

Children's and Adults' Care and Education Committee

13 February 2019

Home to School Travel Policy for Children with Special Educational Needs and Disabilities

Report by Director of Children's Services

Call-in deadline 5pm on Wednesday 27 February 2019 (ten working days after the meeting)

Purpose

This report proposes the implementation of two travel options within the existing Home to School Travel Policy for children with special educational needs and disabilities (SEND). These are: collection points on selected school routes; and targeted independent travel training. The report also proposed a minor amendment to the existing policy in relation to an enhanced Parent Pay offer to those parents and carers who organise their child's own transport to and from school.

Recommendations of the Portfolio Holder for Children's Services

To **resolve** that -

1. subject to consideration by the Director of Children's Services, in consultation with the Portfolio Holder, of the responses from the targeted consultations referred to in paragraph 12, collection points are implemented on selected routes to improve efficiency and, wherever possible, reduce journey times for pupils;
2. targeted independent travel training is implemented for young people with SEND to promote independence, life skills and their future employability;
3. an enhanced parent pay offer is implemented which supports families to arrange transport between home and school for their own child, by increasing the payment rate from 47 pence per mile to £1 per mile where appropriate and agreed.
4. it be noted that agreement to the recommendations above would create a stand-alone SEN Transport policy for the RB of Kingston upon Thames, replacing the existing AfC SEN Transport policy which covers the LB of Richmond also.

Benefits to the Community:

Implementing these travel options will enable the Council to better promote children's and young people's skills and independence, whilst operating a home to school travel service that operates within the financial resources available.

Key Points

- A. The Council has a statutory duty under the Education Act 1996 to provide free home to school transport, where necessary, for pupils with SEND who are of compulsory school age (aged 5 to 16), where their nearest suitable school is beyond two miles (if they are under the age of eight) or beyond three miles (if they are between the aged of eight and 16). 410 children and young people are currently in receipt of SEND transport in Kingston under the eligibility criteria in the current SEND transport policy.
- B. The Council set out its approach and eligibility criteria for the provision of home to school transport in its Home to School Travel Policy for pupils with SEND, which was approved at the Children's and Adults' Committee on 16 March 2016. The policy is attached to this report as **Annex 1**. The policy included the options to implement

collection points on selected school routes, independent travel training, and an allowance for those parents wishing to transport their own child to and from school.

- C. There has been significant financial pressure on the budget for home to school transport since 2014/15. There are three main reasons for this: the implementation of the Children and Families Act 2014 which extended the eligible age range of children and young people with SEND for educational support from 19 to 25; the increasing complexity of children's and young people's needs and the requirement for individualised support and/or solo travel options; and an increase in the number of pupils educated at a distance from the borough based on their assessed needs. In 2017/18 there was a £369,000 overspend on home to school travel; in 2018/19 this is projected to be £357,000.
- D. The Children and Families Act 2014 places a specific responsibility on Councils to promote the independence of children and young people with SEND. This includes promoting greater independence in travel to and from school. In order to better manage the financial pressures on the home to school travel budget, and to better promote the independence and life skills of young people with SEND, it is proposed to implement two options within the existing Home to School Travel Policy. These are: (i) the implementation of collection points on approximately 13 school transport routes for ambulant pupils subject to an assessment of their needs and consultation with their parents or carers; and (ii) the introduction of targeted independent travel training for pupils in Year 8 onwards where an assessment indicates that they would be able to complete the programme in order to travel independently to and from school.
- E. The reimbursement of mileage costs for parents transporting their child to and from school is included within the Home to School Travel Policy. The reimbursement rate is currently 47 pence per mile. There is low take-up of this option. It is proposed to increase the reimbursement rate to £1 per mile to increase take-up of the scheme.

