

Cabinet - 7 September 2016

Home to School Transport Review and Consultation

Portfolio:	Councillor Burley – Children's Services
Service:	Children's Services
Wards:	All
Key decision:	No
Forward plan:	No

1. Summary

- 1.1 This report seeks Cabinet approval to carry out consultation on the home to school transport policy in the Borough of Walsall. A number of proposals are put forward for consultation and a consultation plan is included in this report. It is proposed to report back to Cabinet with the results at the 14 December 2016 meeting.

2. Recommendations

- 2.1 That Cabinet approve the proposal to carry out a consultation on all aspects of home to school transport in Walsall.
- 2.2 That Cabinet agree to receive a further report at their meeting on 14 December 2016 that reports on the outcome of the consultation exercise and which presents proposals for approval.

3. Report Detail

Scope and Costs

- 3.1 Home to School transport in Walsall takes two main forms: the issue of passes for use on service buses and direct travel assistance for young people with Special Educational Needs and Disabilities (SEND) to enable them to get to school. Around 260 scholars' passes are issued each year, costing £300 each. Eighty per cent of the Home to School Transport expenditure is on 'SEN' transport. The budget was £1.861m in 2015/16.
- 3.2 Over 600 young people with special educational needs and disabilities are transported each day:
- 360 are carried by taxi or minibus within Walsall at an annual cost of £1.5m (an average cost £22.20 per child per day, or £4,200 a year);
 - a further 180 are carried by 6 full size buses to two special schools at an annual cost of £0.2m, (an average cost £6.66 per pupil per day or £1,265 per year);
 - each day over 100 young people go to schools that are Outside the Borough on 59 routes at an annual cost of £0.4m, (an average cost per pupil of £31.55 per day, £6,000 a year);
 - a typical bus pass for travel on service buses costs £1.60 per day, £300 a year;

- around 40% of young people with a statement of special educational needs or an Education and Health Care plan get transport support.

- 3.3 Home to school transport costs the Council £11,000 each school day, but:
- Walsall's expenditure on home to school transport is consistently the lowest of all 14 Local Authorities in the West Midlands region;
 - It was £47 per head of population aged 0-17, compared with an average £66 per head for both the West Midlands region and all England in 2014/15;
 - Walsall's expenditure per head was the sixth lowest of all 150 Local Authorities in England in 2014/15;
 - It was £52 per head of population aged 0-17 in 2015/16.

General Eligibility

- 3.4 This is 'Part A' of Walsall's policy that sets out the scope for provision of free home to school transport. Children are normally entitled to free home-to-school travel assistance if they live in the Borough of Walsall and they attend the nearest appropriate school and live beyond 'walking distance' from the school at which they are on roll. Walking distance is defined in legislation as:
- 2 miles for children aged up to 8 years
 - 3 miles for children aged between 8 years and the end of the school year in which the child reaches 16 years of age.
- 3.5 Extended rights: the new national statutory requirement is that children aged 8 and over, but under age 11, from low income families are now entitled to free travel to their nearest suitable school if the distance from home is more than 2 miles (via the shortest walking route). Children of secondary school age (aged 11 to 16 years; Year 7 to Year 11) from low income families who are in receipt of maximum Working Tax Credit or Free School Meals have a statutory entitlement to travel assistance to and from school. This is to attend:
- one of the nearest three suitable maintained schools as long as the school is more than 2 miles (walking route) but less than 6 miles from the child's home address;
 - the nearest school preferred on grounds of 'religion' or 'belief' if it is more than 2 miles (walking route) but less than 15 miles from the child's home address.
- 3.6 In September 2015 the Council ceased to provide transport assistance to faith schools, other than to pupils who qualified for this via the statutory eligibility criteria. There are two other residual areas of discretion in the Council's current policy. Firstly, the 2 miles limit is applied to all primary year groups, including Reception Year (rising 5s, with support for a parent/carer) and Years 5 and 6. Currently, no pupils benefit from this policy and there are no additional costs as a result. Secondly, the current policy also states that assistance with transport can be given where there are medical needs and in other exceptional circumstances, (such as transport for children who are 'under mileage' where a case is made due to particular family circumstances).
- 3.7 **For Consultation:** whether to retain the areas of discretion in the General home to school transport policy or whether to reduce provision to only the statutory requirements, so that, other than in exceptional circumstances, there would be no

support for parents/carers of children who are 'rising 5s' and that the 'walking distance' from home to school for children aged 8 -11 (Years 5 and 6) would be raised from 2 to 3 miles.

