

DECISION-MAKER:	CABINET		
SUBJECT:	HOME TO SCHOOL TRANSPORT AND POST-16 TRAVEL ARRANGEMENTS POLICY		
DATE OF DECISION:	19 MARCH 2019		
REPORT OF:	CABINET MEMBER FOR CHILDREN AND FAMILIES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

Not applicable.

BRIEF SUMMARY

Background

Southampton City Council has a legislative duty to make arrangements for home to school travel assistance for eligible children and young people, as set out in the Education Acts and statutory guidance. The travel assistance offer for eligible children and young people is currently set out in the "Southampton City Council Home to School, and Post-16, Transport Policy 2018/19 Academic Year".

Demand for transport assistance under this policy has steadily increased since 2013, creating an increasing pressure on the budget for this service, and the council recognise that demand will continue to increase in future. This prompted a review of the policy, in order to identify opportunities to manage demand and pressures on the service.

Following this review the council published a proposed policy and consultation was undertaken between 27 September 2018 and 19 December 2018. Following careful consideration of the representations made in the consultation, the draft policy has been reviewed and updated with the following changes as a result of the responses received:

- 1) Changes to the policy for early years (under the age of 5), and**

Rosewood/Cedar School pupils

- The policy has been updated to clarify that all children attending specialist early years provision with an Education, Health and Care Plan (EHCP) or through agreement for an Education Health and Care assessment, will be considered for travel assistance on a case by case basis.

2) Changes to the policy for young people aged 16 – 19

- It is proposed that the contribution of £600 with a reduced rate or £495 for low income families is not introduced. No charge will be made to those in receipt of travel assistance attending an education setting aged 16-19.

3) Clarification of the provisions and assistance for children and young people with Special Educational Needs and/or Disabilities (SEND)

- For children under the age of 5 attending school in a Reception Class, the proposed policy has been updated to remove the requirement for children to be attending school full time.

This paper presents the updated draft policy for approval following amendments in response to the feedback as part of the consultation.

RECOMMENDATIONS:

	(i)	To consider the responses to the consultation exercise on revisions to the Southampton City Council Home to School and Post-16 Transport Policy 2018/19 Academic Year.
	(ii)	To approve the policy, noting amendments in response to consultation feedback and updated national guidance.
	(iii)	To authorise the Director of Children Services and Director of Growth to take all necessary actions to implement the new policy.

REASONS FOR REPORT RECOMMENDATIONS

1.	To ensure that the local authority is compliant with the latest statutory legislation and guidance to review and publish the home to school travel assistance policy by the 31 st May 2019.
2.	To ensure that the policy is clear and easily understood and accessible by all eligible groups, in compliance with statutory responsibilities including updated procedures within the local authority.
3.	To ensure that the increasing pressures on home to school transport resources is managed to ensure financial sustainability for the future and to support resources to be deployed to achieve maximum benefit in the offer of home to school travel assistance.
4.	To ensure maximum opportunity for young people to meet their potential in adult life by offering training and support to those who are assessed to have the ability to travel independently.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5.	a) To do nothing, not update the policy. This was rejected as the review established the need for this.
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6.	b) To not make changes to the policy following consultation. This was rejected as it is important to consider all representations in the consultation and take these into account when finalising the policy.
DETAIL (Including consultation carried out)	
	Background
7.	Southampton City Council has a legislative duty to make arrangements for home to school travel assistance for eligible children and young people, as set out in the Education Acts and statutory guidance. The statutory entitlements for travel assistance differ depending on the age and circumstances of the child or young person, and for some categories the council has discretion with regards the offer.
8.	The home to school transport budget has seen significant pressures since the enactment of the SEND Reforms, which is covered by Section 3 of the Children and Families Act 2014 and the SEND Code of Practice 2015. Increase in expenditure in this area has grown from £1.87m in 2013/14 (pre reforms) to a forecast spend of £3.47m in 18/19. This represents a continuing upward trajectory, rising from £2.40m and £2.79m in 2016/17 and 2017/18 respectively.
9.	Whilst the home to school transport policy covers several groups of eligible children, young people with SEND are the primary client group and represent the greatest driver in increasing demand for services in this area.
10.	A detailed review of the current home to school transport policy and delivery of home to school transport assistance for children and young people with SEND was carried out between October 2017 and August 2018. This review identified that the council's current home to school transport policy is unclear and difficult to follow, especially in relation to SEND, and that there are areas of policy where Southampton City Council is currently offering travel assistance in excess of the statutory duties. This review led to a formal consultation that proposed to make changes to the policy in 5 key areas.
	Consultation and engagement
11.	A formal 12 week consultation was carried out between 21st September 2018 and 19 th December 2018. The consultation covered five key areas: 1) Changes to the policy for early years under the age of 5 2) The clarification of the policy generally (for school aged pupils) 3) Changes to the policy for young people aged 16 – 19 4) Clarification of the provisions and assistance for children and young people with Special Educational Needs and/or Disabilities (SEND). 5) Clarification of the use of independent travel trainers
12.	The following policy proposals were consulted on:
13.	1) Changes to the policy for early years (under the age of 5), and Rosewood/Cedar School pupils We proposed to remove automatic entitlement for pupils from the age of 2 attending Rosewood School, The Cedar School and the Early Learning Group, in line with statutory guidance. 2) Changes to the policy for young people aged 16 – 19 We proposed to introduce a contribution for young people in receipt of home to school travel assistance in this age category. The proposed charge was

