

## **Cabinet – 15 March 2017**

### **Home to School Transport Revised Policy 2017/18**

**Portfolio:** Councillor Burley – Children’s Services and education

**Service:** Children’s Services

**Wards:** All

**Key decision:** Yes

**Forward plan:** No

#### **1. Summary**

- 1.1 This report seeks Cabinet approval of a revised home to school transport policy for 2017/18.
- 1.2 At their meeting on 14 December 2016, Cabinet considered the findings from the consultation on the home to school transport policy in the Borough of Walsall that had been carried out in the autumn term. A number of policy changes were recommended and accepted. Cabinet requested that a revised policy be prepared and issued for consultation in the New Year.

#### **2. Recommendations**

- 2.1 That Cabinet approve the revised home to school transport policy in Walsall with full implementation from September 2017.

#### **3. Report Detail**

- 3.1 Consultation on the revised policy ran from 13 January to 28 February 2017.
- 3.2 The consultation involved:
  - Publication of the draft revised policy on the Council’s website along with with a consultation document and an invitation to comment;
  - A consultation document, including the draft revised policy, was issued to stakeholders including all schools and other relevant organisations in Walsall via The Link schools newsletter;
  - A letter was sent to parents/carers of young people with special educational need and disabilities who use home to school transport. The letter referred them to the revised policy and invited them to comment;
  - Meetings were held with Parent Participation groups and with head teachers of special schools in Walsall. The meetings included a briefing on the draft revised policy and the opportunity for discussion and comment.

### 3.3 In response to the consultation:

There was extensive consultation on the policy and budget options for transport in the autumn. These were reported in a Cabinet report on 14 December and in a Cabinet report on the budget on 8 February. There have been five responses to the revised policy.

The responses were to the effect that:

- One parent commented that the policy was much clearer than the current one, including the information on how to appeal. There is a request for more information on what evidence would be required to support an application and / or appeal.
- More information was requested from the Parents' Participation group on how assessments for Independent Travel Training will work.
- Two parents commented that the Council has tried to implement every proposal but one with the new transport proposal for 2017; parents have been ignored and disabled children and their families have been targeted. The lack of transport to respite and the charges for post 16 transport could have devastating effects for families particularly those with out of borough placements. Children have to remain in some form of education until at least the age of 18 and it is discrimination to charge those over the age of 16.
- One school's senior leader commented positively on the greater clarity in the assessment criteria and regular review; on Independent Travel training being a good idea, providing the criteria were clear and suggesting involving the school in the process; on travel budgets being a good idea; while expressing concern that some families may not be able to contribute to the costs of post 16 transport.
- Parents' representatives commented that the process of consultation on the policy options was in general a positive one and that parents feel they have influenced the outcome.

### 3.4 **Summary of Changes to the Policy**

The main changes proposed to the home to home to school transport policy are:

Under 'General eligibility':

- Raising the 'walking distance' from home to school for children aged 8-11 of age (Years 5 and 6) from 2 to 3 miles before free transport is provided, but
- Retaining support with transport for children who are 'rising 5s'.

For children and young people with special educational needs and disabilities:

- Strengthen the way eligibility for new transport support is assessed, that will enable the Council to defend challenges in relation to SEN transport; and
- Ensure, at least annually, that the transport needs of children are reviewed.

Developing new forms of transport support for young people with special educational needs and disabilities:

- Independent Travel Training for young people for whom this is appropriate and in consultation with parents;
- Personal Travel Budgets where these represent best value and are wanted by parents / carers.

For young people with special educational needs and disabilities who are over the age of 16 and at school, college or with a training provider:

- A scheme of contributions to the costs of post 16 SEND transport. The new policy is to obtain financial contributions towards the cost of transport of £600 per year, or £300 per year from low income families;
- A proposal in the consultation to withdraw financial support for all post 16 SEND transport was not accepted by Cabinet in December and has been withdrawn.

The draft revised home to school transport policy for 2017 / 18 is attached as Appendix 1.

Appendix 2 includes information for parents on Independent Travel training, Personal Travel budgets and Special educational needs transport services.

#### **4. Council Priorities**

4.1 The Council's purpose is to 'Reduce inequalities and maximise potential'. Its four priorities are:

- Pursue inclusive economic growth
- Make a positive difference to the lives of Walsall people
- Children are safe from harm, happy and learning well with self-belief, aspiration and support to be their best
- Safe, resilient and prospering communities.

4.2 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. Travel support enables children to access education. Independent Travel Training leads to the acquisition of an important life skill. The policy contributes to the Council priority of ensuring that 'Children are safe from harm, are happy and learning well, with self-belief, aspiration and support to be their best'. Providing good transport accessibility also contributes to the priority area of 'Safe, resilient and prospering communities'.

#### **5. Risk Management**

5.1 The impact of the reduction in the level of 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. Support for the 130 students who are post 16 is the main area of discretionary expenditure on home to school transport by the Council.