Children with Special Educational Needs and Disabilities (SEND) - eligibility

- 3.8 'Part B' of the policy applies to children with special educational needs and disabilities of statutory school age. The policy makes it clear that the Council anticipates that most children, including those with special educational needs, will make their own way to school independently or accompanied by an adult. In Walsall's current policy, the eligibility criteria that are used to assess whether transport is necessary to fulfil the requirement of the child's statement of special educational needs or Education, Health and Care plan, are not clear. In some other authorities, special needs criteria are published to help the decision making on whether or not to provide transport assistance. These tend to make clear that transport will be provided only for those children with higher levels of special educational need.
- 3.9 The current policy also refers to the need to review or re-assess the need for transport regularly – ideally, at the annual review of the statement or Education Health Care plan. It also makes a specific reference for the need for annual review of those children with SEND who qualify for transport assistance by virtue of their special educational need although they live within statutory walking distance of school. Currently, eligibility for travel assistance of all children in Walsall's special schools who currently receive support is being reviewed with the Headteachers of those schools.
- 3.10 **For Consultation:** that clear special needs criteria for determining eligibility for transport assistance from the Council be published, the presumption being that those children and young people with lower levels of special educational needs would be less likely to qualify for assisted transport support, other than in exceptional circumstances. Further, that continuation of transport support should be conditional on a review and re-assessment annually.

Independent Travel Training

- 3.11 Independent Travel Training (ITT) is a process that teaches someone to learn how to travel independently in a safe and responsible way. Travelling independently is a life skill that reduces isolation and dependency and opens opportunities for education, employment and enjoyment. It leads to cost savings too, so that young people with SEND, for instance, switch from supported transport such as taxis to using service buses or trains once they have completed their travel training. Travel training is most effective if it is carried out before a key transition in a learner's life.
- 3.12 It costs up to £700 to independently travel train a young person, as a one-off cost, with, additionally, a 'reward' of a bus pass (around £300) or, in some authorities, a bicycle loan or grant, once the training is complete (and a bicycle training course is undertaken as well). That compares with an average annual cost of a taxi or minibus within Walsall of £4,200 per young person.
- 3.13 In some local authorities, support for any form of transport for young people with SEND is conditional on them being assessed as suitable for ITT. If ITT is not

appropriate, then other assistance is offered. But if ITT is appropriate and the parents refuse training, then no further assistance is offered by the Local Authority, while the Local Authority itself has discharged its statutory duty to assess.

- 3.14 There are travel trainers in some of Walsall's special schools but there has not been a central travel training scheme in Walsall. Sandwell Council have supported the Council to develop an ITT scheme and a pilot ITT programme will run through the autumn term. The Senior Youth Support Worker will lead the training programme. Travel trainers will be drawn from staff in the Targeted Youth Service and Road Safety teams.
- 3.15 **For Consultation:** whether to develop and promote Independent Travel Training as a central service in Walsall and apply it in particular at transitional stages (e.g. the Year 6 to Year 7 transfer). Further, to consider whether to make transport support dependent on the parents/carers agreeing to an assessment of the young person's suitability for Independent Travel Training. And whether to offer bicycle loans or grants to successful students instead of a bus pass.

Personal Travel Budgets

- 3.16 A Personal Transport Budget (PTB) is a sum of money provided by the Council to parents or carers of children with SEND who are eligible for travel assistance. The budget allows families to make their own arrangements for travel, such as covering the cost of driving or making arrangements with other parents. The benefit to the Local Authority is that PTBs can be cheaper than the typical taxi or minibus. Savings can be made as long as the original service is reorganised.
- 3.17 PTBs are normally paid monthly in advance into the parent/carer's bank account. They differ from mileage payments, where claims are made retrospectively and are based on the actual mileage driven. A pilot PTB scheme for Walsall has been developed and is being offered to parents/carers from the end of the summer term and into the autumn term. PTBs are only offered where it makes economic sense for the Council to do so.
- 3.18 **For Consultation:** whether to establish a Personal Travel Budget scheme as the Council's principal Local Offer of transport support for families of children with special educational needs in Walsall where there is a financial saving to the Council.

