



Leicester
City Council

Minutes of the Meeting of the
CHILDREN, YOUNG PEOPLE AND EDUCATION SCRUTINY COMMISSION

Held: TUESDAY, 25 FEBRUARY 2025 at 5:30 pm

P R E S E N T:

Councillor Batool – Chair
Councillor Bonham -Vice-Chair

Councillor Barnes
Councillor Gregg
Councillor Dr Moore

Councillor Clarke
Councillor March

Joycelin Eze-Okubuiro – Parent Governor Representative (Primary)

In Attendance:

Assistant City Mayor Councillor Pantling
Jennifer Day – Teaching Unions Representative
Janet McKenna – UNISON Branch Secretary (Online)
Mario Duda – Youth Representative

* * * * *

122. WELCOME AND APOLOGIES FOR ABSENCE

Apologies were received from Cllr Rae Bhatia. Cllr Orton substituted.

Cllr Gregg apologised for being absent for the previous two meetings.

123. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have had in the business to be discussed.

Members were asked to declare any interests they may have had in the business to be discussed.

Councillor Dr Moore declared that she was Chair of the Advisory Board at Millgate School.

Councillor March declared that she was a governor at Ellesmere College.

Councillor Barnes declared that she worked in alternative education provision.

124. MINUTES OF THE PREVIOUS MEETING

It was noted that there was an error in the minutes from 29th October 2024. Cllr Greg was erroneously noted as being the Vice-Chair when this was not the case. Cllr Bonham was the Vice-Chair, who was present at the meeting.

AGREED:

That the minutes of the meeting of the Children, Young People and Education Scrutiny Commission held on 14 January 2025 be confirmed as a correct record.

125. CHAIR'S ANNOUNCEMENTS

The Chair reminded members that the task group on the High Needs Block would begin on 3rd March and encouraged members to participate as their insights would be valued.

126. QUESTIONS, REPRESENTATIONS, AND STATEMENTS OF CASE

The Monitoring Officer reported that none had been received.

127. PETITIONS

The Monitoring Officer reported that none had been received.

128. CHILDREN AND YOUNG PEOPLE WITH SEND HOME TO SCHOOL/COLLEGE TRANSPORT PROPOSED POLICIES 2025/2026 - 2027/2028

The Director of SEND and Education submitted a report setting out the approach that the Council would adopt during the 2025-2026 academic year to the provision of transport assistance to certain individuals who attend schools, colleges or certain other institutions.

The Assistant City Mayor for Children and Young People thanked everyone in attendance for their contributions. It was explained that whilst it was compulsory for all young people to remain in education, employment or training until the age of 18/19 years, there was not a statutory duty to provide Post 16

SEND School Transport. A change in legislation was recommended, to allow funding for said transport. A letter had been sent to the Secretary of State for Education and City MPs were urged to lobby on the issue.

The Chair noted that questions had been received from members of the public after the deadline for submitting questions. The Chair agreed for the questions to be received, exercising her discretion. A detailed statement from STILL SEND 16+ was taken as read and had been distributed to committee members. A response would be provided by The Strategic Director of Social Care and Education.

The Strategic Director of Social Care and Education gave an overview of the prospective Post-16 SEND Home to School Transport policy. Key points to note were as follows:

- The decision was still pending, allowing due scrutiny.
- A formal decision had been made recently to accept the budget proposals for the upcoming year.
- There was a savings target of half a million pounds for Children and Young People's services, but this paper did not include a savings proposal.
- Funds normally taken for discretionary provision, could now be utilized for statutory school age transport arrangements.
- Pressures on SEND school transport had increased with the numbers of Education and Health Care Plans (EHCPs), rising National Insurance costs for transport providers, fuel costs and enhanced National Living wage.
- The budget could no longer cover discretionary travel for Post 16 SEND students.
- Efforts had been made to provide clear policy proposals, despite the complexity of legislation.

The Chair invited The Strategic Director of Social Care and Education to provide a response to the statement submitted by STILL SEND 16+ (attached). It was advised that the report covered the areas raised, but the statement could be taken for reflection when forming the final decision.