	<p>for £600 per annum, with a reduced rate of £495 for those families on low income.</p> <p>3) Clarification of the provisions and assistance for children and young people with Special Educational Needs and/or Disabilities (SEND) We proposed to introduce a standalone section of the policy so that parents and carers of children and SEND can more easily understand their entitlement.</p> <p>4) Clarification of the use of independent travel trainers We proposed to increase the number of travel trainers to enable a greater number of young people to develop independence to travel independently, achieving better outcomes in preparation for adult life.</p> <p>5) The clarification of the policy generally. We simplified both the information and format of the information in the proposed policy.</p>
14.	<p>The consultation was promoted in the following ways:</p> <ul style="list-style-type: none"> • A link to the consultation questionnaire and full Cabinet paper was included on the consultation section of the council website. A shortened link was created www.southampton.gov.uk/HTST to direct people to the webpage more easily. • A news release was sent to the local media and councillors • Stay connected e-alert: City News (7000 subscribers) – 05/10/18 • The consultation (with a link to the webpage) was promoted in several Facebook and Twitter posts throughout the consultation period.
15.	<p>The Parent/Carer Forum, as the council’s formal mechanism for engaging with parents and carers of children and young people with SEND, was used as one of the main routes of promoting the consultation. Information about the consultation was also sent to all SENCOs (Special Educational Needs Coordinating Officers), to all 75 schools in Southampton, to the voluntary sector through local SEND charities e.g. Mencap and Rose Road, and to all special schools who have featured in newsletters or printed and shared with families as well as hosting the face to face events.</p>
16.	<p>Letters were sent to all families of children and young people who will fall into the 16-18 age bracket in September 2019 as it was accepted that the recommended proposals for post 16 were likely to have the most significant impact so we wanted to ensure that every effort was made to seek the views of this group.</p>
17.	<p>A total of four face to face consultation sessions were also held. They were held on different days of the week and times of the day at four special schools across the city. The sessions consisted of a presentation giving the background, information about the engagement work with the Parent/Carer Forum and details of the proposals. The sessions were then opened up for comments and questions from attendees.</p>

