

DECISION-MAKER:	CABINET		
SUBJECT:	REVISION TO HOME TO SCHOOL TRANSPORT POLICY		
DATE OF DECISION:	18 SEPTEMBER 2018		
REPORT OF:	CABINET MEMBER FOR ASPIRATION, SCHOOLS AND LIFELONG LEARNING		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Tammy Marks	Tel: 023 8083 2136
	E-mail:	Tammy.Marks@southampton.gov.uk	
Director	Name:	Hilary Brooks, Service Director, Children & Families services	Tel: 023 8083 4899
		Denise Edgehill, Interim Service Director, Growth	Tel: 023 8083 4095
	E-mail:	Hilary.brooks@southampton.gov.uk Denise.edgehill@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

Not applicable.

BRIEF SUMMARY

Southampton City Council has a legislative duty to make arrangements for home to school travel assistance for eligible children and young people, as set out in the Education Acts and statutory guidance. The travel assistance offer for eligible children and young people is currently set out in the "Southampton City Council Home to School, and Post-16, Transport Policy 2018/19 Academic Year".

Demand for transport assistance under this policy has steadily increased since 2013, creating an increasing pressure on the budget for this service, and the council recognised that demand will continue to increase in future. This prompted a review of the policy, in order to identify opportunities to manage demand and pressures on the service.

Following the policy review, a number of changes to the policy are being proposed for the purposes of public consultation in the draft Home to School Transport and Post 16 Travel Arrangements Policy 2019/20. A number of these changes relate to clarification points in line with legislation. The key policy changes are:

- The proposal to remove the automatic entitlement to children under compulsory school age attending Rosewood Free School Nursery, The Cedar School Nursery and the Early Learning Group in the current policy. However, children

attending Early Years provision may be eligible for help under the 'Exceptional Circumstances Criteria'.

- The proposal to clarify the Travel Assistance offer for children and young people with SEND.
- The proposal to introduce a flat rate contributory charge for young people aged 16-19 using travel assistance to and from further education settings. Transport assistance will still be available to eligible students aged between the ages of 16 and 19, but will be subject to a flat rate contributory charge:
 - £600 per annum, payable in 3 termly instalments of £200.
 - £495 per annum payable in 3 termly instalments of £165 for students whose families meet the low income criteria set out in the policy.
 - Southampton City Council may assist with travel expenses up to the total cost for some post-16 students with SEND where there is evidence of exceptional circumstances.
- The proposal to assess all young people from year 9 onwards for independent travel training where it is agreed transport assistance will be provided, to enable them to potentially travel independently post 16.

A draft policy is included at Appendix 1. This paper details the proposed policy changes, as well as the impacts of the proposals, which will be published for the purposes of consultation and seeking comment and representations on the proposals prior to a final decision in due course.

The council is forecast to spend £3.47M in 2018/19 on providing Home to School Transport.

RECOMMENDATIONS:

	(i)	To note the findings from the review of home to school transport for children and young people with SEND which includes the case for change, which is based on evidence from audit activity, other local authorities, engagement with the SEND parent/carer forum, special school colleagues and professionals. The review presents areas identified for amendment in a revised Policy.
	(ii)	To approve proceeding to formal consultation on the proposed Home to School Transport policy 2019/20 for a period of 12 weeks commencing on 26 th September, 2018.
	(iii)	To note the outcome of the consultation will be reported back to Cabinet to consider alongside recommendations for approval of a revised policy taking into account representations received.

REASONS FOR REPORT RECOMMENDATIONS

1.	To launch a consultation, ensuring that service users, wider residents and other stakeholders have the opportunity to review and comment on the draft proposals for the Home to School Transport Policy 2019/20.
2.	To ensure that the policy is clear and easily understood by all eligible groups, in compliance with statutory responsibilities including updated procedures within the local authority.
3.	To ensure that the increasing pressures on home to school transport