The Chair took questions submitted by the public as follows:

Question:

Given that it is recognised that the proposed changes are likely to be significantly disadvantageous for affected young people and young adults (and their families), and that all consultation responses opposed the changes, why have you failed to propose an option which makes a serious attempt to mitigate this?

The Strategic Director of Social Care and Education responded:

- The consultation responses had been analysed and the strength of feeling was recognised and was unsurprising. It was clear that there

would be young people and parents whose lives would be more complicated as a result of this change.

- There would be some young people and parents who would ultimately benefit from the autonomy of learning to travel independently although the stresses in making that transition were understood.
- It had been reflected a change had been suggested to the policy based on the feedback and within what we believe is affordable.
- It remains the case that the local authority would wish to make the discretionary provision of transport for young people with SEND to attend education but cannot afford to do so.
- A change in the law would be welcomed to make this statutory, which would also make government funding available to support such a duty on the local authority, freedom of choice and local options.

In response to a supplementary question regarding whether it was understood that the issue was about some of the most vulnerable young people in the city, it was recognised that there would be a significant impact on children and families.

Question:

In the Transport Policy, officials suggest that young people simply need to “choose” a provision in the city. Are you aware that within the council there is an education team which – under significant scrutiny and cost pressure – ensures young people are attending the nearest suitable provision and this is often in the county or even beyond?

The Strategic Director of Social Care and Education responded:

- The report laid out the considerations that need to be taken into account when making a decision.
- There was no suggestion that young people and parents must choose a provision in the city.
- The policy dealt with exceptions for placements at considerable distance where there were not transport links and where public transport and family circumstance make attendance exceptionally difficult.
- It was recognised that this means change for both young people and parents and that the provision of bespoke travel training was necessary.

Responding to a supplementary question, the Strategic Director of Social Care and Education advised that he would be happy to look at proposed policy wording regarding parents and young people being able to choose provision.

Other representations from the public:

A 60 working day appeals process is far too long when it comes to

making decisions on disabled young people's transport. Decisions that you have admitted will have a significantly disadvantageous effect for young people and their families. Can you reduce this timeframe to reduce uncertainty and anxiety for families and young people?

The Strategic Director of Social Care and Education responded:

- The two-stage review and appeals process was in line with Department for Education guidance.
- A stage one complaint would be dealt with within 20 working days.
- Only if the matter escalated to a stage two complaint would a further 40 working days be required and that would include the convening of an independent panel at a suitable time for all parties.
- Complaints would be sought to be resolved as quickly as possible.
- The process would be opened well in advance of the start of term, with sufficient time to undertake appeals. Those seeking transport assistance would always be urged to do so as early as possible.

Question:

A journey time of 75 minutes, by public transport, each way may be reasonable for a non-disabled young person over the age of 16 to travel independently, but many SEND young people need to be accompanied by an adult daily to and from education. This would entail up to 300 minutes per day providing transport. Do you consider this to be a "reasonably practicable" solution to transport in line with statutory guidance?

The Strategic Director of Social Care and Education responded:

- This was set within the policy, based on statutory guidance for younger children with SEND.
- It was recognised that this may impact on choice of placement and family life.
- Post 16 SEND school transport provision was not a statutory provision, and it was hoped that local government would make this a duty with funding to deliver it.
- Ultimately reasonableness if challenged would be decided through the Courts.

Question:

You suggest young people should remain in city provision. However, page 11 of the Post-16 transport and travel support to education and training: Statutory guidance for local authorities, states that "we would expect reasonable choice to include enabling young people to choose courses outside their home local authority boundaries if it makes sense for them to do so."

As an example of this, there are no horse care courses in the city boundary. How do you propose a SEND young adult who is travel trained and able to use public transport, but where there is no provision to their course location would be able to complete the course of study they have already embarked upon?

The Strategic Director of Social Care and Education responded:

- There was a specific exception in the policy to cover circumstances where:
 - The placement named by the local authority was a considerable distance from the young person's home;
 - the placement was not named by the Tribunal as a "parental preference"
 - There was no closer setting that can meet the young person's needs;
 - and, taking into account the availability of public transport, caring or employment responsibilities meant that the young person's parents or carers were unable to provide transport themselves.

