

CABINET MEETING – 13 JANUARY 2016

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Home to School Transport Review: progress update and proposal to consult in relation to post- 16 transport for pupils with special educational needs and disabilities

Author(s):

Interim Director of Children's Services

Purpose of Report:

To provide an overview and update in relation to current position on the ongoing review of home to school and college transport arrangements and related funding considerations particularly for those pupils with special educational needs. The report describes the steps that have taken to date and seeks approval to consult on a proposal to introduce a funding contribution to the costs of travel from home to school for post -16 learners with special educational needs and disabilities where appropriate from September 2016.

Description of Decision: Cabinet is asked to :

- Note and consider progress on the ongoing review of home to school transport outlined in the report; and
- Approve that consultation be undertaken on the proposal set out in the report to introduce a funding contribution to the cost of travel from home to school or college/training provider for post -16 learners with special educational needs and disabilities where appropriate from September 2016, with an exception made for low income families who meet specified criteria and for whom transport provision will continue to be funded in full by the Council.

Is the decision consistent with the Budget/Policy Framework? *Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

Legally the Council is not required to meet the full cost of home to school/college/training provider transport for post 16 learners with special educational needs and disabilities but historically has done so. Along with all Council Services, the service is being reviewed in order to identify the most cost effective delivery approach. Subject to the results of consultation, it is considered that a post 16 contributory charging scheme would assist in enabling a cost effective service, whilst satisfying the Council's duty to ensure learners with special educational needs and disabilities are not put at a disadvantage in accessing education/training.

Alternative options to be considered and recommended to be rejected:

Take no action in relation to home to school/college/training provider transport for post

16 learners with SEND and continue to provide the transport with the full cost being paid for by the Council. It is recommended this option is rejected given that this option is discretionary, and the need to ensure the most cost effective method of service delivery. Offer no assistance with home to school/college/training provider transport for post 16 learners with SEND. It is recommended this option is rejected because of the legal challenges that could be brought if post 16 learners with SEND were put at a disadvantage when seeking to access education/training.

Impacts analysed;

Equality **Privacy** (n/a) **Sustainability** (n/a) **Crime and Disorder** (n/a)

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the 28 day Notice of Decisions? Yes

HOME TO SCHOOL TRANSPORT REVIEW: PROGRESS UPDATE AND PROPOSAL TO CONSULT IN RELATION TO POST- 16 TRANSPORT FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES

REPORT OF INTERIM DIRECTOR OF CHILDREN'S SERVICES

1. Purpose of the Report

To provide an overview and update in relation to the current position on the ongoing review of home to school and college transport arrangements and related funding considerations particularly for those pupils with special educational needs and disabilities ("SEND"). The report describes the steps that have taken to date and seeks approval to consult on a proposal to introduce a funding contribution to the cost of travel from home to school/college/training provider for post -16 SEND) where appropriate from September 2016.

2. Description of Decision

Cabinet is asked to :

- Note and consider progress on the ongoing review of home to school transport outlined in the report; and
- Approve that consultation be undertaken on the proposal set out in the report to introduce a funding contribution to the costs of travel from home to school/college/training provider for post -16 learners with SEND where appropriate from September 2016, with an exception made for low income families who meet specified criteria and for whom transport provision will continue to be funded in full by the Council.

3. Introduction and Background

- 3.1 The Education Act 1996 makes provision for school transport and transport to post 16 education for young people of sixth form age. This legislation recognises that a local response to transport arrangements is important in enabling young people's participation in education and training. The legislation therefore gives local authorities discretion to determine what transport and financial support are necessary to facilitate a young person's attendance post 16 providing that the local authority has ensured that those with disabilities are not put at a disadvantage
- 3.2 The statutory guidance issued by the Department for Education (DfE) in February 2014 ('Post 16 Transport to Education & Training Statutory Guidance for Local Authorities') provides that local authorities may ask learners and their parents for a contribution to transport costs. There is an expectation that discretion will be exercised in determining in what circumstances it is appropriate to ask for a contribution but in exercising 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 incomes, take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups i.e. those with learning difficulties and/or disabilities are more likely to remain in education longer than their peers and therefore any contribution sought from the families of learners would need to allow for the fact they

may have to make a contribution over a longer period than families of those with children who do not have a learning difficulty and/or disability.