Consultation considerations	
18.	Overall, there were 127 separate written responses to the consultation. A report covering all the responses is attached as Members' Room Document 3.
19.	<p>1) Changes to the policy for early years (under the age of 5), and Rosewood/Cedar School pupils</p> <ul style="list-style-type: none"> • 31% of respondents agreed or strongly agreed to the proposal of changes for under 5's. 15% neither agreed nor disagreed and 53% disagreed or strongly disagreed. • Some respondents felt that children attending certain special schools should receive an automatic entitlement to home to school travel assistance, due to a child's SEND needs. • Some respondents felt that the assessment for children under the age of 5 with SEND linked to the 'exceptional circumstances' criteria was not clearly explained within the draft policy, and would amount to a level of confusion. • The proposed policy is needs led system, rather than an automatic entitlement linked to the school. This means that the entitlement is linked to the child's needs rather than the placement, futureproofing the policy against future changes to provision intakes, as well as ensuring that the policy is fair and equal in its treatment of all children. • However, the council recognises concerns from respondents so have proposed an amendment that explicitly states entitlement linked to EHCPs meaning that all children in this age group will be assessed for entitlement.
20.	<p>2) Changes to the policy for young people aged 16 – 19</p> <ul style="list-style-type: none"> • 75% of respondents disagreed or strongly disagreed with the proposed changes to the policy for young people aged 16-19. The concerns were all linked to the proposed implementation of up to a £600 annual contribution charge for this group. 80% of respondents to this area of the proposals stated that there would be a negative impact to them, their family or community, if these changes were to be implemented. • The charging proposals for this group attracted significant feedback, with families concerned about the affordability of the proposal, the cumulative impact of benefit reforms, such as families on Universal Credit, and confusion over why their young person would be eligible again for free travel assistance when their young person turns 19 and is enrolled in adult education. • Following careful consideration of the representations made in the consultation, the council acknowledges that that the proposed reduced rate of £495 for families on low incomes did not go far enough to make the proposed charges affordable for families. • New guidance was published in February 2019 by the Department for Education highlights that whilst the Local Authority has jurisdiction to charge a contribution for travel assistance to education settings for this age group, it would be best practice to waive the charge for any young person who is likely to qualify for free travel assistance to adult

	<p>education post 19.</p> <ul style="list-style-type: none"> • A further review was undertaken to consider the cost/benefit position relating to the implementation of this proposal. The financial benefit of the initial proposal did not cover the actual delivery costs of home to school travel assistance for 16-19 year olds, with the contributory charge of up to £600 per annum representing only 8% of the average cost of a travel package only. • The cost/benefit analysis further took into account the need to consider reducing the charge for those on low incomes (in response to feedback received) and potentially waiving charges altogether for those young people who are likely to qualify for free assistance post 19 in line with the new best practice guidance published by the government. • When taking into consideration staffing costs, administration costs the overall income projection from the introduction of charges in line with the proposed policy would be limited and it is felt that this is not in the best interests of service users and the council to introduce this charge. • The amended version of the proposed policy therefore removes the introduction of a contributory charge for travel assistance for students aged 16-19.
21.	<p>3) Clarification of the provisions and assistance for children and young people with Special Educational Needs and/or Disabilities (SEND)</p> <ul style="list-style-type: none"> • 59% of respondents agreed or strongly agreed to the proposed changes to the policy that would offer clarification of the provisions and assistance for children and young people with SEND. 28% neither agreed nor disagreed and 13% disagreed or strongly disagreed. • Some respondents felt that children attending certain special schools should receive an automatic entitlement to home to school travel assistance, due to a child's SEND needs. However, as clarified under point 1, the proposed policy is needs led system, rather than an automatic entitlement linked to the school. • The draft policy stated that "Children aged under 5 attending school full time in a Reception class will be considered to be of statutory school age for the purpose of this policy". Some consultation respondents raised concerns about children attending a reception class on a part time basis. We are proposing to remove the 'full time' requirement so that any child attending a reception class will be considered statutory school age.
22.	<p>5) Clarification of the use of independent travel trainers</p> <ul style="list-style-type: none"> • 56% of respondents agreed or strongly agreed with the proposed changes to the policy for the clarification of the use of independent travel trainers. 21% neither agreed nor disagreed and 24% disagreed or strongly disagreed. • Some respondents raised concerns that some children may not be able to cope with independent travel, due to their complex needs. The policy will ensure that each child will be assessed for the suitability of independent travel training on a case by case basis. • There are no proposed changes to this part of the policy.