	resources is managed to ensure financial sustainability for the future and to support resources to be deployed to achieve maximum benefit in the offer of home to school travel assistance. Not only is the overall cost to the Council increasing, but pressures on providers of vehicles with the numbers being transported by taxi and mini bus is meaning that these providers are struggling to meet demand. By introducing proposals to reduce the offer to more closely match the statutory requirements, but maintaining the discretion to offer assistance above these requirements based on needs assessment, the local authority will be better positioned to manage the impact of this increasing demand and target resources to those who need support to access education the most.
4.	To ensure maximum opportunity for young people to meet their potential in adult life by offering training and support to those who are assessed to have the ability to travel independently.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
5.	Do nothing. This was disregarded on the basis that the current policy is not considered fit for purpose in meeting the revised assessed need in the area and the council cannot sustain the increasing demands on home to school travel assistance resources.
6.	To recommend an update to the policy with a complete withdrawal of home to school transport for children below statutory school age. Whilst the statutory guidance allows for this, it was felt in the task and finish group with parents that this has the potential to prevent attendance for a small proportion of children with highly complex needs, who would not be able to attend without some assistance. This would increase the likelihood of family breakdown.
7.	To recommend an update to the policy with a complete withdrawal of home to school transport assistance for young people aged 16-19. This was discussed in detail with consideration of the impact and it was agreed by all parties that this would not comply with the statutory requirements to match assistance to assessed need and to take into account the impact on individuals required under the Equality Act 2010. It could significantly impact a parent's ability to work, or mean that they are required to work less hours. The impact on other service areas, including housing and social care, would be significant. The council would be failing to enable young people to access the education setting named within their statutory Education, Health and Care Plan.
DETAIL (Including consultation carried out)	
	Background
8.	Southampton City Council has a legislative duty to make arrangements for home to school travel assistance for eligible children and young people, as set out in the Education Acts and statutory guidance. The statutory entitlements for travel assistance differ depending on the age and circumstances of the child or young person, and for some categories the council has discretion with regards the offer.
9.	The home to school transport budget has seen significant pressures since the enactment of the SEND Reforms, which is covered by Section 3 of the Children and Families Act 2014 and the SEND Code of Practice 2015.

	Increase in expenditure in this area has grown from £1.87m in 2013/14 (pre reforms) to a forecast spend of £3.47m in 18/19. This represents a continuing upward trajectory, rising from £2.40m and £2.79m in 2016/17 and 2017/18 respectively.
10.	Whilst the home to school transport policy covers several groups of eligible children, young people with SEND are the primary client group and represent the greatest driver in increasing demand for services in this area.
11.	A detailed review of the current home to school transport policy and delivery of home to school transport assistance for children and young people with SEND was carried out between October 2017 and August 2018. This review identified that the council's current home to school transport policy is unclear and difficult to follow, especially in relation to SEND, and that there are areas of policy where Southampton City Council is currently offering travel assistance in excess of the statutory duties.
	Home to School Transport duties and eligibility
12.	Local authorities have particular duties towards some groups of children and young people who require home to school transport arrangements. The entitlements differ depending on the age and circumstances of the child or young person as set out below:
13.	Children under compulsory school age Children under compulsory school age are not automatically entitled to transport to an early years setting or school. Southampton City Council currently offers travel assistance to children in this group attending specialist provision in relation to their SEND needs.
14.	Eligible children of compulsory school age Local authorities are required to arrange free, suitable, home to school transport for children of compulsory school age attending the nearest suitable school are eligible for free of charge travel assistance where the nearest appropriate school is: <ul style="list-style-type: none"> ▪ A distance of more than 2 miles if the child is below the age of 8 ▪ A distance of more than 3 miles if the child is over the age of 8 ▪ A distance of more than 2 miles if the child is over the age of 8 and meets the 'extended rights' criteria. <p>In addition, local authorities are required to arrange free, suitable transport for children who cannot be expected to walk to school or travel independently by reason of SEND, or where their route relies on accompaniment by a parent/carer, but the parent/carer's disability prevents them from doing so.</p>
15.	Young people aged 16-19 Where a young person is of 'sixth form age' and attending school or college, the law requires local authorities to have a 'Transport Policy Statement' setting out home to school/college transport arrangements for young people with SEND needs. The legislation gives a local authority the discretion to determine what transport and financial support are necessary to facilitate