Post 16 transport policies

- 3.19 As required by law, the Council published its annual post-16 transport policy statement 2016/17 on 31 May for the new academic year. Walsall no longer provides direct transport support for young people aged 16-18 other than those with special educational needs or disabilities. The policy states that students with special educational needs may be entitled to help with transport to help their participation in education or training. This can be extended beyond age 19. There are two proposals for consultation - discontinuing discretionary travel assistance for post-16 students with SEND or requiring parental contributions for post 16 SEND transport.
- 3.20 The post 16 policy document updates information on concessionary fares (which this Council supports) and points to sources of information and financial assistance with transport, such as government bursaries.

The Council provides direct travel assistance only to post-16 SEND students. Other local authorities have withdrawn this. There are 92 post-16 students with SEND currently transported (30 of whom travel on the coaches). The impact of removing this policy would be mitigated through discounted fares for students with SEND, free travel for students with disabilities and possibly bursaries.

- 3.21 **For Consultation:** the proposal is to remove direct support for students over the age of 16 with special educational needs and disabilities by amending the Council's post 16 transport policy.

Parental Contributions

- 3.22 In some areas, Councils require contributions from parents towards the cost of transport, particularly high cost, post-16 specialist transport. Post-16 student families contribute £600 or £300 pa to specialist transport, depending on their income. In other cases, there is an expectation that parents/carers in receipt of the Disability Living Allowance and using mobility vehicles will make use of such transport to get their children to school. With the use of Personal Travel Budgets, it should be possible to come to an agreement with families about the shared use of resources between the family and the Council.

- 3.23 **For Consultation:** That parental contributions towards the cost of discretionary transport (post 16 students with SEND) be required as a contribution towards cost savings.

Also, that the use of family resources including Disability Living Allowance and adapted vehicles be sought on an equitable basis to help some young people with SEND to travel to and from their school.

Policy documents

- 3.24 The Council's current home to school travel assistance policy has separate sections for mainstream and special needs transport (parts A & B). In the light of the Children and Families Act 2014 and the new SEN Code of Practice, other local authorities have produced revised statements of home to school transport covering eligibility criteria for all young people, service standards, how to apply and, if necessary, how to appeal. As part of the transport review, it is proposed to prepare a new policy statement that sets out clear service standards and expectations of parents. It may also be amended following consideration by Members of the results of the proposed consultation.

- 3.25 **Summary of issues for consultation:**

General Eligibility

- Whether to retain the areas of discretion in the General home to school transport policy or whether to reduce provision to only the statutory requirements. Other than in exceptional circumstances, there would be no support for parents/carers of children who are 'rising 5s' and that the 'walking distance' from home to school for children aged 8 -11 (Years 5 and 6) be raised from 2 to 3 miles.

Children with Special Educational Needs and Disabilities (SEND) – Eligibility

- That clear special needs criteria for determining eligibility for transport assistance from the Council be published, the presumption being that those children and young people with lower levels of special educational needs would be less likely to qualify for assisted transport support, other than in exceptional circumstances. Further, that continuation of transport support should be conditional on a review and re-assessment annually.

Independent Travel Training

- Whether to develop and promote Independent Travel Training as a central service in Walsall and apply it in particular at transitional stages (e.g. the Year 6 to Year 7 transfer). Further, to consider whether to make transport support dependent on the parents/carers agreeing to an assessment of the young person's suitability for Independent Travel Training. And whether to offer bicycle loans or grants to successful students instead of a bus pass.

Personal Travel Budgets

- Whether to establish a Personal Travel Budget scheme as the Council's principal Local Offer of transport support for families of children with special educational needs in Walsall where there is a financial saving to the Council.

Post 16 Transport Policies

- The proposal is to remove direct support for students over the age of 16 with special education needs and disabilities by amending the Council's post 16 transport policy.