23.	<p>4) The clarification of the policy generally</p> <ul style="list-style-type: none"> 65% of respondents agreed or strongly agreed to the statement that the draft policy is easy to understand. 23% neither agreed nor disagreed and 12% disagreed or strongly disagreed.
24.	The main changes to the policy are relating to the removal of the charging policy for young people in receipt of home to school travel assistance accessing further education, aged 16-19.
25.	The Service continues to have a current and projected overspend, but the introduction of this charge is not considered the best way to address this after the cost/benefit analysis. The council will continue to meet its statutory duty in the most effective and efficient way possible, taking into account each individual's needs.

RESOURCE IMPLICATIONS

Capital/Revenue

26.	The table below shows the updated savings and expenditure, taking into account the impact of the revised policy on the proposed savings.				
27.		2018/19	2019/20	2020/21	2021/22
		£000	£000	£000	£000
	<u>Costs</u>				
	Clarification of SEND home to school transport	0	312	312	312
	Two Trainers for independent travel training	0	40	40	40
	Total Cost	0	352	352	352
	<u>Savings</u>				
	Remove automatic entitlement to HTST for Cedar & Rosewood schools & Early Learning Group) for pupils aged 2 – 5 based on 15 pupils	0	(20)	(20)	(20)
	Apply flat rate contribution charging for 16 - 19 year olds	0	0	0	0
	Independent travel training	0	(210)	(210)	(210)
	Total Savings	0	(230)	(230)	(230)
	Net cost	0	122	122	122
28.	The net cost of the proposals which comes to £122k proposed for 2019/20 to 2021/22 will be met from savings achieved within the Children and Families portfolio.				
<u>Property/Other</u>					
29.	None				

LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
30.	Southampton City Council has a duty to make arrangements for home to school travel assistance for eligible children as covered in Sections 444, 508A, 508B, 508C, 508D, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006). The council has also duties with regards to post-16 learners under section 509AA(2), (3) and (7)(a) of the Education Act 1996 and with regards to post-19 learners under section 508F of the Education Act 1996.
31.	The proposals are designed to meet the LA's statutory duties as outlined in Sections 444, 508A, 508B, 508C, 508D, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006).
<u>Other Legal Implications:</u>	
32.	Cabinet must give genuine and conscientious consideration of the consultation feedback and representations and take them into account before making its final decision. In order to ensure this takes place, consultation has been carried out in accordance with national guidelines in order to form a material consideration for Cabinet.
33.	The proposals are wholly consistent with and take into account the Equality Act 2010 and the SEND Code of Practice 2015.
34.	The proposals have been fully assessed in accordance with the Council's statutory duties under the Equality Act 2010, including the Public Sector Equality Duty. A detailed Equality Impact Assessment with mitigation and remediation measures is included with this report and will be reviewed and updated throughout the consultation in order to inform the Council's final decision on this matter.
RISK MANAGEMENT IMPLICATIONS	
35.	The proposal to implement the policy will, in the worst case scenario, represent a financial risk of up to £122K. This is in the context of an existing and projected overspend for the service. The current budget 2018/19 is £2.18M, with a projected overspend in 2018/19 of £1.3M due to increasing demand.
36.	The level of cost is uncertain, estimated at £122K dependent on the number of additional applications received due to the clarification of the SEND offer in the policy. Over time, this potential cost may be offset by savings generated by increasing numbers of young people travelling independent post 16, following an increase in independent travel training. Further work is being undertaken to explore increasing specialist educational provision for SEND within the city to reduce the dependency on high cost out of city provision (and therefore travel costs to suitable provision).
37.	The council will continue to meet its statutory duty in the most effective and efficient way possible, taking into account each individual's needs.
POLICY FRAMEWORK IMPLICATIONS	
38.	The draft policy will support the delivery of the Council Strategy 2016-2020 outcome 'children and young people get a good start in life'.

KEY DECISION?	Yes	
WARDS/COMMUNITIES AFFECTED:	All	
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	None.	
Documents In Members' Rooms		
1.	Updated Draft Home to School Transport Assistance Policy	
2.	Equality and Safety Impact Assessment	
3.	Summary of consultation feedback	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.		Yes
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
Other Background Documents		
Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.		
2.		