	<p>young people's attendance. Southampton City Council currently provides free of charge travel assistance to young people in this category.</p>
16.	<p>Young people aged 19-25</p> <p>The local authority's duty in respect of 'adult learners' is covered by section 508F of the Education Act ("EA") 1996. 'Adult learners' will be young people over sixth form age – those who are 19 and to 25 (if they started a course of further education before their 19th birthday, they remain of sixth form age until they complete that course). Any transport arrangements provided under this duty must be free of charge.</p>
	<p>Policy Review</p>
17.	<p>The policy review identified that Southampton City Council is providing travel assistance to children and young people in excess of the statutory duty in the following categories:</p> <ul style="list-style-type: none"> • Children under compulsory school age This relates to the automatic entitlement for transport assistance for children under 5 attending Rosewood Free School Nursery, The Cedar School Nursery and the Early Learning Group in the current policy. • Young people aged 16-19 This relates to the provision of home to school travel assistance for children and young people with Education, Health and Care Plans aged 16-19 which is currently provided free of charge under the existing policy.
18.	<p>Extensive research was carried out to review other local authorities' home to school transport policies and offers. It was established that the majority of local authorities had either never provided for, or have withdrawn the provision of free home to school transport for children and young people below statutory school age. The majority of local authorities apply an annual contributory charge to the parents of children and young people in receipt of post-16 home to school transport provision, to support the costs to the local authority for the provision of this transport.</p>
19.	<p>The policy review also identified the following points:</p> <ul style="list-style-type: none"> • Whilst the council has an offer of independent travel training in the current policy, this is proposed as optional and not a necessity for all children and young people who have the potential to develop this skill and all importantly supporting the achievement of positive outcomes for young people in preparation for adult life, in line with section 8 of the SEND Code of Practice 2015. • Whilst the existing policy makes reference to the use of personal budgets, it is not promoted heavily enough by way of maximising choice and control for children and young people with SEND and their families, in line with the underlying principles of the SEND Code of Practice 2015. • The existing policy is difficult to understand and does not have a SEND-specific section, confusing this with access to support for other eligible

	groups.
20.	Following the review, the Southampton home to school transport policy and Post-16 Statement has been reviewed and a number of policy changes have been proposed to better match resources to assessed need.
	Policy proposals
21.	The structure of the proposed policy 2019/20 has been changed and updated to ensure that the policy is clear, accessible and covers all legislative requirements. Specific changes to the policy are detailed below:
22.	<p><u>Early Years (Cedar and Rosewood Schools and Early Learning Group)</u></p> <p>The current policy provides travel assistance for children attending the nearest appropriate early years setting to their home where their placement is supported by the Early Years and Portage team or the Special Educational Needs team and the distance between their home and the early years setting is more than 2 miles (section 3.1.1).</p> <p>It also specifies that travel assistance will be provided to all children attending Rosewood Free School and The Cedar School from age 2 years (section 3.4.1), and the Early Learning Group if the distance between home and the setting is over 2 miles and placement is agreed by the Early Years and Portage Manager (section 3.4.2).</p> <p>The draft policy 2019/20 no longer specifies automatic entitlement for those children attending Rosewood Free School, The Cedar School and the Early Learning Group. Children of statutory school age attending these schools whose EHCP identifies a travel assistance requirement will qualify for support, and those under statutory school age may be considered under the Exceptional Circumstances Criteria.</p>
23.	<p><u>SEND</u></p> <p>The current policy does not explicitly set out the offer for children and young people with SEND.</p> <p>The draft policy 2019/20 clarifies the policy for this group and supports the separation of assessment from non-SEND eligible children.</p>
24.	<p><u>Young people aged 16-19</u></p> <p>The current policy specifies that travel assistance will be provided to young people with SEND to the nearest further education provider offering an appropriate course (section 3.7).</p> <p>The provision of free transport assistance for post-16 students will no longer be offered under the draft policy 2019/20. Transport assistance will still be available to eligible students aged between the ages of 16 and 19, but will be subject to a flat rate contributory charge:</p> <ul style="list-style-type: none"> • £600 per annum, payable in 3 termly instalments of £200. • £495 per annum payable in 3 termly instalments of £165 for students

