

SLOUGH BOROUGH COUNCIL

REPORT TO:	Cabinet
DATE:	20 th June 2022
SUBJECT:	Draft Home to School Travel Assistance and Post 16 Travel Assistance Policies for Consultation
CHIEF OFFICER:	Andrew Fraser – Executive Director of People (Children)
CONTACT OFFICER:	Johnny Kyriacou – Associate Director, Education & Inclusion
WARD(S):	All
PORTFOLIO:	Councillor Hulme – Lead Member Children’s Services, Lifelong Learning and Skills
KEY DECISION:	YES
EXEMPT:	NO
DECISION SUBJECT TO CALL IN:	NO – Due to insufficient time to consult if adhering to DfE Guidance in relation to consultation requirements
APPENDICES:	<ul style="list-style-type: none">• 1 - Consultation Draft Policy for 5-16 Home to School Transport Travel Assistance• 2 - Consultation Draft Policy Post 16 Education Travel Assistance Policy Statement• 3 – Initial EqIA

1 Summary and Recommendations

1.1 All Councils have statutory responsibilities related to home to school travel assistance. Slough Borough Council is proposing to review and ensure its Travel Assistance policies enable the Council to continue to deliver its statutory responsibilities, improves outcomes for children and young people with SEND and controls costs.

Recommendations:

Cabinet is recommended to:

- 1.2 approve the strategic aims to support deliver of the Council’s statutory responsibilities in relation to providing travel assistance to attend school and colleges
- 1.3 Approve the policies attached at Appendices 1 and 2 in draft and authorise a public consultation to take place from the end of June to August 2022.

- 1.4 Note that a report will be brought back to cabinet early in the 2022/23 Autumn Term for approval of the final policies, following consideration by the People Scrutiny Panel on 12 September 2022.

Reason:

- 1.5 There are significant areas of inefficiency in relation to Slough Borough Council's delivery of its arrangements for home to school and post 16 transport for children and young people with special educational needs and disabilities. The current policy and application contribute towards higher costs and impact the effectiveness of outcomes for children and young people. Delivery of the outcomes sought through the proposed strategic aims will benefit all Slough residents by supporting the integration and independence of children and young people with SEND, promoting environmental sustainability and securing the efficient use of public resources.

Commissioner Review

"The Commissioners support the recommended option to develop appropriate policies that align with the strategic aims of the authority to be delivered within available resources."

2 Report

Introductory paragraph

- 2.1 The existing Home to School and Post 16 Travel Assistance policies do not sit within a clear strategic framework. Agreeing the strategic aims and setting policies to meet these is critical to ensure the Council meets its statutory duties and focuses its resources appropriately.
- 2.2 Weakness in the wording within the current policies impact on officers' ability to effectively handle demand growth in a robust, consistent and sustainable manner. It also provides limited options to officers when deciding on the form of travel assistance that will be offered to eligible children and young persons.
- 2.3 The inclusion of independence and environmentally sustainable travel will focus on encouraging healthier modes of travel through a robust travel hierarchy assessment approach to travel needs and the development of independent travel skills, where appropriate, to encourage a healthier approach to travel and where available the utilisation of existing public transport options. This supports the Council's priority to have happy, healthy and successful children in Slough.
- 2.4 A review and an update of the current Home to School and College/Post 16 travel assistance policies is required to ensure ongoing compliance with statutory obligations within a more constrained financial environment as well as improving the clarity and transparency of the service available to residents of Slough. This will also aid to improve demand control, efficient delivery of the service and delivery of spend reduction targets.

Options considered

Option 1 – Consult and develop policies that align with agreed strategic aims

Recommended Option

2.5 In order to foster consistency of practice and equity of provision of home to school and post 16 travel assistance, Cabinet is asked to consider and agree a set of strategic aims that will underpin a public consultation with residents in June 2022, including with children and young people with SEND and their families. The consultation will propose a range of policy options and will inform a refresh of the Council's Home to School and Post 16 Travel Assistance policies.

2.6 The proposed strategic aims are:

- Social integration of children and young people whatever their needs
- Independence for children and young people with SEND
- Promotion of parental responsibility to make any necessary arrangements to ensure their children attend school
- School responsibility to collaborate with the council on SEN travel
- Environmentally sustainable travel
- Efficient use of public resources

2.7 The proposed timetable for public consultation and refresh of policy is set out below:

Date	Action
20 June 2022	Cabinet to consider and agree design principles to inform 28 day consultation on a range of proposals regarding the Council's home to school and post 16 travel assistance policy and provision
23 rd June – 21 st July 2022	28 day public consultation on proposals for policy change
12 th September 2022	People Scrutiny Panel
19 th September 2022	Cabinet considers updated home to school and post 16 policies
October 2022	New policy published and implemented. Implementation of operational changes to begin during 2022/23 academic year with full adoption of the policies and changed in time for the 2023/24 academic year.

