

## **Home to school transport policy review for children with Special Educational Needs and Disabilities**

### **Introduction and Background**

#### **1. The need for a review**

- 1.1. The need for a review was first identified in 2017 when a proposed policy change was made by way of a response to financial pressures in this area of the budget and a perceived over delivery against statutory requirements in this policy area. This policy change was put on hold as it was felt at this time that SCC could not move forward with a proposal without carrying out a full review of the service, including an audit of existing provision and operational functions, by way of gaining an understanding of these additional pressures. The need to engage with stakeholders, including recipients of home to school transport was identified as a high priority to ensure that any review also included the qualitative element of service delivery and by way of ensuring that the impact of any proposed changes was fully understood by decision makers.
- 1.2. A project group was established in October 2017, with a project plan designed in order that policy change recommendations could be developed and go to full consultation in autumn 2018, in preparation for a September 2019 implementation.

#### **2. Joint working arrangements**

- 2.1. The policy review has been jointly undertaken by the Special Educational Needs and Disability (SEND) Service, the Transport Coordination Unit, the Programme Management Office and Policy, Partnerships and Strategic Planning. The work has sought to actively involve the Southampton Parent Carer Forum (SPCF) in discussions about changes to policy.

### **Current service**

#### **3. Under 5s**

##### ***Statutory duties:***

- 3.1. Children under compulsory school age are not automatically entitled to transport to an early years setting or school. Compulsory school age begins on the first day of the term following the child's fifth birthday. For children in Early Years settings, section 509A of the Education Act ("EA") 1996 gives local authorities ("LAs") discretion to make travel arrangements for children receiving early year's education other than in a school. For children at school but under compulsory school age, section 508C EA 1996 also gives LAs a discretionary power to make such school travel arrangements as they consider necessary for the purpose of facilitating the child's attendance at school.

##### ***Southampton's offer:***

- 3.2. Southampton City Council currently provide by way of automatic entitlement free home to school transport for children attending early years provision at Rosewood Free School, a specialist setting for children and young people with Profound and Multiple Learning Disabilities (PMLD) and Cedar School, a specialist school for children and young people with Physical Disabilities (PD).

#### 4. Children of compulsory school age (aged 5-16)

##### **Statutory Duties:**

- 4.1. Local authorities (“LAs”) are required to arrange free, suitable, home to school transport for children of compulsory school age who are ‘eligible’, to their nearest suitable qualifying school (section 508B of the Education Act (“EA”) 1996).
- Eligible children fall within four categories, set out in Schedule 35 EA 1996:
  - Children with SEN, a disability or a mobility difficulty
  - Children whose route to school is unsafe
  - Children who live beyond the statutory walking distance
  - Children from low income families.
  - Compulsory school age begins with the start of term following a child’s fifth birthday and ends on the last Friday in June in the academic year in which s/he turns 16.
  - A qualifying school is a:
    - maintained (publicly funded) school or nursery
    - non-maintained special school
    - pupil referral unit
    - city technology college, or
    - an Academy
- 4.2. For a child with an Education, Health and Care (EHC) plan, an independent school can also be a qualifying school if this is the only school or the nearest school named in Section I of the EHC plan (Paragraph 15(3) Schedule 35B EA 1996).
- 4.3. Children who receive education somewhere other than at school (for example, at an alternative provision for children who are excluded or have medical needs which mean they cannot attend school) can also qualify as eligible children.

##### **What are travel arrangements?**

- 4.4. “*Travel arrangements*” are defined in section 508B(4) EA 1996 and pages 48-51 of the government’s statutory guidance ‘[Home to School Travel and Transport Guidance 2014](#)’.
- 4.5. ‘Home to school travel arrangements’, in relation to an eligible child, are travel arrangements in both directions between the child’s home and the relevant educational establishment.
- 4.6. They include arrangements for the provision of transport, and any of the following arrangements – but only if they are made with parental consent:
- provision of one or more escorts (whether alone or together with other children) when travelling to or from the relevant educational establishment
  - payment of the whole or any part of a person’s reasonable travelling expenses
  - payment of allowances in respect of the use of particular modes of travel
  - voluntary arrangements made by the parent.
  - travel arrangements in relation to an eligible child must not give rise to additional costs and must include appropriate protection against those costs.