	<p>whose families meet the low income criteria set out in the policy.</p> <ul style="list-style-type: none"> 12 monthly 12 monthly instalments are also being looked at where they choose to pay by Direct Debit. <p>Southampton City Council may assist with travel expenses up to the total cost for some post-16 students with SEND where there is evidence of exceptional circumstances.</p>		
25.	<p><u>Young people aged 19-25</u> The draft policy 2019/20 clarifies the offer of free of charge travel assistance for eligible young people aged 19-25.</p>		
26.	<p><u>Independent travel training</u> Independent travel training is referred to in the current policy, but it is not highlighted as a preferred option to be considered for all children and young people where appropriate.</p> <p>The proposed policy 2019/20 explicitly references the expectation of engagement with independent travel training from year 9 plus for children and young people who are assessed through EHC Annual Review processes to achieve this skill, leading to positive outcomes. This will require additional resources to be put in place to support independent travel training, but will mean that more young people can travel independently aged 16+.</p>		
27.	<p><u>Distance Criteria</u> The proposed policy 2019/20 clarifies the classification of the distance criteria based on age rather than school year in line with legislation.</p>		
28.	<p><u>Appeals</u> The appeals section of the proposed policy 2019/20 has been updated in line with current Southampton City Council processes.</p>		
	<p>Impacts</p>		
29.	<p>The proposals will, if approved in due course, have an impact on a number of children and families. There will be a positive impact for children and families at all ages because the policy will be offering clarity, giving all children with SEND the right to assessment for home to school transport assistance based on individual need. Sections of the policy will also be tidied up and made clearer for other non-SEND eligible children and young people. There will be an additional positive impact for those young people with SEND who are able to access independent travel training. However, there will be a negative impact for some families currently accessing the home to school offer in the early years as a result of withdrawal of transport for a small group of children and for young people aged 16-19 as a result of the implementation of a flat rate contributory charge for this group.</p>		
30.	<p>Policy Change</p> <p>Early Years - Removal of automatic</p>	<p>Numbers</p> <p>Estimated that up a maximum of 23 families could be</p>	<p>Impact</p> <p>Positive impact – all children attending a special school will have their needs assessed for the</p>

	<p>entitlement for Cedar and Rosewood Schools, and Early Learning Group</p>	<p>affected in year 1.</p> <p>It is impossible to predict future numbers beyond year 1 as this will depend on the needs of children and young people.</p>	<p>provision of home to school travel assistance.</p> <p>Negative impact – Removal of this offer could have a negative impact on some parents who will have become accustomed to this offer. All decisions will be based on individual circumstances to reduce risks associated with non-attendance at nursery and impact of caring on parent/carer.</p> <p>Negative impact – for a small number of families this could result in the withdrawal of transport where they are accustomed to this regardless of age, primary need and/or circumstance. High level assessments suggests this will affect up to 5 families currently attending The Cedar Special School.</p>
	<p>Clarification of duties in relation to SEND</p>	<p>All families of children/young people with EHC Plan. Currently approx. 1400.</p>	<p>Positive – Families will find the document easier to follow and have clarity on eligibility and processes relating to home to school travel assistance.</p> <p>Some families may apply and be entitled to home to school transport where they may have previously interpreted that they were not eligible. See financial prediction for possible financial impact below is based on a maximum of 70 additional pupils.</p>
	<p>Young people aged 16-19 – implementation of a contributory charge</p>	<p>110 in year 1.</p>	<p>Negative financial impact for families of children moving into this group.</p> <p>Due to the time of implementation, the majority of parents who have a young person within this age group will not have to pay. However, a number of young people may stay on in 6th form</p>

			education for a further year. For these families, the cost would apply.
	Independent travel training	Approx. 35 in year 1	Positive - Travel training has a 70% success rate in helping young people to be able to travel independently. All young people with an EHCP should be working towards as much independence as they are able to prepare them for adult life.

Engagement and consultation undertaken

31. The review of the home to school transport policy was carried out jointly with representatives of Southampton Parent Carer Forum (SPCF). The review has been two-fold as parents felt that it was important to address quality issues within the existing offer whilst also addressing recommendations for quality change.

32. SPCF hosted 4 engagement events between May and June 2018 attended by approximately 40 parents and carers. These events were held across 4 different settings, including mainstream and special schools and a community provider. 3 of these events were held in school hours, with one event held in the evening to enable working parents to attend.

33. Themes from these events focussed primarily on qualitative aspects of the service. However, a key theme was the presentation of the existing policy and the entanglement of eligibility for children and young people with SEND and other eligible groups.

34. On the back of these events a task and finish group was formed, comprised of equal number of local authority officers to members of Southampton parent carer forum (5 officers and 5 parent carers).

35. The SEND Service and Transport Co-ordination Unit also met with head teachers from 5 of 6 special schools in Southampton to jointly assess the needs of pupils in receipt of home to school transport and support the collation of information for the qualitative improvement requirements.

Formal consultation

36. In order to seek comment and representations on the proposals in order to inform the Council's final decision on its policy offer, formal consultation will be carried out prior to decision comprising an online questionnaire and a series of open and targeted events. Open events will be available for any member of the public to attend. Targeted events will ensure key stakeholders have an opportunity to be involved in the consultation.