2.8 A 28 day consultation will take place from 23 June 2022 on proposals to refresh the Council's Home to School, and Post 16 Travel Assistance policies. These proposals will be underpinned by a set of strategic aims agreed by Cabinet (see 2.6)

2.9 During the consultation period, there will be significant engagement with children and young people with SEND to understand their experiences of travel and transport to educational settings, their aspirations for independence and integration and what supports them to arrive safely, on time and ready to learn. Residents will be engaged through a series of public meetings within the Borough, scheduled for lunchtimes and evenings and virtually. Education establishments will be engaged through existing networks and dedicated meetings to discuss the proposals and provide opportunity for feedback/insight. Other voluntary groups will also be engaged and have opportunity to provide feedback, such as Special Voices (parent/carer forum group).

- 2.10 Implementation of a new policy, based on the agreed strategic aims will enable officers to robustly and consistently assess applications for travel assistance. It will enable officers to identify and allocate more cost effective, independent, and sustainable travel options to eligible children and young persons.
- 2.11 With a Education Health and Care Plan's (EHCP's) growing nationally at a rate of approximately 10% annually and it is essential to Slough's long term sustainability that only necessary and required travel assistance is provided. Currently for every 10 new EHCP's up to 4 would qualify for travel assistance, with current practice awarding arranged transport in most instances. The proposals aim ensure support with travel continues to be provided where it is necessary, based on need, whilst also enabling greater control to minimise the cost impact of EHCP growth. Slough's travel assistance uptake of children and young persons with an EHCP is currently over 40%, it is expected that the proportion of uptake reduces as policy principles are implemented and embedded into the service

Option 2 – Policy review without introduction of design principles

- 2.12 A review and refresh of the existing policy is necessary in order to ensure consistency with the statutory obligations and guidelines. A review would improve the control provided to officers to consistently apply the policy reducing the risk of challenge from a policy and statutory obligations perspective.
- 2.13 Conducting a review of the policy would not resolve the current provision of non-statutory support or enable a more focussed approach to provide more independent and sustainable travel options for those it is suitable for. Therefore, demand management control and ability to arrange more cost effective travel options is weaker than option 1.
- 2.14 Alterations to the existing policies are likely to be more restricted, whilst delivery of the new policies will lack the strength key deliverables (the design principles) to influence changes to behaviour (use of sustainable travel options) and delivery of the service.
- 2.15 A public consultation would still be required to review and update the Home to School and Post 16 Travel Assistance policies, the same timetable as the one detailed above would need to be adopted if this option was chosen.
- 2.16 This option is not recommended, as Council's policies should be set within a clear strategic framework to ensure they are focused on meeting need in a cost effective manner.

Option 3 – No policy review

- 2.17 Taking no action will result in the Council continuing to operate a policy for travel assistance that exceeds its statutory obligations, it will restrict officers' ability to enforce consistent outcomes for children and young persons and enable the practice of inefficient provision to continue adding pressure on existing budgets and expenditure.
- 2.18 Current phrasing of the policies contradicts some aspects of the statutory guidance, although current practice supports the Council's obligations. Risk of challenge will continue to exist whilst policy remains in its current format.

- 2.19 Effective management of current and future demand will continue to be difficult for officers, whilst travel options that are less dependent on the Council and financially more sustainable may not be able to be allocated to appropriate individuals. Delivery of existing spend reduction targets and further reductions targets are at risk of not being realised.
- 2.20 Current policy and practice do not integrate and align with the SEND code of practice to support and develop young person's independence skills in preparation for adulthood and may result in watering down key messages from the Council in relation to making families more resilient, independence, and social integration of children and young persons.

