

REPORT TO: Executive Board

DATE: 19 January 2017

REPORTING OFFICER: Strategic Director, People

PORTFOLIO: Children, Young People and Families

SUBJECT: Home to School and College Travel and Transport Policy for Children & Young People with Special Educational Needs and Disabilities (SEND)

WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 This report seeks the Executive Board's approval for a revised assessment and eligibility criteria process for inclusion in the Home to School and College Travel and Transport Policy for Children and Young People with Special Educational Needs and Disabilities (SEND).

2.0 RECOMMENDATION: That

- i) The Board approves the revised assessment and eligibility criteria as set out in paragraphs 3.9 and 3.10, for inclusion in the Home to School and College Travel and Transport Policy for Children and Young People with Special Educational Needs and Disabilities; and**
- ii) The Board approves implementation from September 2017 for new applications or applications at the point of transition.**

3.0 SUPPORTING INFORMATION

3.1 The Local Authority has a statutory duty to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school, and to ensure that post-16 learners are able to access the education and training of their choice and ensure that, if support for access is required, this will be assessed and provided where necessary.

3.2 At the time of writing 385 pupils with special educational needs and disabilities receive support from the Local Authority to access educational provision either within Halton, or, where that specific need cannot be met in-borough, assistance is provided to out-borough provision. This change will impact on new applications or at a point of transition.

- 3.3 The cost for providing transport for pupils with SEND for the 2015/16 academic year was £1,273,776, £879,092 for in-borough transport and £394,684 for out-borough transport. Over recent years the costs of providing transport for children and young people with special educational needs and disabilities has continued to increase leaving a budget shortfall in 2015/2016 of £205,000.
- 3.4 To reduce the costs of transport the Local Authority:
- reviews all contracts annually to ensure it secures the best value for money;
 - works in partnership with a neighbouring local authority to share contracts where appropriate;
 - has increased the number of children and young people supported through the Independent Travel Training Initiative; and,
 - is reviewing Special Educational Needs provision to ensure the needs of more children and young people can be met within the local community.
- 3.5 However, these measures alone will not balance the budget. To ensure we can meet our statutory responsibilities, it is proposed that all applications for assistance will need to be submitted to assess eligibility against the statutory duty to provide assistance i.e. 2 miles (nearest qualifying primary school), 3 miles (nearest qualifying secondary school) criteria, and where those criteria do not apply, to assess eligibility for low income families or to assess those children and young people who cannot travel independently due to their special educational needs and disability or/and a medical condition.
- 3.6 A report was submitted to the Executive Board on 14th July 2016 seeking approval to consult on a revised assessment and eligibility criteria process for the Home to School and College Travel and Transport Policy for Children and Young People with Special Educational Needs and Disabilities. The Board agreed to the consultation and a consultation ran from Monday 5th September 2016, closing on Friday 4th November 2016 (a period of 8 school weeks excluding the October half-term).
- 3.7 Those consulted included neighbouring local authorities; other departments within the Council; the governing bodies of all schools and further education institutions; head teachers, pupils and parents at all nursery, primary and secondary schools; the head teachers of Special Schools and their pupils and parents, Halton Impart, Passenger Transport Executive and the integrated transport authorities; persons of sixth form age and their parents; the Children's Trust and associated partners; Halton SEND Partnership; other bodies including education and training providers; transport companies and authorities operating in the locality; public sector bodies; community groups; voluntary organisations, and groups/organisations with an interest in special

educational needs and disability issues. The consultation was also placed on the Council's website and available at Direct Link and Library offices throughout Halton.

3.8 The aim of the revised assessment and eligibility criteria process is that all children and young people with significant special educational needs or disability should lead lives that are as independent and as free from restriction as possible. All applications for assistance will need to be submitted to assess eligibility against the statutory duty to provide assistance i.e. 2 miles (nearest qualifying primary school), 3 miles (nearest qualifying secondary school) criteria, and where those criteria do not apply, to assess eligibility for low income families or to assess those children and young people who cannot travel independently due to special educational needs and disability or/ and a medical condition.