Context

- Statutory duty

1. The Adults and Children's Committee (the predecessor Committee to the Children's and Adults Care and Education Committee) approved the Home to School Travel Policy for pupils with SEND at its meeting on 16 March 2016. The policy sets out the travel support that will be provided to pupils with SEND in line with the Council's statutory duty in the Education Act 1996 to ensure that suitable travel arrangements are made, where necessary, to facilitate their attendance at school. The Council also has a statutory duty under the Children and Families Act 2014 to support children and parents or young people with SEND in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes.
2. The statutory duty under the Education Act 1996 requires all local authorities to provide free home to school transport where necessary for pupils with SEN who are of compulsory school age (ages 5 to 16, that is from the start of their Reception Year to the end of Year 11), where their nearest suitable school is beyond two miles (if they are under the age of eight) or beyond three miles (if they are between the ages of eight and 16). The Council is also required to provide free home to school transport for pupils who live within the statutory walking distance but who need transport because it is not reasonable for them to walk to school, accompanied as necessary due to mobility problems, SEN or the nature of the route to school.
3. For pupils and students who do not meet these age criteria the Council must consider what arrangements are necessary for home to school transport. The

SEND Home to School Policy provides that in exceptional circumstances, children and young people who fall outside of this age-based criteria may be eligible for home to school travel. The individual needs of the child or young person will determine this entitlement, rather than whether or not the child has an Education Health Care Plan (EHCP).

- Financial performance

4. The home to school travel service has experienced financial pressures since 2014/15 leading to significant overspending. There are a number of reasons for this: implementation of the Children and Families Act 2014 which extended the eligible age range of children and young people with SEND for special educational support from 18 to 25; the increasing complexity of children’s and young people’s needs and the requirement for individualised support and/or use of solo travel options; and an increase in the number of pupils educated in school placements at a distance from the borough based on their assessed needs and parental preference.
5. Financial controls and re-commissioning of some SEND transport services have helped to manage the budget; however, the increasing number of children and young people with SEND year-on-year means that the financial pressures are increasing. In 2017/18, there was a £369,000 overspend on home to school travel; in 2018/19 this is projected to be £357,000.

	2015/16 (£)	2016/17 (£)	2017/18 (£)	2018/19 (£)
Budget	2,355,600	2,429,000	2,547,700	2,558,600
Spend	2,685,600	2,921,459	2,916,700	2,915,600
Overspend	330,000	492,458	369,000	357,000
Average cost	6,714	7,160	7,291	7,111

6. This financial position is not specific to Kingston. Home to school travel is widely recognised by most local authorities as a significant financial pressure. A 2018 survey by London Councils identified that 26 out of the 30 responding local authorities in London (87%) had experienced overspends on the SEND transport budgets in 2016/17 – averaging £1 million per borough. The survey also noted that the cost of delivering home to school travel had increased by 20% between 2013/14 and 2016/17 and, without action, was predicted to continue to increase at a similar rate over the next three to five years.

Proposals

7. In order to better manage the financial pressures in home to school travel, primarily as a result of increasing need, it is proposed to implement three options within the current Home to School Travel Policy. These are the introduction of collection points on selected routes and the provision of targeted independent travel training. The implementation of these travel options would also support the Council in better meeting its statutory responsibility in the Children and Families Act 2014 to help prepare children and young people with SEND for independence and successful transition to adulthood. It is also proposed to enable the parent pay offer to support

families to make their own home to school travel arrangements. These options are detailed in paragraphs 8 to 11 below.

- Collection points

8. Collection points have been used successfully in Kingston for St Philip's Special School pupils since 2004. The use of collection points is contained within the current Home to School Travel Policy (see paragraphs 73 and 74 of the policy). Collection points will be used on selected bus routes where pupils are ambulant. It should reduce some journey times to and from school and help to support children in their readiness to learn and participate in the school day. It is proposed to introduce collection points on five routes from April 2019 subject to an assessment of individual pupils' needs and consultation with their parents and carers. Implementation of this aspect of the current policy will impact on up to 74 pupils (18% of the current cohort).