RESOURCE IMPLICATIONS

Revenue Implications

	The current financial position of this service provision is:					
	Table 1	2018/19		2019/20	2020/21	2022/23
		Budget	Forecast	Budget	Budget	Budget
	Revenue	£000	£000	£000	£000	£000
	Expenditure	2,494	3,880	2,083	2,083	2,083
	Income	(314)	(401)	(67)	(67)	(67)
	Net Budget	2,180	3,479	2,016	2,016	2,016
37.	Table 1 above shows the service provision is a net overspend position of £1.3M in 2018/19.					
38.	The policy changes if implemented will create a mix of savings and increased expenditure dependant on the take up following implementation. The impact of these policy changes are shown below and are based on current year data. Future year's impact will vary dependant on the mix of take up in each particular year which is not possible to predict.					
39.	The table below are indicative of the min/max levels of savings or cost for each of the 4 policy changes proposed within this report.					
		2018/19	2019/20	2020/21	2021/22	
		£000	£000	£000	£000	
	<u>Costs</u>					
	Clarification of SEND home to school transport	0	312	312	312	
	Two Trainers for independent travel training	0	40	40	40	
	Total Cost	0	362	362	362	
	<u>Savings</u>					
	Remove automatic entitlement to HTST for Cedar & Rosewood schools & Early Learning Group) for pupils aged 2 – 5 based on 15 pupils	0	(20)	(20)	(20)	
	Apply flat rate contribution charging for 16 - 19 year olds	0	(70)	(70)	(70)	
	Independent travel training	0	(210)	(210)	(210)	
	Total Savings	0	(300)	(300)	(300)	
	Net cost	0	62	62	62	
	If following consultation the proposals are implemented there will be a pressure to the council of £62k per annum, unless the removal of the free post 16-19 offer reduces demand.					
<u>Capital Implications</u>						

4.	There are no capital implications. (NP/MC)
<u>Property/Other</u>	
41.	There are no property implications.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
42.	Southampton City Council has a duty to make arrangements for home to school travel assistance for eligible children as covered in Sections 444, 508A, 508B, 508C, 508D, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006). The council has also duties with regards to post-16 learners under section 509AA(2), (3) and (7)(a) of the Education Act 1996 and with regards to post-19 learners under section 508F of the Education Act 1996.
43.	The proposals are designed to meet the LA's statutory duties as outlined in Sections 444, 508A, 508B, 508C, 508D, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006).
<u>Other Legal Implications</u>	
44.	Cabinet must give genuine and conscientious consideration of the consultation feedback and representations and take them into account before making its final decision. In order to ensure this takes place, consultation is being carried out in accordance with national guidelines at this formative stage of the proposals in order to form a material consideration for Cabinet in due course.
45.	The proposals are wholly consistent with and take into account the Equality Act 2010 and the SEND Code of Practice 2015.
46.	The proposals have been fully assessed in accordance with the Council's statutory duties under the Equality Act 2010, including the Public Sector Equality Duty. A detailed Equality Impact Assessment with mitigation and remediation measures is included with this report and will be reviewed and updated throughout the consultation in order to inform the Council's final decision on this matter.
RISK MANAGEMENT IMPLICATIONS	
47.	The recommendation to carry out formal consultation presents no financial risk; however, there is a potential reputational risk that will need to be managed in terms of how the consultation is conducted and how the outcome is progressed.
48.	The proposals anticipate up to £362K costs and up to £300K savings to the current financial envelope. The current budget 2018/19 is £2.18m, with a projected overspend in 2018/19 of £1.3M due to increasing demand. Any costs generated by the policy will therefore create a financial pressure to the council in 2019/20 and beyond.
49.	Whilst savings maybe up to £697K it is unlikely that savings of this level would

	be achieved as this would be dependent on all pupils age 16-19 opting out of transport assistance post introduction of a contributory charge.
50.	The level of cost is also uncertain, estimated at £362K dependent on the number of additional applications received due to the clarification of the SEND offer in the policy. Again, it is not possible to accurately predict the levels of cost, and therefore the overall cost/savings balance.
51.	More detailed financial risks will be presented with the final proposals after consultation has taken place.
POLICY FRAMEWORK IMPLICATIONS	
52.	The recommendations in this paper support the delivery of outcomes in the Council Strategy. They also contribute to the City Strategy and the Health and Wellbeing strategy. The proposals particularly support the Council Strategy Outcome “Children and young people have a good start in life”.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	ALL
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Draft new proposed home to school transport assistance policy
2.	Home to school transport policy review for children with Special Educational Needs and Disabilities
Documents In Members’ Rooms	
1.	Equality and Safety Impact Assessment
2.	Data Privacy Impact Assessment
Equality Impact Assessment	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out?	Yes
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out?	Yes
Other Background Documents	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	