3.9 The nature and mode of travel support for those who are eligible will, as previously, be determined by the Council and will be one that is consistent with the Council's duty to secure value for money and the needs of the child/young person. Travel solutions include:

- a) Bicycle – a one off payment made by the Council to purchase a bicycle;
- b) Walking bus – a Passenger Assistant will guide and support children and young people on their route;
- c) Travel pass – a free bus pass for use on public transport;
- d) Personal Travel Budget – access to funds for parents/carers, paying a family member mileage, and use of befriending service;
- e) Supported Public Transport – use of public transport with a Passenger Assistant;
- f) Independent Travel Training – Training provided by the Council to children and young people to travel independently,
- g) Provision of vehicles – this includes multiple pick up vehicles, and under very exceptional circumstances taxis and private hire vehicles

3.10 The changes consulted upon were:

- Applications will need to be submitted to assess eligibility for low income families or to assess those children and young people who cannot travel independently due to a medical condition;
- Where parents/carers are in receipt of the higher rate of Disability Living Allowance with a higher mobility element for their child and where this has been used to hire a vehicle, parents/carers will be expected to use this vehicle to support their child to school. If a parent/carer uses their own car, in these circumstances, they may apply for a Personal Travel Budget from the Council,

- Where transport is provided for Post-16 Students a charge equivalent to the cost of a bus pass will be made. This charge will be reduced where families are on a low income, consideration will also be given to the duration of the course.

3.11 A total of 13 responses were received and included responses from parents/carers/grandparents, a travel provider, SEND Partnership, and a self-advocacy group. It was pleasing to see responses from children and young people with SEND as part of an independently run consultation. A summary of the general comments/responses regarding the proposed changes is attached as Appendix 1.

3.12 Detailed below are the key themes arising from the consultation.

Ceasing Assistance with Transport – Some respondents thought that transport would cease for their child, or that the Council intended to cease assistance completely. For those already in receipt of assistance this will continue, the proposals were not to cease transport altogether. The Council cannot cease transport altogether as it has a statutory duty against criteria to provide assistance. The intention is to ensure that anyone seeking assistance must apply and be assessed against the agreed criteria. If the application meets the criteria then assistance will be provided. If the application does not meet the criteria the parent/carer will have the right of appeal.

Travel Training – There was a view that Travel Training offered to children and young people was only delivered during holidays or quiet times which did not reflect the needs of those children and young people travelling at busier periods. Travel training actually takes place throughout the year, both in school term time and during school holidays. Travel training takes place predominantly during the school term whilst pupils are making their normal journey to/from school. Travel training also has to be provided in school holidays. If the Council did not do this there would be inactivity for 14 weeks of the year which would place additional pressure with constant demands on the service.

Ensuring attendance at 2 separate schools for families with more than one child – Reference was made to the potential difficulty faced by parents who have a child with SEND attending one school, and also have a child (or children) who attend another school. School place planning within Halton seeks to ensure that there is adequate provision locally to prevent excessive travel needs. If a child with SEND is placed at a special school or mainstream school with a specific resource base to support their needs, and an application for assistance with transport is received, the application will be assessed against the agreed criteria. If the application meets the criteria then assistance will be provided and the Council will have met its statutory duty. If the application for assistance does not meet the criteria then the

parent/carer would need to make their own arrangements as it is the parent/carer's responsibility to ensure their child's attendance at school.

Providing support for children on medical grounds – There was a view that transport may not be provided to children who cannot be expected to walk to school. The Council will ensure it meets its statutory duty in this regard.

A Blanket Model approach – Some respondents thought that each child should have their needs assessed individually, rather than a blanket model. This will be the case, i.e. each application for assistance will be assessed on an individual basis against the determination criteria.

Use of out-borough provision – Some respondents made reference to the use by the Council of out-borough schools, and the transport costs associated with this. Currently the Council does have to use some out-borough provision as this is specialist provision not currently available within Halton. However, the Council is currently reviewing its SEND provision and this will assist in ensuring more locally available/accessible provision, and therefore reduced travel costs.

Disability Living Allowance – Reference was made to the proposal that where parents/carers are in receipt of the higher rate of Disability Living Allowance with a higher mobility element for their child and where this has been used to hire a vehicle, parents/carers will be expected to use this vehicle to support their child to school. One respondent commented that this was unlawful.

If the Local Authority were to decline assistance with transport on the basis that the child/young person was in receipt of the higher rate of DLA and that a vehicle was available to the family due to receipt of this benefit then this may be deemed to be unlawful as this would be introducing a new eligibility criterion which is not included in the relevant legislation and Code of Practice. However, the Local Authority policy is not to consider the receipt of DLA and/or hire of a vehicle to determine whether a child or young person is eligible to receive assistance with transport. This will be determined by the factors as set out in the policy including distance, low income families and where it is deemed necessary due to the child's medical and/or special educational needs.

