

SEND HIGH NEEDS REVIEW - HOME TO SCHOOL TRANSPORT

**Responsible Cabinet Member -
Councillor Cyndi Hughes,
Children and Young People Portfolio**

**Responsible Director -
Suzanne Joyner, Director of Children and Adults Services**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to update Cabinet on the outcome of the recent public consultation, and to seek Members approval for the introduction of a Travel Assistance Policy (**Appendix 1**) for pupils with Special Education Needs and Disabilities (SEND).

Summary

2. This report recommends the introduction of a Travel Assistance Policy following the outcome of a public consultation exercise. The proposed changes will help to ensure that travel assistance support can continue to be provided to all eligible children and young people in line with increasing demand and budgetary pressures. They also provide the opportunity to offer a more flexible range of options to families and improve the quality of the service provision. It will ensure children and young people with SEND do not miss out on the opportunity to develop independent travel skills. Independent travel skills gained in adolescence can be taken forward into adult life.
3. In accordance with Cabinet's decision in October 2018 the council completed a public consultation with service users, stakeholders and the wider public on the key principles around future service provision and how travel assistance arrangements may be allocated and determined for pupils with SEND. Responders were asked to give their views on an annual review of travel assistance, the option of transport assistance being given through a personal budget, the development of an independent travel training offer and a proposal that transport not be provided where there is a nearer suitable provision.
4. In the consultation the largest group of responders (48.28%) agreed with the introduction of an annual review of transport assistance. A majority of responders (53.57%) agreed with the introduction of a travel training offer. The majority of respondents (58.62%) stated they would not agree to a personal travel assistance budget. The majority of responders (64.29%) did not agree that transport should not be provided if there is a nearer suitable placement.

5. An Equalities Impact Assessment has been undertaken and this is included in **Appendix 2**. The Equalities Impact Assessment identifies both positive and negative impacts. The introduction of travel training and the widening of choice for families is likely to have positive impacts. There may however be some negative impacts for individual families who currently receive transport support. Some young people and children who are currently transported to their education provision may no longer receive this level of support following an assessment of their needs. Members are asked to read the Equalities Impact Assessment in full before making a decision.

Recommendation

6. It is recommended that Cabinet:
- (a) Consider the feedback from the public consultation.
 - (b) Read and note the Equalities Impact Assessment that has been undertaken.
 - (c) Approve the new Travel Assistance policy.

Reasons

7. The recommendation is supported for the following reasons:
- (a) To address pressures on the school transport budget.
 - (b) To utilise travel assistance funding in a way that provides assistance that is suitable and appropriate to the needs of children and young people and provides a range of transport assistance options.
 - (c) To provide assistance, where appropriate, that helps children and young people to adequately prepare for adulthood by encouraging and enabling them to develop their potential to travel independently.

**Suzanne Joyner,
Director of Children and Adults Services**

No background papers were used in the preparation of this report

Tony Murphy: Extension 5637

S17 Crime and Disorder	This report has no implications for Crime and Disorder
Health and Well Being	The Travel Assistance Policy will contribute to improved outcomes for children and young people with special educational needs and/or a disability in the borough.
Carbon Impact	There are no issues which this report needs to address.
Diversity	An Equalities Impact Assessment has been undertaken. This identifies both positive and negative impacts from the changes being proposed, but with appropriate support being

	available for children and young people with special educational needs and/or a disability in the borough.
Wards Affected	Children and young people with SEND may live in any ward.
Groups Affected	Children and young people with special educational needs and/or disabilities.
Budget and Policy Framework	This report does not represent a change to the budget and policy framework.
Key Decision	This is a key decision.
Urgent Decision	For the purpose of the 'call in' procedure this does not represent an urgent matter.
One Darlington: Perfectly Placed	The report contributes to the Sustainable Community Strategy Priority 'the best start in life'.
Efficiency	There are no direct efficiencies to the Council from the information contained within this report.
Impact on Looked After Children and Care Leavers	The Travel Assistance Policy will contribute to improved outcomes for children and young people with special educational needs and/or a disability in the borough a number of these children are Looked After Children or Care Leavers.