The Chair welcomed questions from members. Responses to note were as follows:

- It was clear from the Equality and Impact assessment that challenging outcomes were expected.
- Changes to discretionary services were necessary due to budgetary constraints.
- Central government statutory policy and guidance did not tend to lend itself well to Post-16 SEND requirements.
- Officers would consider best ways to enable as many young people as possible to remain in relevant educational institutions.
- Considerations would include continued suitable education provision for young people for as long as possible.
- Other methods of support for Post 16 SEND School Transport were available, including bursaries. Healthcare needs were recognised on EHCPs and associated costs were managed by the Health department.
- Legal compliance had been ensured, but a judicial review could come.
- Supplementary finances allocated to SEND from central government were utilised within the Dedicated Schools Grant High Needs Block. There were strict terms attached to spending, which did not include provision for school transport.
- Appeals processes had been improved upon and there was a robust system in place to manage any increases in appeals following changes to policy.
- Future impact tracking information could be supplied to the Commission.
- For Looked After Children, the Council as Corporate Parent, was responsible to meet the needs of school transport assistance, inclusive of SEND school transport provision.
- Since the 2014 SEND reforms, there had been a significant rise in those requiring SEND provision. Funding received from Central Government had not kept pace with increasing demands.
- Phrasing of the report, particularly section 4.4.35, could be re-examined to ensure wording accurately reflected children's behavioural evaluations and subsequent impact on school transport assistance.
- Continuity of care was inherently problematic due to educational

placements tending to change at the age of 16. There was more sixth-form provision available within SEND schools as compared to Mainstream Schools. Where transitions occurred, considerations were in place to make changes as smooth as possible.

- Travel Training was a nationally applied initiative and data reporting could come to scrutiny.
- Costing forecasts could be re-examined, but this did not guarantee a more favourable outcome.
- School transport administration costs were minimal.
- Benchmarking had taken place against other local authorities and options such as allowing parents to buy services had been considered, but costs were prohibitive.
- Solo taxi journeys tended to incur the highest costs.
- Insights were gained from complaints and appeals.
- Complex needs were considered case by case under previous policy which did not include an 'exceptional circumstances' element.
- Ringfenced funds could not be transferred to Revenue services such as school transport provision.
- Taxi contract procurements were problematical. Personal transport budgets (PTBs) had previously been encouraged as parents could sometimes secure more reasonable, individual prices.
- Home to School Transport Policies would be published in May 2025, so the decision on Post-16 SEND School Transport would be imminent.
- Exceptional Circumstances evidence could be submitted via the electronic portal.
- Figures for young people Not In Education or Training (NEET) would likely be negatively impacted by the new proposals.
- Due to time constraints, it would not be permissible to form a scrutiny task group examining further options and costings for Post 16 Home to School Transport.

AGREED:

- 1) That the report be noted.
- 2) That officers consider the wider implications of the statement from STILL SEND 16+.
- 3) That officers re-examine the suggestion that parents and Young People should choose educational institutions closer to home.
- 4) That officers consider how to enable as many young people as possible to remain in relevant educational institutions.
- 5) That reassurance be given that places are available for young people to continue education for as long as possible in the appropriate educational institution.
- 6) That the impact be tracked and reported on to scrutiny.
- 7) That wording of 4.4.35 to be considered.
- 8) That data be provided on Travel Plans and how they affect families.
- 9) That forecasts and assumptions on costs be looked at again.
- 10) That consideration be given to the need to avoid young people

becoming NEET.

- 11) That a considered response to the STILL SEND 16+ 'Option 4' be given and circulated to members of the Commission.

129. LOCAL AUTHORITY DESIGNATED OFFICERS (LADO) ANNUAL REPORT 2023-24

The Head of Service for Child Safeguarding and Quality Assurance gave an overview of the report. Key points to notes were as follows:

- The purpose of the LADO role was to ensure that any allegations of harm were followed up efficiently, ensuring a safe and fair process for children and adults involved.
- Investigation outcomes were tracked annually.
- Within the reporting period, there was a decrease in unsubstantiated outcomes, which is reported positively.
- Substantiated outcomes were at 25% within this period.
- The largest reported category was Physical Harm, this was in line with previous years,
- The LADO Service regularly contributed to training and development with education services.
- The latest Ofsted inspection, recognised the positive use of the Lundy model and the emphasis on the voice of the child.
- Quality assurance feedback for the LADO Service recorded that 93% of respondents had a positive response.

