

Children's, Young People and Education Scrutiny Commission Report

SEND Transport Policy Consultation Outcome

Lead Member: Cllr Elly Cutkelvin
Lead Strategic Director: Martin Samuels
Date: 8 March 2022

Useful information

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1. Summary

- 1.1. The purpose of this report is to provide the Children's, Young People and Education Scrutiny Commission with an overview of the proposed changes to the *Special Education Needs and Disabilities (SEND) Transport Policy* and the *Post-16 Transport Policy* following a consultation exercise.
- 1.2. The existing policies have been in place since 2016 and the proposed changes are needed to make the eligibility criteria clearer for parents and carers, to promote greater independence, prepare children and young people with SEND for adulthood and to reduce the increasing transport costs of this cohort.
- 1.3. Options are detailed in paragraphs 5.4 – 5.7. Option 1 is the preferred proposal.
- 1.4. The consultation ran between 25 October 2021 and 16 January 2022, which was extended from the original timeframe. This included contacting over 700 parents where their child was in receipt of transport, the use of social media to promote the consultation through key partners including the Parent Carer Forum and SENDIASS (Special Education Needs and Disabilities Information Advice and Support Services), and via the City Special Schools.
- 1.5. Only 9 responses were received as detailed at Appendix A. Of those who responded the majority confirmed they understood the changes, 50% suggested the policy met the objective of helping children to prepare for adulthood, and just over 50% confirmed the policy was easy to understand. Whilst the level of response was disappointing it would suggest people do not disagree with the proposals.
- 1.6. The changes will commence from 1 April 2022, with full implementation by 1 August 2022.
- 1.7. The proposed changes will affect both new and existing children with SEND. For new starters they will be subject to the new Transport Policy from the beginning of the new academic year in August 2022. For those children and young people currently in receipt of council funded transport, their needs will be reviewed as part of their annual Education, Health & Care Plan (EHCP) and other transport options will be considered as appropriate. As the proposed changes will see the removal of transport for post 16 individuals (bar exceptional circumstances) transitional arrangements are proposed for this group for a 2-year period. Therefore, they will receive council funded transport until 2024, pending any changes to their needs.
- 1.8. The following actions are also recommended to support the implementation the changes:

- Updates to the existing policies in line with feedback received (with a separate document outlining the changes from the 2016 version).
- The implementation of a communications plan to articulate the proposed changes for parents, carers and relevant staff.
- Provision of an easy read version of the policy to assist parents and carers.
- Eligibility criteria is clearly outlined and accessible via the Local Offer website.
- Include additional details relating to bus pass eligibility, which wasn't known at the time of the consultation.

2. Recommendations

2.1. The Scrutiny Commission is recommended to:

- Note the content of the report and to provide comment / feedback

3. Scrutiny / stakeholder engagement

3.1. The consultation ran between 25 October 2021 – 16 January 2022, having been extended through from 19 December to allow for further promotion and engagement with parents and schools.

3.2. The approach to the review involved extensive communications circulated to a wide range of key stakeholders, to over 700 parents in receipt of council transport, also via schools' communications channels and with our Parent Carer Forum and Special Education Needs and Disabilities Information Advice and Support Services (SENDIASS) social media channels. See appendix B for full details of the communications for this consultation.

4. Background and options with supporting evidence

4.1. The intention of the policy changes is to support children and young people access education through clear guidance on travel eligibility for parents and carers, to promote greater independence and prepare children and young people with SEND for adulthood, as their needs change. Implementation of the policy changes will also support a reduction in the use and costs of the Council's in house bus fleet and the use of taxis. In addition, the updated policy includes details on alternative travel methods, such as personal transport budgets and independent travel training.

4.2. This policy changes sets out how Leicester City Council will meet its duties to provide home to school and college travel to children and young people with Special Education Needs and/or Disabilities (SEND), living in Leicester who are eligible to receive it. The policy also gives advice on the support available and the commitment to encourage independent travel to and from school or college.

4.3. The changes include the use of alternative travel assistance including:

- Pilot grants for families towards the purchase or lease of adapted vehicles.
- Working with schools to transport their pupils and using alternative means of transporting small groups of pupils.
- Promotion and increased use of Personal Transport Budgets.

- Promotion of Independent Travel Training, where appropriate for young people from year 9 (14 years old), to access public transport.
- Use of Free Bus passes for young people and their parents.

4.4. It is important that families understand the eligibility criteria and whether their child is likely to meet this before taking the time to make an application. In most instances, children will not meet the statutory conditions for travel assistance. It is recognised there remains a need to bring about a cultural change, which needs to be managed sensitively and in a supportive way with families.