MAIN REPORT

Current Arrangements

8. Darlington Borough Council has a statutory responsibility to assist eligible children and young people of statutory school age to travel to school. Transport assistance is currently allocated at the point a pupil becomes in receipt of an Education, Health and Care Plan (EHCP). The mode of travel assistance is commonly in the form of door to door minibus or taxi.
9. The current Home to School Transport policy does not adequately address the needs of pupils with SEND as it does not support pupils to develop independent travel skills. Once transport support is allocated it usually remains in place until the end of the young person's schooling. This approach does not support young people in preparing for an independent adulthood.
10. This policy has been drafted therefore to promote independence and to enable mobility for children, young people with additional needs and disabilities who may not be able to access mainstream transport without assistance. This policy has been drafted to support wider policy imperatives of independence, personalisation and self-reliance and to ensure that all children, young people and adults are empowered to be as independent as possible.
11. This policy offers the opportunity to support a key aim of the Special Educational Needs and Disabilities Reform 2014 which is preparing children and young people with special educational needs (SEN) and disabilities for adulthood. Being supported towards greater independence and employability can be life-transforming for children, young people and adults with SEN. Preparing for adulthood includes preparing for independent living and being as healthy as possible in adult life.
12. There are two key consequences of current practice. Firstly, children and young people who have the potential to travel independently are not given the opportunity to do so and thereby are not equipped with the necessary skills to independently access their community and the workplace in adulthood. Secondly, a reliance on minibus and taxi provision has meant transport spend has exceeded the planned budget.
13. The aim of this policy is to support all children, young people and adults with significant SEND to lead lives that are as independent and as free from restriction as possible. The criteria for granting travel assistance will be based on what is best for each person in supporting their development to achieve independent travel.

National Context

14. National policy initiatives have supported the introduction of independent travel training for young people with SEND.
15. The Department for Transport's "Travel Training-Good Practice Guide" (2011) states "Travel training has proven to be beneficial in enabling all users of public transport, not just disabled people, to have equality of access and independence. It assists in overcoming challenges, removes barriers to independent travel and gives people greater access to jobs, services and social networks. It empowers people

to take greater control in their lives, enabling them to learn new skills and take advantage of opportunities in their communities.”

16. The Department for Education “Home to school travel and transport guidance Statutory guidance for local authorities” (2014) states “The arrangements or requirements for children with special education needs (SEN) or disabilities should also be considered and whether, for example, some might benefit from independent travel training which can result in a skill for life.”
17. In 2016, the Association of Directors of Children’s Services (ADCS) contacted all Directors of Children’s Services to request information on home to school transport spend in 2015/16. The data received showed that local authorities across England spent approximately £1 billion on home to school transport during 2015/16.
18. The main findings of the ADCS survey were:
 - (a) Local Authorities (LAs) are transporting an increasing number of children with SEND (partly because of the 2014 SEND reforms and the extension of support to young people aged up to 25), many of whom have highly complex needs (health and behaviour) so require individual transport, escorts and specialist vehicles.
 - (b) There is a shortage of local mainstream school places and specialist educational provision and, as a result, LAs are required to transport children to educational facilities out of area. In addition, a lack of local foster care capacity is resulting in an increased number of out of area placements which require transport to school.
 - (c) The geographical nature of some local authorities mean that a significant number of children live outside of the ‘statutory’ walking distance. This is coupled with a lack of public transport so local authorities must provide other, more costly forms of transport.
 - (d) Differences in start and finish times for post-16 provision results in transport being designed around individual timetables, which is not cost effective. Similarly, where siblings attend different schools with the same start and finish times, parents are unable to transport both children and so look to the LA for transport support.
 - (e) The lack of capacity in the transport market is driving up costs - a lack of providers and therefore competition, a lack of specialist vehicles and an increased focus on quality.

Proposals

19. The key principles of the proposed new policy are outlined below.

- (a) PROPOSAL ONE (Definition of Travel Assistance)

- (i) It is proposed that the transport needs of pupils with SEND be addressed by the introduction of a "Travel Assistance Policy". The title reflects the fact that travel assistance can be provided in a variety of ways, not just through the provision of 'transport' e.g. a bus or a taxi.