- 4.7. The Home to School Travel and Transport Guidance (paras 34 and 35) defines suitable travel arrangements. In particular:
- They must enable an eligible child to reach school without such stress, strain or difficulty that they would be prevented from benefiting from the education provided.
  - They must enable the child to travel in reasonable safety and comfort although this does not necessarily mean a door-to-door service. However, arrangements that entailed a child walking an unreasonably long distance to catch a public bus would be unlikely to be 'suitable'.
- 4.8. The guidance suggests maximum reasonable journey times of 45 minutes for primary school children, and 75 minutes for secondary school children. It notes, however, that for children with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible. The child's age and disability would have to be taken into account in considering what is suitable. Breaks might be needed when children live a long way from their school.
- 4.9. Those who operate the travel arrangements such as bus drivers and escorts must be subject to enhanced DBS (formerly CRB) checks and should have undertaken disability equality training.

***Southampton's offer:***

- 4.10. Southampton City Council provides free home to school transport arrangements for eligible children and young people. The method of delivery of these arrangements are currently restricted to:
- Independent travel training x .08FTE
  - Walking/Transport escorts
  - Bus/train passes
  - Taxi
  - Minibus
  - Personal budgets for parents of children attending Southampton Special Schools
  - Other forms of transport as appropriate

**5. Young people aged 16 – 19**

***Statutory duties:***

- 5.1. Although there is no automatic entitlement to transport for those of sixth form age in the same way there is for 'eligible' children of compulsory school age, LAs have a discretion to assist with transport arrangements and are expected to target support towards students in particular circumstances (such as those with SEN or from low income families) taking into full consideration duties under the Equality Act 2010. It is unlikely that such transport will be free.
- 5.2. Where a young person is of 'sixth form age' and attending school or college, the law requires local authorities ("LAs") to have a 'Transport Policy Statement' setting out home to school/college transport arrangements for particular groups of young people (section 509AA Education Act 1996).

- 5.3. Sixth form age means they are over compulsory school age (which ends on the last Friday in June in the academic year in which s/he turns 16) but under 19. If a young person began the course they are studying at school or college before their 19th birthday, they remain of sixth form age until they complete that course.
- 5.4. The legislation gives LAs the discretion to determine what transport and financial support are necessary to facilitate young people's attendance. The LA must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters. A failure to make the arrangements that are specified in a transport policy statement (or ensure that such arrangements are made) would amount to a failure to fully meet the duty.

**Southampton's offer:**

- 5.5. Southampton currently offer free home to school transport to young people who have an EHC Plan and whom are attending their closest appropriate setting, as named in the EHC Plan.

**6. Young people aged 19 and over (up to 25)**

**Statutory duties:**

- 6.1. The LA's duty in respect of 'adult learners' is covered by section 508F of the Education Act ("EA") 1996. 'Adult learners' will be young people over sixth form age – those who are 19 and up (if they started a course of further education before their 19<sup>th</sup> birthday, they remain of sixth form age until they complete that course).
- 6.2. When considering adult learners, the LA must make "*such arrangements for the provision of transport, as they consider necessary*" and must do so for two purposes. The first purpose is to facilitate the attendance of adults receiving education at institutions:
- maintained or assisted by the authority and providing further or higher education (or both), or
  - within the further education sector.
- 6.3. Any transport arrangements provided under this duty must be free of charge.
- 6.4. LAs have duties under section 508G EA 1996 to consult with further education colleges and others about the fulfilment of their duties towards adult learners, and they must publish a policy on how they will do so.

**Southampton's offer:**

- 6.5. Southampton City Council provides free home to school transport arrangements for eligible children and young people.

**Expenditure and demand information**

**7. Increasing demand**

- 7.1. Whilst home to school transport is not exclusively delivered for children and young people with SEND, this is the primary client group.
- 7.2. In September 2014 the new Children and Families Act 2014 was enacted. Section 3 of this Act, the SEND Code of Practice 2015, extended the rights of children and

young people with SEND to remain in education, with the statutory protection of an EHC Plan, until they are 25 years old where this is assessed to be required. This represents a significant increase to those with EHC Plans and the protections and preferences afforded to children and young people and their parents under this new legislation. Historically, Statements of SEN (now replaced by EHC Plans) would have ceased when a young person leaves school at the end of year 11. Now that EHC Plans and access to education up to 25 is enshrined in law, there has been a natural increase in the number of young people entitled to home to school transport assistance by way of enabling them to access the setting named in their EHC Plan.