Background

- 2.21 *To effectively manage transport and travel assistance services the Council requires strategic aims that will provide the necessary framework for effective service delivery.*
- 2.22 *The strategic aims detailed in this report aim to support local service aspiration, but also the overall Council and national objectives. This includes improving outcomes for children and young people with SEND, improved resilience and independence for families, and reducing the impact on the environment/climate, whilst ensuring efficient use of public resources.*
- 2.23 **Comparison with national data** *Most Councils in the country have reduced the amount of transport and travel assistance provided to get pupils from home to school. Slough Borough Council continues to provide significant discretionary provision for children. This includes some free provision for pre-school children with SEND, children attending schools (not nearest to home) to accommodate preferences of faith or same sex education, and young people with SEND attending post 16 settings.*
- 2.24 *The current uptake of assistance of children and young people with an EHCP is currently up to 43%. Approximately 30% of the 520 children and young people with an EHCP and travel assistance, live within the statutory walking distance eligibility. Due to an individuals SEND or additional needs/circumstances assistance with travel may continue to be necessary.*
- This is an area of focus that will establish if assistance is necessary based on individual needs. Supported by a robust policy and process this proportion could be reduced by approximately 10% based on the percentage up take of other local authorities.*
- 2.25 *The Council spent approximately £3.4m on transporting children to School and Post 16 establishments 2021/22. The Council currently provides assistance for 710 children and young persons, of which 520 have an EHCP (SEN).*
- 2.26 *To deliver the service approximately 134 routes operate daily supporting children and young people with SEND. Those routes serve 18 in borough education establishments and 43 out of borough.*
- 2.27 *The Council currently does not request a contribution for assistance from those benefiting from provision of discretionary services, such as those aged 16-18 (and 19 if continuing their course). Other Councils require a fee to be paid, as demonstrated in the table below:*

<i>Council</i>	<i>Maximum Annual Contribution Charge</i>
<i>Hertfordshire</i>	<i>£1,554</i>
<i>Buckinghamshire</i>	<i>£1,179</i>
<i>Essex</i>	<i>£900</i>
<i>Wiltshire</i>	<i>£850</i>
<i>Bexley</i>	<i>£400</i>
<i>Redbridge</i>	<i>£300</i>

2.28 The Association of Transport Co-ordinating Officers undertakes a survey with its member authorities across England, Scotland and Wales, benchmarking demand and spend growth in the process. Their latest survey (published late 2021) detailed that Urban Unitary Authorities (EUU) were paying £4,983 per annum for every child/young person they provided travel assistance to with SEND, this does not include any London Councils (LB). Slough is currently paying on average £5,769 per annum per passenger for SEN travel.

2.29 Comparison with London Boroughs and some other similar Councils to Slough is shown below:

Local Authority	LA Group	No. Pupils Receiving transport or travel support	Cost Per Pupil
Middlesbrough Council	EUU	703	£ 3,556
Hartlepool Borough Council	EUU	359	£ 3,701
Medway Council	EUU	1364	£ 4,085
Southend on Sea City Council	EUU	364	£ 4,269
Warrington Borough Council	EUU	441	£ 4,364
Birmingham City Council	MBC	5410	£ 4,688
Halton Borough Council	EUU	380	£ 4,842
Walsall MBC	MBC	705	£ 4,908
Solihull MBC	MBC	565	£ 4,993
Bexley Council	LB	648	£ 5,170
Derby City Council	EUU	750	£ 5,333
Bracknell Forest	EUU	318	£ 5,372
Plymouth Council	EUU	800	£ 5,375
Slough Council		520	£ 5,769
Blackpool Council	EUU	362	£ 6,029
Bromley Council	LB	857	£ 6,126
Sandwell MBC	MBC	784	£ 6,606
Wokingham Borough Council	EUU	302	£ 6,623
Lewisham Council	LB	759	£ 7,246
Havering Council	LB	470	£ 7,447
Hillingdon Council	LB	890	£ 7,640
Lambeth Council	LB	547	£ 7,678
Southwark Council	LB	688	£ 7,776

Islington Council	LB	449	£ 8,575
Enfield Council	LB	873	£ 8,591

2.30 The services are already working towards spend reduction targets. They are on course to deliver the agreed spend reduction against the current provision/demand, however some of this is dependent on having the ability to allocate alternative appropriate provision, moving away from the traditional arranged transport for all as a door-to-door service.

Current Policy Effectiveness

2.31 Within the provision provided to children and young people is a significant number who travel long distances on their own in a taxi, often well into young adulthood. This does not promote independence and preparation for adulthood, nor is it inclusive. The Council is currently delivering a service that fosters dependency and isolation for many children and young people with SEND.