The Chair welcomed questions from members. Key points to note were as follows:

- LADO did not have a responsibility with registration for private children's homes. Any questions relating to Safeguarding would fall into the LADO remit.

AGREED:

- 1) That report be noted.
- 2) That the next due report be presented at Scrutiny.

130. KEEPING CHILDREN SAFE, HELPING FAMILIES THRIVE

The Director of Children's Social Work and Early Help gave a presentation on Children's Services Reforms.

The Director of Children's Social Work and Early Help gave the presentation. Key points other than those on the slides (attached with agenda) included:

- The government had acted quickly following the General Election and an

agenda had been set out for what were likely to be substantial reforms in Children's Social Care.

- This built on work from the 2018/19 care review. The government had expanded on this and taken recommendations from the previous government on developing the Family Help service and developing substantive reforms to take on for this parliament.
- The four key principles (outlines on the slides), were child-centred and would require substantial changes to current legislation.
- Previous reports showed that the majority of children in Council care lived with family members or foster carers.
- The Schools and Children's Wellbeing Bill was aimed at supporting the key priorities in legislating to keep families together and children safe and removing barriers to opportunity.
- It was currently seen as good practice to offer Family Group Conferences or Family Network Meetings to explore what was in the family networks and communities to support the child rather than being reliant on agencies as research showed this to be more productive and effective. The government was now mandating that in situations where the child was at risk of coming into the care of the local authority, such an opportunity must be offered. A small service could coordinate this activity.
- In terms of data sharing, having a single identification number rather than separate NHS numbers and unique pupil numbers would help to link databases to allow better data and information sharing.
- Whilst education had a role in arrangement, education was not currently a statutory safeguarding partner. The guidance aimed to strengthen the role of education.
- There had been a large increase in home-educated children since the Covid-19 pandemic, this was a challenge to child protection professionals regarding assurances about children's safety. There was currently no legislation to oblige children to attend school as part of a child protection plan. The planned legislation proposes that the permission of a local authority would be needed before a parent home-educates a child.
- Corporate parenting responsibilities would be extended to schools, the judiciary and the police.
- The proposed legislation would make it mandatory that a child's social worker be supported by the virtual school.
- The legislation aimed to help care leavers to remain close to the provision that they had been supported by previously. The local authority had received pilot funding for this, and the programme had been successful. It was hoped that more funding would follow.
- In terms of legislating to tackle profiteering, there would be action and planning guidance in the legislation to make it easier to open the right kind of home. Accountability would be improved through providers with multiple delivery of places. If Ofsted deemed the care to be inadequate, this would trigger an inspection of the entire organisation.

- A more nuanced approach would be taken to children in residential care rather than a one-size-fits-all approach. For example, it was recognised that supported accommodation for 16–17-year-olds had different requirements to that for other children. It was also important that there was specialist care in residential homes for children with deprivation of liberty orders.
- It would be made easier for local authorities to run their own provision. The Department for Education (DfE) were supporting this through biannual funding bids for councils with match funding for capital funding. A bid had recently been submitted.
- In terms of regulating the market to tackle profiteering, a monopolies review was proposed, and legislation was being sought to introduce a profits cap.
- Many companies owned by hedge funds or investment funds had been leveraging debt against property. This had been seen as a failure of care groups in the adult sector and the proposed legislation aimed to prevent this happening in the children's sector.
- Under previous government regulations, any social worker could become an agency social worker. Under the proposed legislation, a social worker would need to have been directly employed by a local authority for at least three years before becoming an agency social worker.
- In terms of priority actions, a reform was proposed around developing family help provision by taking existing early help and merging it into one service with a separate stand-alone family protection resource. Workers would remain involved so that there was continuity on the child protection plan.
- The Community based approach would mirror the family help service.
- The Government wanted Local Authorities to develop multi-agency child protection schemes with partners in the police, health, mental health and drug and alcohol abuse services between now and the end of 2027. The Council were making sure they had the right resource for this and were working with the Integrated Care Board (ICB) on a shared care record.
- Work was being conducted with safeguarding partnerships and education colleagues to ensure that the educational strength of the agency.
- It was aimed to launch a social care and education social care academy to grow the workforce. This would not only include social workers, but also roles in education and adults social care such as Occupational Therapists.
- In terms of embedding value of care, work had been done with Impower to work across dimensions on the needs of young people.
- Private providers were being worked with to drive costs down.
- Future-proofing would involve making changes flexible to incorporate any future Council reform.