- Independent travel training

9. The promotion of independent travel training is included within the Home to School Travel Policy (see paragraphs 65 to 67). The Special Educational Needs and Disability Code of Practice requires all local authorities to promote the independence and life skills of young people, in particular in their transition to adulthood. The use of independent travel training is an important mechanism for supporting young people to become more independent, acquire key life skills, develop their interests and friendship networks, and increase opportunities for employment.
10. Participation in independent travel training has historically been steady with 59 young people starting the four-week programme over the last four years from Jan 2015 to Jan 2019. (7% of the current cohort in 2018/19). The programme currently offers 30 places across Kingston or Richmond per year it is anticipated that a minimum of 8% or 30 of the current Kingston cohort of pupils could commence some form of independent travel training from Year 8 onwards; it is therefore proposed to implement a targeted independent travel training programme for these pupils to increase take-up and completion from April 2019. It is expected to increase the participation rate to 30 Kingston pupils per academic year with at least 80% successfully completing the programme.

- Parent pay

11. The reimbursement of mileage costs for parents transporting their child to and from school is included within the Home to School Travel Policy (see paragraph 59). The current reimbursement rate is 47 pence per mile. There is low take-up of this option with just 24 families and carers transporting their own children in 2018/19 (6% of the current cohort). It is proposed to increase the reimbursement rate to £1 per mile where it is beneficial and is likely to increase take up (predominantly on solo routes where only one child is being transported as this is significantly more expensive than a shared route). It is expected that an additional 20 pupils will be transported using this option from September 2019.

Consultations

12. Consultation was completed with parents and carers of children and young people with SEND during the development and of the Home to School Travel Policy in 2016. This included consultation with the formal Parent Carer Forum. No additional consultation has taken place on the proposals contained within this report as there

are not disadvantageous changes proposed to the current policy. The introduction of collection points and targeted independent travel training will be subject to an assessment of individual children and young people in line with the requirements set out in the current policy; this will include consultation with the child's or young person's parent or carer.

Timescale

13. Collection points, targeted independent travel training and the enhanced parent pay offer would be implemented from Tuesday 23 April 2019 ie immediately after the Easter holidays. We have successfully delivered the collection point arrangements with St. Philip's Special School pupils since 2004 in Kingston. We currently have mini bus routes going to St Philip's that school and for the same reason set out above in 2004 we introduced collection points. Collection points are where we identify designated pick up points for the pupil to meet the bus rather than do door to door pick up. This reduces the time needed for the route to pick up the pupils and arrive at the destination, allows us to allocate more pupils to each route, and in line with our broader aims supports children and young people to become more independent and prepares them for adulthood.

Resource Implications

14. The total budget for home to school travel is £2,558,600 in 2018/19. The implementation of the travel options set out in this report should realise an efficiency saving of £384,022 which will help to bring the budget into balance. The remaining shortfall will need to be delivered through operational efficiencies in the management of the SEND travel service and by delivering better value from existing commissioning arrangements.

Total Budget 2018/19	£2,558,600
Projected overspend 2018/19	£357,000
Total efficiency savings 2019/20	£384,022

Legal Implications

15. The Council has a duty under section 508B of the Education Act 1996 to secure that suitable home to school travel arrangements are made and provided free of charge for eligible children. The duty applies to all children in the authority's area and not solely to pupils with SEN. Eligibility is based on whether the child can reasonably be expected to walk to school (accompanied as necessary), having regards to SEN or mobility issues, and the distance from the child's home to the nearest suitable school. Children living further than the statutory walking distance to school are eligible.
16. The availability of free travel for pupils in London through the Oyster Card system and the availability of suitable local school places means that the majority of pupils needing transport are pupils with SEN. Travel arrangements may be provision of transport or, by agreement with the child's parent, other arrangements such as provision of a travel escort, provision of travel expenses, or payment of allowances for travel. Where there is a duty to make travel arrangements, the arrangements must be suitable to enable the child's attendance at school.