2.32 Key features of the current policy, practice and culture that underpin poor outcomes for children and young people and high comparative costs are:

- Significant historic levels of discretionary spend – beyond the statutory requirements and by comparison with other authorities
- Independent Travel Training has not been an available option for officers to make available to young people as a valid and enforceable travel assistance offer
- School and parental expectations of solo routes and passenger assistants rather than options that promote independence and integration of children and young people
- Practice has not been coherent and consistent in determining ‘exceptional circumstances’, although it has improved in recent times
- A need for more robust annual review process for children and young people as to travel provision or continued eligibility

Consultation

2.33 The 28 day consultation will aim to seek views and opinions on draft policies for Travel Assistance to both Schools and Colleges (Post 16). A number of proposed changes will also be presented aiming to address the issues identified with the current policies and delivery of the service.

2.34 Proposals that are planned for inclusion in the service and policy consultation include:

- Independent Travel Training may be offered to families as a suitable and appropriate travel provision, subject to a needs assessment. Successful training of 15 young persons is expected to replace current transport arrangement with a public transport pass, creating a spend reduction of up to £85k per annum.
- A new Travel Bursary option will be available and offered to families that will enable them to make their own travel/care arrangements that enable them to facilitate their child’s attendance at School/College. Uptake of this travel option is expected to generate a spend reduction of £65k per annum.
- The use of collection points for transport arrangements which have historically collected and dropped off all children from their home address. Where a needs assessment identifies that a child is able to access travel arrangements away from the home address then this may be offered where appropriate to do so. The consultation will focus on when the use of collection points may be appropriate, the maximum/targeted distance of a collection point from the home address, and the types of locations that could be considered suitable. A spend reduction has not

been identified for this proposal, its primary benefit is creating a stepping stone towards independent travel, creating an easier transition for young person's aiming to travel independently in the future whilst benefiting the support available when using Council arranged transport.

- Assistance with travel will no longer be provided to faith Schools or same sex establishments where nearer establishments are identified as being able to meet educational need, unless qualification under statutory requirements. Immediate removal of all outstanding provision is expected to generate a spend reduction of up to £20k per annum.
- Introduction of a contribution charge from those in receipt of assistance where the Council does not have a statutory obligation to provide free assistance to eligible individuals. Consultation will explore how any contribution fee should be structured and the level of any fee. Structure options include: a flat fee, tiered contribution and subsidised fee for low-income families. A contribution of £1000 per young person, per annum would have the potential to generate income of £50k which would off-set transport spend. A range of different contribution levels will be included in the consultation.
- Expectation that travel is discussed during Annual Review process (EHCP) that explores, challenges and supports the development of travelling with greater independence. Development will be encouraged and supported through the travel assistance offer for those eligible for the service

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 The examples proposed in paragraph 2.34 above indicate that there are opportunities to make the service more cost effective and hence a saving in the cost of Home to School and College Travel Assistance is expected. The scale of such a saving will be subject to the extent to which travel assistance enables more children and young persons to transition from individual to shared travel arrangements, or increases their independence and ability to transition from private to public transportation by way of example. Arrangements will be assessed on a case-by-case basis and it is not possible at this stage to say how this might affect any one individual, hence any saving can only be estimated. The overall budget for the service is approximately £3.7m, from which a saving of £550k has been estimated; however, this will be subject to the numbers of children qualifying for travel assistance and the nature of their needs, which will fluctuate from year to year.

3.2 Legal implications

3.2.1 Under the Education Act 1996, the Council has specific duties and powers as set out below:

- (a) a duty to assess school travel needs and promote sustainable modes of travel in relation to children and young people of 6th form age (s.508A);
- (b) a duty to provide home to school travel arrangements as considered necessary for eligible children of compulsory school age, such arrangements to be provided free of charge (s.508B). Eligible children is defined in legislation and further details are provided within this policy;

(c) a power to make school travel arrangements for children who are not eligible under s.508B. This power can be applied to children below compulsory school age, children attending faith schools or those living within the statutory walking distance. The Council may make a charge for provision of travel arrangements under this power (s.508C);

(d) a duty to prepare a transport policy statement specifying travel arrangements provided to persons of sixth form age (s.509AA). The statement shall specify the provision of transport, provision of financial support and provision of travel concessions. A person is of sixth form age if they are receiving education or training and is over compulsory school age but (a) is under the age of 19; or (b) had begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.