(b) PROPOSAL TWO (To formalise the annual application and review process)

- (i) Currently transport arrangements for children and young people are assessed and determined at the time they start at a new education setting. This means, for example, that a young person starting in Year 7 may have their travel assistance arrangements rolled forward until they finish in Year 11.
- (ii) This approach does not always take account of the personal development of individual children and young people, opportunities to promote independence and any changing individual or family circumstances e.g. medical needs.
- (iii) In allocating SEND home to school travel assistance, the approach of offering the least restrictive option is key to supporting independence and the best way of achieving this will be an annual review process. This approach will also ensure that any important information in relation to health needs, medication and emergency contact details is kept up to-date. In the majority of cases where there has been no substantial change in circumstances, existing arrangements will carry forward, but the process will facilitate more effective scrutiny and review of individual travel assistance arrangements. It will also enable families, currently in receipt of 'transport' to consider more flexible arrangements through a cash allowance or Direct Payment.
- (iv) It is therefore proposed that transport assistance is reviewed on an annual basis with effect from the September following implementation of this policy. The Admissions and Transport Service will review all new applications and any other existing arrangements which have been identified for changes in circumstances or requiring a review.

(c) PROPOSAL THREE (Personal travel assistance budget and cash allowance)

- (i) Where a child or young person is eligible, care will be taken to ensure that travel assistance is provided in the most appropriate and least restrictive way possible. In the case of high volume routes, shared transport arrangements are likely to continue to be the most cost effective and sustainable solution under most circumstances. However, in the case of solo or ad-hoc arrangements a cash allowance or direct payment in the form of a Personal Travel Assistance Budget may provide greater flexibility for families and carers to make their own arrangements.
- (ii) This would mean that every new application for travel would be considered for a cash allowance or, in cases of complex or exceptional needs, a direct payment in the form of a Personal Travel Assistance Budget. Other direct support may also be considered. Such support may be provided in the form of a travel pass for public transport, mileage allowance for parent / carer or shared transport.

(d) PROPOSAL FOUR (Circumstances when travel assistance is not provided)

- (i) Where a parent has requested an out of area placement for a pupil with an Education Health and Care Plan (EHCP) and the Council considers there is a nearer suitable placement which can meet the child's needs it is proposed that travel assistance will not be provided.

(e) PROPOSAL FIVE (Independent Travel Training)

- (i) Travel training gives people with special educational needs or disabilities the confidence and skills to travel on buses and trains. Help can also be provided for walking routes. Being able to travel on public transport is a key life skill. It lets you make choices about how you live, go about your daily life and fulfil your potential. Training can be individually tailored to the needs of the young person and include aspects like:
 - (a) Confidence in using buses or trains
 - (b) Personal safety
 - (c) How to use timetables and buy tickets
 - (d) Road safety, including how to cope with traffic on major roads
 - (e) What to do when things go wrong (e.g. the bus is late) and
 - (f) Money skills
- (ii) Darlington Council has recruited through external grant funding a travel trainer to support young people to access independent travel where families and carers consider this to be appropriate to their needs.
- (iii) It is recognised that it will be important to work with parent/carers and education settings to identify suitable young people for travel training and to work within the young person's time frame.

Consultation

20. Following approval from Cabinet on 9th October 2018, a public consultation commenced on 17th October 2018 and ran to 28th November 2018. The general public and interested parties were invited to participate in the consultation. To reach as many people as possible, a range of consultation methods were available. Full details of the consultation process and analysis of the results are detailed in **Appendix 3**.
21. Of the 29 respondents to the online survey, 27 identified the capacity in which they were responding to the survey. 55.56% of respondents identified as a parent/carer and 37.04% identified as an educational professional.
22. Responders to the online survey were asked to answer questions in relation to the implementation of a Travel Assistance Policy. The table below outlines the responses received through the formal surveys.