17. The Council has a discretion under section 508B of the Education Act 1996 to provide travel assistance or pay or contribute to travel expenses for children who do not have a statutory eligibility for transport and a power under section 509A of the Act to provide travel assistance to children receiving early years' education otherwise than at school.
18. In relation to students of sixth form age, the Council is required by section 509AA of the 1996 Act to set out in an annual policy statement the arrangements that the authority makes and that governing bodies make for travel for sixth form age students and travel concessions available for them. The statement must set out what arrangements the council considers necessary to make in particular for disabled students and students with learning difficulties and disabilities. In considering what arrangements it is necessary to make, the local authority must consider: the distance from the learner's home to establishments of education and training; the journey time to access different establishments; the cost of transport to the establishments in question; and alternative means of facilitating attendance at establishments. In considering whether it is necessary to make arrangements in relation to an individual student, the authority must have regard (amongst other things), to the nature of the route, or alternative route, he could reasonably be expected to take.
19. For children aged 5 to 16 with statutory eligibility to home to school transport, the implementation of collection points has been held to be lawful in R [M] v. Hounslow (2013) because the duty to provide transport does not amount to a duty to make door-to-door arrangements; however, each child or young person will need to be individually assessed and this assessment must consider the individual circumstances of their parents or carers. Travel training can be offered as alternative to home to school transport where suitable for the child and with the agreement of the parent.
20. Whilst there is no statutory definition of eligibility for transport for students over compulsory school age, the council must assess what arrangements for transport it considers to be necessary and would need to be able to show that it had acted reasonably and taken account of all relevant factors, including in particular the factors set out in the legislation.
21. Where a significant change is proposed to transport policy, appropriate consultation with relevant stakeholders should be carried out. Consultation needs to take place at time when proposals are at a formative stage, give sufficient reasons and there must be adequate time given for consideration and response. Consultation should also be used to inform detailed equalities impact assessments.
22. In considering any service changes the Council must conscientiously consider the responses to consultation and must have regard to its statutory duties under the Equality Act 2010 and the Children Act 2011. Under the Equality Act, section 149, the Council must, when exercising its functions, have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' under the Act and those who do not share a protected characteristic. A 'protected characteristic' is defined in the Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination. The Children Act 2004 section 11 requires that the council must make arrangements for ensuring

that its functions are discharged having regard to the need to safeguard and promote the welfare of children.

Risk Assessment

23. A risk assessment has been completed and the relevant risks added to the corporate risk register for monitoring. The most significant risk relates to the poor assessment of children's and young people's home to school travel needs in terms of each child's or young person's suitability for collection points or independent travel training. The assessment process has been strengthened in response to this risk, and appeal processes are in place.

Equalities Impact Assessment

24. Achieving for Children undertakes regular Equality Assessments to better understand the impact of its work on children, young people and families. A full equalities impact assessment was completed on the Home to School Travel Policy in 2016. The home to school travel service is used by 410 children and young people at the start of the academic year in September 2018. It is estimated that the implementation of the travel options proposed in this report will impact on 126 of these pupils (30%). Equalities considerations will be fully explored in the individual assessment of children's and young people's ability to travel from collection points and participate in independent travel training.

Health Implications

25. Protecting pupils' health and safety during travel to school is a key consideration of the Home to School Travel Policy.

Road Network Implications

26. Collection points would be carefully sited in consultation with the Council's transport planners to meet the needs of children and young people with SEND and to ensure that they did not cause additional traffic disruption.

Environmental & Air Quality Implications

27. The Home to School Travel Policy supports the Council's duty to promote the use of sustainable travel and transport; it includes the promotion of walking routes and the provision of independent travel training to promote the use of public transport options.

Annex

Annex 1: Home to School Transport Policy

Background papers held by the author of the report, Eamonn Gilbert
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