3.2.2 For the Post 16 policy, s.509AB requires the Council to consult the following prescribed persons:

(a) any other local authority that it considers appropriate;

(b) the governing bodies of maintained schools which provide sixth form education and further education institutions in the local area;

(c) persons in the local area who will be of sixth form age when the statement takes effect and their parents;

3.2.3 The statutory guidance for home to school travel arrangements for children of compulsory school age states:

(a) policies should be clear, easy to understand and provide full information on travel and transport arrangements, including the statutory provision and that provided on a discretionary basis;

(b) the appeal process should be set out;

(c) the sustainable modes of school travel strategies should ideally be integrated into the policy statement and published together;

(d) When changing a policy, there should be consultation for at least 28 working days during term time. This period should be extended to take account of any school holidays.

(e) Any changes should be phased in so that children who start under one set of transport arrangements can continue to benefit from them until they conclude their education at that school or move to another school;

3.2.4 The statutory guidance for Post 16 travel arrangements requires the Council to have regard to the following in assessing what transport arrangements of financial support may be required:

(a) The needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made;

(b) The need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided;

(c) The distance from the learner's home to establishments of education and training;

(d) The journey time to access different establishments;

(e) The cost of transport to the establishments in question;

(f) Alternative means of facilitating attendance at establishments;

(g) Preferences based on religion;

(h) Non-transport solutions to facilitate learner access

- 3.2.5 For young people with special educational needs and disabilities, consideration should be given to additional factors, including that it may take longer to complete a programme of learning or training and that the availability of an independent travel training scheme should be included in the policy statement.
- 3.2.6 In addition to the prescribed list of consultees for the Post 16 policy statement, the guidance recommends consulting with education and training providers, higher education institutions, transport companies, community groups, voluntary organisations and groups/organisations with an interest in disability issues.

3.3 Risk management implications

- 3.3.1 The service is seeking approval to consult on draft updated policies for travel assistance. Proposals have been identified to change current practice which may result in public challenge and risk barriers to accessing education to be introduced. It is proposed to actively seek the views of current users, stakeholders and the public to understand potential implications.
- 3.3.2 Analysis of the consultation engagement feedback will be considered when finalising policy changes and will be presented to cabinet at the same time as seeking approval to begin implementing policy changes
- 3.3.3 *Current request to consult is in line with statutory obligations and best practice as outlined by the DfE to avoid risk of legal challenge*

3.4 Environmental implications

- 3.4.1 Promoting environmental sustainability is one of the strategic aims for the home to school and post 16 travel assistance policies and aligns with the objectives of the Councils Climate Change Strategy

3.5 Equality implications

- 3.5.1 The statutory duty assigned to Councils in relation to Home to School travel ensures groups with protected characteristics, including age and disability will continue to have access to support with travel and access to their education place where it is necessary and Council support is required.
- 3.5.2 Requirements are established to support children of compulsory school age and ensure assistance is available if necessary for those attending Post 16 education establishments.
- 3.5.3 Families who are identified as low income are also supported through the statutory duty and this support will continue to be available.
- 3.5.4 Children/young persons with disabilities are also supported within the statutory duty with assistance being required where necessary to facilitate attendance, this is assessed on a case-by-case basis and will continue to be available.
- 3.5.5 Those families or individuals who are not included in the statutory duty includes Religion/faith and sex protected characteristics. Proposed changes may impact on

what travel support is available to these groups, however it will not impact on their right to choose an education establishment of a specific religion/faith or same sex establishment if that is their preference of the family. Under the proposed changes families would be expected to make their own travel arrangements where the establishment is not the nearest available that can meet their educational needs.

3.5.6 Within the statutory duty and included in the proposed policies, the Council will continue to retain its right to award assistance if it is appropriate to exercise its discretionary powers. Families will continue to be able to request assistance if they fail to meet the stated eligibility thresholds and the Council will consider the circumstances on a case-by-case basis.

3.5.7 The strategic aims to underpin proposals to refresh the Council's home to school and post 16 travel assistance policies are intended to foster the social integration, independence, and preparation for adulthood of children and young people with special educational needs and disabilities. The initial EqIA has identified overall neutral or positive impacts for groups with protected characteristics through promotion of equality of opportunities and improved relationships between children with SEND and those without.

3.6 Procurement implications

3.6.1 No procurement implications have been identified at this stage. Current contracts have been procured on the basis that demand will fluctuate. Mechanisms exist within current terms and conditions to enable changes to the service being provided to reflect demand requirements.

3.7 Workforce implications

3.7.1 No workforce implications have been identified at this stage.

3.8 Property implications

3.8.1 No property implications have been identified at this stage.

4 **Background Papers**

None