- 5.2 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 Personal Travel Budget is for the benefit of their child/children.
- 5.3 Children who are 'rising 5s in Reception year will remain eligible for transport support though this is a discretionary service as national guidance stipulates eligibility at age 5.
- 5.4 Also, there are four children of nursery age who are transported. This will cease in September 2017 as nursery transport is not statutory obligation. Similarly, any remaining costs of transport of children to short breaks provision will not be met by the Home to School Transport budget. Further, the eligibility of children with special educational needs who live within statutory walking distance of their school and who are receiving transport support on a discretionary basis (40 pupils) will be re-assessed.
- 5.5 Budget pressures remain a concern and they continue to be monitored. Although there has been just under a 10% increase in the number of children transported with special educational needs and disabilities transported in the past 12 months, the Transport Team has reduced the average cost per child through optimising routes and through negotiations with providers.

## **6. Financial Implications**

- 6.1 For 2015/16 financial year, Home to School Transport reported an overspend position of £0.348m against a total budget of £1.781m. 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.
- 6.2 The current forecast for 2016/17 is an overspend position of £0.352m against a total budget of £1.871m. Of the £2.223m total costs, £1.860m can be attributed to statutory provision with the remaining £0.363m supporting transport over and above the statutory requirements but included within the existing transport policy. Those services are detailed in Section 5 of the report.
- 6.3 With regard the overspend of £0.352m, this is partly being managed and funded via efficiencies across Children's Services (circa £0.180m), with the remaining balance of £0.172m currently contributing towards Children Services reported net overspend position for 2016/17. Delays in the implementation of a revised Home to School Transport Policy along with an increase in the number of pupils receiving home to school transport have contributed to the overspend position reported.
- 6.4 As part of the 2016/17 budget setting, saving proposals of £0.250m for 2016/17 and £0.225m for 2017/18 were approved to be delivered via a review and the implementation of a revised Transport policy along with a number of identified operational efficiencies.
- 6.5 Following the outcome of consultation, as detailed in the 14<sup>th</sup> December 2016 Cabinet report, 'Home to School Transport Consultation', it was approved that a revised home to school transport policy be issued for further consultation. It was recommended within the report that post 16 transport support remain instead of

being removed. This item was identified to deliver circa £0.200m of the required transport savings detailed in paragraph 6.4 for 2017/18 and in the light of this, the saving proposal for 2017/18 (£0.225m) was withdrawn in full.

6.6 Transport services have considered cost reductions to deliver the 2016/17 saving proposal as well as reduce the remaining overspend position currently being reported. Detail of proposed full year cost reductions are set out below:

- Children's Services have reviewed a proportion of the existing young people who receive home to school transport to consider how changes to the transport policy including the development of Personal Travel Budgets and Independent Travel Training could impact on the existing transport provision and the associated costs. If successfully adopted cost reductions of circa £0.130m are anticipated.
- Within the revised policy, as detailed within the report, if parental contributions are sought for those young people who receive home to school transport and are post 16, contributions of circa £0.050m are identified, which would mitigate some of the existing transport costs.
- As part of the re-tendering exercise for home to school transport currently taking place, alternative approaches to procuring this service are being considered. Anticipating delivering this new framework as a Dynamic Purchasing System and then utilising a 'whole school routes' via one provider rather than multiple individual transport firms, could lead to a potential cost reduction of circa £0.100m once all whole school routes are awarded.

6.7 These options have the potential to reduce current costs by circa £0.280m per annum. This would leave a remaining overspend position of £0.072m. At present a pressure of circa £0.150m (which represents the remaining pressure of £0.072m plus an allowance for part year affect of implementing the above saving options) is included within the directorates 2017/18 action plan, with alternative mitigating action identified from across Children's services. There is however no further contingency built into the 2017/18 action plan and therefore should the identified savings not be delivered or further demand increases take effect, a net overspend position would arise in this service area.

## **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 provided by some local not for profit community transport organisations.

An options appraisal for a re-tendering exercise is currently underway where alternative types of framework delivery are being considered. The current Transport Framework expires August 31, 2017 (end of this school year) and will be extended for 4 months up to 31<sup>st</sup> December 2017 (as a one year extension is already built in this contract). The new Framework will be tendered during this time and then commence on 1<sup>st</sup> January 2018.

## **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. The new policy includes the offer of Independent Travel Training in Walsall that encourages 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 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 was carried out during the consultation on both the transport policy consultation and the budget consultation. Both assessments were included in the respective reports to Cabinet.

## 13. Consultation

- 13.1 The consultation exercise is described in section 3.2 of this report where the findings are presented.

## Background Papers

- Cabinet 7 September 2016      Agenda Item 7:  
Home to School Transport Review Consultation.
- Cabinet 14 December 2016      Agenda Item 14:  
Home to School Transport Consultation.
- Cabinet 8 February 2017      Agenda Item 11:  
Corporate Budget Plan 2016/17 -2019/20.

### Author

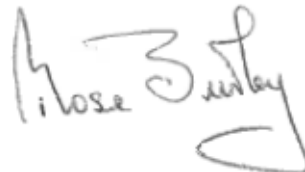
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Signed  
David Haley  
Executive Director  
6 March 2016



Signed  
Councillor Burley  
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6 March 2016