- 7.3. In addition to this, Southampton City Council has seen a significant increase in the number of children in receipt of an EHC Plan. We started at a baseline of 710 Statements of SEN in January 2014. This represented 2.3% of the Southampton school age population, which was set against a 2.8% national average. Arguably the levels of Statements in Southampton at this time was too low.
- 7.4. Southampton now has 1,127 school-aged EHC Plans, which represents 3.4% of the school aged population. This sits against a 2.9% national average.
- 7.5. When a child or young person has an EHC Plan, the right to make a preference for a particular school is given as part of the statutory process. The number of parents choosing a special school has seen an increase and these placements are more likely to result in eligibility to home to school transport, as it is less likely that the appropriate special school is within reasonable walking distance.
- 7.6. The prevalence of children and young people with Special Educational Needs and disability is increasing, with a proposed 4.8% annual increase (in line with population increase) for children and young people with profound and multiple learning disabilities.

#### **Increasing SEND demand**

Year	Statement/EHC Numbers	No. Clients Eligible	Cost per client
2011/12	647	342	£4,900
2012/13	670	377	£4,719
2013/14	667	388	£4,830
2014/15	710	455	£4,571
2015/16	790	532	£4,230
2016/17	860	614	£3,904
2017/18	1,011	627	£4,450
2018/19 (forecast)	1,127	TBC	TBC

## **Review**

### **8. Audit of home to school transport policy and operational practices.**

8.1. An internal audit was completed between November 2017 and January 2018. The outcome of this audit was "limited assurances". This primarily identified procedural issues in the audit which related to recording clear reasons for decisions made. The SEND Service Manager and auditors carried out file reviews and in no cases was the offer of transport found to be invalid, however, staff have been instructed to ensure that they are clear in the CYP's file what the reasons are for approval (or not) of transport.

8.2. It was established by comparing our existing policy to guidance and legislation, that we are delivering above our statutory duties in two areas:

### **9. Children under compulsory school age**

9.1. This relates to the automatic entitlement for transport assistance for children under 5 attending Rosewood Free School Nursery and Cedar School Nursery in the current policy. This amounts to approx. £32K per annum.

### **10. Young people aged 16 – 19**

10.1. This relates to the provision of home to school travel assistance for children and young people with Education, Health and Care Plans aged 16-19 which is currently provided free of charge under the existing policy. This amounts to approx. £453,000.

10.2. The highest cost of home to school transport is for school aged pupils with SEND costing over £2.2m. However, the audit report states that there are no clear areas where spend in this area can be reduced.

### **11. Approaches in other LA areas**

11.1. An extensive piece of research was carried out to identify what other local areas are offering in line with statutory guidance.

### **12. Children under compulsory school age:**

12.1. It was established that the majority of LA's had either never provided for, or have withdrawn the provision of free home to school transport for children and young people below statutory school age, with special educational needs and disability. There are some examples where this support is provided but at a charge to the parents.

### **13. Young people aged 16 – 19:**

13.1. It was established that the majority of local authorities apply an annual charge to the parents of children and young people in receipt of this provision, to support the costs to the LA for the provision of this transport.

### **14. Review of all cases where transport has been granted on the grounds of exceptional circumstances**

14.1. A full review of all of these cases (approx. 120) was carried out, including an update on needs and circumstances from the head teachers of the schools that children and young people attend. All except for two of these cases were found to be

valid cases for the provision of transport, typically on the grounds of the presentation of the child or young person's special educational need/disability, or limitations of the parents, either through health or circumstance e.g. single parent with other children unable to get to two separate schools at the same time.

## **Engagement of stakeholders**

### **15. Parents/Carers**

15.1. The Southampton Parent Carer Forum (SPCF) have representation on the home to school transport project group that was established in October 2017 and will continue throughout the journey of this policy change, if approved, until the point of full implementation.