Parental Contributions

- That parental contributions towards the cost of discretionary transport (post 16 students with SEND) be required as a contribution towards costs savings. Also, that the use of family resources including Disability Living Allowance and adapted vehicles be sought on an equitable basis to help some young people with SEND to travel to and from their school.

4. Council priorities

4.1 Lifelong health, wealth and happiness

The changes proposed to this service will ensure the continuation of suitable, safe home to school travel assistance for eligible children in accordance with the Council's statutory duties. Independent Travel Training leads to the acquisition of an important life skill. The post 16 transport policy sets out information and sources of direct and indirect support with transport to young people in Walsall. The policy contributes to the Council priority of increasing good education and training opportunities and life chances for all in the Borough.

5. Risk Management

- 5.1 The impact of the possible withdrawal of direct support for the transport of students aged 16 or over and who have special educational needs and disabilities can be mitigated through the availability and claiming of concessionary fares and bursaries or grants that can be obtained via the student's post 16 school or college.

- 5.2 The removal of post 16 transport support by the Council for students with SEND (though a policy change or re-assessment of eligibility) would be phased in. There would be a term's notice of a policy change.
- 5.3 The granting of Personal Travel Budgets to families will not have an impact on any benefits they may receive or their tax position, as the PTB is for the benefit of their child/children.

6. Financial implications

- 6.1 For 2015/16 financial year, Home to School Transport reported an overspend position of £0.323m against a total budget of £1.861m. Permanent corporate investment identified for demand led children services was included within the 2016/17 budget in order to fund the ongoing pressure within transport services. As part of the 2016/17 budget, saving proposals of £0.250m for 2016/17 and £0.225m for 2017/18 were also approved to be delivered via a review and implementation of a revised Transport policy along with a number of operational efficiencies. The current forecast position for 2016/17 continues to report an overspend position of circa £0.185m associated with the delay in implementing a revised policy and is currently being managed within Children's Services Action Plan until the savings can be delivered.
- 6.2 Financial modelling has taken place to consider the existing cohort of service users and the impact the revised policy and proposals could have on the current costs. The delivery of savings will depend on the take up of the proposed offer along with the level of support required to existing services users in any transition period. The two identified areas for savings are as follows:
- Post 16 transport policies –the current cost of providing direct transport support for students with SEND aged 16-18 is c£0.300m for a full financial year. As detailed within the report, services aimed at mitigating the impact of this policy change would be provided to support the affected cohort and therefore some level of costs would remain. Cost reductions of circa £0.200m are identified as a realistic forecast, assuming this policy is withdrawn following consultation.
 - Children's Services has reviewed a proportion of existing transport users to determine how the revised policies could impact on transport support going forward along with the associated cost reductions. Cost reductions of circa £0.130m are identified as a more realistic forecast.
- 6.3 6.3 Summary of issues for consultation:

General Eligibility

- Whether to retain the areas of discretion in the General home to school transport policy or whether to reduce provision to only the statutory requirements. Other than in exceptional circumstances, there would be no support for parents/carers of children who are 'rising 5s' and that the 'walking distance' from home to school for children aged 8 -11 (Years 5 and 6) be raised from 2 to 3 miles.

Children with Special Educational Needs and Disabilities (SEND) – Eligibility

- That clear special needs criteria for determining eligibility for transport assistance from the Council be published, the presumption being that those children and young people with lower levels of special educational needs would be less likely to qualify for assisted transport support, other than in exceptional circumstances. Further, that continuation of transport support should be conditional on a review and re-assessment annually.

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Parental Contributions

That parental contributions towards the cost of discretionary transport (post 16 students with SEND) be required as a contribution towards costs savings. Also, that the use of family resources including Disability Living Allowance and Adopted vehicles be sought on an equitable basis to help some young people with SEND to travel to and from their school.