- 3.3 Along with all council services, all aspects of Home to School Transport have been subject to review to ensure the service is delivered in the most cost effective way. This is set against a context where national government policy in relation to the SEND Reform agenda requires Councils to increase choice and flexibility to parents of children and young people with SEND.

4. Current Position

- 4.1 Currently Sunderland City Council provides home to school/college/training provider transport for 926 children and young people with SEND (3yrs-25yrs) who are transported over 239 routes both within Sunderland and further afield in the north east region.

Currently the Council provide home to school/ college/training provider transport for:

- 290 Primary aged children aged 3 - 11
- 392 Secondary aged children aged 11-16
- 139 16-19 year olds
- 105 over 19 year olds

- 4.2 In relation to children aged 3-16, the Council's approach to date has been to increase the choice and flexibility of travel arrangements to the families of children and young people with SEND within the proposed future funding envelope. This has included the offer of a home to school mileage rate payable to families with children aged 3-16 who may wish to arrange for the transport of their child to school themselves rather than using the taxi services offered by the Council. The offer of a home to school mileage rate is consistent with the developing approach to personalised budgets over a broad range of areas including in relation to placements for pupils with SEND. The intention is that personalised budgets provides greater control and flexibility for parents and carers in relation to home to school travel arrangements and is a more cost effective option to the Council than providing taxi transport, providing an average saving of £1,000 to the Council per annum for each family who takes up this option. Take-up is on a voluntary basis because the Council has a duty to make such travel arrangements as they consider necessary to facilitate a child's attendance at school for those of compulsory school age. However this approach to offering a home to school mileage rate is currently being actively encouraged and extended wherever possible for the cohort of families eligible for home to school transport. Further research and analysis of options in relation to development of Sunderland's personal budget offer in relation to transport is underway, the aim being to extend flexibility and choice with transport options but at the same time achieve efficiencies. Greater rigour in terms of the assessment of applications for home to school transport is being introduced with a range of travel assistance outcomes range from no assistance and the offer of independent travel training, school transport mileage rate to the provision of a taxi/ minibus where this is deemed necessary.

4.3 In relation to older pupils and students, the Council continues to promote and support independent travel where this is possible and appropriate. Independent travel is a key life skill and the Council is working in partnership with schools and academies in Sunderland to establish as many SEND pupils as possible as independent travellers, particularly as some young people are willing to travel independently during evenings and weekends but are still transported to school and back via taxi provision. If pupils in years 9, 10, and 11 (ages 14-16) are successful at travelling independently there is an immediate financial saving to the Council and a future saving post age 16. As an example, direct work with the Link School Pupil Referral Unit (PRU) to reduce the numbers of young people transported by taxi has been successful. Since September 2014 the numbers of taxis provided by the Council to transport pupils and students with SEND to the PRU has dropped from 7 each day to 2 as the majority of children now travel independently, resulting in an approximate saving of £19,000 per annum. Further analysis will be undertaken between January and March 2016 to develop this “invest to save” approach in relation to independent travel training; currently the Council are contributing £10,000 per annum towards supporting independent travel. Soft market testing is planned with providers in order to analyse projected positive outcomes that may be achieved through additional funding.