### **16. Parent carer engagement events**

16.1. The SPCF hosted four engagement events between May and June 2018. These events were held across at four different settings, including mainstream and special schools and a community provider. Three of these events were held in school hours, with one event held in the evening to enable working parents to attend. The purpose of these events were to seek views from parents on what is currently working well in regard to the provision of home to school transport and where there is room for improvement. This was in acknowledgement to informal feedback received via the forum around the quality of the existing provision and the need to look at this alongside any policy changes.

16.2. Themes of this feedback were:

- Skill set of escorts and drivers – requirement of more specialised training
- Ambiguity relating to the 2 mile distance criteria and SEND criteria. Currently the distance from home is used as a pre-determination of eligibility for SEND and if a C/YP and their family. If they do not qualify on these grounds, they are requested to complete an application for exceptional circumstances. This application includes the child's individual SEND as a qualifying factor, but some families fed back at these events that this bureaucracy prevented them from applying in the first place.
- Quality of vehicles e.g. leaking buses.
- Behaviour of some drivers, escorts and officers in TCU.

### **17. Task and finish group**

17.1. On the back of these events a task and finish group was formed, comprised of equal number of local authority officers to members of Southampton parent carer forum, to focus on two areas:

### **18. Policy changes**

18.1. The group were responsible for establishing where Southampton sit within current duties to provide home to school transport and where other options were tabled, the group jointly considered the impact of these options on both users and the LA, resulting in the agreement of a recommendation to propose to take to consultation.

## **19. Qualitative Improvements**

19.1. The group are supporting in the development of the offer to influence and ensure improvements that were clearly identified as a need following on from the engagement events.

19.2. The paper being submitted to Cabinet for consideration on 18<sup>th</sup> September focuses on policy changes. However, plans to improve the quality of service is on-going and will remain a priority. This will be managed and overseen through the joint working group between the SEND Service, the TCU and SPCF. All updates will be provided through the SPCF newsletter and will form part of the Southampton Local Offer annual report which is due for publishing in autumn 2018.

## **Policy Proposals**

### **20. SEND Children under compulsory school age:**

20.1. It is proposed to remove the automatic entitlement for preschool aged children attending specialist nursery placements but to enable requests for exceptional circumstances where parents are unable to facilitate placement at one of these settings without home to school transport assistance.

### **21. SEND School aged children:**

21.1. It is proposed to remove automatic entitlement for specific special schools (currently Rosewood Free School and Cedar Special School) and base all decision relating to provision of home to school travel assistance to special schools on the special educational need of the child or young person. It is felt that all school aged children and young people at Rosewood Free School will be eligible on the grounds of their disability and the vast majority of those attending Cedar will continue to be eligible. It is important to note that whilst Cedar School was traditionally a school for C/YP with physical disabilities, the types of needs supported at the school has changed quite dramatically. The Southampton SEND Strategic review, carried out between June 17 and April 18, showed that only 29% of The Cedar School's population now have a physical disability recorded as their primary need.

### **22. SEND Young people aged 16-19:**

22.1. The provision of free transport assistance for post 16 students will no longer be offered under the new policy. Transport assistance will still be available to eligible students aged between the ages of 16 and 19, but will be subject to a flat rate contributory charge:

- £600 per annum, payable in 3 termly instalments of £200.
- £495 per annum payable in 3 termly instalments of £165 for students whose families meet the low income criteria set out in the policy.

22.2. Southampton City Council may assist with travel expenses up to the total cost for some post-16 students with special educational needs and/or disabilities where there is evidence of exceptional circumstances.

22.3. There is no automatic entitlement to assisted transport for students over the age of 16 years and under the age of 19. Southampton City Councils is proposing to continue to provide transport for these pupils, and the introduction of a contributory charge will support the costs of delivering the service, enabling provision to



continue. Southampton City council will increase the capacity for individual travel training. See below.

**23. Independent Travel Training:**

23.1. SCC will resource an additional independent travel trainer to support development of outcomes linked to the 4 Preparation for Adulthood headings. Students will be assessed via the EHC Annual Review process from year 9 onwards, for suitability of independent travel training. If assessed as suitable, training will be provided to support young people to confidently and safely travel independently to school. The current success rate for this training is 70%. This provision will significantly improve a young person's opportunities in adult life, reducing the strain of caring responsibilities on parent carers.