Once a child/young person is deemed to be eligible then the Local Authority, when determining the nature of the assistance to be provided, will take account of whether a vehicle is available to be used and accordingly whether a mileage rate would be the most suitable travel solution. This is in light of the Local Authority's obligation to

consider the needs of the child concerned but also the overall resources available for others to whom assistance is to be provided.

Therefore, where a parent/carer uses their own vehicle in these circumstances (be that a car they own or have hired using DLA) they may apply for a Personal Travel Budget from the Council to reimburse costs incurred, therefore the Council is providing assistance (through reimbursement) and meeting its statutory duty.

- 3.13 At the time of writing, the Council's Internal Audit are also undertaking a review of Sustainable School Travel. This review includes how the Council promotes sustainable travel and transport, transport arrangements for eligible children, procurement and contract management, financial control, budgetary control, Business Continuity arrangements, and Safeguarding. It is intended that any findings from this Audit Review are then implemented and included, along with any agreed changes to the proposed assessment and eligibility criteria process and incorporated in a fully revised Home to School and College Travel and Transport Policy for Children & Young People with Special Educational Needs and Disabilities (SEND), which will be submitted to the Board for approval at a later date.

4.0 POLICY IMPLICATIONS

- 4.1 Under section 509AB of the Education Act 1996, a Local Authority has a duty to ensure that a suitable travel solution is made for an eligible child/young person. The Authority should set out the extent to which the arrangements can facilitate the attendance at a relevant qualifying school/college for a child/young person with learning difficulties and/or disabilities. The Act applies to all children and young people who permanently live in Halton and attend a qualifying school named in their Statement of Educational Needs or Education Health and Care Plan.
- 4.2 The 16-18 transport duty relates to young people of sixth form age with learning difficulties and/or disabilities aged up to 19. Local Authorities also have a duty under the Education and Skills Act 2008 to encourage, enable and assist the participation of young people with learning difficulties and/or disabilities up to the age of 25 in education and training.
- 4.3 The Children and Families Act 2014 replaces the Statement of Special Educational Needs and Learning Difficulty Assessments (LDAs) for those over the age of 16 with Education, Health and Care Plans. Under the Act, a local authority may continue to maintain an Education Health and Care Plan for a young person over 19 if a young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete his or her education or training. Local authorities may continue to provide special educational provision until the end of the academic year in which the young person turns 25. The age limit for compulsory education/training

has increased from 16 to 18. This applies to young people if they were born on or after 1st September 1997. All of these additional duties are likely to result in a significant growth in demand for transport.

5.0 OTHER IMPLICATIONS

5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

The proposed travel solutions comply with statutory requirements in ensuring that travel solutions are available for children and young people within the borough of Halton. The proposals will ensure that the educational provision for children & young people in the borough is inclusive and accessible.

6.2 Employment, Learning and Skills in Halton

Educational achievement is critical to the life chances of all children in the borough and the proposed transport solutions help underpin the requirement to promote fair access to educational opportunity.

6.3 A Healthy Halton

The proposed travel solutions promote and support measures that encourage local communities to use environmentally sustainable forms of travel, especially walking, cycling, and public transport.

6.4 A Safer Halton

The proposed travel solutions promote the safe travel and transfer of children and young people to school and college.

6.5 Halton's Urban Renewal

None identified.

7.0 RISK ANALYSIS

7.1 The revised assessment and eligibility criteria process proposed for inclusion in the Policy will seek to ensure that the Council meet statutory requirements. There are no major risks associated with the publication of the Policy.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The proposed arrangements reflect any requirements of the Equality Act 2010. Any finally determined policy will reflect the diverse needs of

children and young people in Halton in accessing appropriate educational provision. Any determined policy will ensure that suitable travel solutions are in place for those children with Special Educational Needs, and/or a disability who may, by reason of their disability, be unable to walk even relatively short distance to school, and those children with a mobility problem caused by a temporary medical condition who may be unable to walk to school. An Equality Impact Assessment has also been undertaken.

9.0 REASON(S) FOR DECISION

9.1 The decision is required to fulfil the Council's statutory duty to provide, where required, and promote the use of sustainable travel and transport.

10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10.1 None.

11.0 IMPLEMENTATION DATE

11.1 It is intended that any revised policy would be implemented for the September 2017 academic intake.

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Home-to-school travel and transport statutory guidance 2014	People Directorate	Martin West
Post-16 transport to education and training statutory guidance for local authorities 2014	People Directorate	Martin West
Education Act 1996	People Directorate	Martin West
Education & Skills Act 2008	People Directorate	Martin West
Children & Families Act 2014	People Directorate	Martin West