5. Post 16 SEND Transport

- 5.1 The Council currently procures taxis for 245 students with SEND that are 16 years old and above 140 of which are 16 to 19 years old and 105 of whom are older than 19; this is at a cost to the Council of £591,797 per annum (£309,761 for 16-19 year olds and £282,036 for 19-25 year olds). The average cost of transporting a post 16 student by taxi transport is £2,415 within a range of £1,544 to £11,692 for those travelling the furthest afield within the region. No contribution has been sought from parents/that young person to date and the Council has always met these costs in full despite not legally being required to do so.
- 5.2 The reduction in home to school transport budgets generally has resulted in a number of Councils both regionally and nationally reviewing their post 16 transport arrangements. A number of areas have already introduced parental contribution schemes. Within this region, four of the five Tyne and Wear Councils have indicated that they intend to consider introducing parental contributions from September 2016.
- 5.3 In assessing what transport arrangements and financial assistance may be required, regard has been given to the statutory guidance, issued by the DfE in February 2014 and referred to in paragraph 3.2 above. Consideration has been given to what level of transport assistance should be provided to post 16 learners with SEND to ensure they can still access education/training. The guidance confirms that local authorities may ask for a contribution to transport providing it is affordable to learners and their parents.
- 5.4 It is therefore proposed that consultation take place with a view to introducing a funding contribution from the parents of a post 16 student with SEND or the young person themselves towards the costs of the home to school/college/ training provider transport. It is proposed the Council would continue to arrange and provide the taxi transport but parents/learners would contribute an amount of money to this. Taking into account the affordability aspect of requesting a contribution from families as set out in the DfE guidance, it is proposed that consultation take place on a contribution level which reflects the cost of an all zone Nexus travel pass for travel within the city,

currently £651 per annum. As referred to in paragraph 5.1 above, the average cost to transport a post 16 SEN young person is £2,415 per student (within a range of £1,544 to £11,692) and therefore whilst this proposal involves a contribution from families, the greater part of the cost of home to school/college/training provider transport will continue to be met by the Council. It is also proposed to be consulted upon that low income families, where pupils are in receipt of free school meals, would not be asked to make a contribution and the transport would therefore continue to be provided with the full cost being picked up by the Council. It is proposed that payment options be developed in consultation with parents in order to ease the impact of any proposed contribution scheme.

- 5.5 It should be noted that the Council does not support the home to school / college / training provider travel arrangements for post-16 students who do not have SEND. Families of these young people meet the costs of transport themselves and this cost is likely to be in the region of the £651 per annum (i.e. the cost of an all zone travel pass). In that regard the proposal to seek a contribution for post 16 SEND transport which is no greater than the cost of an all zone Nexus travel pass aims to ensure those young people with SEND are not being put at a disadvantage travelling to and from and accessing education/training, compared to those young people without SEND.
- 5.6 The proposed funding contribution scheme assumes that most post 16 learners with SEND will still require to be transported via taxi to their place of learning and in many cases this is likely to be the case, however, wherever possible, and supported by the independent travel programme described above, the intention would be that students travel independently to school/college/training provider which would be significantly less cost to the Council.. If the proposal to introduce a charging contribution scheme proposal is agreed, families may decide that rather than paying a contribution to the Council for the cost of the taxi provision, they would prefer to purchase a travel pass themselves to allow the young person to travel independently. There are clear benefits in terms of the life skills that will be developed through this independent travel as well as flexibility for the young person to use the pass during evenings and weekends. It is proposed that the home to school mileage rate currently being offered to families of younger children with SEND be extended to and offered to Post 16 students with SEND to support their travel arrangements when such arrangements represent a saving to the Council and are an efficient use of resources (as an alternative to a parental contribution).
- 5.7 Based upon the cost assumptions above, the proposal to introduce a contribution charge of £651 per annum per student with SEND towards the cost of post 16 transport, will contribute an estimated minimum of £100,000 towards the required efficiency in home to school/college/training provider transport. This efficiency saving could be exceeded if families can be apprised of the benefits, where appropriate, of independent travel and the home to school/college/training provider mileage rate.
- 5.8 If a proposed funding contribution is agreed, this will be published in the Council's Transport Policy Statement which it is legally required to publish each year. The current Statement for 2015/2016 already indicates that the Council is undertaking a review of transport arrangements for post 16 SEN transport.
- 5.9 As yet no formal consultation has taken place with parents/carers, schools and other stakeholders with respect to a proposed contribution. There has however been some informal consultation undertaken with parent carer representatives and schools. If it

is agreed that consultation should take place with respect to introducing a contribution from parents for the cost of post 16 SEND transport, this consultation will take place between mid -January and end of March 2016. Results of the consultation will be evaluated and feedback provided to Cabinet alongside any recommendations for amendment to the proposal as a result of consultation. Please see below for details of the proposed consultation.