7. Legal implications

- 7.1 The Council has to ensure that Home to School Transport arrangements are set within the context of the Education Act, 1996, Section 509(1). This obliges Local Authorities to make transport arrangements if they consider it necessary to facilitate a pupil's attendance at school. Section 509(2) of the Act states that if the Local Authorities considers transport to be necessary, it must be provided free of charge. Section 508C of the Act gives Local Authorities discretionary powers to make school travel arrangements for other children not covered by section 508B. Such transport does not have to be provided free of charge.
- 7.2 The SEND Code of Practice 2015 says that the Local Offer must include information about arrangements for transport provision, including those up to age 25 with an Education Health and Care plan, and this should include Local Authorities' policy statements. Each Local Authority must have clear general policies relating to transport for children with special educational needs or disabilities that must be made available to parents and young people. Such policies will set out the transport arrangements that are over and above those required by the Education Act 1996 (Section 508B).

- 7.3 Local Authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the authority considers it necessary to make to facilitate attendance of all persons of sixth form age receiving education or training (section 509AA of the Education Act 1996).

8. Procurement implications/Social Value

Contracts to provide home to school transport are awarded via a framework agreement. Private contractors (bus and taxi services) are largely Walsall based companies. Bids are also received and services are provided by local not for profit community transport organisations. Further, there are contracts with a number of Walsall's schools to provide home to school transport services for their own pupils on behalf of the Council.

9. Property implications

There are no property implications arising from this report.

10. Health and wellbeing implications

- 10.1 The most relevant Marmot principle is the principle of enabling all children and young people to maximise their capabilities and have control over their lives. The overall intention of the home to school transport duties is to:

- Ensure that learners are able to access the education and training of their choice
- Ensure that, if support for access to education is required, this will be assessed, provided or enabled where possible.

Ensuring that children and young people get to school safely and on time is a long established responsibility of a Local Authority. Additional home to school transport support is available for children from low income families. Suitable transport enables children with severe, profound and multiple special educational needs or disabilities to access and benefit from education. Proposals in this report to develop Independent Travel Training in Walsall encourage the acquisition of an important life skill.

11. Staffing implications

There are no staffing implications arising from this report.

12. Equality implications

- 12.1 The home to school transport helps to ensure that children and young people are able to access education regardless of their ethnicity, culture, religion, family background, learning difficulties or disabilities, gender or ability. Additional support with home to school transport ('extended rights') is available for children from low income families.

- 12.2 Two options for consideration in consultation are to remove direct support with transport for young people with special educational needs and disabilities who are aged 16-18 or older or to seek financial contributions. To mitigate the impact of this, information is provided in the current policy on a range of concessionary fares that are available to young people aged 16-18 and 18 plus in education. Information is also provided on other support that is available for students with low incomes or other social need to enable them to access education. These include the 16-18 bursaries and the 'Vulnerable' student bursary.
- 12.3 The proposals to develop Independent Travel Training and Personal Travel Budgets will both increase opportunities for children and young people for getting around– travelling independently is an important life skill.
- 12.4 An EQIA assessment has been carried out and is attached.

13. Consultation

- 13.1 Assuming Cabinet give approval to consult, the proposed consultation period is as follows:

Consultation starts	Friday 16 September
Half term	24 – 28 October
Consultation ends	Tuesday 1 November

That gives a consultation period of 33 working days, 28 of which are in term time, 5 in half term.

The report back to Cabinet would be on Wednesday 14 December when members will consider the results of consultation. In the light of their decision, a new home to school transport policy would be prepared by January 2017 for further consultation and consideration.

- 13.2 The Council has an established process for consulting parents, customers and stakeholders on proposed changes to policy and practice and this will be followed in the case of the home to school transport.
- 13.3 Parents/carers will be invited to participate in a survey about the service, finding out their responses to the proposed policy changes that are set out in this report. It may be that other issues emerge for consideration through the consultation process.
- 13.4 There will be consultation with all schools and governing bodies in Walsall, further education providers, diocesan boards and other stakeholders and their written responses invited.
- 13.5 Consultation information will be online via the Local Offer pages, through The Link and support websites for families of young people with SEND, the Family Information Service and Parent Voice.
- 13.6 There will be meetings with the Parent Participation Group, with transport providers and with the headteachers of special schools in Walsall. We expect to hold open meetings/drop in sessions in one or more special schools in Walsall.

- 13.7 Pre-consultation meetings on the transport review have been held with headteachers of special schools (6 July at Oakwood school) and the Parent Partnership group (15 July at Bluebells).