5. Detailed report

5.1. Full findings can be found at Appendix A. Although only 9 responses were received, they did include representation from:

- a parent/carer of a child or young person with SEND
- a member of staff providing support to children with SEND
- an employer of young people with SEND
- Other

5.2. The key questions asked as part of the consultation for the policies are shown in the table below:

Questions	SEND Home to School/ College Transport Policy	Post 16 Transport Policy
Do you understand the proposed changes to the policy?	89% stated yes	75% stated yes
Does the policy meet the objectives of helping children and young people prepare for adulthood?	50% stated yes	
Is the policy easy to understand?	56% stated yes	75% stated yes
In your view does the updated policy explain eligibility for transport for Post 16 young people?		86% stated yes

Table1: Questions from consultation

5.3. Additional comments were received, which will be addressed through further actions as part of the approval process for the policies, including:

- Comparison of the changes between policies
- Provision of information on how travel reviews will be conducted
- Support for parents living at separate addresses and overnight arrangements
- Reference to plain English and formats available in other languages, or formats such as film or images

Options

Option 1. Approve Policy Changes

5.4. It is recommended the policies are approved however that the following is undertaken, before formally launching the polices:

- Updates to the existing policies in line with feedback received (with a separate document outlining the changes from the 2016 version).
- The implementation of a communications plan to articulate the proposed changes for parents, carers and relevant staff.
- Provision of an easy read version of the policy to assist parents and carers.
- Eligibility criteria is clearly outlined and accessible via the Local Offer website.
- Include additional details relating to bus pass eligibility, which wasn't known at the time of the consultation.

5.5. Apply and embed the changes between April and August 2022, via a clear implementation and communications plan, so that:

- All new children and young people who are eligible for transport provision, through their Education Health Care Plan (EHCP) will be aligned to this policy.
- All children and young people who are currently in receipt of transport under the current policy will be transferred over following notification of the changes after two years (2024).

Option 2. Do nothing – Retain existing policies

5.6. By retaining existing transport policies there remains little option and opportunity to introduce or pilot alternative transport assistance such as Personal Transport Budgets, Travel Training and Bus Passes for families and therefore less of a focus on preparing for adulthood for Children and Young People with SEND.

5.7. Furthermore, there remains the likelihood of continued growth in demand for transport assistance, for both Taxi's and Fleet, given the large growth in EHCPs within the last year (38% increase in 2021, over 2020 figures).

Next Steps

5.8. The plan to implement the policies, includes three strands focussed on:

- those new to transport
- those in receipt of transport
- other areas of activity including the development of clear processes, procedures and accessible information.

5.9. Furthermore, a comprehensive communications plan will be implemented between April and August 2022, as detailed at Appendix C, to ensure families, carers and schools are aware of the changes.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

Expenditure on SEN home to school transport has to be funded from the Council's general fund. Costs have increased significantly in recent years in line with the increase numbers of pupils with Education, Health and Care Plans. Forecast expenditure in 2021/22 on SEN home to school transport is £12.1m including in-house, taxi and personal budgets.

The revised policy will reduce these costs, although this will take time given that changes will only take place after the annual review and that there is a 2-year transitional period for post 16 provision. The financial impact of the new policy both in terms of the reviews of

existing young people and for new referrals will be made following implementation to inform subsequent budgets.

Martin Judson, Head of Finance

6.2 Legal implications

The statutory provisions in relation to transport obligations are contained in the Education Act 1996. The local authority has a duty to make home to school travel arrangements, free of charge, to any child who is eligible. The eligible children are defined within the Education Act, and all categories relate to those who are of compulsory school age.

In contrast, there are separate provisions for those who are not of compulsory school age. For this group of children, the local authority is allowed, rather than required, to provide transport assistance. In addition, the support does not have to be provided free of charge.

The report sets out the proposed changes to the relevant local policies in order to reduce reliance on the taxi market and to increase the use of alternative methods of transport for both groups.

The statutory guidance requires the local authority to consult widely on any proposed changes with all interested parties. Consultations should last for at least 28 working days during term time. In compliance with these requirements, the proposed policies have been subject to the consultation exercise set out in the body of this report.

The results of the consultation should be analysed, prior to any final decision being made, to ensure that any decision making is lawful, follows a fair process and is reasonable.

Julia Slipper, Principal Lawyer (Education & Employment); Tel ext 6855

6.3 Equalities implications

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected groups under the Equality Act 2010 are age, disability, gender re-assignment, pregnancy/maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

The report proposes to introduce changes to the SEND Home to School Policy and Post 16 Transport Policy documents following engagement which has taken place. Local authorities must consider the potential effect of their transport policy on disabled people, both disabled children and disabled parents. This is an area where equalities and particularly the PSED, will need to be an ongoing consideration.

An Equality Impact Assessment (EIA) is already underway on the Taxi Procurement – Taxi Framework Agreement. This area has been identified within the EIA and the EIA will need to be updated to reflect the proposed changes to both policy documents along with the

outcomes of the engagement exercise. The equality impact assessment is an iterative process that should be revisited throughout the decision-making process and updated to reflect any feedback/changes due to consultation/engagement as appropriate.

Need to ensure the implementation and consultation plans are accessible and targeted at those who will be impacted by the proposed changes.

Sukhi Biring, Equalities Officer, 454 4175

6.4 Climate Emergency implications

No climate change implications

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

7. Background information and other papers:

8. Summary of appendices:

Appendix A – SEND Transport Consultation Findings Report 19.01.22

Appendix B – SEND Transport Policy consultation communications plan

Appendix C – SEND Travel Policy Communications plan v1 (Implementation phase)