23.2. 70% of young people within this age range have Moderate Learning Disability (MLD), Autistic Spectrum Conditions (ASC), Specific Learning difficulties and Social, Emotional and Mental Health Needs as their primary of need. A high proportion of this group are likely to, with support, be able to develop the skills to travel independently by the end of year 11.

**Policy review summary**

Theme	Old Policy	New Policy	Number of C/YP	Impact
<p>Early years (Cedar and Rosewood Schools and Early Learning Group)</p>	<p>“Travel assistance will be provided to children attending the nearest appropriate early years setting to their home where their placement is supported by the Early Years and Portage team or the Special Educational Needs team and the distance between their home and the early years setting is more than 2 miles.” (section 3.1.1)</p> <p>“Travel Assistance will be provided to all children attending Rosewood and Cedar Schools from age 2 years if placement agreed by the Local Authority.” (section 3.4.1)</p> <p>“Travel assistance will be provided to children attending the Early Learning Group if the distance between home and the setting is over 2 miles and placement is agreed by the Early Years and Portage Manager.” (3.1.2)</p>	<p>Automatic entitlement for those children attending Rosewood and Cedar schools is no longer in the policy. Children of statutory school age attending these schools whose EHCP identifies a travel assistance requirement will qualify for support, and those under statutory school age may be considered under the Exceptional Circumstances Criteria.</p>	<p>23</p>	<p>Positive impact – all children attending a special school will have their needs assessed for the provision of home to school travel assistance.</p> <p>Negative impact – Removal of this offer could have a negative impact on some parents who will have become accustomed with this offer. All decisions will be based on individual circumstances to reduce risks associated with non-attendance at nursery and impact of caring on parent/carer.</p> <p>Negative impact – for a small amount of families this could result in the withdrawal of transport where they are accustomed to this regardless of age, primary need and/or circumstance. High level assessments suggests this will effect up to 5 families currently attending Cedar Special School.</p>

Theme	Old Policy	New Policy	Number of C/YP	Impact
SEND	The old policy did not explicitly refer to assistance for children and young people with SEND.	The policy has been updated to explicitly set out provisions and assistance for children and young people with SEND needs in line with legislation.	All families of children/young people with EHC Plan. Currently approx. 1400.	<p>Positive – Families will find the document easier to follow and have clarity on eligibility and processes relating to home to school travel assistance.</p> <p>Some families may apply and be entitled to home to school transport where they may have previously interrupted that they were not eligible. It is not possible to put a figure against this as there is no way of knowing at this stage. See financial prediction for possible financial impact below.</p>
Post-16	<p>“Travel assistance will be provided to the nearest college / school with a sixth form offering an appropriate course.”</p> <p>(section 3.7.1)</p>	<p>The provision of free transport assistance for post 16 students will no longer be offered under the new policy. Transport assistance will still be available to eligible students aged between the ages of 16 and 19, but will be subject to a flat rate contributory charge:</p> <ul style="list-style-type: none"> <li>• £600 per annum, payable in 3 termly instalments of £200.</li> <li>• £495 per annum payable in 3 termly instalments of £165 for students whose families meet the low</li> </ul>	110	<p>Negative financial impact for families of children moving into this group.</p> <p>Due to the time of implementation, the majority of parents who have a young person within this age group will not have to pay. However, a number of young people may stay on in 6<sup>th</sup> form education for a further year. For these families, the cost would apply.</p>

Theme	Old Policy	New Policy	Number of C/YP	Impact
		income criteria set out in the policy.		
Independent travel training	"By applying for travel assistance agreement is being given to have an assessment for Independent Travel Training" (3.7.3)	The proposed policy 2019/20 explicitly references the expectation of engagement with independent travel training from year 9 plus for children and young people who are assessed through EHC Annual Review processes to achieve this skill, leading to positive outcomes. This will require additional resources to be put in place to support independent travel training, but will mean that more young people can travel independently aged 16+.	35	Positive - Travel training has a 70% success rate in helping young people to be able to travel independently. All young people with an EHCP should be working towards as much independence as they are able to prepare them for adult life.