The Committee were invited to ask questions and make comments. Key points included:

- Providers were clear about what they wanted and were clear in their negotiations.
- In response to points made on the issue of keeping children with parents or kinship and on inclusivity and the possibility of expanding the scope to other organisations where there were diverse groups, it was explained that it was always looked to ensure that children remained with families where possible. However, where this was not possible. It was important to consider the safety of the child and take other action. Sometimes in these cases extended family was considered. In some cases where family members were overseas, the Council looked to bring them to this country for assessment, or to make arrangements for the child to be with family overseas. Outcomes were better when children were with families where safe to do so, but this was not always a possibility. If a family put someone forward for assessment, they were assessed and this was monitored by the court, and a judge would make a decision. In terms of expanding the diversity of support, the best way to do this was through extended family, although there was also a keenness to recruit foster carers. It was a challenge nationwide to find culturally matched placements for children. Sometimes children were placed with adult siblings. There was flexibility on extended family members.
- There was a regional support group from the DfE to support Local Authorities to progress.

AGREED:

- 1) That the presentation be noted.
- 2) That comments made by members of this commission to be taken into account by the lead officers.
- 3) That the Commission be updated in six months' time.
- 4) That members be kept informed on key issues.

131. OFSTED ILACS REPORT (INSPECTING LOCAL AUTHORITY CHILDREN'S SERVICES) AND IMPROVEMENT PLAN

The Strategic Director of Social Care and Education submitted a report on the most recent Leicester City Council Ofsted inspection. This took place under the "inspecting local authority children's services" (ILACS) framework in September 2024

The Assistant City Mayor for Children and Young people introduced the report and noted that lots of work had been implemented on the recommendations from Ofsted. The fact that a number of areas required improvement meant that it was necessary to look at how the Council were moving forward with the

service and supporting children and young people. The work done had been difficult and it was hoped that confidence could be gained on the way it was driven forward.

The Strategic Director of Social Care and Education presented the report. Key points included:

- The inspection had taken place six months ago, and work had been undertaken since.
- All areas for improvement from the 2021 report had been improved upon.
- It was good that social workers had manageable caseloads and knew their children well.
- Child protection plans had been reported on favourably.
- There were a number of areas for improvement:
 - In terms of management of information, there were examples of better practice elsewhere. As a result of this, benchmarking had been undertaken and a lot of data had been collected.
 - Work had been done on the timeliness and robustness of plans and contacts. The workforce was relatively young with newly qualified social workers from university. Retaining staff had also been a challenge.
 - There was need for improvement in middle-management and a need to ensure that they were confident.
 - Arrangements were sought to identify safeguarding support in care leavers, particularly around people from unregulated children's homes.
- There was support for care leavers in their 20s, including those homeless or in prison, the Council were trying to engage proactively through a rights-based approach.
- Reforms had given the Council extra income for areas of Children's Social Care.
- The city had the lowest number of children's social workers per head in the East Midlands, so more would be recruited.
- Functional Family Therapy was enabled to get investment.
- The feedback from Ofsted would be blended with information from the report into a single plan.

The Committee were invited to ask questions and make comments. Key points included:

- In terms of the recruitment rate, it was suggested that a target be identified to work on, and this should be monitored. It was clarified that an impact board existed showing the transformation of the system with reforms, there was also a dashboard of information and an improvement plan with milestone and a red/amber/green rating. It was further explained that whilst scrutiny input was welcome, movement may not be seen month-on-month. It was suggested that performance reporting

could be reflected on and brought to scrutiny.