Table 1: Summary of responses to Travel Assistance Policy

Question:	Total agreed	Neither agree nor disagree	Total disagree
To what extent do you agree that there should be an annual review of transport arrangements?	48.28%	13.79%	37.93%
To what extent would you agree to a personal travel assistance budget?	27.58%	13.79%	58.62%
Should the placement not be the nearest appropriate, to what extent do you agree that transport should not be provided?	28.57%	7.14%	64.29%
To what extent would you agree to independent travel training?	53.57%	10.71%	35.71%

23. Support was expressed for the introduction of an annual review for travel assistance, with almost half (48.28%) of respondents agreeing.
24. When asked “Should the placement not be the nearest appropriate, to what extent do you agree that transport should not be provided?” A majority of respondents (64.29%) disagreed. Many respondents commented that this approach should not be implemented as it would take away parental choice. The council has considered these views but are recommending that this proposal is supported by members to address the pressure on the transport budget. The council is working with partners to develop more local SEND provision to mitigate the need for pupils to be educated out of area.
25. Whilst the majority of respondents stated they did not agree with the introduction of a personal budget, it is important to note that under the proposals, this would be an option which some families might wish to take up and would not be obligatory.

Voice of Children and Young People

26. In addition to the online survey and open consultation events, specific consultation was undertaken with children and young people. Nine events were held in which 50 children and young people participated. During these sessions there was strong support shown for the introduction of independent travel training and the further benefits that being educated in Darlington could bring.
27. In the consultation sessions for Darlington Association with Disabilities, young people stated that they spent a long time travelling to school on the bus. Waiting on it for others to finish lessons before beginning journeys and the number of drop offs on route meant it could take several hours to get home. Many young people expressed an interest in walking to school and getting bus into town to meet friends, but didn’t do so, as their parents thought it was too far to travel.
28. One young person with a learning disability who attends a further education college said they wanted to develop their independence by having travel training to increase their confidence in accessing and making the most of public transport. Another young person said they’d like to get a bus to college but didn’t do so because their parents didn’t think they would manage, despite the fact that they did get the bus into town with friends during free periods.

29. One secondary age pupil who has attended two secondary schools in Darlington, was able and happy to walk or bike with friends. They are now attending a school outside of the borough and are therefore collected by a bus and transported to school and home.
30. Another secondary age pupil responded that they would like to bike to school but is currently collected by the schools' mini bus. The pupil stated that they have never been given any other option than going on the mini bus but would like to explore other options.
31. Many young people expressed their desire to live independently and access the workplace. Some young people stated that they were happy with the current transport arrangements and would not benefit from any changes.

Financial Implications

32. The home to school transport budget has been consistently overspent in recent years. The budget in 2017/18 was £1,512,031 and there was an overspend of £413k. The budget in 2018/19 is £1,810,162 and is currently projected to be overspent by £274k.
33. There is likely to be an additional pressure on this budget arising from the September 2018 intake. The chart below shows the increase in spend by type of placement since 2013/14.

Placement	17/18	16/17	15/16	14/15	13/14
Beaumont Hill Academy	796,341	713,583	647,102	632,365	627,790
Primary	123,560	123,015	117,004	118,588	154,071
Secondary	226,210	273,760	422,419	486,505	474,250
Primary SEN	107,691	97,156	122,189	119,803	95,130
Secondary SEN	97,148	63,135	43,691	37,321	40,821
Out of borough SEN	359,320	149,663	101,712	64,689	63,088
Further Education	150,922	140,540	159,979	186,146	212,463
Marchbank	64,343	29,816	21,527	0	0
Total Spend	1,925,535	1,590,668	1,635,623	1,645,417	1,667,613

34. The table illustrates the rise in the number of pupils with SEND transported to specialist settings over the last three school years.

Placement	17/18	16/17	15/16
	No. of Pupils	No. of Pupils	No. of Pupils
Beaumont Hill Academy	177	161	153
Primary SEN	21	18	15
Secondary SEN	23	15	13
Out of Borough SEN	39	23	19
Further Education	38	21	60
Marchbank	21	21	19

35. Operational and service delivery changes are therefore imperative if services are to be effectively delivered and sustained within budget in future years.
36. Meeting the local authority's statutory duty is putting increasing pressure on the council's budget, as the number of eligible children requiring travel assistance, the complexity of their needs and the cost of providing travel assistance increases.
37. It is therefore important that the council works closely with parents, carers, schools and transport operators in the coming years to provide the best possible value for money in providing this support and to ensure that travel assistance is provided through the least restrictive means in line with the strengths and abilities of the child or young person being supported.