Background papers

Cabinet- 4 February 2015, Agenda Item 9: Children's Special Educational Needs School Assisted Transport and School Bus Passes.

Cabinet – 29 April 2015, Agenda Item 11: Home to School Travel Assistance Policy.

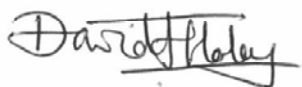
Cabinet – June 2016, For Information report: Post 16 transport policy update.

Author

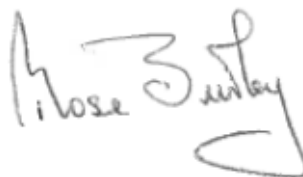
Philip Wells – SEND Interim Assignments

☎ 655897

✉ wellsp@walsall.gov.uk



Signed:
David Haley
Executive Director
10 August 2016



Signed
Councillor Burley
Portfolio holder
23 August 2016

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Home to School Travel Assistance Policy		
Directorate	Children's Services		
Service	Commissioning and Special Needs		
Responsible Officer	D DeMay; P Ward		
EqIA Author	P Wells		
Date proposal started	15/9/16	Proposal commencement date (due or actual)	09/2017

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Y	Revision
	Procedure		
	Internal service		
	External Service	Y	Revision
	Other - give details		
2	What are the intended outcomes, reasons for change? (The business case)		
	<p>This policy has been produced in accordance with the requirements of the 1996 Education Act, as amended by Part 6 of the Education and Inspections Act 2006, and subsequent guidance issued by the Department for Education.</p> <p>The current policy sets out the circumstances in which the local authority will provide travel assistance to help children get to and from school.</p> <p>The proposal is to consult on a number of options that include reducing the discretionary areas of service provision.</p> <p>Subject to consultation and subsequent consideration of the findings of the consultation by members, the outcome could be the rationalisation of policy to deliver equality of service that is based on the Council's statutory duty only.</p>		
3	Who is the proposal potential likely to affect?		
	People in Walsall	Yes / No	Detail
	All	No	
	Specific group/s	Yes	<p>Increased walking distance for children aged between 8-11 years</p> <p>Children under 5 years of age eligible for free public transport when accompanied by adult</p> <p>Students aged 16 or over with special educational need or disabilities</p>
	Council employees	N	

	Other		
4	Summarise your evidence, engagement and consultation.		
	<p>Subject to approval by Cabinet on 7 September, there will be a consultation on home to school transport in Walsall. A consultation plan is in place. This is set out in the Cabinet report of 7 September. A number of options are put forward on which customers of the service and stakeholders will be able to give their views. The findings of the consultation will be reported to members in December. Depending on their decisions, a new policy may then be brought forward in the new year for further consultation.</p>		
5	How may the proposal affect each protected characteristic or group? The affect may be positive, negative or neutral.		
	Characteristic	Affect	Action needed Y or N
	Age	'rising 5s; 8-11 year olds; post 16s with SEND	Options for consultation include withdrawal of discretionary areas of transport support and/or obtaining financial contributions from parents/carers for post 16 SEND transport
	Disability	Disability plus SEN and medical	Support with transport for young people with disabilities (as defined by the Equality Act 2010), special educational needs and medical needs are covered by the home to school transport policies.
	Gender reassignment		
	Marriage and civil partnership		
	Pregnancy and maternity		
	Race		
	Religion or belief		
	Sex		
	Sexual orientation		
	Other (give detail)		
	Further information		

6	Does your proposal link with other proposals to have a cumulative affect on particular equality groups? If yes, give details below.		(Delete one) No
7	Which justifiable action does the evidence, engagement and consultation suggest you take? (Bold which one applies)		
	A	No major change required	
	B	Adjustments needed to remove barriers or to better promote equality	
	C	Continue despite possible adverse impact	
	D	Stop and rethink your proposal	

Now complete the action and monitoring plan on the next page

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome
15 September 2016	Consultation begins. Monitor responses to consultation with particular reference equalities issues identified or reported	P Wells	1 November	Consultation ends. Report responses in Cabinet report for 14 December.

Update to EqlA	
Date	Detail