who do not receive bus passes’, she felt that the policy ‘discriminates in favour of poor families attending faith schools rather than poor families wishing to improve their chances by attending a more distant “good” school’.

One parent felt particularly strongly that ‘parents choose to send their children to faith schools but children with disabilities have no choice’ so didn’t feel they should receive any concessions on the basis of faith alone.

Most of the parents were concerned with their particular circumstances, such as the impact of an unsafe route on bus pass decision and wanted to know ‘will this count as an exceptional circumstance?’

Some parents expressed disappointment that applications for schools had to be completed before consultation information had been published and thought ‘they might have submitted different school preferences if the information had come out earlier.’

General concerns were expressed that parents who do not drive will struggle to get their children to respite care and it might mean their children cannot access respite.

One parent complained that having to make her own transport arrangements to respite would reduce her respite time – currently she enjoys ‘31 hours respite when son is collected from home, taken to school, taken from school to overnight respite, taken from respite back to school and then back home.’

The opinion was expressed that ‘some parents will not bother to complete the consultation as they feel it will have no impact.’

Most attendees felt that the support given to faith schools was ‘not fair’ and other children were ‘more deserving of help.’

The meeting of the Parent Participation Group on 5/12/14 was attended by 7 parents although 3 were the same as the previous meeting.

A parent asked ‘why SEN transport and social care had not organised transport and suggested that the council had not fully thought through the proposed changes.’

Individual queries raised included the legal definition of ‘home address’ – parent felt that this should include ‘respite provider’ even though this is not supported in the legislation and concern that there would be an increased carbon footprint if parents are all

transporting their children to respite.

There were a number of comments regarding the finances including how much money was being saved by removing respite support; parents felt the savings did not justify the changes which they considered to be unfair to disabled children.

2 parents agreed with policy changes as they already transport own children to respite provision – ‘I prefer to take my child to respite so I know they are safe.’

Some parents present have drawn connections between the proposal to remove Respite transport and the proposal to cut the overall children’s disability budget. Several parents wondered if ending transport to respite care would result in a need for social workers to carry out more assessments and impact on social worker time and capacity. A facilitator pointed out that if lack of transport was actually having an impact on a child’s welfare then the Social Worker would assess immediately to determine if any need existed.

Parents stated that there could be significant traffic problems if parents were required to collect children from school to transport to respite as there is very limited parking at several of the special schools, with Mary Elliott cited as an example. A facilitator pointed out that children would still be transported to the home address from school in the regular bus or taxi provision on respite days. The transport proposal should not have an impact on parking at the schools as parents could then transport their children to respite from the home address.

Parents have asked council officers about the under use of the Bluebells minibus and whether arrangements could be made for this to provide transport to respite care.

A letter has been received from a concerned parent via their local MP who claims that the cuts to respite transport will “make it impossible to access this service which is vital to him and our family, as we would otherwise not be able to do things other families take for granted with our daughter”.

The online Consultation closed on 5 January 2015 but officers have arranged a further face to face meeting with parents at Mary Elliot Special School on 15th January 2015.