- The headline data was not reflective of the report. Some of this reflected cultural change. Since 2021, it was thought that the culture may not have improved over time as maintaining the culture across the workforce could be difficult. It was necessary to look at the culture in middle management and around positivity. Policy type changes would also need to be examined.
- In terms of data, the department were data-rich, but it was necessary to think about how this data was used.
- In terms of unregulated placements, there were around six or seven children that could not be accommodated due to extreme behaviour, this was often due to the risk of Ofsted registration. As a result of this they went into unregulated accommodation. However, the rate of this was low compared to other authorities. The Strategic Director of Social Care and Education took liability for these children, and so it was ensured that these children were as well looked after as they could be in terms of oversight. More regular contact with these children was made so that the Council did not have to rely on the providers.
- It was suggested that there was a lot to be gained in terms of positives, but criticism must be taken on board.
- It was suggested that leadership and management set the culture, and as such these staff members needed to be retained.
- It needed to be acknowledged that the leadership team were relatively new, but there was a lot of ambition and drive. The Council building its own children's homes meant that looked after children were no longer a commodity. Having longer-term plans showed the vision and ambition.
- The issue of whether there was anyone or any body to judge Ofsted quality assurance was raised.
- It was good that self-evaluation had started as changes could not be made without self-evaluation.
- In response to a question about costs, there would be no knock-on effect as there was £2.6m in the prevention grant. This would enable the Council to carry out its intended plans in terms of restructuring and external support. This was a one-year deal, but it was hoped that funding would continue. There was also work that could be done in the voluntary sector.
- In response to a question regarding return-home interviews, it was acknowledged that there was a need to be more consistent with the offer. However, it was explained that they had been offered in 91% of cases. Whilst there was more to do to make it 100%, a wide range of ways to engage were used. Young people in these situations could not be forced to engage. It was important to ensure that the best person was used to have these conversations with the young people involved. There was monthly data on return home, and this was monitored by the team and was not disproportionate to other authorities. However, work could be done on achieving more and getting young people to talk about their experience, however, some were unwilling to talk and as such it

was necessary to develop trusting relationships with adults.

- A new system to manage information had been invested in. A new education management system had been procured and the department were in the process of moving over to it. This would improve the ability to analyse data.
- It was requested that training around middle-management skills sets be considered in future updates. It was further clarified that part of the funding received was allocated to training. Additionally, there was support from the DfE to link up with improvement partners, and the Council would link with a London Borough that had experience on this.
- There would be new recruitment as part of the problem had been that senior management had been stretched. The number of new staff had not been totalled as managers were being negotiated with to see what roles were needed. It was thought that there would likely be around ten specialist workers on social work, and new service heads and managers. The process of job evaluation and advertising would be long but was being pursued as quickly as possible.

AGREED:

- 1) That the report be noted.
- 2) That comments made by members of this commission to be taken into account by the lead officers.
- 3) That regular updates to be brought to scrutiny, to include target monitoring and performance as well as training (especially of middle-management).

132. WORK PROGRAMME

Members of the Commission were invited to consider content of the work programme and were invited to make suggestions for additions as appropriate to be brought to future meetings.

Improvement Plan Updates would be added to the forward plan.

The work programme was noted.

133. ANY OTHER BUSINESS

There being no further items of urgent business, the meeting finished at 8:20pm.

Minute Item 128

Statement from STILL SEND 16+ (Post-16 SEND Transport):

In good faith, we have engaged with Leicester City Council since a legal challenge in 2024 forced a reconsideration of transport policy. In the SEND Transport Policy Proposed Decision Report you can read a summary of our responses (and the responses of others) to the recent consultation. However, the three options which have been put forward for your consideration do not reflect the concerns which we have repeatedly raised to council officials, and which have been raised again in the consultation.