ACTION	WHEN	MONITORING ARRANGEMENTS
Proposal to Cabinet	January 2016	Monthly Transport Task and Finish Group
Briefing for local members, education establishments and parent carer forums, CYP groups	Mid-January 2016	As above
Letter outlining details of proposal, targeted at parents of students Year10 and above. An opportunity will be given to provide on-line feedback	Mid-January – February 2016	Analysis of feedback and Monthly Transport Task and Finish Group
Letter to 3 Sunderland MPs outlining the proposal	Mid-January 2016	Analysis of feedback and Monthly Transport Task and Finish Group
Analysis of all feedback from all groups consulted and feedback to Cabinet	Early April 2016	Feedback to Childrens Port Folio Holder and Cabinet
Details of final proposal, taking into account amendments asa result of the consultation will be sent via a targeted letter and released on line to those who will be affected by the decision. Appropriate revision to the annual Post 16 SEN Travel Statement which appears on line will be made.	End of April 2016	Monthly Transport Task and Finish Group

6. Reasons for the Decision

- 6.1 Legally the Council is not required to meet the full cost of home to school / college / training provider transport for post 16 learners with SEND but historically has done so. Along with all Council Services, the service is being reviewed in order to identify the most cost effective delivery approach... Subject to the results of consultation, it is considered that a post 16 contributory charging scheme would assist in enabling a cost effective service, whilst satisfying the Council's duty to ensure post 16 learners with SEND are not put at a disadvantage in accessing education/training.

7. Alternative Options

- 7.1 Take no action in relation to home to school/college/training provider transport for post 16 learners with SEND and continue to provide the transport with the full cost being paid for by the Council. It is recommended this option is rejected given that this option

is discretionary, and the need to ensure the most cost effective method of service delivery. Offer no assistance with home to school/college/training provider transport for post 16 learners with SEND. It is recommended this option is rejected because of the legal challenges that could be brought if post 16 learners with SEND were put at a disadvantage when seeking to access education/training.

Alternative options, including different amounts to the proposed contribution charge may be identified through the consultation process and if this is the case these alternatives will be considered and feedback provided to Cabinet.

8 Impact Analysis

(i) Equalities

An Equalities Impact Assessment has been undertaken and is set out in the Appendix to this report. This will be updated as appropriate to, take into account feedback from the planned consultation between January and March 2016.

9. Other Relevant Considerations / Consultations

- (a) Financial Implications / Sunderland Way of Working – Subject to the outcome of the consultation process, it is anticipated the proposals set out in this report will save £100,000 per annum.
- (b) Employee Implications – The Director of Human Resources and Organisational Development has been consulted and as there are no direct Council employee implications, has no objections to the proposals.
- (d) Legal Implications – The Head of Law and Governance has been consulted and her comments incorporated in the report.
- (e) Health & Safety Considerations – There are no anticipated Health and Safety issues.
- (f) Procurement – The proposal may result in more parents of post 16 learners deciding to transport their children to school/college instead of by procured taxi routes. This possibility has been discussed with procurement and within the current contracts there is a 7 day notice period to cancel any current route. All routes are reviewed at the end of every academic year, taking into consideration; transfers and leavers. Application forms for Post 16 travel assistance will indicate how many routes may be affected by the contribution decision.
- (g) Risk Analysis- The Head of Assurance, Procurement and Projects has been consulted and there are no anticipated risk implications.
- (h) Policy Implications- A Post 16 Transport Policy Statement must be made available by 31 May every year by the Local Authority. This is in line with DfE Transport Guidance. Although the Statement is updated every year there is nothing to prevent the Local Authority making changes to the document during the year. It has already been specified in the 2015/16 Statement that Post 16 Travel is currently under review

10. **Background Papers**

Previous Cabinet reports 2013-2014 in relation to Home to School Transport.