Projected Savings

38. It is difficult to undertake accurate projections from the introduction of the travel assistance policy as the process of assessment and review is not currently in place. Other Local Authorities which have introduced similar schemes have a reported a saving of between 12% and 16% on their SEND transport spend in the first year of the scheme. If a similar reduction resulted in Darlington, this would lead to a saving of £189k.

Legal Implications

39. Local authorities have a statutory duty to ensure that, for eligible children and young people with special educational needs, suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. The legislation governing this duty is Section 508B of the Education Act 1996. The introduction of a Travel Assistance Policy will need to be in accordance with the Act and the statutory guidance for post 16, published by the Department for Education 2014.
40. All local authorities have a statutory duty to have in place arrangements for the provision of home to school travel assistance and transport for children and young people with Special Educational Needs and Disabilities (SEND) who meet the published eligibility criteria.
41. Under Section 7 of the Education Act 1996, it is the responsibility of the parent of every child of compulsory school age, to ensure their child receives efficient full-time education either by regular attendance at school or otherwise. The duties and powers of local authorities to provide home to school travel assistance are covered in other sections of the Act and its amendments. The provision of travel assistance support incorporates consideration for children from low-income families.
42. Sections 508B and 508C of the Education Act 1996 (as amended) set out the local authority's duties and powers respectively, to make such suitable travel arrangements as the local authority considers necessary, to facilitate a child's attendance at school.

Equalities Impact Assessment

43. The Local Authority has an Equality Duty under the Equality Act 2010 and an obligation to make reasonable adjustments for disabled persons when exercising

its functions, including transport. An Equalities Impact Assessment has been undertaken and this is included in **Appendix 2**. Members are asked to read the Equalities Impact Assessment in full before making a decision.

44. The Equalities Impact Assessment has identified some potential negative impacts that may result from the introduction of this policy.
45. There is a potential for negative impact in the short term on children and young people and their parents/carers who have been used to the traditional transport services, as change can be seen as challenging. However, it is anticipated that the benefits afforded by greater choice will mitigate the impact on a longer-term basis. No changes will be made without consultation with families, parents/carers and children and young people through a formal process.
46. A 'potential' negative impact has been noted as there is a chance that the new policy may mean that on an individual basis, some young people and children who are currently transported to their education provision may no longer receive this level of support, following an assessment of their needs. The impact of this change is likely to be greater on parents and carers who have a low income.
47. There are some children in mainstream schools who attend 'resource bases' that do not have EHCPs. These children could be negatively impacted, as only children/young people with EHCPs would be eligible for transport assistance under the new policy. Transition arrangements will be put in place for any pupils currently receiving transport support in these circumstances.
48. It is not possible at this stage to estimate how many children/families with SEND the new policy may identify as being no longer entitled to the same level of support, however where children with SEND are identified as still in need of this support, this will continue to be provided.
49. There is also a potential negative impact about apprehensions that parents and children may have about the move to an annual review of transport provision. It is recognised that the review process will need to be handled sensitively. Suitable transport will continue to be provided when the child or young person is in need of assistance.
50. Concern was expressed about personal transport budgets, but these will not be mandatory, and this type of change will only happen when parents agree to being awarded a personal budget.
51. There may be additional administrative burdens on parents and carers from the annual review process and also if they take on responsibility for a personal budget.
52. Concern was expressed about removing parental choice over placements. Parental choice is a legal right and placements will always be based upon the needs of the child or young person.
53. Some parents were apprehensive about independent travel training for very vulnerable children or young people. The concern was about safeguarding implications and also the potential for harassment/victimisation of vulnerable children or young person who travels independently. Through the annual review, it will be identified if a child or young person would benefit from independent travel

training, this will not be limited to the child or young person's age, SEN, distance or route. A comprehensive training consultation involving parents/carers, school/college and the child/young person will determine this. Training will be tailored and relevant to build confidence and independence skills. As with all the proposals this will be reviewed annually.

54. We will continuously monitor the impact of the changes on individual children and young people. We have a communication plan which should help in ensuring that children and young people, parents and carers and schools have a clear understanding of the changes and way that they will be affected. It is hoped this will contribute to reducing any anxiety that may be caused by the changes.