This perspective is reflected in section 1.8 of the SEND Transport Policy Proposed Decision Report v0.12, which states “It is recognised that the proposed changes are likely to be significantly disadvantageous for affected young people and young adults (and their families), and it is estimated that approximately 350 (and potentially up to 450) young people and young adults with SEND (and their families) are likely to be affected. The likely disadvantageous consequences of the proposed changes were reflected in the responses to the consultation on the proposed new SEND Travel Policy and Post-16 Statement, all of which opposed the changes”.

We recognise that **Option 1- Do Nothing** is not a viable option in the current financial climate.

We cannot accept **Option 2- Adopt the draft policy** as this will be “significantly disadvantageous” as noted above. We argue that the second option is open to legal challenge as it does not “have regard to the needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made”(1). These needs are clearly set out in the consultation responses, where 29% of adult respondents stated that their child would not be able to continue in education and training if the proposed policy is adopted. For example, the suggested acceptable journey time of 75 minutes is intended as guidance for **all** young people aged over 16 and does not take into consideration how SEND will impact this. In many cases of young people with SEND, the parent will need to accompany them, making work impossible.

The suggestion that young people with EHCPs should simply “choose” a provision closer to home does not reflect the reality of specialist placements. For example, Leicester does not have any autism-specific provision in the city. We all would like our children to attend a placement in the city, but if the needs cannot be met here (or there are no spaces) then they must travel elsewhere. This is not a parental decision, but a decision made under significant scrutiny by the education team. Note that statutory guidance also states that “we would expect reasonable choice to include enabling young people to choose courses outside their home local authority boundaries if it makes sense for them to do so.”(2)

We also note that although the local authority is claiming that parents are responsible for school transport, the statutory guidance states that “the statutory responsibility for transport for 16-19 year olds (who have started a course before their 19th birthday) rests with local authorities.” There is also a legal duty to provide transport for adults with an EHCP plan.(3) Under this option, the council proposes to support just 16 children with a Personal Transport Budget, leaving everyone else with no support.

Option 3 offers a solitary concession for which the basis is unclear. The proposed draft policy states that siblings must have an EHCP, yet the decision report refers to “siblings with SEND”. These are two different categories – there are many children with SEND who do not have EHCPs. Additionally, the decision report states on a footnote on page 22 that “it is assumed that 50% of the total post 16 cohort who currently receive SEND transport ..are multiple siblings with SEND attending different schools that may be eligible under option 3”. Given that only 15% of consultation respondents reported that they have other children that will be affected, and no data was gathered on whether these siblings have SEND and/or EHCPs, it is difficult to see any basis for this calculation. ***Option 3 is inadequate in all respects as a response to the significant concerns raised by the consultation.***

We propose an **Option 4**. This option takes into account the concerns raised in the consultation and broadens the exceptional circumstances to ensure all applications are considered individually based on the needs already specified in the EHCP (rather than the council’s own definition of “complex SEND”) and how these impact transport alongside family circumstances. Although the provision of a Personal Transport Budget would remain the first line of support, alternatives should be made available where needed. These could include the use of Personal Assistants to accompany young people on public transport, the provision of a taxi or minibus. This option would reduce the spend on taxis while still ensuring the needs of disabled young people are met. Leicestershire County Council currently takes this approach.

Finally, we have noted that the timescale for appeals is significant – 20 working days for a first appeal and 40 working days for a second appeal. This is unacceptably long where matters concerning disabled young people’s support is concerned.

We would like to ask you to carefully scrutinise the documentation and recommendations regarding this policy and propose an Option 4 at the upcoming meeting of the Children, Young People and Education Scrutiny Committee.

The consequences of the proposed policy are immediate and severe for disabled young people and their families, and this decision now rests in your hands.

If you would like to discuss this further, members of our group are available.

STILL SEND 16+

Save Transport in Leicester and Leicestershire SEND 16+

(1) Post-16 transport and travel support to education and training: Statutory guidance for local authorities, page 10 <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training#full-publication-update-history>

(2) Post-16 transport and travel support to education and training: Statutory guidance for local authorities, page 11 <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training#full-publication-update-history>

(3) Post-16 transport and travel support to education and training: Statutory guidance for local authorities, page 6 <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training#full-publication-update-history>

